

TOWN OF MAMAKATING
PLANNING BOARD MINUTES
AUGUST 13, 2019
TOWN HALL
WURTSBORO, NEW YORK

PLANNING BOARD MEMBERS :

LORRENCE GREEN, Chairman
MORT STAROBIN, Board Member
ALEX GOODMAN, Board Member
JOSEPH RUSSEK, III, Board Member
RICHARD GLISSON, Board Member
ERIK COLLIER, Board Member
MARY GRASS, Code Enforcement/Building Inspector
J. BENJAMIN GAILEY, ESQ., Attorney
ADRIANA BELTRANI, Planner

JERIC CORPORATION
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Reported by: Rosemary A. Meyer

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Back River Hope Campground
Amended Site Plan
Tax Map Section 14; Block 1; Lot 22.2
Mountain Greenbelt Zone
----- X

Town Hall
Town of Mamakating
August 13, 2019
7:00 P.M.

PLANNING BOARD MEMBERS :

- LORRENCE GREEN, Chairman
- MORT STAROBIN, Board Member
- ALEX GOODMAN, Board Member
- JOSEPH RUSSEK, III, Board Member
- RICHARD GLISSON, Board Member
- ERIK COLLIER, Board Member
- MARY GRASS, Code Enforcement/Building Inspector
- J. BENJAMIN GAILEY, ESQ., Attorney
- ADRIANA BELTRANI, Planner

Also Present: Martin Miller, Esq.
On Behalf of Applicant

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

Reported by: Rosemary A. Meyer

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 CHAIRMAN GREEN: Good evening. Hello.

3 Welcome to the August meeting of the Town of
4 Mamakating Planning Board.

5 Please rise for the Pledge of Allegiance.

6 (The Pledge of Allegiance was recited.)

7 CHAIRMAN GREEN: Mary.

8 MS. GRASS: So the first order of business is to
9 accept the minutes from July 2019.

10 CHAIRMAN GREEN: Okay.

11 BOARD MEMBER GOODMAN: I will make the motion to
12 accept the minutes.

13 BOARD MEMBER RUSSEK, III: Second.

14 CHAIRMAN GREEN: Joe, second.

15 All in favor?

16 BOARD MEMBER GOODMAN: Aye.

17 BOARD MEMBER STAROBIN: Aye.

18 BOARD MEMBER RUSSEK, III: Aye.

19 BOARD MEMBER COLLIER: Aye.

20 BOARD MEMBER GLISSON: Aye.

21 CHAIRMAN GREEN: Aye.

22 (The motion was approved and carried.)

23 MS. GRASS: First applicant on our agenda is Back
24 River Hope Campground for amended site plan. The property
25 is located at 811 Mount Vernon Road, Tax Map Section 14;

1 - RE: BACK RIVER HOPE CAMPGROUND -
2 Block 1; Lot 22.2. The property lies in the Mountain
3 Greenbelt Zone and is approximately 45 acres.

4 MR. MILLER: Good evening. Martin Miller for the
5 Applicant with Jim DeWinter. We're going to try and make a
6 short presentation this evening. The Board has
7 substantially seen our presentation on previous occasions.
8 There were some minor modifications since the last time.

9 By and large, we are proposing to reopen a campground
10 that preexisted. The nice and good thing which makes this
11 a simpler proposition in terms of review is that it already
12 has an existing, in effect, valid, legal, and I don't know
13 what other term I can throw in there, SPDES permit. So
14 that the DEC has approved the operation of the sewage
15 disposal system.

16 There was a previous water supply system that was DOH
17 approved. That approval has expired. We propose to
18 reactivate that system when we achieve conditional approval
19 and do the pump test. The reason we talked about doing
20 that at the end is because the cost of reactivating and
21 doing the pump test starts at about \$10,000. It's a fairly
22 expensive thing to do at the beginning. We need to, you
23 know, go over the other issues with the Board and resolve
24 those and then we propose to do the water. So the water is
25 there, sewer is there. Those are accomplished.

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 We have provided to the Board a, I'll call it a
3 revised layout. This is revised. We've taken the old
4 plan. We have substantially modified or scrapped it and
5 provided the new layout out the campground. This
6 campground is intended to be principally used by RV type
7 campers. The campers will be located on the site. The
8 sites are located there. When I say the sites, they're
9 defined by lines, but there really aren't any lines. These
10 aren't lots. They're going to be locations. I'll call
11 them pads for purposes of our discussion. They'll have
12 water and sewer hookups at each site.

13 What we've done is we have -- our intention and our
14 approval would require removal of all of the older units
15 that are there that are nonconforming. Mary is going to
16 tell you they've got additions on them, they've got all
17 sorts of stuff. They're coming out as a condition of -- if
18 we get approval, that's a condition of our approval,
19 something we're looking toward to.

20 There are units that are now within the setbacks.
21 Those units, too, will be removed. In the area that the
22 paper is folded over and you can't see anything, that's
23 where we have some wet areas and some wetlands, but that's
24 where our septic system lies.

25 Am I on the wrong page?

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 MR. DeWINTER: Yes.

3 MR. MILLER: Over here is our septic, our sewage
4 disposal system. That's all DEC approved. Our sand
5 filter. There were some preexisting units. They're being
6 relocated, being removed. There were units in this area
7 being removed. By and large, we're doing our best to bring
8 this into compliance. We've limited the number of sites to
9 do that.

10 On the first page, which, if we could slip back to,
11 we've shown additional areas for ingress and egress, or an
12 ability for ingress and egress other than the single narrow
13 driveway that is there.

14 MR. DeWINTER: Emergency.

15 MR. MILLER: We have emergency access that we're
16 providing in addition to the preexisting access. This will
17 not be an open to the public access, but it will be a
18 harder surface, possibly with a knockdown gate. I'm not
19 sure what the current terminology is, but one that an
20 emergency vehicle can access.

21 Having said that, we have provided a number of
22 documents. Jim has a stormwater plan. We can discuss
23 that. We presented this to the engineer and the planner.
24 My understanding of their level of review is that we are
25 eligible and should move forward with a public hearing. We

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 would ask to do that.

3 We need some indication from the Board of where the
4 Board's sentiments is in going forward so that we know how
5 to go forward with finishing the design and approvals.

6 So I'll turn it over to Jim if you'd like to hear
7 about stormwater and other engineering details.

8 MR. DeWINTER: We hired a separate consultant to do
9 the stormwater for the rehab, the location. There's a
10 redevelopment procedure that's approved by DEC and the
11 federal agencies. To give you a knockdown, because we
12 reduced number of sites from around 201 down to 158,
13 something in that range, they had determined through
14 calculations, so forth, that it meets all the requirements
15 that we need to do so that no additional stormwater
16 activities will be needed. We just got that in the end of
17 last week. I think I submitted it to the Board. I know
18 your consultants haven't had a chance to look at it, but I
19 submitted it so they at least had it and that that can be
20 reviewed next month.

21 With regard to other items, we do have a SPDES permit.
22 Again, I had talked to, a while back, but I talked to the
23 Health Department as to what their requirements were going
24 to be. We have to do a full-blown 24-hour pump test on the
25 wells and we have to do all the calculations and so forth.

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 We have no indication that it won't pass. I mean they had
3 some issues with pressure and things like that, but that's
4 pump related. That's mechanical. That can be taken care
5 of.

6 With regard to some of the various items that we have
7 requested certain waivers, now, I can go through Larry's
8 letter and your planner's letter and go through those
9 items. Do you want to go one by one?

10 CHAIRMAN GREEN: Yes.

11 MR. DeWINTER: Let's start with Larry.

12 Larry's first comment was about, it says provide the
13 information as required by your zoning, the information on
14 the lot. Larry said that's satisfied.

15 With regard to demonstrate that the features, the
16 driveway, parking grades and dimension and everything, we
17 are going to ask -- one of the things we're asking for is
18 that we have no plans on doing any grading on the site.
19 The site is relatively flat. It's not -- you know, it's
20 not totally flat, but it's, you know, in the range of what
21 he wants. Larry has requested that on the detail that we
22 have on a typical lot to say that the maximum percentage of
23 the site is five percent. We have no problem because
24 everything in the camp is five percent.

25 We wrote the narrative and he's satisfied with it

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 because he referred to the other consultant, your other
3 consultant.

4 We had asked -- again, we're asking not to have to do
5 a separate grading plan because we're not changing the
6 grades. They're all staying the same. If anyone knows
7 that site, I know -- Mort, I know you know the site pretty
8 well. There's nothing. The only disturbance we may have
9 is with this new access and that's all within five percent.
10 We may have to, maybe a little bit of a grading, but
11 nothing. I consider that in this plan, if the Board wishes
12 I don't want to do it separately because that's the only
13 thing that we're going to change, if anything. That's one
14 of the waivers we're asking for, that we don't have to do a
15 separate grading plan.

16 CHAIRMAN GREEN: I believe Larry had made mention that
17 the fire department went in and said that they're fine?

18 MR. DeWINTER: Right, I'll get to that.

19 MR. MILLER: Right.

20 MR. DeWINTER: A separate utility plan to be provided.
21 As I had said, right now, everything is underground. Some
22 of the manholes have been covered over. We are more than
23 willing to go in, if we know we have a conditional
24 approval, to go in because that's another expense. We have
25 to go in with cameras and things like that, to locate. But

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 we'll locate all utilities as they are. I mean we're going
3 to use all these. I have no problem finding them. The
4 client needs to know where they are. So we will do that
5 and we'll survey them and get them all on the plan as a
6 condition of approval. I think Larry said that he didn't
7 have any issues with that as long as, you know, the SPDES
8 and the water permit, which we know we have to have, and we
9 do have SPDES.

10 Again, he talks about the SPDES permit or the
11 stormwater regulations. We have to meet those. As I said,
12 we have done it. It's been submitted. Your consultants
13 haven't had an opportunity to review it, but I have no
14 anticipation that there's going to be any problems with it.

15 He talked about a separate lighting and landscaping
16 plan. That's another thing we'd like to have waived as far
17 a a separate plan.

18 With regard to a landscaping plan, I think --

19 MR. GAILEY: Can I interrupt for one second?

20 MR. DeWINTER: Sure.

21 MR. GAILEY: So you're saying you're willing to
22 provide the information, the grading and the lighting --

23 MR. DeWINTER: Well, there's not --

24 MR. GAILEY: -- but not on a separate sheet.

25 MR. DeWINTER: Well, there's no -- there's very

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 limited new. We have all the contours. That's not a
3 problem, existing contours.

4 MR. GAILEY: Right. Well, the Board, we need to see
5 the grading. I thought you said you'll show the proposed
6 grading, but on the site plan as opposed to a separate
7 grading plan.

8 MR. DeWINTER: Right. But there is -- when I think of
9 a grading plan or an engineer generally thinks of a grading
10 plan, it's where you've made new grading. We're not
11 changing any grading. We're not going in there and
12 changing the grade of the roads. All roads are staying the
13 same. The only place we may have some grading is here on
14 the emergency access. Those, I would show the proposed
15 grading on that, on that, on this sheet here.

16 MR. GAILEY: On the site plan as opposed to a separate
17 sheet.

18 MR. DeWINTER: It's going to be one line.

19 MR. GAILEY: I just want to understand what you're
20 saying. You're saying you're going to show the grading on
21 this site plan as opposed to a separate grading sheet.

22 MR. DeWINTER: Yes, because there's no need for a
23 separate grading plan because we're not changing the
24 grades. Right now, we have all the contours on here as
25 they exist.

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 MR. GAILEY: And regarding the SPDES permit --

3 MR. DeWINTER: Yes.

4 MR. GAILEY: -- you mentioned that a few times. Do
5 you have a copy of that?

6 MR. DeWINTER: I will have that for the next month. I
7 do have it. I know we renewed it. It was due to expire in
8 June of 2018 and we did renew it. When the present owners
9 got a transfer of ownership from DEC, as soon as we got
10 that, we also applied for the ...

11 MR. GAILEY: Okay.

12 MR. DeWINTER: So we will provide it.

13 BOARD MEMBER STAROBIN: I have a question regarding
14 that SPDES permit.

15 MR. DeWINTER: Yes.

16 BOARD MEMBER STAROBIN: The existing one is a lagoon
17 system?

18 MR. DeWINTER: It has a sand filter and a lagoon
19 polishing, yes.

20 BOARD MEMBER STAROBIN: And --

21 MR. DeWINTER: That's pretty much --

22 BOARD MEMBER STAROBIN: -- is that because it's
23 grandfathered or is that ...

24 MR. DeWINTER: No, no. That's -- again, the main --
25 as I said, it has a sand filter which is the primary and

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 then lagoon is a polishing. And then it goes into a
3 wetland which really is a big lagoon. It's sort of the big
4 lagoon, that's what it does. It, you know, further
5 polishes it.

6 BOARD MEMBER STAROBIN: And they're going to sign off
7 on that next month?

8 MR. MILLER: They already signed off.

9 MR. DeWINTER: We already have it. We have the
10 permit. We can operate.

11 BOARD MEMBER STAROBIN: Okay.

12 MR. DeWINTER: It's just that we have not been
13 operating it. So once we get up and going, then we have to
14 send in our monthly reports and all that.

15 At the request of -- now we're getting to the fire.
16 At the request of Larry, your engineer, we had the chief of
17 the fire department come and he rode the site with me and
18 he wrote a letter saying that the roads, as they are
19 presently, are sufficient for their use and the turning
20 radius and everything else is fine for them. So the only
21 thing he asked is that because over time some branches on
22 the trees are kind of grown in, he says to have them
23 trimmed up and things like that. We have absolutely no
24 problem with that. And because of that, we'd ask that we
25 get a waiver on the paving, that's one of your

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 requirements, because again, it's a campground. And I
3 think your planner has said this. It's aesthetically
4 better not to have pavement because that's what people are
5 getting, going up for the weekend to get away from the
6 pavement. So we ask that the pads the way they are -- they
7 sit there, they put blocks on to stabilize the units.
8 There's no foundation so it's stabilizing. It sits there.
9 As a matter of fact, the stormwater report says that they
10 would recommend having the gravel in there because that
11 would help the water get in. You know, it would help with
12 the -- so we'd ask for that waiver, too, the paving
13 requirement.

14 The sight distance we had put on and Larry was happy
15 with that. We've also showed the turning movements and
16 he's satisfied with that. On here, we have all the turning
17 movements.

18 We have the signs. That's another thing. The fire
19 chief asked that we have signs so if they're responding to
20 an emergency they know which road they're going on. So
21 we'll have signs for the road and directional signs and so
22 forth so people are all going in the correct place. We
23 only have a couple of two-way roads. For the most part,
24 they're only one way.

25 And I think that's it for Larry's letter.

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 And for the planner, again, as the Board is very much
3 aware, this is not a county or a state road, which is part
4 of your requirements in special use. We've been talking
5 about that for a long time. We're asking to have a waiver
6 on that. Obviously, there's no state or county road
7 anywhere near this site. I think the Board has generally
8 been in favor of waiving that because there's no choice.
9 We're trying to bring this back to life.

10 We've asked that, you know -- you have a calculation
11 of the number of bathrooms and toilets and showers and so
12 forth. This site is not meant for tent siting site.
13 Everything is going to be campers, RVs, et cetera, that
14 have their own showers and bathrooms within the units. The
15 only reason they would need a bathroom is if they're
16 walking from one unit to another and all of a sudden
17 somebody has to go, or you're at the playground or
18 whatever. We do have two locations of existing restrooms,
19 one over by Rhododendron Drive and one over on the other
20 side of the property. I've been up there today. I counted
21 the number of commodes. I know that was asked, and I will
22 provide that to the Board. They do have some existing
23 ones. They'll renovate those just for pass by use.

24 MR. GAILEY: So are you saying that only RVs and
25 campers with their own --

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 MR. DeWINTER: Yes.

3 MR. GAILEY: -- sanitary facilities will be permitted
4 here?

5 MR. DeWINTER: Yes.

6 MR. GAILEY: Okay.

7 MR. DeWINTER: They want to have seasonal camping.
8 They're not looking for -- they may have a couple come in
9 for a weekend or whatever, but for the most part, it's
10 going to be seasonal. They're going to be in contract for
11 the season.

12 MR. GAILEY: Go ahead.

13 MS. BELTRANI: I was going to say one comment that I
14 left off this memo, but just consider the need to include
15 that as a map note, that the use of the site will be
16 seasonal in nature and for RV use.

17 MR. DeWINTER: They may have a couple sites if someone
18 comes in with an RV, they want to come in for a weekend or
19 something. There may be a couple. But it's not -- that's
20 not the primary use. It would be similar to another
21 campground down that road, that they have a couple that
22 are. You know, they're not always booked solid for the
23 summer. You know, I can't say there won't be somebody pull
24 in occasionally, but ...

25 MR. MILLER: That's not the focus.

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2 MR. DeWINTER: That's not the focus. I would say 90
3 percent would be seasonal.

4 BOARD MEMBER GOODMAN: But Adriana, they were saying
5 it's not going to be tent sites, but there would a need
6 for ...

7 MS. BELTRANI: I believe that there are not tent sites
8 because this camping facility is not equipped for a tent
9 site.

10 Similarly, the Board, right now, is basing their
11 consideration in planning off of the assumption that this a
12 seasonal use, meaning traffic will only be coming in once
13 during the summer and out at the end of the summer. If
14 that's not the appropriate consideration, the Board should
15 be made aware of that so that you can consider any traffic
16 impacts or nonseasonal impacts that may occur on that local
17 road.

18 BOARD MEMBER STAROBIN: Excuse me. Another thing,
19 it's not winterized; right?

20 MR. DeWINTER: No.

21 MR. MILLER: No.

22 MR. DeWINTER: No, it's not.

23 MR. MILLER: The application itself, the definition of
24 this project is seasonal.

25 MR. DeWINTER: Yes.

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 MR. MILLER: And the permit issues by the Town,
3 ultimately, is a seasonal use permit so that it's not a
4 concern that it becomes an all year-round occupancy.

5 MS. GRASS: I think you're misunderstanding what
6 Adriana is saying. What she's saying is they'll come in
7 May 1st and they'll come out October 1st.

8 MR. DeWINTER: For the most part, yes, I would say.

9 MR. MILLER: For the most part.

10 MS. BELTRANI: For the most part.

11 MR. DeWINTER: But what I'm saying, some people
12 take --

13 MS. GRASS: But what I'm saying is that it should be
14 noted if that's all it is. If it's not, then we have to be
15 concerned with the impacts on roads and things like that.

16 MR. MILLER: The answer is that, and I don't want to
17 apply a percentage because I'll get quoted on that
18 percentage and I don't know that it's correct, the vast,
19 vast, vast majority of the individuals who are going to be
20 occupying the site, much like the occupants of similar
21 campgrounds in the community, are there for the entire
22 season. Their rigs come in at the beginning, they're
23 occupied during the season and they're not occupied when
24 the season ends. That's what we're talking about. We're
25 not talking about the occasional camper who drives up and

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 says, Oh, there's a weekend or week place. The focus of
3 this business and the plan of the operation is to do
4 seasonal rental. It is proven to be a very lucrative
5 situation, seasonal rental. And quite frankly, for the
6 folks who use it, it's something they look forward to
7 because the people are there, I'm going to say constant
8 neighbors. It's not like somebody new is coming in every
9 week. You build a community and after a period of time
10 it's the same folks year after year after year with certain
11 limited turnover. That's a good business model. It's a
12 successful business model. If your business required you
13 to constantly replace people, that's a much more expensive
14 way of doing business and you don't really get any more.
15 Your cost of operation increases. So these campground are
16 based upon the seasonal occupant, which isn't to say, as
17 Jim said, could there'd be one or two sites where somebody
18 says, Can I come for the week or the weekend? Yeah. But
19 that's not the focus and it's not the intention nor the
20 business plan.

21 MR. DeWINTER: The next --

22 CHAIRMAN GREEN: Do we have any recourse if it turns
23 out that that becomes the business plan?

24 MR. DeWINTER: What's that? That --

25 MR. MILLER: We're going to put that in our

1 - RE: BACK RIVER HOPE CAMPGROUND -
2 operational statement. And if Mary says, Hey, wait a
3 minute, guys, I see that you're advertising, you know,
4 three nights for 39.95 and hot showers with that or
5 something, I don't know, got to be creative, I think she's
6 going to come over and speak to the operator and say, Wait
7 a minute, that's not what your permit is for, because as
8 part of our filing with you we've got to give you an
9 operational plan.

10 MR. DeWINTER: It's also a special use.

11 MR. MILLER: Right.

12 MS. GRASS: I also think, Lorry, when we do the
13 special use we have to be specific, that no tents and that
14 only RVs with bathroom facilities are allowed on the site.

15 MR. MILLER: Works for us.

16 MR. GAILEY: That doesn't address the occasional --

17 MR. MILLER: Well, what we're saying is there's going
18 to be -- I'm not telling you there isn't going to be
19 somebody occasionally. If Joe and Mary Smith are there and
20 their friends are coming in from Iowa to visit and they're
21 traveling cross-country, it's possible they're going to
22 want to be able to pull in and stay for a week, a day, a
23 couple days because they're traveling.

24 BOARD MEMBER RUSSEK, III: Can you limit the number?

25 MR. MILLER: And if there's an open spot, you know, a

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 good businessman is going to say, Let's use that open spot.
3 But the reality of the situation is that the vast majority,
4 the highest possible percentage of this, is going to be
5 people who are there on a seasonal basis. Are there always
6 going to be a couple of empty spots? I guess it's
7 possible. I mean there may be a waiting list. Who knows.

8 MS. BELTRANI: The concern really just lies with I
9 think the defining of the term "seasonal". I think, to
10 your point, whether they're coming in and leaving
11 throughout the season, that's up to your business.

12 MR. DeWINTER: Yes.

13 MS. BELTRANI: However, if the roads are not equipped
14 for RVs in the middle of the winter or --

15 MR. MILLER: They can't.

16 MR. DeWINTER: No. It's going to be limited. I think
17 I have a note there that says from May 1st to November 1st,
18 October 31st.

19 MS. GRASS: There are certain dates in the code that
20 it can be used.

21 MS. BELTRANI: That was my concern.

22 MR. MILLER: No, no. The code requires a defined
23 period of time of 180 days or less.

24 MS. BELTRANI: Okay.

25 MR. DeWINTER: I think if it's not on there, we will

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 put it there.

3 MR. MILLER: It's part of the approval. It's part of
4 the application.

5 MR. DeWINTER: Yes.

6 MS. BELTRANI: Right. I don't see that as --

7 MR. MILLER: This is not a winter camping site.

8 MR. DeWINTER: No.

9 The waiver, your code reads, it says one waste
10 receptacle for each campsite. I think that was a misprint
11 in your code. I think it's probably one per campground
12 rather than camp. You're not going to have a dumpster for
13 every campsite, but I think your planner says that the
14 waiver is warranted as we're going to put a trash compactor
15 on the site.

16 Waiver sought for -- again, we talked about paving the
17 roads. I think that the planner has felt that that also is
18 warranted now, particularly, I think, with the letter from
19 the fire department.

20 MS. BELTRANI: Yes.

21 MR. DeWINTER: Inclusion of landscaping plan. We
22 talked about the landscaping plan. Your planner made --
23 we're not -- this is not going to be a clear out and
24 rebuild. We will put the suggestion of your planner.
25 We'll put the tree lines as it is on the front sheet to

1 - RE: BACK RIVER HOPE CAMPGROUND -
2 show that the trees are going to stay, for the most part.
3 I mean a dead tree is going to be cut for safety of
4 everyone.

5 MS. BELTRANI: So I do want to interject there. So we
6 did discuss that as opposed to having a traditional
7 landscape plan, showing the tree line as it's shown on the
8 original site plan may be sufficient for the building
9 inspector to identify any potential issues with forest
10 clearing and that type of thing. That page can be combined
11 with the lighting plan which indicates where the lighting
12 goes and where that will travel.

13 One thing that I think --

14 MR. DeWINTER: Before you get into the lighting, I
15 want to address that. There's no intent to having lighting
16 throughout the site. Again, it's a campground. People
17 have lights on their, you know --

18 BOARD MEMBER RUSSEK, III: Well, I think that's going
19 to have to be addressed.

20 MR. DeWINTER: Pardon me?

21 BOARD MEMBER RUSSEK, III: That's going to have to be
22 addressed.

23 MR. DeWINTER: No. Wait.

24 BOARD MEMBER RUSSEK, III: You just cut more roads in
25 and they've got no lights on any roads?

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2 MR. DeWINTER: No. We didn't put any roads in. We
3 put in an emergency access. But that's not -- we're not --

4 BOARD MEMBER RUSSEK, III: So there's no lit roads
5 anywhere on this property.

6 MR. DeWINTER: There's no -- there's no lit roads on
7 that property.

8 MS. BELTRANI: It's a safety concern.

9 BOARD MEMBER RUSSEK, III: You don't think that's a
10 little bit of a safety concern?

11 MR. DeWINTER: No.

12 BOARD MEMBER RUSSEK, III: Not even a little bit.

13 MR. DeWINTER: I, I --

14 BOARD MEMBER GLISSON: What if in the night they're
15 walking to see each other and they have to stop and go to
16 the bathroom? Sometimes people have to go. How are they
17 going to know they're there?

18 MR. DeWINTER: Well, I mean there's building lights
19 for bathrooms. You know, there's lights on the individual
20 units. I mean there's, you know, usually it's yellow.

21 I stay at the campground down the road from this. I'm
22 a seasonal resident there up there. There's no lights up
23 in the back. That's what you're camping for. You don't
24 want -- you're getting out of the urban area. You know,
25 it's the same as anything else. We'll have lights on the

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2 main buildings like the office building, things like that.
3 But there's no -- people walk in the dark with flashlights
4 all the time.

5 BOARD MEMBER RUSSEK, III: And you could argue that
6 and the Board can argue that it's a safety concern so
7 there's going to need to see a lighting plan.

8 MR. DeWINTER: The lighting plan is there is no plan.
9 We're not going to have it.

10 BOARD MEMBER RUSSEK, III: Then that's your pitch,
11 then.

12 MR. DeWINTER: Well, I mean it's a ...

13 MR. GAILEY: Well, you're required to have lights.
14 That's why you're requesting a waiver.

15 MR. DeWINTER: No. What we're asking for is we don't
16 have to have a separate lighting plan because we don't
17 intend on having lighting. There's no requirement for
18 lighting. There's nothing in there that says we have to
19 have lights.

20 MR. GAILEY: I think the Board has the authority to
21 require that. I'm not saying they will, but they do have
22 authority.

23 MR. DeWINTER: Again, it's a -- there's -- like I
24 said, there's -- I don't know how many people camp, but if
25 you go to a campground, you don't see lights in the back.

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2 You go up to the state campgrounds up upstate, there's no
3 lights except for the major road maybe going in. And even
4 then it's not. I mean know in Brewster they don't have
5 any. But I've done a lot of camping in my life and I've
6 never had lights within the campground.

7 Like I said, there'll be a light over the office
8 building, maybe the rec hall. They'll have typical house
9 or building lights, but nothing, no street lights.

10 MS. BELTRANI: So can I suggest that you include
11 lights in your next submission, include lighting, and the
12 Board will then be able to see how much of the site is
13 actually illuminated and how much of the site may not be
14 illuminated regularly, particularly as you've noted on the
15 larger main roadways.

16 MR. MILLER: When you say show the lighting, show what
17 lighting exists?

18 MS. BELTRANI: Show the lighting that's already
19 existing. So what he'll do is he'll show the area of
20 illumination and then we'll able to tell, particularly
21 based on when you combine. Sometimes when you combine the
22 landscape plan or the tree cover plan with the lighting
23 plan you can kind of tell how trees might be interfering
24 with lighting or how the landscaping may interfere with
25 lighting. That's why I suggested putting them on the same

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2 page. Then I think we can look at it a little bit more
3 critically and the Board can look at it a little more
4 critically at how the lighting works on the site.

5 CHAIRMAN GREEN: So right now there are no lights.

6 MR. DeWINTER: There are no lights.

7 MR. MILLER: What we'll do is we will indicate on the
8 principal structures that there's going to be exterior
9 lighting on those structures. With respect to the rest of
10 the area, you will note that the plan is devoid of lights
11 and the lighting plan is to make it devoid of lights. The
12 very nature of the activity is that it's a natural
13 activity, go back to nature. If people wanted to be in an
14 urban environment they wouldn't be coming to the Town of
15 Mamakating. It is not an urban or suburban situation.
16 It's a camping experience for the summer.

17 MR. DeWINTER: What you may see is poles, electric
18 poles. They're not light poles. There's lights,
19 obviously, on the restroom areas. There's a light on the
20 building itself. Not --

21 BOARD MEMBER RUSSEK, III: Just submit it and we'll go
22 that next month.

23 MR. MILLER: Right.

24 MR. DeWINTER: We talked about the grading plan. We
25 talked about the waivers.

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2 The disturbance in the wetland, there is a note on the
3 plan. I talked to your planner this afternoon. There is a
4 note on here about any maintenance or disturbance within
5 the wetland buffer, which is the only place we are, we're
6 not in the wetland itself, we have to get a permit. We
7 know that. I talked with DEC about it. If they're going
8 to do anything in there, yes, they have to get a permit.
9 We recognize it. I put a note on here that when and if
10 they do any maintenance in there or obviously, they're
11 going change some sites that they're not going to do right
12 away, but when they do, they have to get a permit before
13 they do. That'll will be a note on the plan.

14 MS. BELTRANI: So again, just for clarification's
15 sake, for the Board's sake, on the plan what looks like
16 building on page 1 of the site plan, the existing
17 conditions --

18 MR. DeWINTER: Yes.

19 MS. BELTRANI: -- shows what looks like a building
20 footprint. Should those buildings --

21 MR. DeWINTER: They're --

22 MS. BELTRANI: Should those building be removed, that
23 would be considered a wetland disturbance permit.

24 MR. DeWINTER: That's correct.

25 MS. BELTRANI: So you have work permit as a note here,

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2 but I just want to make sure. I know it seems like
3 semantics, but we need to make sure that the permit that is
4 necessary is a DEC wetlands disturbance.

5 MR. DeWINTER: It's a work permit. That's what they
6 told us. That's what they wanted.

7 MS. BELTRANI: So I would want correspondence with the
8 DEC on that.

9 MR. DeWINTER: What I'll do is I'll put a slash. I'll
10 put disturbance/work permit.

11 MS. BELTRANI: If you've been talking with DEC then
12 the correspondence --

13 MR. DeWINTER: It's been a year.

14 MS. BELTRANI: -- the correspondence with DEC would be
15 best.

16 MR. DeWINTER: It's been a year since we've had that
17 wetlands delineated, and that's when we talked about it.

18 I'll put a permit, you know, disturbance/work permit.
19 I think that covers it. I'm not going -- I don't want to
20 have to play semantics with words. They will have to get a
21 permit, any work within those areas.

22 MS. BELTRANI: Your proposal indicates that you plan
23 to remove these buildings.

24 MR. DeWINTER: Yes, yes.

25 MS. BELTRANI: So you're going --

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2 MR. DeWINTER: Before they do that, they're going to
3 have to get a permit. All right?

4 MS. BELTRANI: All right. And they need to indicate
5 that on the EAF form. It's not indicated. No areas of
6 disturbance are indicated.

7 MR. DeWINTER: I'll take --

8 MS. BELTRANI: And the emergency access is going to be
9 cleared; right?

10 MR. DeWINTER: It's .1 acres, yes.

11 MS. BELTRANI: Okay.

12 MR. DeWINTER: I think it's .1 acre. I did it today.
13 And most of it's -- you know, it's not really a clearing of
14 trees, it's pretty much open field.

15 MS. BELTRANI: You show trees here.

16 MR. DeWINTER: Yes.

17 The two unlabeled buildings, one is a metal shed that
18 isn't worth saving so we'll mark that as to be removed or
19 we'll take it off the proposed. And the other one is the
20 caretaker, owner's.

21 MS. BELTRANI: Off of Oakwood? Between Oakwood and
22 Dogwood?

23 MR. DeWINTER: A trailer. It's their trailer. Okay?
24 The one you're talking about.

25 MS. BELTRANI: That's this one here?

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2 MR. DeWINTER: Yes. That's the owner's caretaker's,
3 whatever you want to call it. And this is a metal shed.
4 We'll just eliminate that. That will be removed. This
5 structure is going to be taken out.

6 The restrooms that's noted, like I said, I did go up,
7 I've looked at it. I counted the number of bathrooms and
8 showers. On the one that says the washroom, restroom, that
9 was a glitch on the computer. The building, if you look on
10 the front sheet, it's there. It was just, you know, when
11 we took off all old other buildings, it was on the same
12 layer. We'll show it. And it has showers and it has
13 bathrooms.

14 The EAF, we'll correct the EAF as we discussed.

15 I know we talked about the EAF.

16 I don't know. Do you want to tell them the short EAF?

17 MR. MILLER: I think that in an analysis, that a short
18 form EAF for this project is probably sufficient. The
19 issues that have been identified and will be perhaps
20 identified by the public if are new ones, are readily
21 resolvable. The issues are -- well, we have the wetland;
22 we've addressed it. We have issues with regard to the
23 road. I think we've addressed that, but we'll cover that
24 again, obviously, at public hearing. We don't have any
25 grading issues so we don't have that. We have a stormwater

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2 plan.

3 By and large, it's not consuming power. It has its on
4 site water, it has its on site sewage disposal, all of
5 which are the topics of an environmental review. That's
6 kind of it. I mean we're not impacting the schools, we're
7 not impacting hospitals to any extent, unless somebody gets
8 hurts. We're not impacting governmental facilities.

9 MR. DeWINTER: The air quality.

10 MR. MILLER: We're certainly not affecting air
11 quality. And with your permission, we're not going to be
12 leaving light pollution either. We're hopeful to keep this
13 natural and have the flora and fauna flourish in the
14 community there, undisturbed, with the intrusion of some
15 occasional summer guests that haven't been there for a
16 couple of years. Other than that, that is the nature of
17 the project. And given that it is already pretty much in
18 place with the exception of our bringing some things up to
19 standard, we're not making any serious changes. So we
20 think that we can supplement whatever you need and we think
21 the short from will suffice. Otherwise, you can go through
22 the multi pages of saying no, but I think it's easier to
23 say no at the beginning and if you need something else, ask
24 for it.

25 CHAIRMAN GREEN: Do you agree with that?

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2 MS. BELTRANI: I think that I requested an expanded
3 EAF after speaking with John because he had several
4 concerns and I noted that there were several unanswered
5 questions on the short form EAF which led me to feel that
6 additional information may be warranted.

7 MR. DeWINTER: If we can --

8 MS. BELTRANI: Typically, for an unlisted action a
9 short form EAF is appropriate, particularly for a site like
10 this which is proposing, theoretically, less impact
11 overall. I do think that a short form EAF is sufficient,
12 but I would like to see a more complete short form EAF.

13 MR. MILLER: If you have specific issues you'd like us
14 to address, just give us those and we'll do our utmost to
15 do that.

16 MS. BELTRANI: They are in my memo.

17 MR. MILLER: Pardon me?

18 MS. BELTRANI: They are in our memo and they've been
19 discussed today. And the engineer has also issued a memo.

20 MR. DeWINTER: Okay, all right.

21 MR. MILLER: We'll do that.

22 MR. DeWINTER: Yeah.

23 MR. GAILEY: Just give us a narrative that will be
24 part of the EAF.

25 MR. MILLER: I'm not ...

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2 MR. GAILEY: Prepare a narrative.

3 MR. DeWINTER: Okay, yes.

4 MR. MILLER: I think that's clearly something ...

5 MS. BELTRANI: Yes, yes.

6 MR. DeWINTER: All right.

7 MR. MILLER: We've done that as far as presentation of
8 the letters to the Board, it's just a matter of annexing
9 it. It's not reinventing the wheel.

10 MR. GAILEY: We would like one document.

11 MR. MILLER: Not a problem.

12 MR. GAILEY: Just attached all the prior things.

13 MR. MILLER: Not a problem.

14 MR. DeWINTER: No, I ...

15 MR. MILLER: I think unless the Board has any
16 questions for us, I think we've done pretty much, brought
17 you up-to-date and we'd ask at this point to schedule a
18 public hearing.

19 CHAIRMAN GREEN: So where do we stand on the waivers
20 that they're requesting? Is that something we will discuss
21 now or put off until next month?

22 MS. BELTRANI: The waivers, the Planning Board will
23 determine which waivers are being granted upon approval or
24 conditioned approval. If you want to discuss them now,
25 you're welcome to discuss them, but a decision will not be

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2 reached until you're ready to issue conditional approval.

3 I think given Larry's outstanding comments, it may
4 make sense to get a more complete package before the Board
5 understands the cumulative impacts, but it's up to you.

6 CHAIRMAN GREEN: I'd rather he be here, also.

7 MS. BELTRANI: Yes.

8 CHAIRMAN GREEN: He could explain this in more detail.

9 MR. MILLER: Do you think Larry will be here next
10 month?

11 CHAIRMAN GREEN: Yes.

12 BOARD MEMBER COLLIER: He's on vacation.

13 MR. MILLER: Oh, okay.

14 CHAIRMAN GREEN: Any comments?

15 MS. GRASS: I have, Lorry.

16 Actually, it does talk about lighting in the special
17 use permit under No. 10. Jim said he didn't think it was a
18 requirement. It is.

19 MR. DeWINTER: What's the requirement, Mary?

20 MS. GRASS: The illumination.

21 MR. DeWINTER: Yes, just that we have to give a plan?

22 MS. GRASS: Sufficient exterior illumination of the
23 site shall be required to provide convenience and safety.
24 Also, illumination shall be shielded from the view of all
25 surrounding properties and streets.

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2 I mean you probably have to show it so that we can see
3 it.

4 MR. MILLER: Like we said, we show it on the buildings
5 where it's going to be. We indicate that.

6 MR. DeWINTER: Yes. We're not going to have site ...

7 MS. GRASS: I'm saying it's part of that.

8 I just also want to note that those sites, as it
9 stands, there are still outstanding violations. None of
10 the trailers or additions have been removed. I'm not sure
11 why because whether they get conditional or not, it has to
12 be done, so it should have been being worked on all along.

13 There is also a violation on electric. I know Jim
14 said everything was underground. But there is electric
15 that --

16 MR. DeWINTER: No, I didn't --

17 BOARD MEMBER RUSSEK, III: Can you let her finish and
18 stop interrupting? You've interrupted every person that
19 spoke tonight. Can you let the persons on the Board talk
20 and then interrupt, or just wait and write it down like we
21 all do? This is rude. I mean come on, these people are
22 trying to say what they need to say so they can talk to
23 you.

24 MR. DeWINTER: She said I said the electric was
25 underground.

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2 BOARD MEMBER RUSSEK, III: Then wait and then defend
3 yourself after she's done talking about it.

4 MR. DeWINTER: Excuse me. I'm sorry.

5 MS. GRASS: He noted that all utilities were
6 underground. The electric is actually in violation because
7 it's run from tree to tree to tree and it's actually a
8 hazard. It's not correct. I just wanted to noted those
9 things.

10 MR. MILLER: Let me move backwards on that.

11 BOARD MEMBER STAROBIN: A question --

12 MR. MILLER: Sorry. Go ahead.

13 BOARD MEMBER STAROBIN: When I read it, or when you
14 said it before, I had, from you, the impression that the
15 utilities were underground. But from viewing the site, I
16 saw telephone poles.

17 MR. DeWINTER: No, I understand what you're saying.

18 BOARD MEMBER STAROBIN: Yes.

19 MR. DeWINTER: When I say utilities, in my mind it's
20 sewer and water.

21 BOARD MEMBER STAROBIN: Okay.

22 MR. DeWINTER: All right?

23 And as far as the electric, no. I know there's
24 violations on that, and that's one of the things that we
25 have to also deal with the Health Department because we

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2 don't get an operating permit for the site unless those are
3 going to be corrected.

4 And again, one of the reasons why you have not seen
5 units moved out of there, that's an expense that, honestly,
6 they're not going to do unless they know they're going to
7 be able to have the site. You know, that's an expense.
8 You know ...

9 MR. GAILEY: So it's justice court.

10 MR. DeWINTER: Understand. We're not -- listen, we're
11 not looking to -- you know, they want to know that they're
12 going to have a viable, you know ...

13 MR. GAILEY: The same --

14 MR. DeWINTER: The other side is if they don't have a
15 viable go project, then ...

16 MS. BELTRANI: I believe that your narrative does say
17 it's noted that upon receiving conditional approval the
18 organization proposes to correct all violations throughout
19 the campground which includes but does not limit the
20 following, and then you do list the violations.

21 MR. DeWINTER: Yes.

22 MS. BELTRANI: So the Applicant is aware that they are
23 under violation. But I think sometimes it's hard to
24 rectify the proposed plan with what's actually going on on
25 site which is why this project is under such scrutiny at

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2 the moment.

3 MR. DeWINTER: Oh, I understand. You know, they do
4 want to clean it up, they do want to correct the
5 violations. They said that from Day One to this board.
6 But again, there's a certain amount of economic reasons.
7 They want to be somewhat assured that they're going to have
8 a project. You know, this is the prior owner.

9 BOARD MEMBER COLLIER: I think the other point that's
10 combined in all these documents, because the fire marshal
11 mentions that the power lines are a violation, too.

12 MR. DeWINTER: Yes.

13 BOARD MEMBER COLLIER: He's just putting it in there,
14 so it's miscellaneous.

15 MR. DeWINTER: We totally understand that and they
16 totally -- they've kind of discussed with some electricians
17 and so forth to make those corrections once they feel
18 comfortable that they're going to get an approval or
19 something.

20 MR. MILLER: I think let me --

21 MR. DeWINTER: And the other --

22 MR. MILLER: Give me two second.s

23 When we first came in here we acknowledged the
24 electrical issues. Nobody said no. When there's an
25 approval in place which allows correction in terms of

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2 bringing everything up, that's part of the correction.

3 It's, you know, a process. I'm not sure how one goes about

4 it, but I'm assuming one goes about it in an orderly

5 fashion. So if an electrician is coming in, people coming

6 to do work, whatever that work is, they're going to start

7 at Point A and move to Point Z through the entire project.

8 The issues that Mary points out that we know are violations

9 are going to be addressed. I mean we can't operate this

10 project with the units that are in there. You wouldn't

11 give us final approval, Mary wouldn't let us open up, we

12 wouldn't get an operating permit. We can't get an

13 operating permit with the electrical situation in its

14 current condition. So as part of the process, once

15 approvals are in place, we're going to come in and do that

16 which is required to assure compliance. It's not something

17 we want to do in a piecemeal basis, it's something we want

18 to do on a basis to turn the key.

19 From an economic point of view, and I have to point

20 out the economics of it, in order to fund this you have to

21 have an approval. Nobody is going to lay out money to

22 clear up everything and remove the violations without an

23 expectation of making a viable project out of it. So

24 assume that we're going to -- your approval, I'm presuming,

25 is going require us to do those things. We would assume

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2 that you're imposing those in good faith. We ask that you
3 impose them because it really is a requirement. And we
4 would accept an approval with those conditions. We're not
5 moving forward if we don't clean it up. And if we don't
6 clean it up, they've wasted our time and expense and your
7 time and I don't think that that's their intention.

8 CHAIRMAN GREEN: So I believe we have a board of
9 entrepreneurs who very much understand what you're telling
10 them, which is you have a goal here, we're here, but we
11 don't want to start taking steps if it turns out that we're
12 never going to get to that goal. I think we all do
13 appreciate that.

14 What I'm seeing, what I'm hearing is that the
15 consultants have laid out some very defined things that
16 need to be done. If they get done, you know, I would
17 submit that there would be an approval at the end of it.
18 But what we are hesitant to do is at this stage, because
19 there is so much of this that still has to be done, is to
20 say, Well, we'll give you a conditional approval today if
21 this happens, if this happens, if this happens. We need to
22 be further along the road to do that.

23 MR. MILLER: I agree with you a hundred percent and
24 that's why we're looking for the public hearing because we
25 can't get to that further step until we have the hearing.

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2 I'm not expecting that this board, today, would give us
3 anything that would be colored as an approval. That would
4 be inappropriate for me to ask and for you to give it.

5 CHAIRMAN GREEN: So if we were to start thinking about
6 having a public hearing, is there a timeline or do we say,
7 Okay, you have a public hearing. Do we get to the certain
8 number of days where the public hearing has to be closed or
9 can we just keep open it until we're satisfied?

10 MR. MILLER: The answer is that you have 45 days from
11 the public hearing closing, the conclusion of the hearing,
12 to make a decision. But I can tell you that the Applicant
13 can extend that to you. At this point, we're moving
14 forward. So if we schedule the hearing, if after the
15 hearing is conducted you feel there's a need to keep it
16 open, we can consider that. I don't know that there'll be
17 a need because you may say, Look, we've identified these
18 areas we'd like you to respond to. I don't know that they
19 need public input beyond that. We'll respond to them. And
20 certainly, if it takes more time, it's going to be on our
21 shoulders to get you that information. I don't have a
22 problem with that and I know my clients wouldn't have a
23 problem with that. Nobody's looking to ...

24 MR. GAILEY: Are you saying that once the hearing is
25 open it must be closed within --

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2 MR. MILLER: No.

3 MR. GAILEY: -- 45 days?

4 MR. MILLER: No, no, no. I'm saying when a hearing is
5 closed you have to make a decision within 45 days.

6 MR. GAILEY: After the closing --

7 MR. MILLER: I didn't say that you had to close the
8 hearing. I said that's a decision that will be made after
9 the hearing.

10 MR. GAILEY: Once the Board opens the hearing they can
11 continue that for several months, until the information is
12 provided.

13 MR. MILLER: Depending upon what's required, the
14 answer is yes. And then we'll have to see what the Board
15 determines afterwards. They may choose to say, Look -- for
16 example, I'll use the lighting plan as an example -- we
17 want a better lighting defined on the plan. That's not
18 necessarily something that the Board might consider a
19 reason to keep a public hearing open. You know, get to us,
20 we want to review it.

21 CHAIRMAN GREEN: I just want to see if I understand.
22 So the 45 days, once we close the public hearing we have 45
23 days to decide on your application?

24 MR. MILLER: Yeah, that's what the law says. But as a
25 practical matter, it gets extended.

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2 MR. DeWINTER: We can extend that.

3 MR. MILLER: We're going to extend. I mean that's the
4 state law. We're not imposing it on you. You know, Albany
5 imposes it on us.

6 BOARD MEMBER RUSSEK, III: So bottom line is we're
7 trying to get so we get to open a public hearing?

8 MR. MILLER: Correct.

9 BOARD MEMBER RUSSEK, III: Can we get that process
10 going --

11 MR. GAILEY: Yes.

12 BOARD MEMBER RUSSEK, III: -- since that's the next
13 step?

14 MR. GAILEY: We don't have any objection to scheduling
15 the hearing.

16 BOARD MEMBER RUSSEK, III: That's what I'm looking
17 for.

18 We just make a motion to set a public hearing?

19 MR. GAILEY: With the date and time.

20 MR. DeWINTER: No, I appreciate that.

21 BOARD MEMBER RUSSEK, III: I know we're trying to get
22 you there. I just want to get us there.

23 I make a motion to set a public hearing. I don't know
24 what the time frame is.

25 BOARD MEMBER GOODMAN: I second it.

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2 CHAIRMAN GREEN: I have no problem opening a public
3 hearing if you would like the public hearing and you think
4 this will move things along. But keep in mind, that public
5 hearing may be open for a very long time, until we're
6 satisfied.

7 MR. DeWINTER: Or if you feel that the public portion
8 of it be closed, we'll extend our ...

9 MR. MILLER: Give time for the Board to on it. We
10 have a degree of flexibility, as well.

11 MR. DeWINTER: Yes.

12 CHAIRMAN GREEN: Again, as long as we're clear about
13 that.

14 MR. DeWINTER: Yes.

15 CHAIRMAN GREEN: I'm concerned we have a public
16 hearing, all of a sudden, we have 45 days and we get to Day
17 45 and the electric lines are still all over, the Board is
18 not going to --

19 MS. BELTRANI: No, no, no. You leave the public
20 hearing open until --

21 CHAIRMAN GREEN: Right, right. That's what I said.

22 MR. DeWINTER: Or again, a conditional approval could
23 be that ...

24 MR. MILLER: We have to clear up those violations.

25 MR. DeWINTER: We have to clear those violation before

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 you're going to sign the plan.

3 MR. MILLER: Whatever approval you grant would contain
4 within it the conditions that those items be addressed and
5 resolved satisfactorily.

6 MR. DeWINTER: And the plans aren't signed until those
7 conditions are met. The plans would not be signed until
8 the conditions are met.

9 MR. GAILEY: Just let me find it here, in the
10 requirements, so we can be sure about this.

11 Under site plans it says that the Planning Board shall
12 make a decision on the application within 62 days after the
13 hearing.

14 MR. MILLER: I'm sorry. Then I misspoke.

15 MR. GAILEY: Well, no, I've got to find special
16 permits now.

17 MR. MILLER: All I'll say is we're not going to hold
18 you to the letter of the law in the number of days.

19 CHAIRMAN GREEN: Yes. But the problem is that we're
20 on the board. We have to --

21 MR. MILLER: No, no, no. The statute allows the
22 applicant to extend the time.

23 MR. GAILEY: Where's the special permit?

24 MR. MILLER: So I'm telling you up front, the
25 applicant can expand the time because you may have

1 - RE: BACK RIVER HOPE CAMPGROUND -
2 questions that require input from third parties that we
3 don't control. Clearly, that's information you're entitled
4 to.

5 BOARD MEMBER COLLIER: Do you want to make it
6 September?

7 BOARD MEMBER RUSSEK, III: If they can. I don't know
8 how long it would take. There's a legal requirement for
9 like, how long. You have to post out of the letters.

10 MR. DeWINTER: Yes, I have to get the letters out.

11 BOARD MEMBER RUSSEK, III: Right. Then there's the
12 time for that.

13 MS. GRASS: It's ten days.

14 BOARD MEMBER RUSSEK, III: He's asking could it to be
15 done in September. Is it September? Is going to be done
16 for September or is that ...

17 MR. MILLER: Sure.

18 MS. GRASS: Yes, it could be done for September. The
19 next meeting would be September 10th if that's when you
20 want to set it for.

21 BOARD MEMBER RUSSEK, III: That's my motion.

22 BOARD MEMBER GOODMAN: I second.

23 CHAIRMAN GREEN: We have a motion and a second.
24 Vote.

25 BOARD MEMBER GOODMAN: Aye.

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 BOARD MEMBER STAROBIN: Aye.

3 BOARD MEMBER RUSSEK, III: Aye.

4 BOARD MEMBER COLLIER: Aye.

5 BOARD MEMBER GLISSON: Aye.

6 CHAIRMAN GREEN: Aye.

7 (The motion was approved and carried.)

8 MR. GAILEY: And just to confirm --

9 MR. DeWINTER: The onus on is us to get the notices
10 out.

11 MR. GAILEY: For special permits it says the Planning
12 Board shall decide the application within 62 days after the
13 public hearing is closed.

14 MR. DeWINTER: We'll extend it.

15 MR. MILLER: We'll extent it. Not an issue.

16 Thank you very much.

17 MR. DeWINTER: Thank you.

18 MR. MILLER: Thank you for your time this evening.

19 MR. DeWINTER: And I apologize.

20 MS. BELTRANI: The Board also needs to declare Lead
21 Agency. Declare Lead Agency for SEQRA since this is an
22 unlisted action.

23 MR. MILLER: I think they may have done that last
24 time.

25 MS. BELTRANI: Did they do that last time?

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 MR. MILLER: I don't know. You might just as well do
3 it again.

4 BOARD MEMBER RUSSEK III: I'll remotion that.

5 BOARD MEMBER COLLIER: Second.

6 CHAIRMAN GREEN: Vote.

7 BOARD MEMBER GOODMAN: Aye.

8 BOARD MEMBER STAROBIN: Aye.

9 BOARD MEMBER RUSSEK, III: Aye.

10 BOARD MEMBER COLLIER: Aye.

11 BOARD MEMBER GLISSON: Aye.

12 CHAIRMAN GREEN: Aye.

13 (The motion was approved and carried.)

14 MR. DeWINTER: I apologize for jumping in.

15 BOARD MEMBER RUSSEK, III: No worries.

16 MR. DeWINTER: Again ...

17 MR. DeWINTER: No, no, no. We're good, we're good.

18 You see why, though.

19 (Time noted: 7:59 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 Back River Hope Campground, 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 3, 2019

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Mount Vernon Acres LLC/Jack Kitzis
Four Lot Subdivision
Tax Map Section 14; Block 1; Lot 20.1
Mountain Greenbelt Zone
----- X

Town Hall
Town of Mamakating
August 13, 2019
7:59 P.M.

PLANNING BOARD MEMBERS :

- LORRENCE GREEN, Chairman
- MORT STAROBIN, Board Member
- ALEX GOODMAN, Board Member
- JOSEPH RUSSEK, III, Board Member
- RICHARD GLISSON, Board Member
- ERIK COLLIER, Board Member
- MARY GRASS, Code Enforcement/Building Inspector
- J. BENJAMIN GAILEY, ESQ., Attorney
- ADRIANA BELTRANI, Planner

Also Present: Zachary Peters, 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: MOUNT VERNON ACRES LLC / JACK KITZIS -

2 MS. GRASS: Our next applicant is Mount Vernon Acres,
3 four lot subdivision, Tax Map Section 14; Block 1; Lot
4 20.1. The property is located on Mount Vernon Road. It is
5 approximately 76.52 acres and lies in the Mountain
6 Greenbelt Zone.

7 MR. PETERS: Good evening, everyone. My name is
8 Zachary Peters from Mercurio, Norton, Tarolli and Marshall,
9 the engineers for the Applicant.

10 As Mary said, this is a pretty simple four-lot
11 subdivision. It's about 76 acres on Mount Vernon Road. We
12 were last here before the Board, I believe it was in
13 January. We received a preliminary approval and there's a
14 couple things to wrap to up, including contacting DEC for
15 the wetland validation, which we got. We also contacted
16 them concerning the clearing restriction note which they
17 noted was acceptable and consistent with their guidelines.
18 There are a few technical comments that Larry and I think
19 we've got everything wrapped up.

20 That's pretty much where we're at at this point.

21 MS. BELTRANI: I have no comments, and all of Larry's
22 comments were satisfied.

23 CHAIRMAN GREEN: So the only thing that I will tell
24 you is that this is going to be creating three new lots and
25 so you're going to have to have the recreation fees paid to

1 - RE: MOUNT VERNON ACRES LLC / JACK KITZIS -
2 the Town before anything gets signed.

3 MR. PETERS: Okay. So how much are the rec fees?

4 CHAIRMAN GREEN: It's \$5,000 per acre -- per lot.

5 BOARD MEMBER RUSSEK, III: Nice. We're making money.

6 MR. PETERS: That's just for the three new lots;
7 right?

8 CHAIRMAN GREEN: Yes.

9 MR. PETERS: Okay.

10 MR. GAILEY: On the curb cuts, do you want to make
11 that a condition of the approval or just a condition of
12 getting a building permit? How do you usually handle that,
13 Mary?

14 MS. GRASS: The driveway cuts, the Highway Department.
15 A building permit.

16 MR. GAILEY: Okay. At the time of the building permit
17 application.

18 MS. GRASS: Yes.

19 MR. GAILEY: Okay. You don't need to do anything on
20 that.

21 CHAIRMAN GREEN: Okay. So we need a motion to ...

22 BOARD MEMBER RUSSEK III: Any other outstanding
23 issues, legal issues?

24 MR. GAILEY: No. The only question, and I don't know
25 since I haven't been here before, do you want to have a

1 - RE: MOUNT VERNON ACRES LLC / JACK KITZIS -
2 condition of approval get the final review of the plans by
3 the Board's engineer just to be certain everything is in
4 order? It would be a condition of approval. It wouldn't
5 hold anything up.

6 BOARD MEMBER RUSSEK, III: So I'm going with that
7 motion, sure. final approval subject to a final review.

8 MS. BELTRANI: Yes.

9 MR. GAILEY: Yes, just reviewed by the engineer.

10 CHAIRMAN GREEN:

11 MR. GAILEY: And then payment of the park fees. Just
12 add to the resolution that the plan doesn't show any park
13 or recreation land and is not suited for park and
14 recreation land.

15 BOARD MEMBER RUSSEK, III: That is my motion, subject
16 to all that.

17 CHAIRMAN GREEN: Do we have a second?

18 BOARD MEMBER GLISSON: I'll second it.

19 CHAIRMAN GREEN: Do I have a vote?

20 BOARD MEMBER GOODMAN: Aye.

21 BOARD MEMBER STAROBIN: Aye.

22 BOARD MEMBER RUSSEK, III: Aye.

23 BOARD MEMBER COLLIER: Aye.

24 BOARD MEMBER GLISSON: Aye.

25 CHAIRMAN GREEN: Aye.

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- RE: MOUNT VERNON ACRES LLC / JACK KITZIS -

(The motion was approved and carried.)

MR. PETERS: Thank you very much.

(Time noted: 8:03 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 Mount Vernon Acres LLC / Jack Kitzis Hope Campground, 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 3, 2019

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Mary Helen Micinowski
Proposed Ground Solar Mount System
Tax Map Section 12; Block 1; Lot 59.1
Neighborhood Residential Zone
----- X

Town Hall
Town of Mamakating
August 13, 2019
8:03 P.M.

PLANNING BOARD MEMBERS :

- LORRENCE GREEN, Chairman
- MORT STAROBIN, Board Member
- ALEX GOODMAN, Board Member
- JOSEPH RUSSEK, III, Board Member
- RICHARD GLISSON, Board Member
- ERIK COLLIER, Board Member
- MARY GRASS, Code Enforcement/Building Inspector
- J. BENJAMIN GAILEY, ESQ., Attorney
- ADRIANA BELTRANI, Planner

Also Present: Ken Crosby,
On Behalf of Applicant

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

Reported by: Rosemary A. Meyer

1 - RE: MARY HELEN MICINOWSKI -

2 MS. GRASS: The next applicant is Mary Helen
3 Micinowski, proposed ground mount solar system. The site
4 of the property is located at 49 Birchwood Drive, Tax Map
5 Section 12; Block 1; Lot 59.1 and involves approximately
6 2.5 acres and lies in the Neighborhood Residential Zone.

7 MR. CROSBY: So you have the plan that's in the
8 packet. That's their lot.

9 MS. BELTRANI: Okay.

10 MR. CROSBY: They own all of it. The house is here
11 and this is a horse farm.

12 MS. BELTRANI: Okay.

13 MR. CROSBY: So this one pen, this is another big pen.

14 MR. GAILEY: If you want to pass these out to the
15 Board.

16 MS. BELTRANI: Was this not included in the packet?

17 MR. CROSBY: I just wanted everyone to have one
18 because I knew there'd be a bunch of you looking at that.

19 MS. BELTRANI: Got you.

20 MR. CROSBY: That's Page 2 of the whole plan.

21 MS. BELTRANI: All right.

22 MS. GRASS: You just need to step to the podium. Just
23 state your name because Rosemary is taking minutes.

24 MR. CROSBY: My name is Ken Crosby. I work for
25 PlugPV.

1 - RE: MARY HELEN MICINOWSKI -

2 We are proposing at 15.75 kilowatt ground mount system
3 for the Micinowski residence. Small trench through the
4 driveway, no meter upgrades. Obviously, we handle
5 everything in terms of utility of the structure, upgrade
6 with the utility and the homeowner. Other than, it's
7 pretty cut and dry, very simple.

8 Any questions?

9 CHAIRMAN GREEN: Adriana.

10 MS. BELTRANI: Sure.

11 So the Town of Mamakating solar code requires that you
12 come before the Planning Board if you're proposing a solar
13 array within the front or side yard --

14 MR. CROSBY: Okay.

15 MS. BELTRANI: -- which you are.

16 MR. CROSBY: Right.

17 MS. BELTRANI: And if it's within a front and side
18 yard, particularly the front, you need to provide us with
19 reasonings as to why anywhere else on the property is not
20 suitable --

21 MR. CROSBY: Okay.

22 MS. BELTRANI: -- for that location primarily because
23 there is concern for the visual impacts from the road.

24 MR. CROSBY: Okay. So it's a two-sided coin. Just
25 from the homeowner's perspective, cost.

1 - RE: MARY HELEN MICINOWSKI -

2 MS. BELTRANI: Yes?

3 MR. CROSBY: The longer trench the equipment requires,
4 the more cost; right? So if instead of trenching from that
5 side yard where A, there's no shade impediment, right,
6 there's no trees causing any shading, we can place the
7 array facing due south with a short trench. Also, that is
8 one of the horse pen areas which is used the least. They
9 use that big pen in the back year-round boarding horses
10 over there. And so to keep costs low, meaning -- they're
11 spending about 800 bucks a month on electricity right now
12 so this is going to turn their power bill into about a \$350
13 power bill. So to save them the absolute most money, this
14 was the place that the homeowner decided because it keeps
15 the most money in their pocket and it provides for a
16 quicker, cleaner install.

17 BOARD MEMBER STAROBIN: There's no dimensions on this.

18 MS. BELTRANI: On that one, that's correct. But on
19 PV-3 of the plan that they provided, it does show
20 distances.

21 However, one of my comments is that there isn't a
22 scale so there is no way for us to be able to double-check
23 that.

24 MR. CROSBY: Okay. Each panel is five by three, so
25 you can reference it out.

1 - RE: MARY HELEN MICINOWSKI -

2 MS. BELTRANI: Our biggest concern is measuring the
3 setbacks.

4 MR. CROSBY: What are your requirements for setbacks?

5 MS. BELTRANI: Ten feet --

6 MR. CROSBY: We can have them --

7 MS. BELTRANI: Well, no. It's just simply for a
8 checking perspective, just to make sure that what you're
9 saying on this plan, it measures out to be what is said in
10 there.

11 MR. CROSBY: Understood.

12 So I guess what I could do is I could have our
13 engineer redo it and then just add in those setbacks. I
14 mean we -- it's totally up to you guys at that point, like
15 to say is it 10 feet, is it 15, is it 30 feet.

16 MS. BELTRANI: You're within the setback.

17 MR. CROSBY: Oh.

18 MS. BELTRANI: But typically, when you show us a
19 measurement, you could tell me this is a 100 feet and I
20 wouldn't know. I wouldn't know any better because I don't
21 have a scale.

22 MR. CROSBY: Okay.

23 MS. BELTRANI: But I have a scale in my office that I
24 have available.

25 MR. CROSBY: Right. Okay.

1 - RE: MARY HELEN MICINOWSKI -

2 Is there a scale on any of the other pages, now that
3 the plans have been all out? I don't have any more.

4 MS. BELTRANI: No. Well, because the rest of your
5 pages are design details, which is fine --

6 MR. CROSBY: Electrical schematics.

7 MS. BELTRANI: -- and construction details --

8 MR. CROSBY: Yes.

9 MS. BELTRANI: -- which is good for our engineer. But
10 you're before the Planning Board because this is a planning
11 consideration.

12 MR. CROSBY: Yes.

13 MS. BELTRANI: If you were proposing this back behind
14 the barn away from the street and within the setbacks you
15 wouldn't have been referred to the Planning Board. But
16 because it's in the front yard the Planning Board needs to
17 consider the visual impact. One thing that we've been
18 requesting of ground mounted solar like this is for the
19 applicant to take some pictures of, say, from Birchwood
20 Drive towards where you're proposing to have the solar
21 array so that the Planning Board can get a sense of where
22 the solar array will be and what the visual impacts will
23 be.

24 It's hard to tell if there is existing vegetation
25 here.

1 - RE: MARY HELEN MICINOWSKI -

2 MR. CROSBY: So this is all open. It's all level.
3 There's a new house here. It's a bigger house that they
4 built right up to this.

5 MS. BELTRANI: Okay.

6 MR. CROSBY: This is all trees and there's a big berm
7 hill. These two neighbors don't actually get along at all
8 so these guys have a big bunch of dirt here and it's like a
9 berm now so it's not visible actually from this.

10 MS. BELTRANI: Okay.

11 MR. CROSBY: And we're going about, probably about ten
12 feet off this way from that tree, and about 15 feet off
13 from that tree.

14 MS. BELTRANI: Basically, what we're doing right now
15 is what you'll need when you come back for your next
16 submission. You're going to have to give us another
17 submission, again, with some color images. They can be
18 printed on a piece of paper. Like it's a photo plan;
19 right? You can say: This is where the picture is from,
20 this is where it's facing.

21 MR. CROSBY: Yes.

22 MS. BELTRANI: And then: This is Picture No. 1.

23 MR. CROSBY: Got you.

24 MS. BELTRANI: So that the Planning Board can say this
25 is what we're looking at because they may recommend

1 - RE: MARY HELEN MICINOWSKI -

2 additional landscaping along the tree frontage.

3 MR. CROSBY: In terms of, like, putting in trees?

4 MS. BELTRANI: Trees or bushes.

5 MR. CROSBY: You know it's like a dead end with a
6 construction yard across the street?

7 MS. BELTRANI: Unfortunately, that's what the
8 regulations need. The Planning Board may waive certain
9 requirements if you want to -- basically, what you can do
10 is you take this memo and respond to my comments.

11 MR. CROSBY: Okay.

12 MS. BELTRANI: The Planning Board will take that into
13 consideration. And then just provide that image, the
14 pictures --

15 MR. CROSBY: Okay.

16 MS. BELTRANI: -- from the street because the concern
17 is -- and you'll see that I referred to zoning sections.

18 MR. CROSBY: Uh-huh.

19 MS. BELTRANI: So you can find the zoning code online
20 at the Town of Mamakating web site and you can look up what
21 the regulations are for ground mounted solar.

22 MR. CROSBY: Okay.

23 MS. BELTRANI: And just make sure that you conform to
24 all of that. And if you don't conform, give the Planning
25 Board a reason why you're not conforming.

1 - RE: MARY HELEN MICINOWSKI -

2 MR. CROSBY: As to why; right?

3 MS. BELTRANI: Right.

4 MR. CROSBY: Understood.

5 MS. BELTRANI: Yes.

6 MR. CROSBY: Okay.

7 MS. BELTRANI: And additionally, you guys did provide
8 us with an Environmental Assessment Form. However, it
9 doesn't seem like that Environmental Assessment Form was
10 completed using the EAF mapper which we prefer because it's
11 automatically filled in by the New York State DEC's data.

12 MR. CROSBY: In terms of offsetting carbon emissions
13 or impact on the soils?

14 MS. BELTRANI: No. It's more of an impact. It's
15 overall impact, generally. It looks like this form. Mary
16 can give you the link, right, to the EAF mapper.

17 It's on the checklist that I presented you guys.

18 BOARD MEMBER RUSSEK, III: Yes. Can I just give him
19 one of these checklists that you already did? I mean I
20 know it's a draft, but, like, this is a really good kind of
21 a checklist.

22 MS. BELTRANI: I'm glad you think so. I think --

23 BOARD MEMBER RUSSEK, III: I'm saying not saying use
24 it as an official because it says "draft" on it, but if you
25 literally look at those things and check those boxes,

1 - RE: MARY HELEN MICINOWSKI -

2 you'll pretty much give us everything that we're looking
3 for.

4 MR. CROSBY: Can I see it?

5 BOARD MEMBER RUSSEK, III: I mean secretly, maybe yes.

6 MS. BELTRANI: Yes, that would be great.

7 MR. CROSBY: Can I take a picture of it?

8 BOARD MEMBER RUSSEK, III: Yes, let's do that. Yes,
9 do that.

10 MS. BELTRANI: Yes, go for it. It's only meant to
11 help.

12 BOARD MEMBER RUSSEK III: It actually is so much
13 easier.

14 MR. CROSBY: Sweet. This is awesome.

15 MR. GAILEY: Lorry, in addition to visibility from the
16 road, this Board should consider visibility from
17 neighboring properties.

18 MS. BELTRANI: Yes. And photos from the adjacent
19 properties if you can get there would be helpful, as well,
20 since the concern is the road or adjacent properties.

21 MS. GRASS: When he's taking the pictures should he
22 put a flag up as high as they're supposed to be so we
23 actually know?

24 GREEN CHAIRMAN: Well, I've gone through. Roughly,
25 you've got to take a 12 foot stick --

1 - RE: MARY HELEN MICINOWSKI -

2 MS. GRASS: However high it is.

3 MR. CROSBY: Do you guys know where this is? Because
4 there's a junkyard across the street. It's not like --
5 it's not like there's houses across the street.

6 MS. BELTRANI: There's a pond.

7 MS. GRASS: There's a pond across the street. There's
8 a residential area.

9 MR. CROSBY: No. And then -- and then there's a big
10 landscaping company and it's, like, total trash at the end
11 of the road.

12 BOARD MEMBER RUSSEK, III: He's knocking our town.

13 MR. CROSBY: No, no, I mean -- no, no, no.

14 BOARD MEMBER GLISSON: Mary is going to get riled up.
15 You better be quiet.

16 MR. CROSBY: But yes, whatever you guys need, I will,
17 I can provide. It's just ...

18 MS. BELTRANI: These regulations apply to the entire
19 town.

20 MR. CROSBY: Okay. Okay.

21 There's just a bunch of old broken-down equipment at
22 the end of the road the last time I was over there. So I
23 was, like, it's kind of funny, like, you know, it's so big
24 of a deal, yeah.

25 MS. GRASS: That's a logging company at the end of the

1 - RE: MARY HELEN MICINOWSKI -

2 road.

3 CHAIRMAN GREEN: I understand. So we're on the same
4 page, the code does not allow them to actually do this
5 unless the Planning Board determines that it's not a
6 problem?

7 MS. BELTRANI: Yes. It basically gives the Planning
8 Board discretion. It requests that the applicant prove
9 that there's literally no other place to put the array, and
10 then it's up to the Planning Board to determine if it's an
11 appropriate place.

12 CHAIRMAN GREEN: Do you know if this is going to
13 change with the new Comp Plan?

14 MS. BELTRANI: It's in discussion. If you have
15 suggestions you can let me know about them.

16 BOARD MEMBER GOODMAN: Everything on a dead-end
17 street, if the zoning has a couple neighbors, if the
18 neighbors have nothing to say about it --

19 MS. BELTRANI: Absolutely.

20 MR. CROSBY: Yes.

21 MR. CROSBY: Ponds, one house and then, yes, I guess
22 it is a logging company. There's a bunch of, like, logging
23 equipment back there.

24 MS. GRASS: There's more than one house. There's
25 probably one, two --

1 - RE: MARY HELEN MICINOWSKI -

2 MR. CROSBY: There's probably three on the way in --

3 MS. GRASS: -- three, four --

4 MR. CROSBY: -- up to them.

5 MS. GRASS: -- them is five, six, the logging company

6 and then the bridge that was closed off that used to be

7 there.

8 MR. CROSBY: Yep.

9 MS. GRASS: Open to both sides of the road.

10 MR. CROSBY: So at the same token, if we were required

11 to plant trees, that could impede shade which could impede

12 the customer's production which could impede how much money

13 they save in the long run, too. So ...

14 BOARD MEMBER GOODMAN: Well, it could be a bush that

15 grows to 10 foot not to 50 foot.

16 MR. CROSBY: Well, yeah. I'm guess I'm asking is

17 there a specification on what you would require in terms of

18 that?

19 BOARD MEMBER GOODMAN: I don't think we have any

20 specific.

21 MR. CROSBY: No.

22 BOARD MEMBER GOODMAN: It just says ...

23 MS. BELTRANI: I think if we guide the Planning Board,

24 if it's possible that it's visible, the Planning Board

25 shall look at it, yes.

1 - RE: MARY HELEN MICINOWSKI -

2 BOARD MEMBER GOODMAN: Shield it somehow from view.

3 MR. CROSBY: Okay.

4 MS. BELTRANI: And if you can show us that that's the
5 only place where the solar can reasonably function and it
6 can't function with shade, just give us that data.

7 MR. CROSBY: Sure, yes. It just becomes more and more
8 expensive to run a trench to the other side of the property
9 and then it's not viable for them as an option.

10 BOARD MEMBER GLISSON: You said so it's not viable to
11 the homeowner if it's another location? Because you opened
12 by saying that this is the cheapest place for them to be
13 able to get it in there so the economics worked for them --

14 MR. CROSBY: Right.

15 BOARD MEMBER GLISSON: -- not that it was the only
16 available spot for them. You're saying that's no other
17 place on the property that makes it economically viable for
18 the homeowner.

19 MR. CROSBY: So -- okay. So from an economic
20 perspective, let's say the homeowner was only approved for
21 a \$75,000 loan to get solar. If we were to now make the
22 solar system more expensive by adding an additional 300
23 foot of trenching, the cost of the system is now greater
24 than what they are approved for, and so then they wouldn't
25 be able to do this project. Does that make sense to you?

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2 BOARD MEMBER GLISSON: Yes.

3 MR. CROSBY: Because we're already maxed out to the
4 top of what they were approved for. We actually had to
5 scale our system down little bit.

6 MS. BELTRANI: Pretty significant footprint.

7 CHAIRMAN GREEN: Yes, 15,000.

8 MR. CROSBY: It's a horse farm so she uses a
9 tremendous amount of power keeping those things warm all
10 winter long. And it's still only about 70 percent of her
11 electricity.

12 BOARD MEMBER GOODMAN: I would say it would probably
13 help you to put that in a narrative, why it needs to be
14 there.

15 MR. CROSBY: Sure.

16 BOARD MEMBER RUSSEK, III: Basically what you just
17 said, put that in a narrative there because that's also,
18 like ...

19 BOARD MEMBER GLISSON: That's helpful.

20 BOARD MEMBER RUSSEK, III: It is.

21 MR. CROSBY: Sure.

22 BOARD MEMBER STAROBIN: My concern is that there's
23 many properties in the town that the only place you could
24 put these things are in the front yard. I just feel that
25 we're opening up a can of worms by who gets these and who

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2 doesn't get these. I don't think they should be seen from
3 the road, if possible. You know, I'm not against private
4 property rights I'm very much for private property rights.
5 My point is if it doesn't affect me, I don't care what
6 people do on their property. But if what they're doing in
7 some way affects me, then I'm concerned. And if I were a
8 neighbor and saying, Well, it's going to cost this guy more
9 so I'm going to put it in my front yard, I say, Well,
10 that's too bad.

11 MR. CROSBY: Okay. So what if it was, Hey, I can save
12 \$8,000 a year which helps me pay my property taxes which --

13 BOARD MEMBER STAROBIN: Not my --

14 MR. CROSBY: No, I understand. But this is associated
15 with your community. Do you know what I'm saying?

16 BOARD MEMBER STAROBIN: Then you put the onus on the
17 person across the street who doesn't want to be the bad
18 guy.

19 MR. CROSBY: There is nobody across the street.

20 BOARD MEMBER STAROBIN: Well, it's possible there will
21 be at some point.

22 So my point is this, is that I just think we're
23 opening up a can of worms with this type of --

24 BOARD MEMBER RUSSEK, III: That's for the
25 Comprehension Plan, though, really, though. I mean Mort's

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2 point wasn't specifically for this applicant, but maybe
3 more for the Comprehension Plan as a whole, whether it
4 should be addressed as front, rear, side.

5 BOARD MEMBER STAROBIN: You know, if there was a way
6 to hide it so you couldn't see it from the road, that's
7 fine. But this is something we have to come up with some
8 very hard regulations so that it's consistent.

9 MS. BELTRANI: I think that he needs to come back to
10 the Board showing that the array is able to be screened in
11 the location where it is. I think that the code is pretty
12 clear about that in particular. And you will review the
13 code before the next time that you come.

14 MR. CROSBY: Yeah. When is the next? I have to
15 actually come back here September?

16 MS. BELTRANI: Yes.

17 MR. CROSBY: So can we apply for a permit with
18 conditional approval and I can drop a plan set off sooner
19 rather than later? Because if we make her ...

20 BOARD MEMBER RUSSEK, III: We're not there yet.
21 There's a lot that's got to happen to get to that.

22 CHAIRMAN GREEN: You have to understand that as Mort
23 was saying, that the code says we can't have something in
24 the front yard for good reason.

25 MS. BELTRANI: Right.

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2 CHAIRMAN GREEN: I wouldn't want my next door neighbor
3 putting something in the front yard. It gives the Planning
4 Board the option of saying, Okay, well, maybe we can make
5 an exception here. But we need a really good reason to
6 make an exception. Part of the problem we always run into
7 is if we make an exception for one person, the next person
8 comes in starting up at that as the starting point. We
9 have to be pretty well convinced that there is no other
10 place but this and that the neighbor is not going to mind,
11 they're not going to see it and that they're in agreement
12 with it.

13 MR. GAILEY: I don't see on these plans where they --

14 MR. CROSBY: No, I get it. I get it. Look, I've been
15 doing this for 12 years; right? A lot of people don't like
16 the way this stuff looks, but we look at power lines and
17 telephone poles all day long. There's a better way of
18 doing things; right? It's going to save this money,
19 literally. She's going to have, you know, a lot of weight
20 off her back by having this avenue. So I'm going to do
21 whatever you guys ask me to do to make this happen for her
22 because, you know, financially, for them, it's a very good
23 situation for them to be in.

24 CHAIRMAN GREEN: We understand.

25 MR. CROSBY: You know, and if it's a couple trees that

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2 we ...

3 So also, I want you to know that it's not long ways,
4 parallel to the road, it's perpendicular; right? So it's a
5 very small surface area that is visible from the front of
6 the road. However, there's already a, you know, horse
7 fencing and stuff like that that is between where our array
8 is being proposed from the street so there's already
9 something blocking the view of what you would be looking
10 at, if that makes sense. There's already a fence there.
11 You know what I mean?

12 BOARD MEMBER GOODMAN: If you supply photos, it would
13 be helpful.

14 MR. CROSBY: Right. Okay. Cool.

15 MR. GAILEY: Which way are the panels facing?

16 MR. CROSBY: They're facing southeast.

17 MR. GAILEY: Okay.

18 MS. BELTRANI: You don't have an arrow.

19 MR. CROSBY: Oh. So every time we do a spec run, it
20 goes to the top of the page.

21 MR. GAILEY: So if you plant trees here they're not
22 going to shade it.

23 MR. CROSBY: No. But then we'd have to come, starting
24 from the driveway edge and going up. But if it was only
25 north of the array, right, there's no time shade, like,

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2 shading at different points of the day.

3 MS. BELTRANI: So are you clear on what needs to
4 happen?

5 MR. CROSBY: I don't have that code list, but I can
6 find that on your web site?

7 CHAIRMAN GREEN: Type in Mamakating town code.

8 MS. BELTRANI: Yes, yes.

9 CHAIRMAN GREEN: It is Section --

10 MS. BELTRANI: Did you receive the memorandum from the
11 consultants?

12 MS. CROSBY: My office might have.

13 CHAIRMAN GREEN: The section for accessory --

14 MS. BELTRANI: Was this sent to them?

15 MS. GRASS: What?

16 MS. BELTRANI: Was this sent to them, the memo?

17 MS. GRASS: You got the memos, didn't you, Ken?

18 MR. CROSBY: I only got the engineer's ...

19 MS. BELTRANI: Yes, that's the engineer's.

20 MR. CROSBY: Oh, yeah. Lawrence J. Paggi.

21 CHAIRMAN GREEN: Yes.

22 MR. GAILEY: Yes.

23 MR. CROSBY: That was the one you just handed me
24 earlier.

25 MS. GRASS: Didn't you have one?

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2 MS. BELTRANI: Here, (handing).

3 MS. GRASS: Wasn't one e-mailed?

4 MR. CROSBY: Yes.

5 MS. GRASS: You got one e-mailed.

6 Is that what you were asking, if something was
7 e-mailed?

8 MS. BELTRANI: If he received the memo from me, yes.

9 MS. GRASS: I handed you hers.

10 MR. CROSBY: Yes. Okay.

11 MS. GRASS: That's Larry Paggi's. You should have
12 two.

13 MS. BELTRANI: One from --

14 MR. CROSBY: Nelson, Pope, Turner.

15 MS. BELTRANI: Yes.

16 MR. CROSBY: Yes. Okay, I have it.

17 CHAIRMAN GREEN: It spells it out there.

18 So 199-15 is accessory structures and then the 199-21,
19 there is specific solar systems, and specifically G deals
20 with I believe just the small projects.

21 BOARD MEMBER RUSSEK III: And then what's the next
22 submission date that we have to it in by?

23 MS. GRASS: August 20th for September 10th meeting.

24 BOARD MEMBER RUSSEK, III: So to be on the September
25 meeting you have to have it in by then.

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2 MR. CROSBY: That's fine. Fine.

3 BOARD MEMBER RUSSEK, III: But if you don't, it will
4 be another month, just to give you a timeline for your
5 client.

6 MR. CROSBY: Right. Okay. So if I have photos and
7 the rest of this completed by next week and I get all this
8 submitted to you, I can be at the next meeting and then
9 hopefully, we can apply for a building permit following?
10 Or we're still ...

11 BOARD MEMBER RUSSEK, III: Well, depending on what you
12 submit.

13 MR. CROSBY: Got you. Okay, fair enough.

14 Thank you.

15 MS. GRASS: Thank you.

16 So BOARD MEMBER RUSSEK, III: Anybody else? Motion to
17 close?

18 CHAIRMAN GREEN: So we're not going to discuss this,
19 but you should all be aware that we got Adriana's draft and
20 we'll have a discussion about it next month.

21 BOARD MEMBER RUSSEK, III: I like it. Discussed.

22 MS. BELTRANI: Just as it's done.

23 BOARD MEMBER RUSSEK, III: It's done. I vote.

24 Motion to close.

25 CHAIRMAN GREEN: Do we have a motion to close the

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2 meeting?

3 BOARD MEMBER RUSSEK, III: Motion.

4 CHAIRMAN GREEN: Okay, Joe.

5 Do we have a second?

6 BOARD MEMBER GLISSON: I'll be the second.

7 CHAIRMAN GREEN: All in favor?

8 BOARD MEMBER GOODMAN: Aye.

9 BOARD MEMBER STAROBIN: Aye.

10 BOARD MEMBER RUSSEK, III: Aye.

11 BOARD MEMBER COLLIER: Aye.

12 BOARD MEMBER GLISSON: Aye.

13 CHAIRMAN GREEN: Aye.

14 (The motion was approved and carried.)

15 (Time noted: 8:25 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 Mary Helen Micinowski, 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

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