

TOWN OF MAMAKATING
PLANNING BOARD MINUTES
September 10, 2019
TOWN HALL
WURTSBORO, NEW YORK

PLANNING BOARD MEMBERS :

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

JERIC CORPORATION
Court Reporting Services
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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
September 10, 2019
7:10 P.M.

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- CHRISTIAN PAGGI, P.E., Engineer
- ADRIANA BELTRANI, Planner

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

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P.O. Box 385
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Reported by: Rosemary A. Meyer

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 CHAIRMAN GREEN: As for the minutes, as you can see,
3 we don't have the entire board here. What I would like to
4 do is have those people that have come to our meeting to
5 consider applying to be members of the board. We currently
6 have one full member position open and two alternates.
7 It's been my experience that good government works best
8 when the people being governed come and take part in that
9 government. So we ask you to come and apply. If you don't
10 want to or you can't, please go and spread the word out and
11 ask friends.

12 So I guess with that, we're going to look at, we're
13 going to switch the order a little bit.

14 MR. CAPPELLO: Well, the people are here for a
15 hearing. We might as well do that. There's nothing we can
16 do on the other applications.

17 MS. GRASS: Solar left. They're not going to be here.

18 CHAIRMAN GREEN: Okay. So we might as well open the
19 public hearing?

20 MR. CAPPELLO: Yes. No, you can open the public
21 hearing. It is a public hearing.

22 CHAIRMAN GREEN: We would need to make a motion, I
23 guess.

24 MR. CAPPELLO: You can open the hearing as the
25 Planning Board chair.

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 CHAIRMAN GREEN: I'm going to open up the public
3 hearing on this.

4 MR. CAPPELLO: Do we have a notice? Do you want to
5 read the notice?

6 Well, the notice is this is for an amended site plan,
7 a public hearing on an amended site plan for property
8 located at 811 Mount Vernon Road, Tax Map Section 14; Block
9 1; Lot 22.2. The property lies in the Mountain Greenbelt
10 and is approximately 45 acres.

11 MR. MILLER: Thank you. My name is Marty Miller. I
12 represent the project proponents. I'm going to give a
13 brief presentation and try to answer some questions. I
14 don't know if there are folks here from the public who want
15 to speak, but after they have some comments, if there's
16 something we want to respond to, we'll respond to.

17 I appreciate the fact that the Board is conducting the
18 hearing this evening despite the fact that we don't have a
19 quorum well beyond everyone's unfortunate control.

20 I'm going to step over to the map. I'll speak up.

21 This is a project on Mount Vernon Road.

22 Tim, if you would just that way so the public can see,
23 the extent that everyone wants to see it, if anyone can't
24 see that wants to see it, the map.

25 MR. DeWINTER: Okay.

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 (Mr. DeWinter complied.)

3 MR. MILLER: This is a property on Mount Vernon Road.
4 It had previously been the Timberline Campground. That
5 campground declined. That's a very polite way of
6 describing it. It cratered, it crashed, it was really bad.
7 It was in violation of about 3,000 regulations and
8 ultimately lost when it was acquired by Back River Hope.
9 What we've shown here on the site plan that has been
10 defined over the past year is the proposal for the
11 redevelopment of that property. It takes advantage of the
12 natural beauty of that property. It tries to preserve that
13 natural beauty as much as possible. It uses the
14 preexisting locations for various utilities and services
15 and improves upon it.

16 Initially, for those of you who may be familiar with
17 this project in years gone by, there were roughly 200
18 campsites that had somewhat, we'll say got out of control
19 and it had fallen into serious disrepair.

20 The proposal is to build, I'm going to say 160, it's
21 158 campsites. But if we remember the number 160, it's
22 roughly 40 less, 40 less than had previously been there.
23 The plan is to use the existing roadways. To the extent
24 that they need modification or improvement, we're expecting
25 to modify them as may be required. It is our intention,

1 - RE: BACK RIVER HOPE CAMPGROUND -
2 and we've discussed it with the Zoning Board of Appeals,
3 we'll discuss it with this board, to keep the internal
4 roads not hard surface. I say not hard surface, not
5 impervious surface. They're going to be gravel roads.
6 They're not going to be paved, they're not going to be
7 macadam. That's our desire, and we're asking for a waiver.
8 We've discussed that with the Board.

9 The utility service for water and sewer is
10 underground. The electrical lines are, at the present
11 moment, I think we'll use the word nonconforming would be
12 an understatement. The electrical service will be upgraded
13 and repaired, replaced.

14 We've shown on the map lots but there really aren't
15 lots because this isn't a subdivision, it's not a
16 condominium, it is a campground. But what we've delineated
17 is space for each of the campers and we have provided on
18 each of those spaces, and you're welcome to look at it, a
19 site for the camping. Now, camping in this instance is not
20 going to be tent camping, it's going to be what we're
21 calling RV camping. It may be travel trailers or camping
22 trailers, park models, the type of units that people would
23 use to vacation in. Each of these units is a
24 self-contained dwelling. Each of these units has its own
25 kitchen, has its own bathroom, has its own shower, has its

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 own sleeping facilities. So with respect to each of these
3 locations, there will be hook-ups for water, there will be
4 hook-ups for sewer, there'll be hook-ups for power, and the
5 parties who are there are going to utilize those services.
6 We're not talking about boy scout camping. We're talking
7 about camping with people of my generation and perhaps one
8 generation back. They may even have air conditioning in
9 these units. We're talking about comfortable camping.

10 The plan is that, and the way these parks work is that
11 people generally rent on a seasonal basis. Clearly, the
12 first year there will be less seasonal people than there
13 will be the second year because the population and the
14 group has to build up over time. But the expectation is
15 that this is not an in and out kind of facility. They're
16 not designed that way, can't make money that way. There
17 are people who travel cross country and go from campground
18 to campground, but by and large, that is not the Catskill
19 model. It's not the model in this area, it's not the model
20 up in Lake George or in other, I'll call it resort
21 communities. People have a tendency to come in, park their
22 unit for the season and use it. Season begins May 1st, it
23 ends October 31st. That's a standard. It's a six month
24 season. In this campground it is the same standard season
25 in any other campground in the town and probably pretty

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 much any other campground in the county. Everybody's
3 closing is a little different, but by and large, that's how
4 it works.

5 Units sometimes are stored and often are stored on
6 site because there's no reason to remove them. They're
7 hooked to water, they're hooked to sewer, they're
8 winterized. Utilities are turned off; you can't use them.
9 You can't flush, you can't wash, you can't shower and
10 there's no power because it's winter. Everything goes off.
11 It's winterized. The campground is winterized.

12 Now, in this situation we have a preexisting facility.
13 That preexisting facility had a sewage disposal system, it
14 had a SPDES permit. That SPDES permit has been renewed and
15 is valid. The sewage disposal is functioning, functional
16 and will be maintained as is required. It has wells that
17 produce water, potable water. We know that they haven't
18 been used for a while. A concern and a requirement is that
19 we produce potable water. To that extent, we would propose
20 that if, upon conditional approval, that we would conduct
21 the necessary testing to establish that the water is
22 satisfactory, both adequate in quantity and quality, so
23 whatever we need to do that. The reason we say we will do
24 that after the fact is because the cost of testing wells is
25 enormous. It starts at about \$10,000 because the pump

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 tests require electricity to be brought at the site and we
3 don't have it at the present moment and they have to be run
4 for at least 24 hours. So that's something that we would
5 need to accomplish because not only do we need the approval
6 from the Board, but we need Department of Health approval
7 on the water and we would also need, and we continue to
8 need, DEC approval for our sewer disposal system.

9 In addition to that, there is a portion of this
10 property that's associated with a designated wetland. The
11 sewage disposal system is, in part, in a designated
12 wetland. To the extent that any work needs to be done
13 there, it will be done pursuant to valid permit. The DEC
14 had no difficulty, as I said, with the location of the
15 septic, the sewage disposal system. It's there. They've
16 given it the SPDES permit without regard to where wetlands
17 may be situated in the vicinity.

18 We will be having two, I'm going to call them public
19 bathrooms with showers. They're actually going to be very
20 limited. The standard which required showers and bathrooms
21 in many respects predates the self-contained dwelling units
22 that these campers are. But certainly, if you're out and
23 about, there's a need to have a public toilet unless, you
24 know, if you're friends and you knocked on their door. So
25 that will be located in the facility, and they're

1 - RE: BACK RIVER HOPE CAMPGROUND -
2 identified on the map. We can get to quantity discussion
3 if anybody is really interested, but I think it's not a
4 particularly important issue.

5 We're going to be having some recreational areas. We
6 have a ball field, a tennis court. Those are up in the
7 vicinity of Mount Vernon Road. The residential uses are
8 throughout the campsite. In the rear of the campsite is
9 the sewage disposal system.

10 I can go through the list of questions, we've got some
11 comments from engineering and planning, but before I do
12 that, perhaps if there are any questions or comments, I
13 would think this might be a good time because then I can
14 deal with those and then we can address, I'll call
15 technical comments.

16 I don't know if anyone has any comments they'd want to
17 make.

18 Oh, just let me -- one other thing because it's a
19 concern. The existing site has one major entrance. We
20 recognize that one-way in and one-way out presents a
21 challenge at times of emergencies. We have provided in the
22 plans for emergency ingress and egress. It will be a
23 nonpublic or nonpublicly accessed way. It'll be a hard
24 surface that's going to be covered with grass so that it
25 looks like lawn. It'll be identified for emergency

1 - RE: BACK RIVER HOPE CAMPGROUND -
2 services and people. But it is drivable but it's not going
3 to be an access for people using the campground.

4 MR. SEITEL: Inaudible comment.)

5 MS. GRASS: Excuse me.

6 CHAIRMAN GREEN: We'd like the public to come up.

7 MS. GRASS: If the public would like to speak --

8 MR. MILLER: Come on up.

9 MS. GRASS: Excuse me.

10 If the public would like to speak, we ask that you
11 raise your hand. The Chairman will call on you. Please
12 come up to the pulpit, state your name and your address.

13 MR. SEITEL: Good evening, members of the Board.

14 CHAIRMAN GREEN: Your name.

15 MR. SEITEL: My name is Robert Seitel. My address is
16 779 Mount Vernon Road. My property is adjacent to that
17 property. My property goes back almost as far, so that
18 property line, the other side of that line is my property.

19 I was concerned where these emergency exits would be,
20 would they infringe upon my property.

21 And my other main concern is the last time we had
22 campgrounds over there, I know it turned out to be bad at
23 the end. However, those of us who live in the area, we
24 find that we respect the forest, the roads. We don't
25 litter. And for the 16 years that I've lived there with

1 - RE: BACK RIVER HOPE CAMPGROUND -
2 Timberline, having people rent there, you know, don't
3 really have a vested interest in the neighborhood and the
4 area. There was a steady stream of garbage from the
5 Timberline driveway going about a quarter mile in each
6 direction. And it's just -- it's upsetting to me that
7 we're going to be dealing with people again who don't have
8 a vested interest in the Wurtsboro area.

9 That's about it for now.

10 MS. GRASS: Thank you.

11 MR. MILLER: If you'd like to see where the emergency
12 exit is you might want to just walk up to the map and take
13 a look. I think it will answer your question.

14 MR. DeWINTER: And also --

15 MR. CAPPELLO: Guys, he's running the meeting.

16 MR. SEITEL: Oh, I'm sorry.

17 MR. CAPPELLO: When we want you to answer, we'll
18 let --

19 MR. SEITEL: Okay.

20 MR. CAPPELLO: I mean if you want him to answer,
21 answer. I just wanted --

22 MR. MILLER: I didn't want to address anything. I
23 just wanted -- John, I didn't want to answer any of the
24 questions, I just wanted him to look at the map so he can
25 answer his own question.

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 MR. CAPPELLO: That's fine. But I just want to make
3 sure --

4 MR. MILLER: Be if he's looking at it, I can point out
5 where it is, and then that makes, you know ...

6 MR. SEITEL: Is that okay?

7 CHAIRMAN GREEN: Yes.

8 MR. MILLER: I mean that's why it's here.
9 This is the main entrance.

10 MR. SEITEL: Okay.

11 CHAIRMAN GREEN: Do we have another comment?

12 MR. PERRICELLI: Yes.

13 CHAIRMAN GREEN: Come on up.

14 MR. PERRICELLI: My name is Nick Perricelli, 809 Mount
15 Vernon Road.

16 The only main concern we have at the moment is the
17 word "gate" on the site plan because we have a deeded
18 right-of-way and our house is basically at the bottom of
19 that map. It's only going to be a six-month open
20 campground or whatever, so who's going to maintain that
21 gate, how is it going to be built, how is it going to be --
22 is it going to be powered, is it going to have backup
23 power, because my mother needs access in and out on a daily
24 basis. You know, fuel oil, propane, all that stuff.

25 CHAIRMAN GREEN: Do you have a response?

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2 MR. MILLER: Yes. The answer is we'll be more than
3 willing work with them. We appreciate that they have a
4 right-of-way.

5 One of the problems that is the prior campground and
6 the current situation presents is a challenge because when
7 it's open to the world, Mary can tell you that people have
8 moved in and squatted. It becomes difficult to police.
9 It's a large site. And if we have a way of -- and I think
10 we can probably come up with a suitable solution to provide
11 some level of security, as well as access. It's not
12 uncommon to have some sort of a security at the entrance to
13 private roads.

14 MR. DeWINTER: Many times these gates, they're
15 electric gates. The electrical gates, you know, if the
16 power goes out --

17 MR. MILLER: Gate opens.

18 MR. DeWINTER: -- the gate opens so that you're not
19 stuck inside. We're work with you on that.

20 MR. PERRICELLI: Yes, it's something I was concerned
21 about. Like, are we going to see something of that before
22 it goes forward? Because, like, now they have this big
23 iron thing that, like, my mother would have to get out of
24 the car and try to roll it across, and then we finally just
25 said that that doesn't work.

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2 CHAIRMAN GREEN: The purpose of a public hearing is to
3 get comments just like this.

4 MR. PERRICELLI: Yeah.

5 CHAIRMAN GREEN: So that now that we're aware of it,
6 this is something, it gets worked into the plan.

7 MR. PERRICELLI: Okay.

8 CHAIRMAN GREEN: Thank you.

9 Any other comments?

10 MS. DINAPOLI: Sister R. Dinapoli, Squadron Boulevard,
11 New City, New York.

12 I have just a couple comments on Timberline as it was.
13 There were recently allowed to be some people there
14 year-round in order to maintain the grounds. When things
15 started to decline most of it declined because we were
16 denied being able to get the necessary permission to
17 maintain the grounds, I would say from about 2008 or so.
18 Anyway, so one of the things is that having someone there
19 or a couple people year-round would be very helpful.

20 The other thing is that when the campground was closed
21 the law abiding citizens who had been there with legal
22 leases were told they could not longer access the
23 campground. The campground, the worse of it was after one
24 of the big storms when the lines came down and trees came
25 down and so on. We still couldn't get the permits in order

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 to bring it back. So that was the main thing. And while
3 the law abiding citizens had left the campground obeyed the
4 rules, but your persons went up there and negotiated with
5 the squatters and left them in charge and did not do
6 anything. That's when the garbage and so on began to build
7 and get strewn and so on all over the place. So the
8 suggestion in all that is I'm saying that when you have
9 somebody there to maintain the place. And also during the
10 wintertime, sometimes we would go up to check, especially
11 after the storm because we're not allowed on the grounds,
12 to see if the property that is there can be checked on,
13 that the tree didn't come about with no one there. Then
14 when we do ask for security, the sheriff's department did
15 not respond, the state police did not respond.

16 MR. CAPPELLO: Does this have anything to do with
17 this application?

18 MS. DINAPOLI: Well, what I'm saying is that the
19 security cannot come from your local officials to protect
20 our property. It did not in the past. So I would presume
21 that in the future that's going to happen.

22 And then also, to have someone there and not say it's
23 closed down completely, but only the grounds are allowed
24 for someone to be there.

25 CHAIRMAN GREEN: I may have missed your opening

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 statement. What is your connection to the project? Are
3 you a neighbor?

4 MS. DINAPOLI: I have been a part of Timberline, 2008.
5 During that time I found that there was a major fraud in
6 which the Town allowed someone to sell that property 200
7 times over. So anyway, so that's my thing. I was
8 defrauded. Even when I went --

9 CHAIRMAN GREEN: Are you one of the people who had --

10 MS. DINAPOLI: A place there, yes.

11 CHAIRMAN GREEN: Okay.

12 MS. DINAPOLI: Yes.

13 CHAIRMAN GREEN: Okay.

14 MS. DINAPOLI: And everything was just, as far as I'm
15 concerned, taken out from under us. And we were not told,
16 even though we went, that there was a problem.

17 And all of those violations existed and the Town knew
18 that they had existed since the 1990s. These have been
19 documented. And they did not think to get the original
20 owner to fix the violations. And instead, he, unbeknownst
21 to the campers, put it in their names and left them holding
22 the bag.

23 CHAIRMAN GREEN: I think we have the history
24 because --

25 MS. DINAPOLI: I just think it needs to be said.

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2 People say that garbage and no access and so on and so
3 forth.

4 (Board Member R. Glisson entered the board
5 meeting at 7:35 p.m.)

6 CHAIRMAN GREEN: So we just had our fourth board
7 member.

8 MR. CAPPELLO: So we now have a quorum and it's an
9 official meeting.

10 BOARD MEMBER GLISSON: Sorry.

11 CHAIRMAN GREEN: We got Richard's note that he was in
12 an emergency.

13 BOARD MEMBER GLISSON: Not for the official record,
14 Monticello High School and may have had a concussion. I
15 apologize to the public.

16 CHAIRMAN GREEN: More public comment?

17 (No verbal response.)

18 CHAIRMAN GREEN: We go back.

19 MR. MILLER: I'd like to address a couple of the
20 comments and then we can get into some technical issues.

21 I obviously can't speak to the trash, and I appreciate
22 that that's an issue or could be an issue. But I think we
23 just heard from somebody who was previously there with some
24 explanation for the trash which certainly predates my
25 relationship with the property.

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2 One of the concerns that was raised and mentioned by
3 the last speaker was the lack of a responsible party being
4 there on a 12 month basis. I didn't address that in my
5 initial comments, and I could have, because under the code
6 there is provision for housing on a 12 month basis for,
7 I'll call him a caretaker. There is an intention and an
8 expectation that that housing will be provided for that
9 person who will provide some levels of security. Not only
10 will they provide the security for the facility, but
11 they'll also be available to address issues with regard to
12 ingress and egress and those things which have been
13 mentioned by the first speaker for the parties that have
14 the right to do that. So there is an intention to secure
15 and protect this property during the period of time that
16 it's not occupied by users. Certainly, during the period
17 of time that it's not occupied by users, there'll be
18 certain work undertaken from time to time. The place will
19 be closed down, it will be opened up, it'll be repaired,
20 there will be issues that normal routine maintenance and
21 operations will take place during the non-occupancy months,
22 as well as during the occupancy months, as may be
23 appropriate. So we have an expectation of having someone
24 there and that will hopefully address some of the concerns
25 that have been expressed.

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2 There are people who are slobs and we hope that those
3 people those are not the people who would be at this
4 campground because if they're slobs at the campground they
5 will be dealt with by management. And I would suspect that
6 people who are less polite to their neighbors are less
7 polite to their neighbors without regard to where they are,
8 whether they're on the road or in a campground, and I
9 suspect they'll be dealt with.

10 Having said that, I don't know if there are any other
11 comments that you'd like me to respond to with regard to
12 the public type. I can get into some of the comments made
13 by the Board's consultants.

14 CHAIRMAN GREEN: Now that we can have an official
15 meeting, we can go through the comments.

16 MR. CAPPELLO: Sure.

17 MR. MILLER: Yes, I guess for purposes of the record,
18 I guess Rosemary has now noticed that we now have a quorum
19 that has developed over the course of the hearing.

20 Having said that, we have the engineering comments. I
21 think if you look at them, the observations, Larry's
22 observations are that by and large, those things which have
23 been requested have been addressed. if there's anything
24 specific that you'd want me to comment on, I can do that.

25 There was a -- you know, with regard to -- I'm

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 skipping one through four because one through four has been
3 basically resolved. No. 5 deals with the SPDES permit and
4 DOH. We demonstrated and provided the SPDES permit that's
5 in effect.

6 The DOH is the water issue and that, we would ask,
7 presuming it's a conditional approval, that a condition of
8 final would be the DOH approval for the reason of the pump
9 test and that which is required on the water system.

10 With respect to the DEC and the SWPPP, we provided a
11 SWPPP. And with respect to any disturbance on Comment 6
12 with the DEC, we appreciate that we're going to need to get
13 that approval and permit and that something we're prepared
14 to address, as will be required when they come in to do
15 their thing.

16 Seven has been resolved. I'm sorry that I'm doing
17 that because the public has no clue as to what one through
18 four, five, six and seven are. But your engineers have
19 basically told us that we have addressed and resolved their
20 concerns. The summary is Comments 9 and 10, previously
21 satisfied. So that wraps up the engineering.

22 I can tell you that our clients and Jim DeWinter have
23 worked very hard to address the concerns that the Board and
24 the public have rightfully raised.

25 Addressing the planning comments, we are aware that

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2 this is on a town road and not a county or state road. The
3 Zoning Board of Appeals recommended, to the extent that
4 they could, what I may call a waiver, it's up to this board
5 to deal with. They took the position that all waivers came
6 from this board. I will point out to you that the carrying
7 capacity of the road was adequate to carry the campgrounds
8 in the past which included the preexisting campground
9 that's already there, as well as the public. There hasn't
10 been any massive housing project or residential or other
11 development on Mount Vernon Road in recent time that would
12 change the character of the road.

13 The comment is made with regard to the dates of
14 operation. There's a typo from your planner. It says May
15 10th to October 31st. It's actually May 1st to October
16 31st. It's a six-month operation. We can't initially
17 discuss what we'll are call member stays. We're not
18 looking for transients. This is not designed as a
19 transient facility, which is not to say that there aren't
20 going to be occasions when some transients will be there.
21 Every campground pretty much has a few. As this becomes
22 more and more developed as a site and word of the quality
23 of the facility gets out, people will be there and people
24 will remain there seasonally. The facility can basically
25 economically operate as a seasonal facility with seasonal

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2 campers. It needs to know, economically, that they have
3 someone, people paying so much a season, so that they can
4 budget. If you're running a one or two night facility you
5 are at the mercy of a thousand things, from, you know, the
6 temperature, to the rain, to the other situations. It is
7 not a way to operate a campground. These are basically, I
8 hesitate to use the word residential because it implies
9 something else, but it really is. It's a summer vacation
10 home for the folks who are there. They're going to tend to
11 be there in terms of their structures, facilities, RVs,
12 they're going to be there. Whether the people are there,
13 they may not come up a weekend because they have a wedding,
14 they may not be up because it's really nasty and cold, they
15 may be on the Jersey shore that weekend. But their
16 facility will be there and they'll occupy it and nobody
17 else will unless they give a friend the key. So it's not
18 that their RV or mobile is going to be removed. So that
19 addresses two.

20 With regard to the bathrooms and showers, it says:
21 Provide enough -- count the bathrooms and showers on site.
22 Well, I can tell you that we have, I believe four public
23 facilities, four public spots.

24 Mr. DeWINTER: There's two.

25 MR. MILLER: Well, two facilities and we have 158

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2 private facilities, at maximum. I don't believe that any
3 of these units have two bathrooms. That would be a really
4 deluxe camper. May have a whirlpool tub, but I don't think
5 it has two bathrooms. In any event, so that would be our
6 count.

7 With regard to waste receptacles, we discussed with
8 you --

9 MS. BELTRANI: I mean --

10 MR. MILLER: Pardon me?

11 MS. BELTRANI: I'm just saying pretty much three
12 through five we've acknowledged are not issues.

13 MR. MILLER: Okay. Okay. Then we'll do down to six.

14 We talked about lighting and landscaping. Addressing
15 the landscaping, we've shown the treeline on the plan that
16 we presented to you this evening. That wasn't on the prior
17 plans and we indicated that we would identify it; we've
18 done that.

19 With regard to the lighting, as we've discussed, we
20 have no expectation of doing any significant internal
21 lighting. That's contrary to a campground experience. We
22 will be locating lighting. It will be downward facing on
23 the public facilities there. So on the exterior of the
24 bathhouses there'll be public lighting. If there are other
25 public facilities that require, and the Board suggests it,

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2 we'll do that. It's going to be downward facing. No, we
3 haven't calculated the candlepower, but it'll be designed
4 to be a non light polluting situation. This is a
5 campground and the intention is to make it as rural and
6 vacation an experience as is practical.

7 We discussed the grading plans before. We got
8 correspondence from the DEC and the County Health
9 Department. There is no county health department so if
10 we're waiting for their comments, they're not coming.

11 The DEC only has to address the issue of the SPDES and
12 any disturbance, and it's clearly the SPDES we provided to
13 you. In terms of any disturbance, if we have permission to
14 go forward, we'll need their permits to do that to the
15 extent that we're, I'll use the word playing in the
16 wetlands. That's with respect to eight.

17 With respect to nine, that also deals with the DEC and
18 such permits as we may need for them. And clearly,
19 whatever permit this board would give us for operation
20 would be conditioned upon getting the appropriate
21 authorization from the DEC.

22 MR. DeWINTER: It's noted on the plan.

23 MR. MILLER: Pardon me?

24 MR. DeWINTER: It's noted on the plan.

25 MR. MILLER: It's been noted on the plan. But the

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2 point is it's always been a condition and we would
3 understand that. We can't operate without the DEC's
4 approval. They control our permits. They close our
5 permits, we're out of business. So I think that's it.

6 With regard to SEQRA, we're talking about a marginal
7 disturbance, .15 acres, according to the site plan, for the
8 emergency access. It is minimally graded. We're going to
9 be putting in some sort of a -- Jim can speak to what the
10 base is, but I'm going to call it some sort of a hardpan
11 type base that's not impervious to water, but is sufficient
12 to support emergency ingress and egress by emergency
13 vehicles.

14 We had discussed whether or not, it's clear there's
15 going to be a need for a knock down gate or some other
16 gate. I guess that will have to be a decision made at an
17 appropriate time. But we are not intending that to be a
18 public ingress or egress under any circumstances.

19 With regard to Item 12, we've already discussed the
20 fact that the DEC is going to need to give us such permits
21 as will be required for our project.

22 I think that addresses the concerns and I stand ready
23 to try to answer the questions, and Jim does.

24 CHAIRMAN GREEN: Adriana, do you have anything you
25 want to say?

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2 MS. BELTRANI: Yes. So my understanding, we will need
3 some kind of confirmation from the DEC regarding the
4 wetland disturbance permit. There is an existing condition
5 map that shows existing structures within DEC wetland
6 boundary, the 100 foot buffer. The proposal is to remove
7 those structures. According to the definition of
8 disturbance, there's a series of actions that the DEC
9 considers to be disturbances in wetland and wetland
10 adjacent area, modification of the existing structures is
11 one of those things. So it's highly likely that they will
12 need a wetland disturbance permit. We need to know that
13 they will receive that wetland permit prior to approving
14 this site plan under SEQRA. Otherwise, it's not permitted
15 to approve a site plan without the required permits.

16 MR. MILLER: Let me just basically first address that.
17 I think we have a definitional issue.

18 MS. BELTRANI: I think you need to address this with
19 DEC directly.

20 MR. MILLER: I'm going to do that.

21 MR. CAPPELLO: This is what --

22 MS. BELTRANI: This has been an ongoing issue for
23 several months.

24 MR. CAPPELLO: This is where we need to get here and
25 this is what the Board needs to understand. Our procedure

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2 here on SEQRA issues, you know, a condition of approval of
3 getting DOH approval is something we've often granted or a
4 condition on getting the final SPDES or a condition on
5 getting the final wetlands disturbance permit, those are
6 valid conditions to have on approval. But under SEQRA you
7 have to do the analysis. So the question you have to
8 grapple with here is when are you going to be comfortable
9 that your analysis is what is the water coming in for this
10 and will there be enough water, basically. Then the final
11 design of that plan, that's up to the DOH to approve. But
12 there needs to be some kind of indication that the water
13 needs are going to be met.

14 On the sewer, we've been given a letter, you know, to
15 confirm that a SPDES was issued, but this is a unique
16 system. I think we should get some soon kind of indication
17 from the DEC that they are ready to, subject to final
18 details and engineering, to grant an approval. Same thing
19 with the wetlands disturbance. I mean it looks like
20 they're taking stuff out which is probably better. But
21 some kind of indication from the DEC that they understand
22 it. And then once we have that correspondence from the DEC
23 and some kind of initial feedback from the Health
24 Department, I know they don't want to pay the cost of the
25 water, but I think you're far enough now to know you're

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2 going to get an approval. To say we don't want to -- I
3 mean the Board has looked at the waivers. The Board can
4 say, give you an indication to say comfortable enough that
5 if this all comes back, this is going to be entitled to an
6 approval because they've met all the conditions. That's
7 what the Board has to grapple with, how much information
8 you need before you're comfortable moving forward.

9 MS. BELTRANI: So my recommendation is simply that
10 they receive a letter from DEC, as we've discussed in
11 previous meetings, just saying whether or not a wetland
12 disturbance permit will be required and giving their
13 opinion on that. And similarly, for the Northern
14 long-eared bat, they'll probably just give their two cents
15 which is likely just declaring them which can be a map
16 note.

17 MR. MILLER: If I could, I'm going to go back to my
18 beginning, if you would. We have a definitional question
19 first. I appreciate the use of the word "structure". I
20 would suggest that that's a misnomer and it's a
21 mischaracterization. None of these are structures that are
22 in there. These are campers that are intended to be
23 mobile. Some of them have additions on them. A lot of
24 them have additions on them. They are not intended to be
25 structures and are not structures. Those that are located

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2 in the buffer, as well as those that are not located in the
3 buffer are similarly situated and are expected to be
4 removed as part of the process. I know we didn't discuss
5 that in a public hearing, but that's the given of this
6 entire project, which is to say the site's going to be
7 cleaned up.

8 To the extent that these are not structures, I'm not
9 sure, but I don't believe that we need any permits from the
10 DEC to remove those items which are located now in the
11 buffer because the intention is to improve that. To the
12 extent that we need to get you a letter, that's fine.

13 With respect to the sewage disposal system, we
14 demonstrated that we have a SPDES permit. Now, the
15 question is is it adequate. Well, gee whiz, folks, it's a
16 SPDES permit that was issued for a site that had over 200
17 units in it. We're going to have about 160 units in it.
18 So unless something has happened to the diets of the people
19 in the 160 units so as to increase the demand on the septic
20 and sewage disposal system beyond those when there were 200
21 units, my rough guess is that it's adequate. I think that
22 there's nothing else that the DEC is going tell us other
23 than we're going to tell them how many units we have based
24 upon the conditional approval we hope this board gives us
25 and they're going to tell us whether we need to modify our

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2 SPDES based on that, but my guess is we don't because it
3 was certainly adequate for 200 families. And by reducing
4 it by roughly 20 some percent, my math is a little
5 whatever, I think we're okay.

6 In terms of the water test, we know that DOH has to do
7 it. We know all that. If we can get a conditional
8 approval we're prepared to do the water test as part of the
9 final.

10 CHAIRMAN GREEN: You said that they're not structures
11 so ...

12 MR. DeWINTER: They're mobile

13 MR. MILLER: They're mobile.

14 MR. DeWINTER: They're campers, it's a mobile home.

15 CHAIRMAN GREEN: Okay. So it's not something that's
16 going to be dismantled. Just you go in there with a --

17 MR. DeWINTER: Some of these units, people added onto
18 them illegally. They're all going. Every unit in there is
19 going. It's going.

20 MR. MILLER: In some method, they're going to be
21 hauled out.

22 CHAIRMAN GREEN: Okay.

23 MR. DeWINTER: That's why we put Note 8 there, that
24 we'll work within the -- the owner has to get the DEC
25 permit. Either a disturbance permit or any other permit

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2 the DEC requires, they will get it. Obviously, we're not
3 going to apply for it until we ...

4 MR. MILLER: We need to know it's approved.

5 MR. DeWINTER: Even if we remove the units we have to
6 get a permit for it. We can't clean up the violations
7 without a permit. But, you know, they will be doing that.
8 That's why we put the note there. And I changed the note a
9 little bit hoping that it would satisfy because you said
10 that -- it has the wetland disturbance permit, work permit
11 or any other permit as required by the DEC. We've
12 recognized DEC is going to be involved.

13 BOARD MEMBER GOODMAN: I was wondering how big a deal
14 is the definition of "structures" or does that change
15 things?

16 MS. BELTRANI: This is not an interpretation of town
17 code that we're dealing with. It's an interpretation of
18 New York State code, New York State law, which is why I'm
19 recommended it be sent to DEC for their review. They will
20 tell the Applicant whether or not a wetland disturbance
21 permit is required. That will give us a sense of impacts
22 to wetlands and that will help us, too, on SEQRA.

23 CHAIRMAN GREEN: Getting back to John's point also,
24 I'm still a little confused. We still need to find out how
25 much water this is going to be using as well as how much

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2 sewage?

3 MR. CAPPELLO: We need some kind of indication on the
4 water plan. We went through this ad nauseam with Learning
5 Tree where they said, Well, we want it conditioned on
6 water. We said but we need to know, initially, we're
7 looking to know that there's water there so when we do a
8 SEQRA finding we can say, All right the final details need
9 to be worked out, but we're convinced there's water to
10 service. Now, that was a school. That was a full-time
11 use, that was a lot more water use than potentially this.
12 People would come with their campers and probably have
13 bottled water. What I think we just need to know, when we
14 do SEQRA, is that some kind of indication of what the water
15 facilities are, what the demand will be from these units,
16 where the wells will be drilled and what the rate of
17 pumping would be necessary for those wells so then we have
18 a benchmark to say, Okay, as long as it meets this, we're
19 good and then Department of Health will confirm that rather
20 than saying, We're just going to push it to the Department
21 of Health. We just need that information to make the
22 finding.

23 MR. MILLER: The wells are preexisting. We're not
24 anticipating the need to install other wells.

25 With regard to the --

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2 MR. CAPPELLO: When you say they're preexisting, do
3 you have any information on them? Do you know what the
4 depth of them is? Do you know what they produce?

5 MR. MILLER: No, because the manner in which this
6 facility was acquired didn't pass on a lot of information.

7 MR. DeWINTER: Now, when Timberline was open, the
8 reason the DOH basically closed the facility was not
9 because of quantity of water. Some of the pumps had worn,
10 they weren't getting pressure at some point. That's all
11 going to be redone and that's one of the things we have to
12 do, as well. But we're going to do that when we get the
13 operating permit. But --

14 MR. CAPPELLO: Something to that effect. Some type of
15 analysis that you looked at it and just put it in writing
16 so that --

17 MR. DeWINTER: Fine.

18 MR. MILLER: We can give you a projection that are so
19 many units.

20 MR. CAPPELLO: Right.

21 MR. MILLER: So many units, estimated maximum use or
22 added use of so many gallons a day and this is what's
23 projected. And hopefully, the pump test will establish
24 that the wells have that capacity because they provided
25 that capacity for 25 percent more units.

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2 MR. C. PAGGI: So we know how many units that the site
3 used to serve.

4 MR. MILLER: Correct.

5 MR. C. PAGGI: So that's something that we include.
6 That's a benchmark.

7 You said that you have some information on the DOH of
8 what the issues were with the water supply previously.

9 MR. MILLER: Correct.

10 MR. C. PAGGI: So all of that is justification for
11 this is what it used to serve, these were the issues, this
12 is what we're proposing to serve, it's less. Those are all
13 justifications for saying that we have adequate water
14 supply for the system. Those are the type of things that
15 we're looking for. Right now we have nothing except for
16 just you saying that --

17 MR. MILLER: Well, the answer is that, you know, if
18 you'd like a letter from us reflecting that, we can do
19 that. I mean clearly, there were 200 --

20 MR. C. PAGGI: That's what we're requesting.

21 MR. MILLER: -- 200 sites.

22 MR. C. PAGGI: A letter from the engineer indicating
23 this information.

24 MR. MILLER: That's fine.

25 MR. C. PAGGI: The same with the sewer. You indicated

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2 before that the sewer system was functioning, and including
3 the collection system. The fact that it has a renewed
4 permit issued by the DEC does not mean that the system is
5 functioning. It's an administrative renewal of the permit.
6 It doesn't necessarily mean the DEC has gone out to the
7 site and done any inspections. They might have, but that
8 permit renewal does not mean that. That renewal letter
9 just means that they have kept their permit valid by
10 submitting the required application fees, renewal fees of
11 that. It's more of an administrative item than anything.

12 With that said, it really is the DEC and the DOH's
13 jurisdiction to review all of this, but we should be
14 looking to see what has been done to evaluate the system.
15 It's been vacant for a while. You guys have already
16 mentioned that there's were issues with maintenance of the
17 site. These types of systems need to be maintained in
18 order to operate right. I don't know how old the system is.

19 The collection system, is that in disrepair, do we
20 know what condition that is --

21 MR. MILLER: We're not sure.

22 MR. C. PAGGI: Let me just finish, please.

23 So the collection system, the sewer collection system
24 discharging to this lagoon, we don't have any information
25 on whether or not that's been maintained, if there's I and

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2 I going into that and being discharged to that lagoon
3 system.

4 And the same with your water distribution system.
5 This is all stuff that I would assume that the DOH and the
6 DEC is going to want you to document in order to continue
7 using the site. Again, it's really their jurisdiction to
8 do that. But we should know at least what measures you
9 guys have taken to verify that that stuff is still in
10 operating condition.

11 CHAIRMAN GREEN: It's striking. Some of these must be
12 like generally available numbers. I know we have looked at
13 projects in the past and they say, Well, 15 people use X
14 number of toilet flushes, X number. That should be a
15 number that, plus or minus a little bit, should be
16 available. We don't even have that.

17 MR. C. PAGGI: If there was any sort of water meter
18 usage from previously, I think that's the best data that
19 you could give us. I mean if there's not, then we could
20 just use standard design flow information based on the
21 current standards. I mean there's plenty of ways to put
22 together water usage estimates, and we could work together
23 on that. But to date, we just haven't received any.

24 CHAIRMAN GREEN: You have to come up. You have to
25 come up.

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2 Specifically, with the water issue?

3 MS. DINAPOLI: Yes.

4 CHAIRMAN GREEN: Okay.

5 MS. DINAPOLI: Previously, this was a 12 month
6 campsite.

7 CHAIRMAN GREEN: Right.

8 MS. DINAPOLI: It operated from '76 until it was shut
9 down in 2013. There was never a problem with the water in
10 terms of the amount of flow and so on.

11 So I just want to say the other thing, too, is, and as
12 the conversation is going on, people are not there all the
13 time. Some people came up just on weekends, so it's sparse
14 in comparison to the numbers. I just want to add that.

15 CHAIRMAN GREEN: Yes, I know. We understand fully.
16 But the problem here is just we have to know. We
17 understand what was done in the past. We need to know, we
18 assume they're going to be using this much water. We need
19 to know the sewage is going to be adequate to take it and
20 that the wells are going to be adequate to pump it. This
21 may be something, as I said, that is already available.

22 MR. CAPPELLO: The thing I would ask the Board is it
23 looks like we have some clarification regarding the
24 wetlands, clarification regarding water, clarification
25 regarding sewer. I would also just suggest, based on the

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2 comments you made, is take a look at the narrative that you
3 have and maybe include in that the plan, if you haven't,
4 it's been a while since I looked at it, the plan for refuse
5 and how it will be kept clean and maintained. Then
6 whatever, to maybe respond to that concern so we have
7 something that we can put in any approval resolution that
8 says this is based on this narrative so that will hopefully
9 address some of the questions.

10 But other than those issues, does the Board have an
11 issue now where we come with this?

12 The other thing I would suggest, when you're showing
13 the green area, maybe we can also include in the narrative
14 and a note on the plan that says Existing wooded areas will
15 be disturbed except for something so we can ensure that
16 those wooded areas, not that the campground would not want
17 a wooded area, that's the whole purpose of it, but just
18 something that will allow us to then say we've checked off
19 the box on landscaping.

20 CHAIRMAN GREEN: Is this something related to this?

21 MR. SEITEL: Yes.

22 CHAIRMAN GREEN: Your name again.

23 MR. SEITEL: Thank you. Robert Seitel, next door
24 neighbor.

25 It's been mentioned several times as a selling point

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2 that the old Timberline campground had 200 residents and
3 this one would be limited to 160. What happens if we see
4 161, 162? Is it legally enforceable if they decided to add
5 more?

6 MR. CAPPELLO: That's what we're talking about, is
7 their limits. At the end of this process, if it's
8 approved, we're going to have a resolution. It will be on
9 file with the Town. It will have all the conditions of
10 their permit. If it's determined somebody demonstrates
11 that there's 180 there, they would be in violation and they
12 would have to remove it or come back. There's also going
13 to be limits set by the Department of Health on the water
14 permit and on the SPDES on the sewage to make sure.

15 MR. SEITEL: If they limit themselves to 160, would
16 161 pull the trigger for a violation?

17 MR. CAPPELLO: If someone is there counting when it's
18 161 on a day, if it's constantly 161 that could. But to be
19 honest with you, am I going to guarantee that there will
20 never be 161 there?

21 MR. SEITEL: Yeah.

22 MR. CAPPELLO: What I can tell you is that if you go
23 count 161 and you demonstrate to Mary that it's 161, then
24 we can take action.

25 MR. SEITEL: Okay. And would there be, for legal

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2 reasons, to maybe have inspections from time to time to
3 make sure that the limits are kept?

4 MR. CAPPELLO: That's something we would consider.

5 MR. SEITEL: Thank you.

6 CHAIRMAN GREEN: I will tell you we have an excellent
7 code enforcement officer.

8 MR. SEITEL: Somebody present? Okay.

9 Thank you.

10 CHAIRMAN GREEN: Chris.

11 MR. LESER: I am Chris Leser and I'm glad to hear that
12 most of the comments that I was going to make were about
13 the water. Seems like there's going to be an awful demand
14 for water and where do we put all this excess water and
15 sewer eventually.

16 For one thing, all these campers are going to need
17 water. Where was mention that where are they going to get
18 the water from. Is there going to be a pump station that
19 all these campers pull into and hook up? I mean ...

20 CHAIRMAN GREEN: It will be on the plans. They'll
21 have sites where wells are. Whether they are distributed
22 by each camper, that's up to them. But we will see that.

23 MR. LESER: Also, many of these places have what's
24 called a company store. I didn't hear this mentioned. But
25 160 campers, I just can't see 160 of them in and out, in

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2 and out, going to the store. But I'm just throwing this
3 out there, that if they're going -- it wasn't mentioned.
4 If they have a typical company store.

5 MR. DeWINTER: Yes, there's a building that's going to
6 be refurbished.

7 MR. MILLER: We had mentioned that earlier. I think
8 that was a detail tonight. To answer the question, yes,
9 there'll be a small general store for the population of the
10 campsite.

11 CHAIRMAN GREEN: Was there one before?

12 MR. DeWINTER: Yes.

13 MR. MILLER: Let me just deal with the water situation
14 for a second. Water is like sewer. They're going to be
15 centrally provided and accommodated with individual site
16 hook-ups. The water is -- there's a water system which
17 will service the facility. The individual units will each
18 connect to their specific hook-up for water and for sewer.
19 I think that kind of responds to it.

20 The question of how is the sewer disposed of, that is
21 dealt with through the sewer treatment facility and has a
22 SPDES permit. The discharge has been calculated, regulated
23 to accommodate the campground which had 200 plus units
24 there, now 160 units, when approved.

25 CHAIRMAN GREEN: I must tell you, having heard that

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2 comment about that it may have just been paying fees, that
3 nobody has actually tested it in quite a while, I found it
4 a little unsettling.

5 MR. DEWINTER: Well, when a facility like this
6 operates they are required, and if the requirements are in
7 the SPDES, they have certain testing that they have to do.
8 I don't know if it's weekly. It's stated. Once it's up
9 and operating, obviously, it hasn't operated, but once it's
10 operating they must send the DEC, on a monthly basis, the
11 results of these testings to show that they're meeting
12 their discharge limits. That's the way all these
13 facilities work. It doesn't matter whether it's a
14 campground or a municipal system or whatever. It's all the
15 same.

16 MR. CAPPELLO: I think what the Board has is you know
17 the issues. I think the Applicant should give us what they
18 believe will answer those issues and when you feel
19 comfortable, you'll feel comfortable.

20 The point I was trying to make for the Applicant, and
21 I was asking the Board, is absent those issues, do you have
22 a problem with this campsite because part of the issue
23 we've been told is the Applicant does not want to go
24 forward with these testings and then find out it's not
25 approvable. I think we're at the position now where when

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2 it's approved it's going to maybe some type of testing
3 without all of it, but that there should be some comfort
4 level that if these issues are addressed and that testing
5 is done and it comes through, that this is an approvable.
6 We're talking almost like a chicken and an egg, I want a
7 conditional final versus. But it would be better, in doing
8 SEQRA, to have a little more information, at least so
9 there's some comfort in making those determinations.

10 MR. C. PAGGI: And perhaps relative to the water and
11 sewer, even though the review of those items is not really
12 under our purview from the town, those are the State Health
13 Department and the DEC, any changes to those could impact
14 the site, could constitute additional erosion, site
15 disturbance. We have to take into account from an erosion
16 control standpoint.

17 They mentioned about the sewage facility needing to
18 maintain effluent limits. That's all very true, but I
19 would hope that they would at least look at the site to
20 make sure that it's operating properly before they just
21 turn it on and you have campers there and realize that it's
22 not operating, and then you have to do any modifications to
23 the system that could impact the site from a site plan
24 perspective. It's kind of a ripple effect. That's the
25 reason why we ask them to provide this information. At

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2 least demonstrate that they've looked at it, that there's a
3 direction that this is going in.

4 With regard to the water, the distribution system, are
5 you proposing additional? Is there going to be an
6 expansion of the existing distribution system for the water
7 to provide water to the new camper locations?

8 MR. DeWINTER: No. They would all be hooked in --

9 MR. C. PAGGI: In the existing system.

10 MR. DeWINTER: -- in the existing system and provide
11 the proper backflow. That's another reason why they cut
12 down. Some of the people were using garden hoses.

13 MR. C. PAGGI: Yes.

14 MR. DeWINTER: We'll have all the proper. And we have
15 the detail on the plan showing the backflow. It will be
16 tied into the existing system.

17 MR. C. PAGGI: So right now there's no new services --

18 MR. DeWINTER: No.

19 MR. C. PAGGI: -- mains or anything for water or sewer
20 proposing?

21 MR. DeWINTER: No.

22 MR. C. PAGGI: You're just assuming that what's
23 existing is adequate.

24 MR. DeWINTER: We may have to move a couple or
25 something. Obviously, some are going to be capped off and

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2 things like that, but that's all. You know, it's part of
3 the ...

4 MR. C. PAGGI: Are the collection mains, the sewer
5 collection mains, in the roads or do they go underneath the
6 campsite themselves?

7 MR. DeWINTER: Well, one of the things is, you know,
8 it's hard to find them --

9 MR. C. PAGGI: Right.

10 MR. DeWINTER: -- especially some of them. What we
11 were proposing is that as a condition, that we will find
12 the location. We'll get cameras and we'll actually find
13 the locations. But again, one of the things is it's all
14 cost. You know, it's substantial money. And to get
15 financing, that's not going to get financing if they don't
16 have a conditional. They get the financing with
17 conditional approval. That's one of the reason that we'd
18 like to get conditional approval so that they can get
19 financing and be able to go forward with the project.
20 Without financing, you know, especially we're talking
21 probably -- well, just the water alone, just to do the well
22 testing is \$10,000. And to do all the cameraing, that's
23 going to be another five, six thousand dollars.

24 MR. CAPPELLO: I think you know the information. As
25 much as you can get us between now and the next meeting so

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 the Board can then ...

3 CHAIRMAN GREEN: I think, speaking up here, that you
4 know the issues, but if they're addressed, it's approvable
5 with these conditions being discussed.

6 MR. MILLER: We can get some additional information to
7 you we think reasonably quickly. We'd like, perhaps at the
8 next meeting, a condition of approval because that's what
9 we need to line up the financing. And from the financing,
10 we can then move into addressing, without regard to the
11 Board's comments, Mary's concerns which are the clean up of
12 the site which is Step 1 of a long journey. We can't start
13 cleaning it up without having some levels of approval in
14 place. How much can be done will be dependent upon a
15 number of things, one of which will be when approvals come
16 down and how the weather holds up. But clearly, it will be
17 a challenge to be open for next season, but the moment we
18 can get started, it will give us a better shot at it.

19 BOARD MEMBER GOODMAN: Why is it some of the clean up
20 can't be done prior to approval?

21 MR. MILLER: Because it costs a lot of money and we
22 need someone to help finance. We're going in with a
23 project to a financing facility and say, Hey, look, this is
24 what we're going to do, it's going to cost X dollars for
25 this phase, Y dollars for that phase, Z dollars to turn the

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2 lights on. We're presuming that somebody is going to be
3 looking at this favorably and funding it, which not to say
4 that it hasn't only been substantially funded by the
5 owners, but the amount that's required to make this into a,
6 I'll call it a turnkey project is beyond the financial
7 resources of the individuals. So that's why you don't go
8 in there and do that, because we don't have the ability to
9 do that.

10 MR. DeWINTER: And conditional approval, you don't
11 have approval until you meet the conditions which would
12 be --

13 MR. CAPPELLO: Which good luck getting finance on a
14 conditional approval.

15 MR. DeWINTER: Well --

16 MR. CAPPELLO: That's another issue.

17 MR. MILLER: Well, that's up to the --

18 MR. DeWINTER: It's a lot easier than just saying, Oh,
19 yeah, they said it's approvable.

20 MR. CAPPELLO: Well, we need enough information under
21 SEQRA, and that's what hasn't been discussed, to making
22 findings on water and sewer. The more information you can
23 give us and the more analysis in the wetland, the more
24 analysis and input you can give us, the Board will feel
25 more comfortable making that SEQRA determination which then

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2 could result in a conditional final.

3 MR. MILLER: We will do our best to get it to you in a
4 timely manner. I can't assure you that we'll have it for
5 the next meeting.

6 MR. DeWINTER: I know your submission deadline is, I
7 think next Tuesday. Can we have some leeway on that?
8 Because the plans -- well ...

9 BOARD MEMBER STAROBIN: Mary.

10 MS. GRASS: I'm not the Board. I'm not the chairman.

11 MR. DeWINTER: I mean obviously, I'm not looking -- at
12 least a week.

13 CHAIRMAN GREEN: I think we moved this specific
14 project ahead vastly. We've been doing this for quite a
15 while. I have no objection to giving them an extra week.
16 I just don't want to set a precedent for everybody else
17 coming in. It's just that we've been dealing this specific
18 project for a long time.

19 MR. DeWINTER: Because contacting the DEC and stuff
20 like that ...

21 MR. MILLER: Yes, you're asking for numbers.

22 CHAIRMAN GREEN: A lot of this information is already
23 readily available. I know when we were dealing with,
24 again, more of a public project where we had X number of
25 school children, each child is going to use eight gallons

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2 of water. These should be numbers that are available. I
3 have no problem if it takes an extra week or two so they
4 can be on the agenda in this specific instance. But I
5 don't want to set a precedent where everybody comes running
6 in and says, Well, you did it for them, we want to do it.
7 I think that this is a specific situation and it warrants a
8 specific exception.

9 MR. DeWINTER: We appreciate that.

10 MR. MILLER: Thank you very much.

11 MS. GRASS: You need to take into consideration,
12 Lorry, that the professionals are going to have to review
13 this.

14 MR. CAPPELLO: Pick a date.

15 MS. GRASS: Pick a date. So the 17th is when it was
16 supposed to be. A week later is the 24th which is only
17 going to give the professionals one week.

18 MS. BELTRANI: And it usually takes several days for
19 the mailings to get to our office.

20 MR. DeWINTER: Well, I'll e-mail you because it's
21 going to be calculations. I'll e-mail it if the Board
22 would permit it. And I will submit it to the Board.

23 MS. GRASS: Well, we do Dropbox but then we mail the
24 hard copies to them, so it's ...

25 MR. DeWINTER: I mean I'll e-mail.

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2 MR. MILLER: I hate to say paper is overrated. The
3 electrons get there instantly.

4 MS. GRASS: Well, we do. We send it electronically to
5 the Dropbox, but the professionals do like to have the
6 paper copies for review. They get the Dropbox when we get
7 it.

8 MR. DeWINTER: Mostly what I'm hearing is it's more --

9 MR. CAPPELLO: Pick a date.

10 MR. DeWINTER: All right.

11 MR. CAPPELLO: What date do you want to say?

12 CHAIRMAN GREEN: I want the date so that the
13 consultants can have enough time to have it ready for the
14 next meeting. So what is it?

15 MS. GRASS: Twenty-fourth or the first.

16 MS. BELTRANI: It doesn't matter to me. I'll be in
17 the office on the first.

18 MR. CAPPELLO: So have it in their hands by the first.

19 CHAIRMAN GREEN: By the first.

20 MR. DeWINTER: By the first?

21 MR. MILLER: By the first.

22 MR. DeWINTER: That's more than generous.

23 MR. MILLER: That should be fine.

24 MR. DeWINTER: Thank you.

25 MR. MILLER: Thank you very much.

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2 CHAIRMAN GREEN: So wait. I guess technically, are we
3 now supposed to officially open the public hearing because
4 we have a quorum or did we do that?

5 MR. CAPPELLO: I would adjourn it to the next meeting,
6 just in case.

7 CHAIRMAN GREEN: Okay. Just keep the public ...

8 MR. CAPPELLO: You, as the chair, can open the
9 meeting. Now the Board, as a board, can adjourn it to the
10 October meeting.

11 CHAIRMAN GREEN: Okay.

12 MR. DeWINTER: Thank you.

13 CHAIRMAN GREEN: Do we have a motion to adjourn the
14 public hearing until the next meeting?

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

16 CHAIRMAN GREEN: Alex.

17 BOARD MEMBER GLISSON: I will second it.

18 CHAIRMAN GREEN: Rich, second.

19 All in favor?

20 BOARD MEMBER GOODMAN: Aye.

21 BOARD MEMBER STAROBIN: Aye.

22 BOARD MEMBER GLISSON: Aye.

23 CHAIRMAN GREEN: Aye.

24 (The motion was carried and approved.)

25 MR. MILLER: Could I suggest? I'm not sure that

1 - RE: BACK RIVER HOPE CAMPGROUND -

2 "adjourn" is the right word. Would it be recess it to the
3 next meeting? Just so we all understand.

4 MR. CAPPELLO: It's going to be --

5 MR. MILLER: I mean the hearing has been conducted,
6 we're keeping it open.

7 MR. CAPPELLO: Right.

8 MR. MILLER: Just so we're all on the same page.

9 Thank you. Thank you for your consideration.

10 (Time noted: 8:22 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: October 4, 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
September 10, 2019
8:22 P.M.

PLANNING BOARD MEMBERS :

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

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Narrowsburg, New York 12764

Reported by: Rosemary A. Meyer

1 - RE: MARY HELEN MICINOWSKI -

2 CHAIRMAN GREEN: So I guess we can also vote on
3 accepting the minutes?

4 MR. CAPPELLO: Yes.

5 And frankly, Deer Run, I think you could extend Deer
6 Run, I mean if the Board wants.

7 I feel kind of bad we sent solar guys home, but --

8 MS. GRASS: I'm sorry. We're still having a meeting.
9 If you could keep it down, please.

10 MR. CAPPELLO: In context of where it's located, does
11 the Board have any big problem, it being in a floodplain
12 or ...

13 BOARD MEMBER GOODMAN: The definition of a side yard
14 and rear yard, where is the rear yard ...

15 MR. CAPPELLO: Do you have the definition of it?

16 BOARD MEMBER GOODMAN: My point is that where it is,
17 if it went back 20 feet, it doesn't look like there would
18 be any visual change from the road. I saw the Google
19 street view and it doesn't look like the impact would be --
20 it would be negligible by moving it so that it actually fit
21 in the back yard definition.

22 MR. CAPPELLO: The Applicant is not here to say why
23 they put it there. Rear yard is an open space extending
24 the full width of the lot between a principal building and
25 the rear lot line, unoccupied.

1 - RE: MARY HELEN MICINOWSKI -

2 MS. BELTRANI: So between the building itself.

3 MR. CAPPELLO: It says between the principal building
4 and the -- open space between a principal building and the
5 rear lot line.

6 Do we have a whole map?

7 BOARD MEMBER GOODMAN: I don't think the drawing they
8 gave us showed the whole lot.

9 MS. BELTRANI: Well, yes. I mean if we were to have
10 used that checklist, I think that would help because when
11 they're referred to us that checklist is kind of the list
12 of things the Planning Board needs to be looking at.

13 BOARD MEMBER GOODMAN: Right.

14 MS. BELTRANI: So impact to adjacent landowners we
15 can't really ascertain because we don't really know where
16 the lot lines are. We don't really know whether there's
17 existing landscaping except for that aerial image.

18 One thing I think that we do have to insist that
19 people do, if they're putting it in a side or a front yard
20 there needs to be a narrative explaining why. Right? Like
21 why isn't the back yard an option.

22 MR. CAPPELLO: It looks pretty wooded.

23 BOARD MEMBER GOODMAN: Yes, it looks like it's wooded.
24 But it looks like also, from the street view, that there
25 wasn't much of a clearing behind the house, and I'm sure

1 - RE: MARY HELEN MICINOWSKI -

2 trees, and that's why they didn't place it there.

3 MR. C. PAGGI: I know one of the things that we were
4 asking for was a survey.

5 MS. BELTRANI: Yes.

6 MR. C. PAGGI: Yes, an actual survey that's sealed by
7 a licensed surveyor just because what we have been
8 seeing --

9 MR. CAPPELLO: What do you ask of someone building a
10 garage or a pool? Why are we asking so much different if
11 someone's putting up a solar panel? I mean if someone came
12 to you and said, I want to build a garage right there, they
13 probably would need a variance because they're behind the
14 front yard. But other than that, do they need an EAF, do
15 they need to look at species, do they need to look it up?
16 Why are we making someone who's doing something that's
17 positive for the environment versus building and saying I'm
18 clearing out all the trees in my yard because I want to
19 build a garden, or I'm clearing out all the yard because I
20 want to build a tennis court because I like to play tennis
21 and screw you people, I'm building tennis and paddle
22 courts, or I'm putting a putting range there and I'm
23 putting Roundup all over it. None of them have to do
24 anything. But the person who's doing a solar panel has got
25 to get a survey, got to do ...

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2 MS. BELTRANI: But the issue is that it's being
3 referred to the Planning Board.

4 MR. CAPPELLO: So I mean what do we need to see to see
5 if this is impacting it. I think can he move it back or
6 can they do it. But I think we're getting, and I'm beating
7 a dead horse here, overkill on these things with the
8 Planning Board.

9 MR. C. PAGGI: The issue with the survey is just what
10 they give us is based on tax maps. They're always
11 approximate. Sometimes there's real big discrepancies
12 between the tax map and what's actually an actual survey, a
13 deeded survey. So you don't want to have something that's
14 approved that's either within a setback that it's not
15 supposed to be on, like if it was a garage, you'd need that
16 for a garage or anything, or God forbid, on someone else's
17 property or within a right-of-way. There could be
18 utilities that ran through there. That's the reason for
19 the survey. That's pretty standard.

20 MS. BELTRANI: Do you require a survey for something
21 like a garage?

22 MS. GRASS: No.

23 MS. BELTRANI: Okay.

24 MS. GRASS: Unless it comes close.

25 BOARD MEMBER STAROBIN: The question I have is, you

1 - RE: MARY HELEN MICINOWSKI -

2 know, this is a Pandora's box, giving these exceptions to
3 our zoning, because someone could say, Well, I don't want
4 to put it in my back yard because such and such and I have
5 trees so I want to put it in my front yard.

6 MR. CAPPELLO: Well, it's not an exception to the
7 zoning. The zoning says you can put it in the side yard or
8 front yard if it's not -- not the front yard, but if it's
9 not visible. This is in the side yard.

10 BOARD MEMBER STAROBIN: If it's not visible.

11 MS. BELTRANI: I think it may -- it may be the way
12 that the zoning is worded. I believe that the zoning is
13 worded in a way that makes it that it cannot impact the
14 adjacent property. It's a little vague. I don't know if
15 Mary is having trouble, like if there's an interpretation
16 issue that we need to rectify.

17 CHAIRMAN GREEN: I thought that there was something
18 specific to solar panels --

19 MR. CAPPELLO: Yes, yes, this is specific.

20 CHAIRMAN GREEN: -- not to garages and tennis courts
21 or whatever. I looked that it. It specifically said, I
22 thought they had to be in the back of the house, but I may
23 be ...

24 MR. CAPPELLO: No, unless you can demonstrate --

25 MS. BELTRANI: But that's the reason that it's getting

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2 sent to the Planning Board.

3 CHAIRMAN GREEN: Right.

4 MS. BELTRANI: Right. So the reason that the Planning
5 Board is having to make a lot of decisions on ground
6 mounted solar may need to be looked at a little bit. We're
7 getting all of these applications for ground mounted solar.
8 We want to make it easier, or if we don't, I think that
9 conversation needs to be had at this point because we have
10 had plenty of these before us.

11 BOARD MEMBER GOODMAN: But the question that you had,
12 John, about why they have to go through all these other
13 hoops, that's not our purview, right? That is a change in
14 the zoning.

15 MR. CAPPELLO: Well, when it talks about site plan, I
16 mean I think endangered species and all that is, once
17 again, something that you don't do for anything else.
18 Having a short form EAF filed, making sure it's not in -- I
19 mean don't know why you felt it will put it in a wet area,
20 but I ...

21 BOARD MEMBER GOODMAN: We don't know why the code was
22 written that way.

23 MR. CAPPELLO: Well, it was written to encourage
24 people to put it in the back yard.

25 MS. BELTRANI: Yes.

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2 MR. CAPPELLO: I mean you would rather have it in the
3 back yard. But then if someone comes up there and says
4 it's not necessarily an exception, there's a provision for
5 the Planning Board to say if someone's got to clear-cut a
6 thousand square feet of nice trees in the back yard, why
7 not have them put it in the side yard that's clear. That's
8 the type of thing.

9 BOARD MEMBER STAROBIN: But what if it affects the
10 adjacent property owner?

11 MR. CAPPELLO: What would affect the adjacent property
12 owner looking at someone's individual array solar panels
13 versus someone having a patio there where they have
14 barbecues and play loud music or versus someone having a
15 basketball court in their side yard where they play
16 basketball and swear all day or someone having a tennis
17 court? I mean what is the difference between a solar panel
18 array and any other gazillion uses you could do in your
19 side? If you put a garden in there and you spread manure.
20 I mean what's the impact to the neighbors of allowing
21 someone to put a solar array instead of -- we haven't had a
22 neighbor once, in any of these applications, come in and
23 say, I have a problem. It's not a business or it's not a
24 solar farm. It's about solar panels maybe the size, the
25 length of this table. From that wall to there is the whole

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2 thing. It's not that much bigger than a garage, the area
3 that's taken. There's no noise, no sewer. We can ask them
4 to put up a shrub. Let's look at the code provisions.

5 MS. BELTRANI: Okay. I have it here.

6 MR. CAPPELLO: Just the exception on the ...

7 MS. BELTRANI: The exception?

8 MR. CAPPELLO: For the ...

9 MS. BELTRANI: For Planning Board?

10 Small scale solar energy systems must obtain site plan
11 approval from the Planning Board unless the code
12 enforcement officer determines that the solar energy system
13 will not be visible due to year-round vegetation screening
14 or topography from a public or private road or from
15 adjoining properties. If such determination is made, site
16 plan approval is not required and this subsection shall not
17 apply.

18 So the reason that these are getting referred to us is
19 because they are deemed by the building inspector to
20 potentially be visible from a public or private road or
21 from adjoining property.

22 One thought, if the lot line constitutes a property,
23 perhaps specifying a residence might be helpful because a
24 lot of the properties in Mamakating are 50 acres and the
25 houses aren't anywhere nearby.

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2 CHAIRMAN GREEN: I think as Alex said, I think the
3 Town, that's not us.

4 MS. BELTRANI: This is town law, yes, absolutely.

5 CHAIRMAN GREEN: Yes.

6 MS. BELTRANI: But I guess -- so yes, the issue is not
7 necessarily a Planning Board issue exactly.

8 CHAIRMAN GREEN: Right.

9 MS. BELTRANI: I think what we're puzzling over is --
10 I'm not actually sure if we're puzzling over why they're
11 coming to the Planning Board or --

12 BOARD MEMBER GOODMAN: No, we know why.

13 MR. CAPPELLO: The level of what we're --

14 MS. BELTRANI: The reason why is because the town --

15 MR. CAPPELLO: -- requiring, and it's me. I just
16 sense that we're asking a lot of these people for a site
17 plan where we blow off stuff and we have a person who built
18 a driveway up to their thing that went through a wooded
19 hill. Is that better or worse than someone putting a solar
20 array?

21 MS. BELTRANI: I mean there's also a requirement that
22 the solar energy system and related equipment be
23 substantially screened from view separate from Planning
24 Board approval. So even if it visible, screening is
25 required.

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2 BOARD MEMBER GOODMAN: So you put up a fence.

3 MS. BELTRANI: Right, yes. I mean so ...

4 BOARD MEMBER GOODMAN: The fence is okay but the solar
5 array is not.

6 MS. BELTRANI: Right.

7 And additionally, small scale solar systems are only
8 not permitted in front yards. So they actually are
9 permitted in side yards.

10 So I think this is something if the Planning Board
11 doesn't feel that they necessarily need to be reviewing
12 this, if they feel that is putting unnecessary burden on
13 ground mounted solar, to discuss this with the Town Board.

14 BOARD MEMBER STAROBIN: Well, what happens if you have
15 an adjacent lot that you want to put it on?

16 MS. BELTRANI: I think the issue, Mort, is I
17 understand where you're coming from, where you don't want
18 it to impact, negatively impact a neighbor. I hear that as
19 a neighboring residence, not a neighboring parcel. So in
20 the Mountain Greenbelt Zone where you have 25 acre
21 properties and someone may live four acres away from the
22 adjacent lot line, we're bringing someone, like we saw
23 someone other day who came because it was in a side yard
24 adjacent to a residential, a property line, and the
25 adjacent property was theirs, they owned it; right? But we

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2 still asked them for a series of things that may become
3 prohibitive, I think to John's point.

4 BOARD MEMBER STAROBIN: Okay.

5 MR. CAPPELLO: I think Adriana has a checklist. But I
6 think just on that checklist, really, what we should be
7 looking for is exactly that. What's the relationship of
8 this panel in relationship to the neighbor and can it be
9 located into a better place that would not impact the
10 neighbor as much, but ...

11 MS. BELTRANI: I mean I also think that checklist
12 needs to be utilized during the application process.

13 MR. CAPPELLO: Yes, yes.

14 MS. BELTRANI: We shouldn't be getting incomplete
15 applications. If they're being referred to the Planning
16 Board they need a Planning Board application.

17 BOARD MEMBER GOODMAN: In terms of whether it's in a
18 side yard or the back yard, let's say this thing is moved
19 back 20 foot or whatever it would take it now be in the
20 back yard. Like I said, you'd still see it as much. Is
21 there a process now that --

22 MR. CAPPELLO: It's permitted in the side yard.

23 BOARD MEMBER GOODMAN: We were talking about having to
24 have screening. Has that ever been done?

25 MR. CAPPELLO: Well, no. It doesn't need site plan

1 - RE: MARY HELEN MICINOWSKI -

2 approval at all if there's year-round vegetative screening
3 and it's not visible from a private road. So this one
4 before us today that's in the side yard, if it wasn't
5 visible from the road it wouldn't need to come for site
6 plan approval if it will not be visible from a public road
7 or adjoining property. I don't know if you can tell from
8 this picture where the next house is, I mean it looks it
9 will be visible from the road because it's on the side of
10 the driveway. It probably won't be visible from that, the
11 neighboring house adjoining it. The people across the
12 street might see it, but so what.

13 MS. BELTRANI: It looks like they already have an
14 above ground pool, from the aerial.

15 BOARD MEMBER GOODMAN: Yes.

16 MS. BELTRANI: Directly behind their driveway.

17 BOARD MEMBER GOODMAN: I've spent a lot of time on
18 these things. I think we need to ...

19 MS. GRASS: Just give an approval, then.

20 MR. CAPPELLO: Well, they don't have an EAF and they
21 don't technically need it. I feel a little crummy because
22 he's not here to able to defend his position and tell us,
23 and its' not their fault. It's our fault because we told
24 them to go because ...

25 CHAIRMAN GREEN: We're going to send them your

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2 comments though --

3 MS. BELTRANI: Yes.

4 MR. CAPPELLO: Yes.

5 MS. BELTRANI: You still should, yes.

6 CHAIRMAN GREEN: Is there something we can do where if
7 they satisfy your comments that they don't have to come
8 back?

9 MR. CAPPELLO: I would say you could say you grant it
10 subject to them demonstrating to the satisfaction of the
11 planner that there's not a better place to locate it and
12 that it's not located in a wetland or floodplain.

13 MS. BELTRANI: Yes. I mean but that's just how we
14 look at things before the Planning Board.

15 BOARD MEMBER GOODMAN: Do we ask for screening?

16 MS. BELTRANI: That's up to you.

17 MR. CAPPELLO: I mean it doesn't look like screening
18 is -- I'm looking at the aerial.

19 MR. C. PAGGI: It's hard to tell.

20 MR. CAPPELLO: Yes. I mean it looks like certainly
21 that neighboring house on the same side of the road won't
22 see it and the other side of the road doesn't look like
23 there's anybody. It looks like there's a wide distance
24 between the houses. The only one that potentially could
25 see it is the house across the street.

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2 BOARD MEMBER GOODMAN: I have it if you want to see.

3 MS. BELTRANI: Oh, there's the aerial.

4 I mean it's such a discretionary request. Is it
5 visible, does it impact, does the visibility actually
6 impact. I mean there's a lot of ways you can figure it out
7 and they're not cheap.

8 MR. CAPPELLO: Yes.

9 And it's on the other side of the driveway. There's
10 code.

11 MS. BELTRANI: Right, exactly. That's the problem,
12 that there's written code that the Planning Board has to
13 follow. So your charge to determine whether or not it's
14 visible from a public road. You may have to request
15 screening.

16 MR. CAPPELLO: I mean it looks like -- I mean it's
17 wooded. It looks like it's going in possibly the best
18 place it could go.

19 MS. BELTRANI: Yes. I mean it looks like they're
20 going to have clear something anyway; right? It's adjacent
21 to the driveway.

22 And, like, this is more. It's titled this way so
23 they're not even going to have to do clearing.

24 MR. CAPPELLO: It's probably why they put it that way,
25 is to make sure they don't have to --

1 - RE: MARY HELEN MICINOWSKI -

2 MS. BELTRANI: Right.

3 MR. CAPPELLO: -- clear anything and they can maximize
4 the trees.

5 CHAIRMAN GREEN: Anybody else?

6 BOARD MEMBER STAROBIN: Do we have a scale?

7 MS. BELTRANI: No, there's no scale.

8 BOARD MEMBER GOODMAN: If we require screening
9 then ...

10 CHAIRMAN GREEN: All right. So what are we doing?

11 MR. CAPPELLO: It's up to the Board. You can either
12 grant a conditional subject to final review and sign off by
13 the planner that it's located the best way or you can have
14 them reply to those comments and come back at the next
15 meeting.

16 CHAIRMAN GREEN: Mort?

17 BOARD MEMBER STAROBIN: Yes.

18 CHAIRMAN GREEN: I like just subject to the planner's
19 approval.

20 MS. BELTRANI: Okay. When's the next meeting?

21 MS. GRASS: October 8th.

22 MR. CAPPELLO: Well, it would be subject to you.

23 MS. BELTRANI: Oh, okay. Yes, that's good.

24 CHAIRMAN GREEN: We need a motion to grant conditional
25 approval for this project subject to the approval of the

1 - RE: MARY HELEN MICINOWSKI -

2 planner.

3 MS. BELTRANI: Based on the memo.

4 BOARD MEMBER STAROBIN: Motion.

5 CHAIRMAN GREEN: Mort.

6 BOARD MEMBER GLISSON: Second.

7 CHAIRMAN GREEN: Rich.

8 All in favor?

9 BOARD MEMBER STAROBIN: Aye.

10 BOARD MEMBER GLISSON: Aye.

11 CHAIRMAN GREEN: Aye.

12 BOARD MEMBER GOODMAN: I didn't vote yet.

13 CHAIRMAN GREEN: What is your objection, the
14 screening?

15 BOARD MEMBER GOODMAN: Well, yes. We don't have any
16 input if that's what the code calls for.

17 MR. CAPPELLO: Well, it just says site plan approval.
18 It doesn't say you have. It's if it's appropriately
19 screened and not visible from the road it doesn't have to
20 come to you, period. If it's not, it comes to you for site
21 plan. If it's in the front yard they've got to demonstrate
22 that they can't put it anywhere else. But otherwise, it's
23 site plan. Appropriate location is part of the site plan.
24 You could require screening, but it doesn't say you have to
25 have screening. But if you want to see screening, I'm not

1 - RE: MARY HELEN MICINOWSKI -

2 going to tell you don't screen.

3 BOARD MEMBER GOODMAN: No. I'm just questioning.

4 Aye.

5 (The motion was carried and approved.)

6 (Time noted: 8:43 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

Date Transcribed: October 5, 2019

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
PLANNING BOARD

----- X
Deer Run Real Estate
Request for Extension
Tax Map Section 12; Block 1; Lot 2
Burlingham Residential Zone
----- X

Town Hall
Town of Mamakating
September 10, 2019
8:43 P.M.

PLANNING BOARD MEMBERS :

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

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

Reported by: Rosemary A. Meyer

1 - RE: DEER RUN REAL ESTATE -

2 CHAIRMAN GREEN: Also, while we have everyone's
3 attention, do I have a motion to accept the minutes?

4 BOARD MEMBER GLISSON: Yes.

5 MS. GRASS: Did you vote on Deer Run?

6 CHAIRMAN GREEN: No.

7 MS. GRASS No. What about Deer Run? Are you going to
8 extend their approval?

9 CHAIRMAN GREEN: Yes.

10 MS. GRASS: For how long?

11 BOARD MEMBER STAROBIN: Were we doing it a year?

12 CHAIRMAN GREEN: Yes.

13 MR. CAPPELLO: I think we just put a note in it on
14 this one. I haven't looked, but when the year is up, I
15 don't know if the zoning is the same in this area, if the
16 zoning code revisions that the Board is going through is
17 going to impact it. I mean I feel terrible for this guy.
18 It doesn't sound like this is going to happen. But maybe
19 we should revisit in a year to see what the situation is.

20 BOARD MEMBER STAROBIN: Do we have applications in
21 perpetuity, then?

22 MR. CAPPELLO: No. You have to extend. If you don't
23 extend them, they expire. That's the only reason he came,
24 to extend.

25 BOARD MEMBER STAROBIN: Is there any reason not to

1 - RE: DEER RUN REAL ESTATE -

2 extend?

3 MR. CAPPELLO: Not that I know of. I've never seen
4 the actual project, I've just seen the extensions over the
5 last couple years.

6 CHAIRMAN GREEN: I think we've extended this one when
7 guy wasn't here.

8 MR. CAPPELLO: If you want to see him you could extend
9 it for a month. Just so it doesn't expire and then have
10 him come in October.

11 BOARD MEMBER GOODMAN: Well, he explains it pretty
12 well. We should be familiar enough with it.

13 CHAIRMAN GREEN: Right. I mean he told us the same
14 thing last time.

15 BOARD MEMBER GOODMAN: Except now he's going to sell
16 it. He says it looks like it's not going to happen, he's
17 not going to get the funding so he needs to keep the
18 approval so he can try to sell it.

19 MR. CAPPELLO: Well, if whoever he sells it to changes
20 it, they have to come before the Board. They have to
21 either build it exactly how it's approved. Potentially,
22 even for the purpose. I know it's a culinary camp.

23 CHAIRMAN GREEN: It would be good to see him.

24 MR. CAPPELLO: Why don't I suggest, why don't you
25 grant it three months and ask him in that three months to

1 - RE: DEER RUN REAL ESTATE -

2 come in and present to the Board.

3 CHAIRMAN GREEN: Okay.

4 MR. CAPPELLO: If he's not available next month ...

5 CHAIRMAN GREEN: So we'll extend it to December
6 meeting.

7 So we have a motion to extend this the December
8 meeting.

9 BOARD MEMBER GOODMAN: I'll make a motion to extend
10 it.

11 BOARD MEMBER STAROBIN: Second.

12 CHAIRMAN GREEN: Mort.

13 All in favor?

14 BOARD MEMBER GOODMAN: Aye.

15 BOARD MEMBER STAROBIN: Aye.

16 BOARD MEMBER GLISSON: Aye.

17 CHAIRMAN GREEN: Aye.

18 (The motion was carried and approved.)

19 MR. CAPPELLO: Mary, maybe if you can contact them and
20 ask them in that time frame if they can come in.

21 MS. GRASS: Sure.

22 CHAIRMAN GREEN: And also, let them know that we
23 changed the meetings to the second Tuesday.

24 Do we have a motion to accept the minutes?

25 BOARD MEMBER STAROBIN: Motion.

1 - RE: DEER RUN REAL ESTATE -

2 CHAIRMAN GREEN: Mort.

3 BOARD MEMBER GLISSON: Second.

4 CHAIRMAN GREEN: Rich.

5 All in favor?

6 BOARD MEMBER GOODMAN: Aye.

7 BOARD MEMBER STAROBIN: Aye.

8 BOARD MEMBER GLISSON: Aye.

9 CHAIRMAN GREEN: Aye.

10 (The motion was carried and approved.)

11 CHAIRMAN GREEN: Motion to close the meeting?

12 BOARD MEMBER GOODMAN: Motion.

13 BOARD MEMBER STAROBIN: Second.

14 CHAIRMAN GREEN: All in favor?

15 BOARD MEMBER GOODMAN: Aye.

16 BOARD MEMBER STAROBIN: Aye.

17 BOARD MEMBER GLISSON: Aye.

18 CHAIRMAN GREEN: Aye.

19 (The motion was carried and approved.)

20 (Time noted: 8:47 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 Deer Run Real Estate, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

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



ROSEMARY A. MEYER

Date Transcribed: October 5, 2019

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