

In The Matter Of:
Town of Mamakating
Zoning Board of Appeals

Amy J. Thomas
Vol. 2
April 28, 2016

Jeric Corporation
Court Reporting Services
P.O. Box 385
Narrowsburg, NY 12764
(845) 252-3515

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
ZONING BOARD OF APPEALS

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In the Matter of:

AMY J. THOMAS
Continuation of Public Hearing
Tax Map Section 12; Block 1; Lot 20
Neighborhood Residential Zone

DAY 2
Pages 19 - 25

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Town Hall
Town of Mamakating
April 28, 2016
8:07 P.M.

ZONING BOARD MEMBERS:

MATTHEW MORDAS, Chairman

CATHERINE DAWKINS, Board Member

GEORGIA RAMPE, Board Member

BEVERLY MARTIN, Board Member

KENT FINDLEY, Board Member

LINDA FRANCK, Secretary

STEVEN MOGEL, ESQ.

MARY GRASS, Building Inspector/Code Enforcement

Also Present: ADAM SCHULTZ, ESQ., for Applicant

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Reported by: Rosemary A. Meyer

1 - AMY J. THOMAS -

2 CHAIRMAN MORDAS: The lectern is hot. Next applicant.

3 MR. SCHULTZ: I'll just stay here.

4 CHAIRMAN MORDAS: Amy Thomas.

5 MR. SCHULTZ: Adam Schultz for Amy Thomas.

6 Let me give an update for the Board.

7 The site plan discussion with the Planning Board
8 continues. The Planning Board requested that we provide
9 them what they are calling an as-built survey to determine
10 the status and compliance with the plans that have been
11 approved. That's been provided to them. We are hoping to
12 appear at their next meeting to discuss it with them. My
13 understanding from my colleague is that Mr. Cappello
14 suggested that this doesn't require the ZBA's input at this
15 point, that it's more appropriate, since we're in front of
16 the Planning Board, to just continue that process.

17 Is that accurate, Mr. Mogel?

18 MR. MOGEL: I'm not certain. I mean obviously, you
19 made an appeal of the stop work order so that is something
20 that would appropriate to be before the ZBA.

21 MR. SCHULTZ: We'd be more than happy to simply
22 adjourn that appeal to allow the Planning Board process to
23 be completed. And assuming we're able to get through that
24 and get everything to everybody's satisfaction, we'll
25 simply withdraw the appeal at that point.

1 - AMY J. THOMAS -

2 MR. MOGEL: Well, I just want to, again, address the
3 Board in this sense. When a developer puts an appeal
4 before the ZBA on a stop work order, by law, the stop work
5 order is stayed. So what that means is work can continue
6 unabated. That is unless a building inspector comes
7 forward and makes an application saying this is an
8 immediate threat to life, health and safety. The building
9 inspector has not chosen to do that. So right now, each
10 time the matter is adjourned the work can continue
11 unabated.

12 What I will say, I have been advised, is that there's
13 no replenishment of the escrow account by this applicant
14 before the Planning Board; that there is an expired site
15 plan approval; that there is no new application or a
16 complete map in front of the Planning Board.

17 MR. SCHULTZ: That must be old information.

18 Well, there's been an application in front of the
19 Planning Board since last fall. Miss Franck can address
20 this. The map came in. The survey map came in earlier
21 this week or last week.

22 MR. MOGEL: This is a message from John Cappello
23 yesterday.

24 MR. SCHULTZ: Well, he was copied on the letter
25 providing the map, and the correspondence to the Planning

1 - AMY J. THOMAS -

2 Board.

3 MR. MOGEL: He indicates, he said: Based on a quick
4 review of the as-built, it's clear that work is occurring
5 outside the area that was depicted on the site plan
6 approval had expired.

7 MR. SCHULTZ: Right. But that's the map. On the one
8 hand he's saying he didn't get a map; on the other hand,
9 he's referring to it. So that's the map.

10 MR. MOGEL: I mean the Board can deal with that issue
11 if it chooses.

12 MR. SCHULTZ: And there is no work at the site because
13 we're discussing this issue with the Planning Board. So
14 nothing has occurred since the fall, I believe it is.

15 CHAIRMAN MORDAS: It was October; right?

16 MR. MOGEL: So --

17 BOARD MEMBER DAWKINS: And was the escrow refreshed:

18 CHAIRMAN MORDAS: October.

19 MR. MOGEL: So then there would no detriment. There
20 would be no prejudice to your client if the stop work order
21 just continued.

22 MR. SCHULTZ: That's correct, which is why I suggested
23 that we just simply adjourn until we move forward with the
24 Planning Board.

25 My understanding is the escrow will be replenished. I

1 - AMY J. THOMAS -

2 believe some money came in today.

3 CHAIRMAN MORDAS: You're before this appeal?

4 MR. MOGEL: No. He's asking that it be adjourned,
5 that the matter be adjourned, for, I supposed for the next
6 meeting, to see, and then the Board can make its
7 determination at that point. That is one option. Another
8 option would be that since there's no prejudice to the
9 Applicant, that the Board simply uphold the stop work
10 order.

11 BOARD MEMBER DAWKINS: Right. And then if you want to
12 appeal it, you can appeal.

13 MR. SCHULTZ: Well, except that it creates -- if you
14 uphold the stop work order and it remains in place and we
15 subsequently obtain approval from the Planning Board to go
16 forward, it's going to put us in a funny position.

17 BOARD MEMBER DAWKINS: We've just upheld it. If Mary
18 Grass withdraws it, if you meet the requirements then it's
19 withdrawn. The fact that we've upheld it makes no
20 difference.

21 BOARD MEMBER FINDLEY: Is that correct?

22 BOARD MEMBER DAWKINS: He doesn't have to come back to
23 us to get us to withdraw it. If he meets Mary Grass'
24 requirement, he doesn't have to come back to us. We just
25 upheld what she did.

1 - AMY J. THOMAS -

2 MR. MOGEL: Correct.

3 MS. GRASS: Once they correct the violation, the stop
4 work order would be withdrawn.

5 BOARD MEMBER DAWKINS: Right.

6 MR. MOGEL: Correct.

7 CHAIRMAN MORDAS: All right. So ...

8 BOARD MEMBER FINDLEY: Make a motion.

9 CHAIRMAN MORDAS: Motion to leave the stop work order
10 issued by --

11 BOARD MEMBER DAWKINS: To uphold it.

12 MR. MOGEL: To uphold the decision of Mary Grass and
13 issue the stop work.

14 BOARD MEMBER DAWKINS: Second.

15 CHAIRMAN MORDAS: All in favor?

16 BOARD MEMBER MARTIN: Aye.

17 BOARD MEMBER RAMPE: Aye.

18 BOARD MEMBER DAWKINS: Aye.

19 BOARD MEMBER FINDLEY: Aye.

20 (The motion was agreed and carried.)

21 CHAIRMAN MORDAS: Okay. Thank you.

22 MR. SCHULTZ: Thank you very much.

23 (Time noted: 8:13 p.m.)

24 * * * * *

25

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 herein, 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.

A handwritten signature in black ink, reading "Rosemary A. Meyer". The signature is written in a cursive, flowing style.

ROSEMARY A. MEYER

Date Transcribed: August 18, 2016

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