

**TOWN OF MAMAKATING
ZONING BOARD OF APPEALS MEETING
OCTOBER 27, 2017**

Roll Call: Matthew Mordas-Chairman; Georgia Rampe-Present; Cathy Dawkins-Present; Kent Findley-Present; Beverly Martin-Absent; Zoning Board Attorney: Steven Mogel

Meeting called to order at 7:00 p.m.

Chairman Mordas briefed the Board members on when they grant variances and a final map is present he feels and after speaking with the Building Department that the applicant should produce at the meeting two maps for review; that way the Board can make sure that the map they see and approve is the same one that is submitted to the Building Department since the Chairman will sign that map. The Board was in agreement with this.

Application of Joel Weberman-Tax Map Section 46; Block 2; Lot 79

Chairman Mordas asked Mr. Weberman to tell the Board what he had decided what he would like to do since he was last before the Board in May. At that time Mr. Weberman had asked if he could come back after he had time to see what he was able to do with the property.

Mr. Weberman stated he would like to see if the property could be changed so he could have five families in there but he was told that is not possible; so he will do as he is supposed to do and only have the two families as that is what is allowed. He asked if anyone knew of any place where the tenants that have to leave, where they could go to live and pay about \$700 a month.

The Board responded that they would have to do that research on their own.

Counselor Mogel stated the law states the Zoning Board can't give a recommendation on anything in that regard or anything to do with individual status. The Board can address area and use variances only and they are not allowed to give opinions on any particular issues.

Chairman Mordas stated Mr. Weberman's property is in the Village Center Zone and this zoning doesn't even allow two family dwellings anymore unless you have a municipal water and sewage system.

Mr. Weberman asked if he could take water from the Village of Bloomingburg. The Chairman responded he didn't know.

C. Dawkins asked him if he had his own well and septic. Mr. Weberman responded "yes."

Chairman Mordas stated in his discussions with the Building Inspector she believes that your house qualifies as a legal two family because it was done previous to the zoning changes but she also stated there is open violations on the building.

Mr. Weberman asked what the violations were besides having too many families living there.

The Chairman responded that he really needs to speak with the Building Department about that. (There are too many separate living quarters in the house.)

The Board asked where the tenants were presently living. Mr. Weberman stated the one in the shed in the back is supposed to be out by November 15th and there is someone in the basement; someone on the main floor and someone on the top floor. The only means of entering the apartments in the main building are from the outside, there is no staircase inside the house. Mr. Weberman stated that right now there is three people living there.

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Chairman Mordas stated if he wants to clean up his violations and make this a legal two family residence he will have to contact the Building Department and work this out with the Building Inspector, Mary Grass. He will however, more than likely need a professional contractor to help achieve this.

Counselor Mogel stated he did receive a notice of violation for construction without permits which you state was done previous to your purchase so he is not sure what exactly is in front of the Board and for right now, from what you are explaining and are willing to make the property compliant, you have technical questions as to how that could be accomplished that is really something you have to speak to the Building Dept. about and in terms of the actual violation, what you are doing is appealing the violation perhaps from a procedural standpoint he would like to hear what the Building Inspector, Mary Grass', position is on that. If she is of the opinion as well, if the construction was done long before Mr. Weberman purchased the property, maybe she would be willing to not pursue the violation any further in the Justice Court. As to where we stand right now, he thinks it's pretty clear from our original conversation and our conversation of today; you are not going to try and pursue a use variance. Counselor Mogel stated in terms of the violations what he would recommend is that the Board put the matter off again and see what Mr. Weberman comes back with. He should report to them on his progress.

Chairman Mordas stated it was his understanding that the Building Inspector's major concern was the cottage in the rear of the property and the use of the building as a four family rental and using it as a five family rental which included the cottage when it should only be a legal two family.

Mr. Weberman stated he was having trouble with his tenants and getting them to leave. He stated he wants to make this a legal two family residence. Mr. Weberman was in favor of this and asked if he could come back in February. The Board was in agreement.

Motion made by M. Mordas to close the meeting; second by G. Rampe. All in favor.

Respectfully submitted,

Linda Franck, Zoning Board Secretary