

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

February 23, 2017
February 23, 2017

Jeric Corporation
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Narrowsburg, NY 12764
(845) 252-3515

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TOWN OF MAMAKATING
ZONING BOARD OF APPEALS MINUTES
February 23, 2017
TOWN HALL
MAMAKATING, NEW YORK

ZONING BOARD MEMBERS :

MATTHEW MORDAS, Chairman
BEVERLY MARTIN, Board Member
GEORGIA RAMPE, Board Member
CATHERINE DAWKINS, Board Member
KENT FINDLEY, Board Member
GRAHAM VEST, Alternate Board Member
STEVEN MOGEL, ESQ., Attorney

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Reported by: Rosemary A. Meyer

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
ZONING BOARD OF APPEALS

----- X

Congregation Chasidei Belz Beth Maika
(Paradise II Resorts, Inc. - Owner)
Tax Map Section 63; Block 1; Lot 43.9
Mountain Greenbelt Zone

----- X

Town Hall
Town of Mamakating
February 23, 2017
7:14 P.M.

ZONING BOARD MEMBERS :

- MATTHEW MORDAS, Chairman
- BEVERLY MARTIN, Board Member
- CATHERINE DAWKINS, Board Member
- GEORGIA RAMPE, Board Member
- KENT FINDLEY, Board Member
- GRAHAM VEST, Alternate Board Member
- STEVEN MOGEL, ESQ., Attorney

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

Reported By: Rosemary A. Meyer

1 - RE: CONGREGATION CHASIDEI BELZ BETH MAIKA -

2 CHAIRMAN MORDAS: Good evening, ladies and gentlemen.
3 Welcome to the Mamakating Zoning Board of Appeals meeting
4 for February 23rd.

5 Generally, I do a roll call to start off the meeting.

6 My name is Matthew Mordas. I'm your chairman.

7 Catherine Dawkins.

8 BOARD MEMBER DAWKINS: Yes.

9 CHAIRMAN MORDAS: Kent Findley.

10 BOARD MEMBER FINDLEY: Present.

11 CHAIRMAN MORDAS: Georgia Rampe.

12 BOARD MEMBER RAMPE: Here.

13 CHAIRMAN MORDAS: Beverly Martin.

14 BOARD MEMBER MARTIN: Here.

15 CHAIRMAN MORDAS: And I'd like to introduce our new
16 alternate, Graham Vest.

17 On a not as happy note, we've recently parted ways
18 with our secretary, Linda Franck. Speaking for the Board,
19 I'd like to thank her for her many years of dedicated
20 service to our community. And on a personal note, I'd like
21 to thank her for the counsel and wisdom she imparted upon
22 me during some pretty tough applications here. I'd like to
23 say that and wish her the best in everything.

24 Unfortunately, we have an applicant here that we
25 uncovered a problem. The mailers were missent to the wrong

1 - RE: CONGREGATION CHASIDEI BELZ BETH MAIKA -
2 addresses due to a clerical error. The applicant is
3 Congregation Chasidei Belz Beth Maika, Paradise II Resorts.
4 It's with deep apologies that I need to postpone or cancel
5 this public hearing and start over again as quickly as
6 possible. I talked to our fellow board members. We're
7 amenable to, as quickly as possible, having another
8 meeting. Anybody that came here specifically to comment on
9 this project, I am asking them to withhold comment 'til we
10 reschedule the meeting. There will be a new notification
11 in our town newspaper. I believe it's the Herald Record.

12 And also, there should be a notification on our
13 official town web page. I expect this meeting to happen
14 within the next two weeks. So I apologize to everybody for
15 this, but stuff happens.

16 BOARD MEMBER DAWKINS: Matt, can we say we hope for it
17 to happen within three weeks. We're aiming for two, but
18 within three. Is that safer?

19 CHAIRMAN MORDAS: Fair enough. Fair enough.

20 BOARD MEMBER DAWKINS: And can I just go on the record
21 that while I would have expected the Town employees to pick
22 up the typographical error, it was created in the
23 applicant's application. So just for the record.

24 CHAIRMAN MORDAS: Thank you very much, Cathy.

25 (Time noted: 7:17 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 Congregation Chasidei Belz Beth Maika 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: April 2, 2017

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
ZONING BOARD OF APPEALS

----- X

Aldo Parisi
Whitman Road
Tax Map Section 58; Block 1, Lot 77
Neighborhood Residential Zone

----- X

Town Hall
Town of Mamakating
February 23, 2017
7:00 P.M.

ZONING BOARD MEMBERS :

- MATTHEW MORDAS, Chairman
- BEVERLY MARTIN, Board Member
- CATHERINE DAWKINS, Board Member
- GEORGIA RAMPE, Board Member
- KENT FINDLEY, Board Member
- GRAHAM VEST, Alternate Board Member
- STEVEN MOGEL, ESQ., Attorney

Also Present: William Norton, L.S.

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

Reported By: Rosemary A. Meyer

1 - RE: A. PARISI -

2 CHAIRMAN MORDAS: Okay. With that being said, first
3 on the agenda, I'm going to go with the Parisi application.
4 They're not on the agenda. I didn't receive paperwork on
5 it. I hope some of you have it.

6 Cathy, I'm going to lean on you on this application
7 since I don't have much background on it.

8 Okay. Is Mr. Parisi present? It's time for your
9 story, sir.

10 MR. NORTON: Come on up.

11 My name is Bill Norton from Mercurio, Norton, Tarolli
12 and Marshall, here to represent Mr. Parisi on his property
13 at Yankee Lake.

14 In front of you I have a little site plan here that
15 shows some of the properties that Mr. Parisi owns along the
16 shoreline of the lake, almost directly across from Pine
17 Kill Road, in that area of Yankee Lake. On one of the
18 larger parcels he's had a small cottage. I believe it was
19 a little less than 400 square feet. It has a beautiful
20 stone fireplace on it and it's serviced by an outhouse.
21 Mr. Parisi would like to add a small addition to it, 14 by
22 16, to the back of the cottage. We're here because the
23 existing building and, obviously the addition, are too
24 close to the side yard lines. We would be applying for an
25 area variance. The closest the new addition would be to

1 - RE: A. PARISI -

2 the line is 5.7 feet and the zoning requires 30 feet.

3 Along with building the addition, Mr. Parisi has owned
4 several other dwellings on other properties. If you're
5 familiar with him, he's done a very nice job renovating
6 them and making the neighborhood look a lot nicer than it
7 did before.

8 Along with the addition we're going to eliminate the
9 outhouse. We have designed and engineered a new septic
10 system which will be a nice addition to this cottage, as
11 well.

12 BOARD MEMBER DAWKINS: So this is the septic here?

13 MR. NORTON: This is the proposed septic. Right now
14 there's just an outhouse.

15 BOARD MEMBER FINDLEY: Why are there two different
16 lines?

17 MR. NORTON: The dashed lines are reserve lines. So
18 we would be putting in at three lines and it's a 50
19 percent --

20 BOARD MEMBER DAWKINS: And whose lands are these? And
21 he has an existing well.

22 MR. NORTON: When we design a septic system, that's
23 really not part of the application, but we have to show a
24 hundred foot radius from an existing well so we show all
25 the existing wells. There's one here, there's one here and

1 - RE: A. PARISI -

2 there's one here on Mr. Parisi's property.

3 BOARD MEMBER DAWKINS: And where his septic?

4 MR. NORTON: I'm not sure. Most of those houses are
5 old so unless there's something on file ...

6 She just asked me where the neighbor's septic was. I
7 don't know.

8 MR. PARISI: Too close to my property.

9 BOARD MEMBER RAMPE: What's the existing setback now?
10 I know you said --

11 MR. NORTON: 5.7 will be this exact same distance.

12 BOARD MEMBER RAMPE: Okay.

13 MR. NORTON: They may not need a variance for the
14 existing cottage.

15 BOARD MEMBER RAMPE: Right.

16 BOARD MEMBER DAWKINS: And when was the existing
17 cottage built?

18 MR. PARISI: Probably mid-thirties.

19 BOARD MEMBER DAWKINS: I notice it's not listed on the
20 county records. Is there some reason for that?

21 MR. PARISI: Pardon me?

22 BOARD MEMBER DAWKINS: The cottage is not listed on
23 the county records. Is there a reason for that?

24 MR. NORTON: You mean in the tax records?

25 BOARD MEMBER DAWKINS: Yes. It's in town.

1 - RE: A. PARISI -

2 MR. PARISI: It's actually listed, the last time I
3 looked when I was up in Monticello, it actually has an
4 address, I believe eight.

5 BOARD MEMBER DAWKINS: It has what?

6 MR. PARISI: It has an address of 8 or 10 New Whitman
7 Road. It just hasn't been used, you know, for years. I've
8 been actually working --

9 BOARD MEMBER DAWKINS: So it's not listed as 4, it's
10 listed on a different road number than the property that
11 it's on? Is it listed as part of one of these other
12 properties?

13 MR. PARISI: No. It's listed on that parcel, but it
14 actually has an address and I just don't remember. It
15 hasn't been used for quite a while.

16 I know that about two or three years before I bought
17 the property people lived there for years in this cottage.
18 That, I know for a fact.

19 BOARD MEMBER DAWKINS: And you're proposing the
20 addition not on the lake side but on the --

21 MR. PARISI: On the back.

22 BOARD MEMBER FINDLEY: Does this cottage have a
23 foundation?

24 MR. PARISI: The addition has a foundation. The other
25 does not.

1 - RE: A. PARISI -

2 BOARD MEMBER DAWKINS: So the existing is on raised
3 stone pillars? Is that the ...

4 MR. PARISI: Yeah. Actually, one of the reasons why a
5 foundation wasn't put in there is because there's just
6 giant boulders underneath the property. You can't really
7 -- I mean I would have to literally move the building and
8 we'd have dynamite. You know, I mean we don't want to have
9 to dig. But I did take out a couple of very, very large
10 stones on the back part and did put a real foundation in.
11 It's like five feet. You know, it's up to code, the
12 addition foundation.

13 BOARD MEMBER FINDLEY: Oh. So the addition's done.

14 BOARD MEMBER DAWKINS: So is the addition done?

15 MR. PARISI: No.

16 BOARD MEMBER DAWKINS: Has it been started?

17 MR. PARISI: Yes, it has.

18 CHAIRMAN MORDAS: How many square feet for the
19 original structure?

20 MR. NORTON: Three ninety-two.

21 CHAIRMAN MORDAS: Three ninety-two?

22 MR. NORTON: Yes. The addition will be another, say,
23 two twenty-four, the addition, so it will bring it up to
24 six sixteen, total.

25 CHAIRMAN MORDAS: All right. And you are looking to

1 - RE: A. PARISI -

2 upgrade the septic system with the --

3 MR. NORTON: Yes. We've designed the new septic
4 system. With the addition, the septic system will be
5 installed.

6 BOARD MEMBER RAMPE: And this is the only building on
7 this property?

8 MR. NORTON: Yes.

9 BOARD MEMBER DAWKINS: So he's got --

10 BOARD MEMBER FINDLEY: On that lot.

11 BOARD MEMBER DAWKINS: -- one, two, three, four, five
12 lots, but --

13 BOARD MEMBER FINDLEY: Only one --

14 BOARD MEMBER DAWKINS: One modern house, one house
15 slated to be demolished, this cottage with the proposed
16 addition. Are we correct on that?

17 MR. NORTON: Well, there's more properties, too.

18 BOARD MEMBER DAWKINS: Well, these are the ones in
19 the --

20 MR. NORTON: Right.

21 BOARD MEMBER DAWKINS: These are --

22 MR. NORTON: I mean he owns this house, also.

23 BOARD MEMBER DAWKINS: Oh.

24 MR. NORTON: He owns a house over here. I mean he's
25 bought up a nice section of the neighborhood so he could

1 - RE: A. PARISI -

2 pick his neighbors.

3 MR. PARISI: Many years of putting many little things
4 together.

5 MR. NORTON: And the buildings that were nice,
6 including this one, he's fixed up.

7 BOARD MEMBER DAWKINS: It looks like the stone
8 fireplace was added. When was this --

9 MR. PARISI: No. There was a stone fireplace. I just
10 refurbished. You know, I just --

11 BOARD MEMBER DAWKINS: I was going to say this is a
12 new fireplace.

13 MR. NORTON: A beautiful fireplace.

14 BOARD MEMBER DAWKINS: And we're sitting in the water,
15 on the water?

16 MR. NORTON: No.

17 MR. PARISI: No. It's about 25 feet off the water.

18 BOARD MEMBER DAWKINS: When was the --

19 BOARD MEMBER FINDLEY: This states that.

20 BOARD MEMBER MARTIN: That's 25 feet?

21 BOARD MEMBER FINDLEY: I would say it's close, yes.

22 BOARD MEMBER MARTIN: Is this the back of the house or
23 the side?

24 MR. PARISI: That's the side.

25 BOARD MEMBER MARTIN: And is this the lake?

1 - RE: A. PARISI -

2 MR. PARISI: Yes.

3 BOARD MEMBER DAWKINS: And this is the winter lake.

4 BOARD MEMBER RAMPE: It says 11.9.

5 BOARD MEMBER DAWKINS: So that's about right. That's
6 about right. Eleven feet, okay. That's about right.

7 MR. MOGEL: It's just the one variance that you
8 require.

9 BOARD MEMBER DAWKINS: Just a side yard area variance.
10 So we have to set up a public hearing.

11 MR. MOGEL: Yes.

12 CHAIRMAN MORDAS: All right. Motion to set up a
13 public hearing for Mr. Parisi.

14 BOARD MEMBER DAWKINS: So moved.

15 BOARD MEMBER MARTIN: Second.

16 CHAIRMAN MORDAS: All in favor?

17 BOARD MEMBER MARTIN: Aye.

18 BOARD MEMBER RAMPE: Aye.

19 BOARD MEMBER DAWKINS: Aye.

20 BOARD MEMBER FINDLEY: Aye.

21 CHAIRMAN MORDAS: Aye.

22 (The motion was approved and carried.)

23 BOARD MEMBER DAWKINS: Next month?

24 MR. NORTON: Sure.

25 CHAIRMAN MORDAS: Mr. Parisi, to avoid any future

1 - RE: A. PARISI -

2 problems, confusion, if you could put your name, your
3 address and contact information on that pad.

4 MR. PARISI: Okay.

5 BOARD MEMBER DAWKINS: I think your application -- no,
6 that was somebody else.

7 MR. PARISI: Do you want the post office box?

8 CHAIRMAN MORDAS: Post office box, phone number.

9 MR. PARISI: Okay.

10 BOARD MEMBER DAWKINS: I thought I saw something
11 that indicated the wrong zone, but it's Neighborhood
12 Residential, so ...

13 CHAIRMAN MORDAS: Easy access because we're without a
14 secretary. We need to get these couple of notification
15 mailers done right.

16 MR. MOGEL: So did you actually vote?

17 CHAIRMAN MORDAS: Yes.

18 MR. PARISI: Thank you.

19 CHAIRMAN MORDAS: Thank you, Mr. Parisi.

20 (Time noted: 7:28 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 Application of Aldo Paris, 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: March 22, 2017

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
ZONING BOARD OF APPEALS

----- X

James and Deborah Scott,
Tax Map Section 54; Block 5, Lot 9
N Zone

----- X

Town Hall
Town of Mamakating
February 23, 2017
7:28 P.M.

ZONING BOARD MEMBERS :

- MATTHEW MORDAS, Chairman
- BEVERLY MARTIN, Board Member
- CATHERINE DAWKINS, Board Member
- GEORGIA RAMPE, Board Member
- KENT FINDLEY, Board Member
- GRAHAM VEST, Alternate Board Member
- STEVEN MOGEL, ESQ., Attorney

Also Present: Mr. James Scott

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

Reported By: Rosemary A. Meyer

1 - RE: J. & D. SCOTT -

2 CHAIRMAN MORDAS: Next on the agenda, James and
3 Deborah Scott.

4 Hi.

5 MR. SCOTT: Hi. Good evening.

6 I've got to apologize for my voice. I have
7 respiratory problems and steroids and all that crap.

8 I'm representing -- I'm the owner, Jim Scott, and my
9 wife Deborah. We're applying for a variance to build a
10 garage in between our house and the road as our house is on
11 the Yankee Lake. The house was built in the early 1900s.
12 All the trees are mature. The rhododendrons are eight to
13 ten feet high. The driveways have been there since 1903.
14 We didn't want to relocate anything or tear down trees. We
15 tried to approach it as a two car garage side by side, but
16 it was such a big block and it took down six or seven trees
17 in the only one spot we could put it on our property, so we
18 redesigned it so that it's two cars end to end. To get to
19 fit we actually had to twist it a little bit, 15 degrees,
20 to get it to work. But it works.

21 To avoid it being long and linear, each roof of each
22 garage has been turned 90 degrees so that it breaks down
23 into three components so it looks almost like a little
24 village as opposed to a big garage.

25 The reason the variance is because two reasons. One

1 - RE: J. & D. SCOTT -

2 is it's between the house and the road. And the second
3 request for a variance would be the five foot setback on
4 just 12 linear feet of the garage. The garage, with two
5 cars. End to end, it's like 45 feet. Then we put a stair
6 to go to the second floor for storage. So it gets to be
7 like 50 some feet, but only 12 feet gets within five feet
8 of the property line.

9 My adjacent neighbor has written a letter to the Board
10 of Appeals saying he has no trouble with the five foot
11 setback.

12 That's it. I'll answer any questions you may have.

13 I also -- I did bring -- I don't know if this helps,
14 but to show that we've addressed the massing scale in
15 proportion, we had a little sketch done. I only brought
16 three, if you can share. This is what it would look like.

17 (Mr. Scott distributed a document.)

18 MR. SCOTT: You could see the roofs, how they turn 90
19 degrees. And the fact that the building is actually curved
20 will decrease the massing. It won't feel long and stocky.

21 BOARD MEMBER RAMPE: I see this is two story.

22 MR. SCOTT: I'm artist and I paint in oil and my wife
23 wants me out of the house 'cause it stinks, so the second
24 floor is going to be like a hobby room. One side --

25 CHAIRMAN MORDAS: Studio?

1 - RE: J. & D. SCOTT -

2 MR. SCOTT: One side's a hobby room, one side will be
3 storage.

4 BOARD MEMBER RAMPE: How many square feet is it?

5 MR. SCOTT: It's 768 square feet on the ground.

6 BOARD MEMBER DAWKINS: 768?

7 MR. SCOTT: I think --

8 BOARD MEMBER DAWKINS: The drawing says 780. Do we
9 believe your ...

10 MR. SCOTT: Oh. Whatever. I thought it was 768. Let
11 me see.

12 (Mr. Scott examining document.)

13 CHAIRMAN MORDAS: All right. So seven --

14 MR. SCOTT: Oh, I'm sorry. 780 square feet on the
15 ground.

16 CHAIRMAN MORDAS: And upstairs, the hobby room?

17 MR. SCOTT: Is 596 square feet.

18 BOARD MEMBER RAMPE: So all together, it's a 1300
19 square foot building?

20 MR. SCOTT: 1372.

21 The house we live in was built in 1903. We just
22 remodeled the interior. It's a lot of small rooms so we
23 need a little more extra room and extra space. And she's
24 throwing me out.

25 BOARD MEMBER RAMPE: What's the size of the house? Do

1 - RE: J. & D. SCOTT -

2 you know?

3 MR. SCOTT: I would guess about 1800, 1700 square
4 feet.

5 BOARD MEMBER FINDLEY: The driveway appears at the
6 house going to the other property? Do you own this lot,
7 also?

8 BOARD MEMBER DAWKINS: It goes off this way.

9 BOARD MEMBER FINDLEY: The driveway appears --

10 MR. SCOTT: No. It just wraps around the house. The
11 owner has given me a lease to get, just to get access to
12 my ...

13 BOARD MEMBER FINDLEY: Okay.

14 BOARD MEMBER DAWKINS: So this not an active driveway,
15 it's just a right-of-way?

16 MR. SCOTT: No, it's just right-of-way. It's for lawn
17 mowers.

18 CHAIRMAN MORDAS: Approximately how close is your
19 neighbor, the neighbor that gave you the positive letter on
20 your --

21 MR. SCOTT: Over a hundred feet.

22 CHAIRMAN MORDAS: Over a hundred feet away?

23 MR. SCOTT: Yes, ma'am. Yes, sir.

24 BOARD MEMBER FINDLEY: Will this have any utilities?

25 MR. SCOTT: I'm sorry?

1 - RE: J. & D. SCOTT -

2 BOARD MEMBER FINDLEY: Will it have utilities,
3 like ...

4 MR. SCOTT: My wife wants a slop sink or utility sink
5 for gardening in the garage and where I can clean my paint
6 brushes. And then on the second floor, if I'm up there
7 painting as a hobby, I won't have to go 150 feet to the
8 house if I have to go to the bathroom. So we're putting in
9 a toilet and a sink but no shower and a tub, just the
10 toilet and the sink. And that's -- that's -- I guess
11 that's because I can't breath, it wouldn't be good to be
12 150 feet away from the bathroom.

13 BOARD MEMBER DAWKINS: So a sink on the ground floor
14 and a toilet and a sink on the second floor.

15 MR. SCOTT: Yes.

16 MR. MOGEL: For the record, this is a Type II under
17 SEQRA. No further environmental review is required.

18 MR. SCOTT: The location, we've gotten to -- we've
19 twisted it and custom designed this thing so we don't have
20 to take down any trees, any bushes, nothing. It's the only
21 open space on the site.

22 BOARD MEMBER RAMPE: Is it going to be heated?

23 MR. SCOTT: Oh, no. It's seasonal. It'll be
24 seasonal.

25 BOARD MEMBER RAMPE: Okay.

1 - RE: J. & D. SCOTT -

2 MR. SCOTT: So it'll be used from May to October.

3 BOARD MEMBER RAMPE: Okay.

4 MR. SCOTT: I was thinking about maybe putting a
5 little electric heater in there or something.

6 BOARD MEMBER DAWKINS: Don't do that.

7 MR. SCOTT: Don't do that?

8 BOARD MEMBER DAWKINS: They're dangerous.

9 CHAIRMAN MORDAS: Mr. Scott, are you willing to give
10 permission to my board members to walk your property to
11 inspect it?

12 MR. SCOTT: Certainly, certainly.

13 CHAIRMAN Mordas: Thank you.

14 BOARD MEMBER FINDLEY: How big is the lot?

15 MR. SCOTT: It's .77 of an acre.

16 BOARD MEMBER FINDLEY: .77. What are we allowed to
17 cover?

18 CHAIRMAN MORDAS: I think it's roughly 25 percent. It
19 might be different in different zones, though.

20 MR. SCOTT: We can't even be close to that.

21 BOARD MEMBER FINDLEY: This might have less because
22 it's a small lot.

23 CHAIRMAN MORDAS: It's 25 percent.

24 BOARD MEMBER FINDLEY: Twenty-five percent? So .77 is
25 roughly like 30,000

1 - RE: J. & D. SCOTT -

2 MR. SCOTT: .77 would be approximately 30,000.

3 Twenty-five percent of 30 would be 7500.

4 CHAIRMAN MORDAS: Your driveway, is it gravel or
5 asphalt driveway?

6 MR. SCOTT: Gravel.

7 CHAIRMAN MORDAS: Okay.

8 MR. SCOTT: Well, not all gravel, but 30 some feet.

9 BOARD MEMBER DAWKINS: So we're going to have a public
10 hearing: Next month okay?

11 CHAIRMAN MORDAS: Yes, I guess we'll have to move it
12 to the regular scheduled meeting, try to keep things
13 simple.

14 Any more questions from the Board?

15 (No verbal response.)

16 CHAIRMAN MORDAS: That's a definitive no.

17 Motion to set up a public hearing.

18 BOARD MEMBER RAMPE: I make a motion.

19 BOARD MEMBER MARTIN: I second it.

20 CHAIRMAN MORDAS: All in favor?

21 BOARD MEMBER MARTIN: Aye.

22 BOARD MEMBER RAMPE: Aye.

23 BOARD MEMBER DAWKINS: Aye.

24 BOARD MEMBER FINDLEY: Aye.

25 CHAIRMAN MORDAS: Aye.

1 - RE: J. & D. SCOTT -

2 (The motion was approved and carried.)

3 MR. SCOTT: Thank you very much.

4 CHAIRMAN MORDAS: Thank you, Mr. Scott. Have a good
5 evening.

6 MR. SCOTT: Do I have to sign something up here?

7 CHAIRMAN MORDAS: Yes, please. Thanks for reminding
8 me. Please put the easiest way to get in touch with you
9 and your address on there.

10 BOARD MEMBER DAWKINS: Who do they contact to get out
11 the public notice? Will that be the building department?

12 CHAIRMAN MORDAS: I'll find that out tomorrow. I'm
13 pretty sure I know, but it's not definite.

14 (Time noted: 7:37 p.m.)

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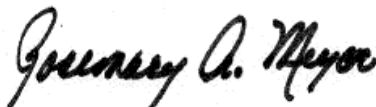
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REPORTER'S CERTIFICATION

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

That the foregoing transcript is an accurate record of the proceedings in the matter of Application of James and Deborah Scott, 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: March 30, 2017

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
ZONING BOARD OF APPEALS

----- X

John Zupetz, Jr., Public Hearing
Tax Map Section 10: Block 1; Lot 48.9
Burlingham Residential Zone

----- X

Town Hall
Town of Mamakating
February 23, 2017
7:41 P.M.

ZONING BOARD MEMBERS :

- MATTHEW MORDAS, Chairman
- BEVERLY MARTIN, Board Member
- CATHERINE DAWKINS, Board Member
- GEORGIA RAMPE, Board Member
- KENT FINDLEY, Board Member
- GRAHAM VEST, Alternate Board Member
- STEVEN MOGEL, ESQ., Attorney

Also Present: John Zupetz, Jr.

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

Reported By: Rosemary A. Meyer

1 - RE: J. ZUPETZ., JR. -

2 CHAIRMAN MORDAS: Next on our agenda is, let's see.
3 The Mann Clan, Gary and Kim Mann, Bashakill Recycling.

4 BOARD MEMBER DAWKINS: This appeared on the agenda,
5 but I haven't received a package yet.

6 MR. MOGEL: I never got a packet on this, I got a
7 piece of paper. And if nobody is here ...

8 CHAIRMAN MORDAS: Next on the agenda is the public
9 hearing for Mr. John Zupetz.

10 MR. ZUPETZ, JR.: Good evening.

11 CHAIRMAN MORDAS: Thanks for your patience.

12 Why don't you refresh the Board with what you're
13 trying to accomplish here.

14 MR. ZUPETZ, JR.: Sure. So I was at the Zoning Board
15 of Appeals last month and talked about an existing shed
16 that was closer to the street than the wall of my home and
17 so we moved to public hearing.

18 I took the Board's advice. Since the last meeting, I
19 reduced the size of the two-car garage to replace the shed
20 that I currently have in place. You'll see the dimensions
21 there. The garage, 28 by 32; the porch 8 by 32; and the
22 loft, 10 by 16; for a total of 1300 square feet,
23 approximately.

24 CHAIRMAN MORDAS: Thanks.

25 MR. ZUPETZ, JR.: Sure.

1 - RE: J. ZUPETZ., JR. -

2 CHAIRMAN MORDAS: Any questions from the Board.

3 BOARD MEMBER FINDLEY: Will there be any utilities in
4 this?

5 MR. ZUPETZ, JR.: It'll have electric, yes.

6 BOARD MEMBER FINDLEY: And that's the only utility?

7 MR. ZUPETZ, JR.: That's it. Just for a garage door
8 opener and lights.

9 BOARD MEMBER FINDLEY: No water?

10 MR. ZUPETZ, JR.: No water.

11 CHAIRMAN MORDAS: Do you feel you have that hillside
12 suitably retained?

13 MR. ZUPETZ, JR.: Yes, I do. It's a good question. I
14 actually consulted with a civil engineer, a friend of mine
15 who's in my parish at church, and we talked about, you
16 know, putting a small retaining wall over where the rocks
17 are. I know someone from the board visited the site. But
18 that would actually cause more hydrologic pressure on the
19 back side of the wall, so the feeling was leave it natural.
20 We'll probably do some excavating near the top to get rid
21 of the mound that's up there.

22 CHAIRMAN MORDAS: Step it a little bit?

23 MR. ZUPETZ, JR.: Yeah, exactly; just a few steps.

24 But the perc rate on the property is less than a three
25 minute perc so it's very well drained. It's been in the

1 - RE: J. ZUPETZ., JR. -

2 current condition for a few years. There's no erosion in
3 the soil or anything like that.

4 CHAIRMAN MORDAS: I feel you have one more option to
5 locate this garage closer to the back, the front wall, away
6 from the street, but I determine that you would still need
7 a variance.

8 MR. ZUPETZ, JR.: Yes, exactly.

9 CHAIRMAN MORDAS: Personally, I like the location of
10 this. I think it's going to enhance your house and not be
11 a detriment to the neighborhood.

12 Any other board members have any questions?

13 (No verbal response.)

14 CHAIRMAN MORDAS: Oh, sorry. Motion to open up public
15 hearing.

16 BOARD MEMBER MARTIN: So moved.

17 BOARD MEMBER DAWKINS: I'll second that.

18 CHAIRMAN MORDAS: All in favor?

19 BOARD MEMBER MARTIN: Aye.

20 BOARD MEMBER RAMPE: Aye.

21 BOARD MEMBER DAWKINS: Aye.

22 BOARD MEMBER FINDLEY: Aye.

23 CHAIRMAN MORDAS: Aye.

24 (The motion was approved and carried.)

25 CHAIRMAN MORDAS: Mr. Leser.

1 - RE: J. ZUPETZ., JR. -

2 MR. LESER: Chris Leser.

3 I'm a little confused here. Are we discussing the
4 garage that this gentleman has or the shed that's alongside
5 of the garage, forward of the house?

6 CHAIRMAN MORDAS: The shed is going to be removed.

7 What is going to be the disposition of the current
8 shed?

9 MR. ZUPETZ, JR.: It's going to stay in place until I
10 start construction on this. That would be the idea.

11 CHAIRMAN MORDAS: And what do you plan on doing with
12 that shed once you start construction?

13 MR. ZUPETZ, JR.: It'll be demolished.

14 CHAIRMAN MORDAS: Okay.

15 MR. LESER: I thought -- it's an accessory structure.
16 I thought that was the issue, the accessory structure.

17 CHAIRMAN MORDAS: It was one of the issues, but I
18 guess we're going to kill two birds with one stone here.
19 So instead of granting a variance for the old shed, they're
20 going to remove the old shed once they commence building
21 the new shed, and they'll be granted a variance at that
22 time. Well, that's what he's requesting.

23 MR. LESER: It's a nice place. You have a nice home
24 up there, a nice area.

25 MR. ZUPETZ, JR.: Oh, thank you. Thank you.

1 - RE: J. ZUPETZ., JR. -

2 BOARD MEMBER FINDLEY: A variance is a variance. It
3 wouldn't matter if it was the shed or the garage.

4 CHAIRMAN MORDAS: That's right.

5 BOARD MEMBER RAMPE: He has the appropriate setbacks
6 with the new garage.

7 BOARD MEMBER FINDLEY: We looked at that last time,
8 yes.

9 CHAIRMAN MORDAS: Yes.

10 BOARD MEMBER RAMPE: No, I wasn't here.

11 BOARD MEMBER DAWKINS: So the issue is that the garage
12 is closer --

13 BOARD MEMBER RAMPE: Closer to the road than the
14 house.

15 CHAIRMAN MORDAS: Do you think that's the case? He's
16 in violation. Would we have to address that violation?

17 MR. MOGEL: No. We were requested to do an area
18 variance, and I don't see a Notice of Violation being
19 issued for appeal so that's not before the Board. The only
20 issue in front of the Board is the area variance.

21 CHAIRMAN MORDAS: Right.

22 MR. MOGEL: And I will opine that --

23 Did you receive a Notice of Violation?

24 MR. ZUPETZ, JR.: No. No need to stir.

25 CHAIRMAN MORDAS: Pardon me?

1 - RE: J. ZUPETZ., JR. -

2 MR. ZUPETZ, JR.: No need to stir.

3 CHAIRMAN MORDAS: Any other questions from the public?

4 (No verbal response.)

5 CHAIRMAN MORDAS: Any other questions from the Board?

6 BOARD MEMBER FINDLEY: When's construction going to
7 start?

8 MR. ZUPETZ, JR.: That's based on the budget. I'd
9 hope that it would start soon, but maybe by end of year. I
10 mean if I could do it before it gets too far into the
11 season.

12 BOARD MEMBER RAMPE: The only issue is he's looking
13 for a variance to have an accessory structure closer to the
14 road which he has in existence, but now it's going to make
15 it worse by increasing the size of it.

16 CHAIRMAN MORDAS: True.

17 BOARD MEMBER RAMPE: Right?

18 CHAIRMAN MORDAS: Yes.

19 BOARD MEMBER RAMPE: I mean even though he does have
20 the setbacks. But now, instead of this being a smaller
21 shed, there's going to be a large structure.

22 CHAIRMAN MORDAS: All right. So there was no
23 violation, then.

24 MR. MOGEL: There's no violation as far as I can
25 determine. The applicant indicates there's no Notice of

1 - RE: J. ZUPETZ., JR. -

2 Violation.

3 MR. ZUPETZ, JR.: Right.

4 A notification was sent out before the hearing to all
5 of the neighbors, which they had comments.

6 CHAIRMAN MORDAS: To ask a question I usually ask, was
7 the mailing done -- correctly. I would say that to my
8 secretary and she would respond usually yes.

9 MR. MOGEL: Yes.

10 MR. ZUPETZ, JR.: I have receipts of the five
11 adjacents and I've received four of the cards back for
12 return receipt.

13 CHAIRMAN MORDAS: Okay.

14 MR. ZUPETZ, JR.: Would you like to see them?

15 CHAIRMAN MORDAS: I'm going to ask you to initial some
16 paperwork.

17 MR. ZUPETZ, JR.: Sure.

18 CHAIRMAN MORDAS: You could leave it over there on the
19 way out, Mr. Zupetz.

20 MR. ZUPETZ, JR.: Okay.

21 BOARD MEMBER DAWKINS: Have you spoken with your
22 neighbor? It seems to me that last month we asked about it
23 and you know spoken with some of them.

24 MR. ZUPETZ, JR.: Yes, yes. One of my neighbors is
25 the potential person who would build this, Frank Roe. He's

1 - RE: J. ZUPETZ., JR. -

2 the contractor. My neighbor Joe Negangas (phonetic) had
3 called me this morning and asked if he needed to be here
4 and I said: Unless you want to tell them I'm a terrible
5 neighbor, no.

6 And then I didn't hear from Camp Echo other than I did
7 receive their card, the return receipt. And then my other
8 neighbor, Donnelly, I did not hear back from them at all.

9 MR. UNIDENTIFIED SPEAKER: So you're between the Roes
10 and the Negangas.

11 MR. ZUPETZ, JR.: Correct, right at the end.

12 CHAIRMAN MORDAS: Georgia, do you have any more
13 questions?

14 BOARD MEMBER RAMPE: No. Thank you.

15 CHAIRMAN MORDAS: All right. Motion to close the
16 public hearing.

17 BOARD MEMBER DAWKINS: Your comment about when you're
18 planning to build, is there a time limit associated with
19 the variance before it would expire if he has not built?

20 MR. MOGEL: Not unless you guys establish a condition.
21 I mean building permits have expiration dates --

22 BOARD MEMBER DAWKINS: Right, right.

23 MR. MOGEL: -- but variances don't ordinarily unless
24 you were to condition the variance.

25 BOARD MEMBER FINDLEY: And does the variance apply to

1 - RE: J. ZUPETZ., JR. -

2 a specific structure or any structure?

3 MR. MOGEL: Well, I mean representations are made to
4 the Board that that structure is going to appear a certain
5 way, be a certain size. If --

6 CHAIRMAN MORDAS: Well, I'm going to have him sign off
7 on this paperwork that this is what the variance is granted
8 for.

9 MR. ZUPETZ, JR.: Okay.

10 CHAIRMAN MORDAS: It's up to the building inspector.
11 She can go back and basically violate him if she's not
12 satisfied with the progress of the project.

13 BOARD MEMBER FINDLEY: I'm just asking.

14 MR. ZUPETZ, JR.: Well, it's a good question because I
15 asked the same question. I said: Listen, this is what I'd
16 like to build. This is my dream, to build a two-car
17 garage.

18 BOARD MEMBER FINDLEY: Right.

19 MR. ZUPETZ, JR.: I can't say that I'm going to have
20 the funding to do this in two months, so I asked. And the
21 answer that I got back, at least from Linda I, think it
22 was, was the variance goes with the land so the variance is
23 the variance, and so there wasn't a time limit. I
24 understand there's a time limit on building permits. I
25 wouldn't issue or go for a building permit until I was sure

1 - RE: J. ZUPETZ., JR. -

2 that I had the funds to build.

3 BOARD MEMBER FINDLEY: What I was asking is if we
4 issued the variance and the variance is, let's say for the
5 shed, for argument's sake, does that give him the variance
6 for the building, the future proposed building.

7 MR. MOGEL: So if I understand properly, if he's
8 making a request for a shed, certain dimensions, and if a
9 building was constructed that is not those dimensions and
10 not that use, would the variance apply, the answer is no.
11 I mean there are representations that are made and that's
12 the basis of the variance. So if there's a material
13 deviation from that, then the variance isn't going to
14 apply. It would have to be material, though. I think
15 everybody acknowledges that inches, a few inches here and
16 there, if something were to deviate based on facts on the
17 ground --

18 BOARD MEMBER FINDLEY: I'm going to ask it slightly
19 different. So let's say we grant the variance and for five
20 years he doesn't build the shed and he wins 10,000 in the
21 lottery, he say, I'm going to build my shed now, is the
22 variance good?

23 MR. MOGEL: Yes.

24 BOARD MEMBER DAWKINS: Yes, as long as he builds this.

25 MR. MOGEL: That.

1 - RE: J. ZUPETZ., JR. -

2 BOARD MEMBER FINDLEY: Yes.

3 MR. ZUPETZ, JR.: Not to exceed and the same style.

4 MR. MOGEL: Correct.

5 BOARD MEMBER DAWKINS: I don't think it's necessarily
6 not to exceed. I think it is this.

7 MR. ZUPETZ, JR.: Yes.

8 BOARD MEMBER DAWKINS: So honestly, even if you went
9 in and put a pre-fab shed that you got at Lowe's that was a
10 quarter of the size of this, this is what we agree to.

11 MR. MOGEL: Correct.

12 MR. ZUPETZ, JR.: Understood.

13 BOARD MEMBER DAWKINS: We don't want some unsightly
14 something --

15 MR. ZUPETZ, JR.: Sure.

16 BOARD MEMBER DAWKINS: -- sitting in that location.

17 MR. ZUPETZ, JR.: I wouldn't do that.

18 BOARD MEMBER DAWKINS: This is the representation.

19 CHAIRMAN MORDAS: All right.

20 MS. MATTERN: I'm sorry. I was just wondering if the
21 variance, if you give the variance, if that applies to the
22 shed that's there now, too.

23 CHAIRMAN MORDAS: No.

24 BOARD MEMBER DAWKINS: That shed is going to come
25 down.

1 - RE: J. ZUPETZ., JR. -

2 MS. MATTERN: Right.

3 BOARD MEMBER FINDLEY: But if it's for five years --

4 MS. MATTERN: But from now until when it comes down,
5 that shed is in violation?

6 BOARD MEMBER DAWKINS: We don't know that. We have no
7 idea. We have not be told whether that shed is in
8 violation, whether there was a previous zoning approval for
9 it or not.

10 BOARD MEMBER FINDLEY: Well, he was recommended to the
11 Zoning Board because that was in --

12 MR. MOGEL: But jurisdiction of the matter is not
13 before the Board. The Board doesn't have the discretion to
14 say we're vacating any possible violation for that shed.

15 Realistically speaking, I don't imagine the building
16 department violating if the Board were to grant the
17 variance for a larger structure in the same location. I
18 realistically don't see. Knowing the building department,
19 I don't see them violating him on that basis, in which you
20 would bring an appeal here before the Board.

21 MR. ZUPETZ, JR.: Understood.

22 CHAIRMAN MORDAS: Go ahead, Mr. Lybolt.

23 MR. LYBOLT: Yes. I'm Dave Lybolt.

24 So basically, what you're saying is the variance is
25 granted for a certain size shed, maximum. If he builds a

1 - RE: J. ZUPETZ., JR. -

2 smaller shed, he's okay. But if he builds a bigger shed --

3 CHAIRMAN MORDAS: No. It's granted, as Steve said,
4 within reason, this shed.

5 MR. MOGEL: That shed.

6 CHAIRMAN MORDAS: This shed.

7 MR. LYBOLT: That specific shed that he --

8 CHAIRMAN MORDAS: Correct. We're not going to quibble
9 over a half foot here or a half foot there.

10 MR. LYBOLT: But if he built a smaller shed ...

11 BOARD MEMBER DAWKINS: This is the representation he
12 gave us.

13 MR. LYBOLT: So that's what he said --

14 BOARD MEMBER DAWKINS: What we're saying is he has
15 that other shed ...

16 MR. LYBOLT: I got it. I got it.

17 CHAIRMAN MORDAS: Any other questions?

18 (No verbal response.)

19 CHAIRMAN MORDAS: Motion to close the public hearing.

20 BOARD MEMBER FINDLEY: I'll make that motion.

21 BOARD MEMBER RAMPE: I'll second it.

22 CHAIRMAN MORDAS: All in favor?

23 BOARD MEMBER MARTIN: Aye.

24 BOARD MEMBER RAMPE: Aye.

25 BOARD MEMBER DAWKINS: Aye.

1 - RE: J. ZUPETZ., JR. -

2 BOARD MEMBER FINDLEY: Aye.

3 CHAIRMAN MORDAS: Aye.

4 (The motion was approved and carried.)

5 CHAIRMAN MORDAS: Okay. All right. I'm going to try
6 to craft a variance here.

7 MR. MOGEL: The criteria.

8 CHAIRMAN MORDAS: Well, I was going to craft the
9 variance and then go through the criteria, then we'll ...

10 MR. MOGEL: Okay.

11 CHAIRMAN MORDAS: Basically granting Mr. Zupetz relief
12 from 199-13(c)(2), construction of an accessory structure
13 closer to the street than the front wall of his main house,
14 according to the plans submitted tonight, this date, 2-23,
15 and only for the plans that have been submitted, and the
16 location.

17 Okay. Let me ...

18 MR. MOGEL: Give me a second.

19 Did you actually make the motion or you called for it?

20 CHAIRMAN MORDAS: No. I'm going to make the motion.
21 I'm getting a little confused here.

22 Is that language satisfactory? Do I have a motion for
23 us to vote on that variance?

24 BOARD MEMBER DAWKINS: So moved.

25 CHAIRMAN MORDAS: Do I have a second?

1 - RE: J. ZUPETZ., JR. -

2 BOARD MEMBER MARTIN: Second.

3 CHAIRMAN MORDAS: All in favor?

4 BOARD MEMBER MARTIN: Aye.

5 BOARD MEMBER RAMPE: Aye.

6 BOARD MEMBER DAWKINS: Aye.

7 BOARD MEMBER FINDLEY: Aye.

8 CHAIRMAN MORDAS: Aye.

9 (The motion was approved and carried.)

10 CHAIRMAN MORDAS: I'm going to read the criteria, then
11 we'll vote on granting the variance.

12 In making its determination, the Zoning Board shall
13 take into consideration the benefit to the applicant if the
14 variance is warranted as weighed against the detriment to
15 the health, safety and welfare of the neighborhood or
16 community by such grant.

17 In making such determination the Board shall also
18 consider whether an undesirable change will be produced in
19 the character of the neighborhood or a detriment to nearby
20 property will be created by the granting of the variance.

21 Kent.

22 BOARD MEMBER FINDLEY: Can you -- usually the question
23 -- no. I'll go with no.

24 BOARD MEMBER DAWKINS: No.

25 BOARD MEMBER RAMPE: No.

1 - RE: J. ZUPETZ., JR. -

2 BOARD MEMBER MARTIN: No.

3 CHAIRMAN MORDAS: All right. I'm going to say no.

4 Whether the benefit sought by the applicant can be
5 achieved by some method feasible for the applicant to
6 pursue other than an area variance.

7 BOARD MEMBER FINDLEY: Yes.

8 BOARD MEMBER DAWKINS: Yes.

9 BOARD MEMBER RAMPE: Yes.

10 BOARD MEMBER MARTIN: Yes.

11 CHAIRMAN MORDAS: I'm going to say no.

12 CHAIRMAN MORDAS: Whether the requested area variance
13 is substantial.

14 BOARD MEMBER FINDLEY: Yes.

15 BOARD MEMBER DAWKINS: What is the property ...

16 MR. ZUPETZ JR.: Total acreage?

17 BOARD MEMBER DAWKINS: Okay. Yes, yes.

18 BOARD MEMBER RAMPE: Yes.

19 BOARD MEMBER MARTIN: Yes.

20 CHAIRMAN MORDAS: Yes.

21 Whether the proposed variance will have an adverse
22 effect or impact on the physical or environmental
23 conditions in the neighborhood or district.

24 BOARD MEMBER FINDLEY: No.

25 BOARD MEMBER DAWKINS: No.

1 - RE: J. ZUPETZ., JR. -

2 BOARD MEMBER RAMPE: No.

3 BOARD MEMBER MARTIN: No.

4 CHAIRMAN MORDAS: No.

5 Whether the alleged difficulty was self-created, which
6 consideration shall be relevant in the decision of the
7 Zoning Board but shall not necessarily preclude the
8 granting of the area variance.

9 BOARD MEMBER FINDLEY: Yes.

10 BOARD MEMBER DAWKINS: Yes.

11 BOARD MEMBER RAMPE: Yes.

12 BOARD MEMBER MARTIN: Yes.

13 CHAIRMAN MORDAS: Is that "yes" across the board?

14 BOARD MEMBER RAMPE: Yes.

15 CHAIRMAN MORDAS: Yes.

16 Okay, time for the vote. How do you vote on this,
17 granting Mr. Zupetz' variance?

18 BOARD MEMBER FINDLEY: Why do I always go first?

19 BOARD MEMBER DAWKINS: Because you're sitting there.

20 BOARD MEMBER FINDLEY: Yes. I vote yes.

21 BOARD MEMBER DAWKINS: Yes.

22 CHAIRMAN MORDAS: Georgia.

23 BOARD MEMBER RAMPE: Yes.

24 CHAIRMAN MORDAS: Beverly.

25 BOARD MEMBER MARTIN: Yes.

1 - RE: J. ZUPETZ., JR. -

2 CHAIRMAN MORDAS: I vote yes, too.

3 BOARD MEMBER RAMPE: That's it. You got your
4 variance.

5 MR. ZUPETZ, JR.: Thank you very much.

6 BOARD MEMBER MARTIN: Good luck.

7 CHAIRMAN MORDAS: Good luck with your project.

8 MR. ZUPETZ, JR.: Initial these?

9 CHAIRMAN MORDAS: Yes. Please initial these and date
10 it.

11 (Mr. Zupetz complied.)

12 BOARD MEMBER FINDLEY: Did we make a motion to
13 adjourn?

14 CHAIRMAN MORDAS: Motion to close our meeting tonight?

15 BOARD MEMBER FINDLEY: I second that.

16 CHAIRMAN MORDAS: All in favor?

17 BOARD MEMBER FINDLEY: Aye.

18 BOARD MEMBER DAWKINS: Aye.

19 BOARD MEMBER RAMPE: Aye.

20 BOARD MEMBER MARTIN: Aye.

21 CHAIRMAN MORDAS: Aye.

22 (The motion was approved and carried.)

23 (Time noted: 7:59 p.m.)

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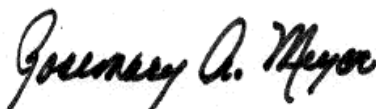
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REPORTER'S CERTIFICATION

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

That the foregoing transcript is an accurate record of the proceedings in the matter of Application of John Zupetz, Jr. 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: April 2, 2017

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