

In The Matter Of:
Town of Mamakating
Planning Board

Meeting Minutes
4-24-18
April 24, 2018

Jeric Corporation
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ZONING BOARD OF APPEALS

MINUTES

April 26, 2018

TOWN HALL

WURTSBORO, NEW YORK

ZONING BOARD MEMBERS :

MATTHEW MORDAS, Chairman

GEORGIA RAMPE, Board Member

CATHY DAWKINS, Board Member

KENT FINDLEY, Board Member

MATTHEW MORREALE, Board Member

HOWARD PROTTER, ESQ., Attorney

KYRA PLATT, Building Department

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

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
ZONING BOARD OF APPEALS

----- X

Robert Pullman
Area Variance
Tax Map Section 30; Block 1; Lot 16.9
Neighborhood Residential Zone

----- X

Town Hall
Town of Mamakating
April 26, 2018
7:01 P.M.

ZONING BOARD MEMBERS :

- MATTHEW MORDAS, Chairman
- GEORGIA RAMPE, Board Member
- CATHY DAWKINS, Board Member
- KENT FINDLEY, Board Member
- MATTHEW MORREALE, Board Member
- HOWARD PROTTER, ESQ., Attorney
- KYRA PLATT, Building Department

Also Present: Robert Pullman, Applicant

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Reported by: Rosemary A. Meyer

1 - RE: R. PULLMAN -

2 CHAIRMAN MORDAS: Good evening, ladies and gentlemen.
3 Welcome to the Mamakating Zoning Board of Appeals. I'm
4 your chairman, Matthew Mordas. Welcome to our meeting,
5 April 26th.

6 I start the meeting off with a roll call.

7 Georgia Rampe.

8 BOARD MEMBER RAMPE: Here.

9 CHAIRMAN MORDAS: Cathy Dawkins.

10 BOARD MEMBER DAWKINS: Here.

11 CHAIRMAN MORDAS: Kent Findley.

12 BOARD MEMBER FINDLEY: Here.

13 CHAIRMAN MORDAS: Matthew Morreale.

14 BOARD MEMBER MORREALE: Here.

15 CHAIRMAN MORDAS: All right. And Steve Mogel has an
16 obligation elsewhere and we're fortunate to have Mr. Howard
17 Protter step in for him to help out us tonight.

18 MR. H. PROTTER: My pleasure.

19 CHAIRMAN MORDAS: Well, actually, before we go into
20 the agenda I have to ask the Board if they're willing to
21 accept the minutes from March 1st. Do I have a motion to
22 accept the minutes from March 1st?

23 BOARD MEMBER RAMPE: I'll make a motion to accept the
24 them.

25 CHAIRMAN MORDAS: Do I have a second?

1 - RE: R. PULLMAN -

2 BOARD MEMBER MORREALE: I'll second it.

3 CHAIRMAN MORDAS: All in favor?

4 BOARD MEMBER DAWKINS: Aye.

5 BOARD MEMBER RAMPE: Aye.

6 BOARD MEMBER FINDLEY: Aye.

7 BOARD MEMBER MORREALE: Aye.

8 CHAIRMAN MORDAS: Aye.

9 (The motion was agreed and carried.)

10 STENOGRAPHER: Point of order, you never accepted
11 January because Kent hadn't read them yet.

12 BOARD MEMBER FINDLEY: True.

13 CHAIRMAN MORDAS: You want to reach that far back.
14 Okay. Part of our transitional period here with our
15 minutes.

16 A motion to accept the January minutes.

17 BOARD MEMBER RAMPE: I'll make that motion.

18 BOARD MEMBER FINDLEY: I'll second it.

19 CHAIRMAN MORDAS: All in favor?

20 CHAIRMAN MORDAS: All in favor?

21 BOARD MEMBER DAWKINS: Aye.

22 BOARD MEMBER RAMPE: Aye.

23 BOARD MEMBER FINDLEY: Aye.

24 BOARD MEMBER MORREALE: Aye.

25 CHAIRMAN MORDAS: Aye.

1 - RE: R. PULLMAN -

2 (The motion was approved and carried.)

3 CHAIRMAN MORDAS: Okay. Thanks, Rosemary.

4 All right. First on the agenda is Pullman. I don't
5 know if it's Mr. Pullman?

6 MR. R. PULLMAN: Robert Pullman.

7 CHAIRMAN MORDAS: Mr. Robert Pullman, please step up
8 and tell us what you're trying to do here.

9 MR. R. PULLMAN: Good evening. How are you?

10 What I'm trying to do -- and I just want to tell you
11 that I'm a lifelong resident here. My father lived up
12 here, my grandfather lived here. I'm at Masten Lake. I
13 have a piece of property at Masten Lake that I want to
14 erect a -- I think there's a cover letter there that says
15 pretty such. I want to erect a storage building. And the
16 reason why the building is nonconforming is the fact that
17 I'd like it to be closer than the ten foot minimum setback.
18 That's one of the issues.

19 And the other issue, that I have two pieces of
20 property put together and the property this is actually
21 going on, this is a little larger than that house, but it
22 coincides with my other piece of property which it does not
23 -- this building is not as large as that house or the other
24 garage. So what I'm asking the Zoning Board to possibly
25 approve is the fact of me building closer than ten feet to

1 - RE: R. PULLMAN -

2 the property line, which is about two to three feet.

3 BOARD MEMBER DAWKINS: Side, front, back.

4 MR. R. PULLMAN: I'm sorry?

5 BOARD MEMBER DAWKINS: Side, front or back.

6 MR. R. PULLMAN: Back and front.

7 And as you can see, this building is going to be
8 behind a tennis court that I own which is part of the other
9 piece of property. So this thing is really going to be set
10 back in the woods. And as I said in my letter, that the
11 person that owns the bulk, all the land behind me, is
12 Dr. Bruce Mindich and I've asked him about this and he has
13 already agreed. He said: I have no problem with you
14 building that close to the lot line.

15 So this isn't -- this building is starting 120 feet
16 away from the road and then going back in towards the
17 woods.

18 BOARD MEMBER MORREALE: Mr. Pullman, what is the
19 square footage of the building?

20 MR. R. PULLMAN: The square footage, 1500. It's 30 by
21 50.

22 BOARD MEMBER MORREALE: That's a big --

23 MR. R. PULLMAN: And you know, if it can't be approved
24 I can always trim it down. The reason I said in there is
25 because these boat trailers are just X wide. You have to

1 - RE: R. PULLMAN -

2 put a door that will handle two side by side. You need
3 twelve, plus two feet, plus two feet, plus two feet is 30.

4 BOARD MEMBER MORREALE: Right.

5 MR. R. PULLMAN: So ...

6 BOARD MEMBER DAWKINS: Can you step forward? Can we
7 ask you a question?

8 MR. R. PULLMAN: Sure.

9 BOARD MEMBER DAWKINS: In your drawing that you
10 submitted with your package --

11 MR. R. PULLMAN: Yes.

12 BOARD MEMBER DAWKINS: -- it looks to me like this is
13 one lot and this is another lot?

14 MR. R. PULLMAN: Correct. And then actually, my house
15 is another lot which is over here.

16 BOARD MEMBER DAWKINS: So you own three lots. Okay.
17 And does the house --

18 MR. R. PULLMAN: My home is here --

19 BOARD MEMBER DAWKINS: Right

20 MR. R. PULLMAN: -- on the lake. This is the road,
21 the town road.

22 BOARD MEMBER DAWKINS: Okay, okay.

23 MR. R. PULLMAN: This is my porch.

24 BOARD MEMBER DAWKINS: Okay.

25 MR. R. PULLMAN: And this is --

1 - RE: R. PULLMAN -

2 BOARD MEMBER RAMPE: That belongs to this.

3 BOARD MEMBER DAWKINS: This property.

4 MR. R. PULLMAN: Right.

5 BOARD MEMBER DAWKINS: Okay. Okay.

6 MR. R. PULLMAN: Right.

7 BOARD MEMBER DAWKINS: Now, and there's a house here?

8 MR. R. PULLMAN: I own this house.

9 BOARD MEMBER DAWKINS: And there's no house on this
10 property.

11 MR. R. PULLMAN: There's a garage there.

12 BOARD MEMBER DAWKINS: But no house.

13 MR. R. PULLMAN: No house.

14 BOARD MEMBER DAWKINS: And a tennis court.

15 MR. R. PULLMAN: But this house, what happened was
16 last year my house burnt down, a few years ago. Yeah. But
17 spontaneous combustion. Joe Russo was painting my deck

18 BOARD MEMBER DAWKINS: What?

19 MR. R. PULLMAN: Joe Russo was painting my deck.

20 MS. K. PLATT: A little louder.

21 BOARD MEMBER DAWKINS: Joe Russo was painting his
22 deck.

23 MR. R. PULLMAN: Okay. Painting a deck and he left a
24 can of oil stain on the deck, and the brush popped. And it
25 was Father's Day weekend. And I came up and we saw the

1 - RE: R. PULLMAN -

2 brush and paint and we went around the lake and I got a
3 call: Your house is burning. And I said: Yeah, very
4 funny. Bob, your house is burning down. I turn the attic
5 fan on and it's like the perfect storm. The brush fell on
6 the wet paint, the wet paint started to smolder, it went up
7 the side, the attic fan was on, the house was destroyed.
8 So in any event, that led to the fact that we rebuilt the
9 house.

10 And then I don't know if you know about the Masten
11 Lake water system. There's 29 houses on a well, that it
12 was substandard and blah, blah, blah. I wanted to put my
13 own well in here. To put the well in I had to have at
14 least an acre. So Mary had me combine this property with
15 this property.

16 BOARD MEMBER DAWKINS: Okay. So this lot and your
17 house --

18 MR. R. PULLMAN: Is one lot.

19 BOARD MEMBER DAWKINS: So you technically have a house
20 on that lot.

21 MR. R. PULLMAN: Yes, that's correct.

22 BOARD MEMBER DAWKINS: Okay.

23 MR. R. PULLMAN: Yes, yes, yes.

24 BOARD MEMBER DAWKINS: That's important.

25 MR. R. PULLMAN: Okay.

1 - RE: R. PULLMAN -

2 So there is about a 3500 square foot home which is
3 considered one lot because we had to do that because of the
4 well.

5 BOARD MEMBER FINDLEY: Next to this lot line, what's
6 on this property?

7 BOARD MEMBER DAWKINS: That's the person who --

8 MR. R. PULLMAN: That's Bruce's hundreds of wooded
9 acres.

10 BOARD MEMBER FINDLEY: It's all wooded.

11 MR. R. PULLMAN: Yeah. Matter of fact, if you go to
12 the back, there's a picture and you can probably see it.
13 An actual photograph. I think it's stapled to the back of
14 this thing.

15 MS. K. PLATT: A little louder, please.

16 BOARD MEMBER DAWKINS: There are certain lots in the
17 town that actually cross --

18 MR. R. PULLMAN: This is looking at -- here's the
19 tennis court.

20 BOARD MEMBER FINDLEY: Right.

21 MR. R. PULLMAN: Here's where I'm building. And then
22 here, going back is Bruce's.

23 BOARD MEMBER DAWKINS: So we were just making the
24 point, again, that it's a lot that goes across the road.
25 The Town owns the road that your lot crosses. There is one

1 - RE: R. PULLMAN -

2 lot crossing the road.

3 BOARD MEMBER FINDLEY: And if you own that lot why
4 couldn't this shed go on that other lot?

5 BOARD MEMBER RAMPE: Over here.

6 BOARD MEMBER FINDLEY: Yes. Why couldn't it go over
7 here?

8 BOARD MEMBER DAWKINS: It is going over here.

9 BOARD MEMBER FINDLEY: No.

10 MR. R. PULLMAN: There isn't --

11 BOARD MEMBER FINDLEY: They're putting it right here.

12 MR. R. PULLMAN: Here.

13 BOARD MEMBER DAWKINS: Oh.

14 MR. R. PULLMAN: There is a building here.

15 BOARD MEMBER DAWKINS: Oh, okay. Okay. So it's going
16 here.

17 MR. R. PULLMAN: Right. And I'm trying to just tuck
18 it behind. There is to a back door here, as you could see
19 in this picture.

20 BOARD MEMBER DAWKINS: Yes.

21 MR. R. PULLMAN: So it would be behind -- this is kind
22 of drawn where it would be, that black line. It would be
23 behind. Behind the back porch. And this is showing from
24 the side standing back there. If you were -- this is the
25 back porch. The building would be here. The woods are

1 - RE: R. PULLMAN -

2 here. My other property is on that side. This is Mindich,
3 as well.

4 MR. H. PROTTER: Mr. Pullman, perhaps you could just
5 show the Chairman.

6 MR. R. PULLMAN: Sure.

7 So this is the road. My actual lakefront home is
8 here, which is combined. Matter of fact, it was little
9 better on that.

10 BOARD MEMBER RAMPE: This one.

11 BOARD MEMBER DAWKINS: This one here.

12 MR. R. PULLMAN: Yeah, you can see.

13 BOARD MEMBER RAMPE: That one.

14 CHAIRMAN MORDAS: Okay. That's the road.

15 MR. R. PULLMAN: Okay. that's the road.

16 CHAIRMAN MORDAS: The primary?

17 MR. R. PULLMAN: Primary house is here.

18 CHAIRMAN MORDAS: Where is the lot?

19 MR. R. PULLMAN: This.

20 MR. H. PROTTER: The tennis courts are on a separate
21 lot.

22 MR. R. PULLMAN: The tennis court was combined with
23 this which is combined with this.

24 MR. H. PROTTER: Okay. So your house lot is the lot
25 across the street, across the tennis lot, across the vacant

1 - RE: R. PULLMAN -

2 land.

3 MR. R. PULLMAN: Right. Which this actually has a
4 building we use as a, it's become like a museum, almost.
5 It's a garage building.

6 This is just going to be for storage. This is a metal
7 storage building.

8 MR. H. PROTTER: And that's what you're building.

9 MR. R. PULLMAN: That's correct. And that will be, if
10 you look at these pictures --

11 CHAIRMAN MORDAS: So this structure no long exists
12 here?

13 MR. R. PULLMAN: No, that's a house. It's there.

14 CHAIRMAN MORDAS: All right. And that's your
15 property, too?

16 MR. R. PULLMAN: Yes, yes.

17 CHAIRMAN MORDAS: Okay.

18 MR. R. PULLMAN: And if you look, again, looking from
19 the street, this way, down the tennis court, if you look
20 that way, the building is that black line. It's a pole
21 building.

22 CHAIRMAN MORDAS: Okay.

23 MR. R. PULLMAN: Okay? So it would be in behind the
24 tennis court.

25 Looking at from the side, looking this way, it would

1 - RE: R. PULLMAN -

2 be behind the tennis court, looking in this way. And this
3 is the two or three feet that we need. And Bruce says that
4 he has hundreds of acres, I don't care. Okay?

5 And then other closest is to my own lot.

6 MR. H. PROTTER: So it's four feet on one side, two
7 feet on the other. Four and two.

8 CHAIRMAN MORDAS: He's referring to his own lot.

9 BOARD MEMBER DAWKINS: Well, I think that the shed,
10 kind of shed, appears that it's going be larger than the
11 house that's on the current lot. Is that true?

12 MR. R. PULLMAN: Well, here's the drawing. I mean
13 here's the house.

14 CHAIRMAN MORDAS: Well, it says 55.

15 MR. R. PULLMAN: Yes, 55 Lake Shore Drive. That's the
16 address.

17 CHAIRMAN MORDAS: What are the dimensions of this
18 house?

19 BOARD MEMBER DAWKINS: See if it's in the tax thing.

20 BOARD MEMBER FINDLEY: Well, that's why I was looking
21 in the tax map.

22 MR. R. PULLMAN: It should be in there, but this is
23 drawn to scale. So if you look at that and you look at
24 that. I mean this is a three-car garage, that's the home
25 and that's the deck. So if you exclude this, that plus

1 - RE: R. PULLMAN -

2 that is the home and the shed. So it looks to me it's
3 pretty close.

4 BOARD MEMBER FINDLEY: Can you just show me where you
5 are here?

6 MR. R. PULLMAN: Sure.

7 BOARD MEMBER FINDLEY: It says 55 right there, but ...

8 MR. R. PULLMAN: Let's see. That's 5. You can see
9 my garage. Here, that's my garage. That garage is here.

10 BOARD MEMBER FINDLEY: And that the tennis court?

11 MR. R. PULLMAN: That's the tennis court. This thing
12 would be stuck back in here.

13 BOARD MEMBER FINDLEY: That is the wall?

14 MR. R. PULLMAN: That's the backboard; correct. So it
15 would be right there.

16 BOARD MEMBER DAWKINS: She doesn't have it. Oh, yes,
17 she does.

18 BOARD MEMBER FINDLEY: And this is on that other
19 property?

20 MR. R. PULLMAN: Yes. Then my --

21 BOARD MEMBER FINDLEY: And that's the garage?

22 MR. R. PULLMAN: That's the garage and there's my
23 house.

24 BOARD MEMBER FINDLEY: Okay.

25 Mr. R. Pullman: And that's one lot now. We had to

1 - RE: R. PULLMAN -

2 combine that because of the well.

3 Do you want me to bring it up on the iPad? It would
4 be bigger. You could see it.

5 BOARD MEMBER FINDLEY: No, I'm all right.

6 MR. R. PULLMAN: Okay.

7 BOARD MEMBER FINDLEY: I can see it.

8 BOARD MEMBER MORREALE: Help me out.

9 MS. K. PLATT: If you're talking, Rosemary needs to
10 hear you.

11 BOARD MEMBER MORREALE: Mr. Pullman is helping me find
12 on my Google maps.

13 MR. R. PULLMAN: Okay, here we go. there is my
14 existing garage. Here's 55. Here's the tennis court.

15 BOARD MEMBER MORREALE: Okay.

16 MR. R. PULLMAN: That's the backboard of the tennis
17 court.

18 BOARD MEMBER MORREALE: Okay.

19 MR. R. PULLMAN: And I want to put it right back
20 there.

21 BOARD MEMBER MORREALE: Right back here.

22 MR. R. PULLMAN: Right.

23 BOARD MEMBER MORREALE: Okay. Thank you.

24 MR. R. PULLMAN: Thank you.

25 BOARD MEMBER FINDLEY: And what's the purpose of this

1 - RE: R. PULLMAN -

2 shed?

3 MR. R. PULLMAN: Storage of pontoon boat. Like you
4 see all this stuff that's sitting out here now?

5 BOARD MEMBER FINDLEY: Yes.

6 MR. R. PULLMAN: That, plus. Flatbed trailer, boat,
7 boat trailer, pontoon boat, jet skis, all the crap that
8 everybody has to have; right?

9 CHAIRMAN MORDAS: Mr. Pullman, I have to explain that
10 we're bound, in regards to the size of the shed, that it's
11 got to be equal to the size of the primary structure on the
12 lot or less.

13 MR. R. PULLMAN: Okay.

14 CHAIRMAN MORDAS: I'm not saying this can't be done,
15 but you'll probably have to go to the Planning Board,
16 appeal your case to the Planning Board, if you want to
17 maintain the size of that proposed accessory.

18 MR. R. PULLMAN: Does it say the size on that tax form
19 of what the ...

20 BOARD MEMBER DAWKINS: It doesn't say it. But what we
21 have is that Mary Grass, in her denial form, had two
22 issues. One was the setback, four feet from the property
23 line on one side, two feet from the property line on the
24 other side; and planning approval required, accessory
25 structure exceed gross floor area.

1 - RE: R. PULLMAN -

2 MS. K. PLATT: If I may, if you go to the assessor's
3 property card also included in this packet, I believe the
4 total living area is 1,008 square feet.

5 BOARD MEMBER DAWKINS: It's part what?

6 MS. K. PLATT: The total living area --

7 BOARD MEMBER DAWKINS: Oh, 1,008?

8 MS. K. PLATT: I believe it's 1,008.

9 MR. R. PULLMAN: No, that's living area. But that
10 doesn't include the three-car garage which is part of that
11 building. It's connected. So that actually might be 1500
12 square feet.

13 BOARD MEMBER FINDLEY: Yes, but it's still 30 by 50.
14 It's 1500.

15 MR. R. PULLMAN: Well, this is drawn to scale. That's
16 the deck, but this and this are the house.

17 BOARD MEMBER DAWKINS: So it might be close. It's
18 definitely worth taking the time to measure it because it
19 will save you a lot of time and energy going to the
20 Planning Board.

21 MR. R. PULLMAN: Right. Yes, it would. this is the
22 deck. But this to this to this to this to this to this
23 is ...

24 CHAIRMAN MORDAS: So I need a definition.

25 BOARD MEMBER DAWKINS: So this garage is over here.

1 - RE: R. PULLMAN -

2 MR. R. PULLMAN: Yes, ground floor garage connected to
3 the house. And of course it's close. I looked at this and
4 look at this, it's pretty close.

5 MR. H. PROTTER: Gross floor area is a defined term in
6 the code. It is defined as the sum of the gross horizontal
7 area of several floors of a building excluding the basement
8 and attic floors used solely for accessory mechanical
9 equipment. All horizontal dimensions shall be taken from
10 the exterior faces of walls or other outer limits of roofed
11 areas.

12 It doesn't say --

13 CHAIRMAN MORDAS: Living space.

14 MR. R. PULLMAN: The garage.

15 BOARD MEMBER DAWKINS: So we could presume that the
16 garage could be included.

17 MR. H. PROTTER: Yes.

18 BOARD MEMBER DAWKINS: And that could be very
19 important for you.

20 MR. R. PULLMAN: Okay.

21 BOARD MEMBER DAWKINS: Matt, is it going to be okay
22 for him to send out these mailers without that information
23 and just provide it at the next meeting?

24 CHAIRMAN MORDAS: I think we could do that. But in
25 the interim, if we can get the exact dimensions of that.

1 - RE: R. PULLMAN -

2 MR. R. PULLMAN: I'll have it to you tomorrow morning.

3 CHAIRMAN MORDAS: All right. And give that to the
4 Building Department, Kyra or Darlene or Mary.

5 MR. R. PULLMAN: Uh-huh.

6 CHAIRMAN MORDAS: Is it possible that we may have
7 access to your property to inspect it?

8 MR. R. PULLMAN: Any time.

9 CHAIRMAN MORDAS: Okay.

10 MR. R. PULLMAN: As a matter of fact, how long is this
11 meeting going to run tonight?

12 CHAIRMAN MORDAS: We're not quite sure. It's not
13 going to be that long.

14 MR. R. PULLMAN: I mean you've got another hour, you
15 think? Because I could go up and measure it now. I could
16 call you and tell you what it is, if you'd like, after I
17 leave.

18 MR. H. PROTTER: I don't think the Board really needs
19 that for tonight.

20 MR. R. PULLMAN: Okay.

21 MR. H. PROTTER: I think that the issue for you is if
22 you were to get the variance for the setback --

23 MR. R. PULLMAN: Yes.

24 MR. H. PROTTER: -- if the gross floor area is
25 bigger --

1 - RE: R. PULLMAN -

2 MR. R. PULLMAN: Right.

3 MR. H. PROTTER: -- you're going to need Planning
4 Board site plan approval for the structure. That's the
5 caveat here. If the gross floor area is smaller than the
6 principal structure then you don't. It's a separate issue
7 from the variance.

8 MR. R. PULLMAN: You know, the reason I was going
9 actually to the back, the back line, is because of the fact
10 of these doors being 12 feet wide. I could pull the
11 building back a little bit. In other words, if I came up
12 with 1480 square feet, I'll knock 20 feet off the building
13 and make it work.

14 BOARD MEMBER DAWKINS: It would be worth it.

15 MR. R. PULLMAN: I'm with you.

16 CHAIRMAN MORDAS: Have an idea of how flexible you
17 could be with this. Have that in mind.

18 MR. R. PULLMAN: I will. It's to put storage. You
19 know, we figured the boat is 24 feet long, put another one
20 behind it, 50. If it's got to 46, 43, I'll make it work.

21 CHAIRMAN MORDAS: Get a smaller boat.

22 MR. R. PULLMAN: That's fine. Put the small boat
23 here, put the larger one there.

24 BOARD MEMBER DAWKINS: Okay.

25 BOARD MEMBER RAMPE: All right.

1 - RE: R. PULLMAN -

2 CHAIRMAN MORDAS: Any more questions from the Board?

3 (No verbal response.)

4 CHAIRMAN MORDAS: Do I have a motion to set up a
5 public hearing?

6 BOARD MEMBER RAMPE: I'll make the motion.

7 CHAIRMAN MORDAS: I'll second it.

8 CHAIRMAN MORDAS: All in favor?

9 BOARD MEMBER DAWKINS: Aye.

10 BOARD MEMBER RAMPE: Aye.

11 BOARD MEMBER FINDLEY: Aye.

12 BOARD MEMBER MORREALE: Aye.

13 CHAIRMAN MORDAS: Aye.

14 (The motion was approved and carried.)

15 CHAIRMAN MORDAS: All right. Mr. Pullman, consult
16 with Kyra in regards to what you need for the mailers.

17 MR. R. PULLMAN: Right.

18 CHAIRMAN MORDAS: I'm not quite sure of the date. I
19 believe it's --

20 BOARD MEMBER RAMPE: May 24th.

21 CHAIRMAN MORDAS: Will be our next meeting. We'll see
22 you then.

23 In the interim, though, get the dimensions of a
24 primary structure.

25 MR. R. PULLMAN: Thank you very much for your help.

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- RE: R. PULLMAN -

Have a good night.

(Time noted: 7:20 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 Robert Pullman, 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: June 3, 2018

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
ZONING BOARD OF APPEALS

----- X

Back River Hope, Inc.
Area Variance
Tax Map Section 14; Block 1; Lot 14.2
Mountain Greenbelt Zone

----- X

Town Hall
Town of Mamakating
April 26, 2018
7:21 P.M.

ZONING BOARD MEMBERS :

- MATTHEW MORDAS, Chairman
- GEORGIA RAMPE, Board Member
- CATHY DAWKINS, Board Member
- KENT FINDLEY, Board Member
- MATTHEW MORREALE, Board Member
- HOWARD PROTTER, ESQ., Attorney
- KYRA PLATT, Building Department

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

JERIC CORPORATION
Court Reporting Services
P.O. Box 385
Narrowsburg, New York 12764
(845) 252-3515

Reported by: Rosemary A. Meyer

1 - RE: BACK RIVER HOPE, INC. -

2 CHAIRMAN MORDAS: All right. Next on the agenda, Back
3 River Hope, Incorporated, represented by --

4 And your name?

5 MR. J. DEWINTER: Jim Dewinter.

6 CHAIRMAN MORDAS: Jim Dewinter and Mr. Martin Miller.

7 MR. M. MILLER: Good evening, Mr. Chairman, Members of
8 the Board. I'm going to simplify this and then we can get
9 as specific as may be appropriate.

10 By way of background, this is a preexisting campground
11 which had ceased operation. The items that are shown on
12 the map that you have been provided with are preexisting
13 items that we're going to be discussing here this evening
14 and in the future. What we're trying to do is to bring
15 this campground back on line, bring people back into the
16 community. We're talking about upgrading the facility, but
17 we're not talking about changing all of them.

18 Having said that, from this Board's experience in
19 other campgrounds in the town, ones that I've been involved
20 in, you know that campgrounds, by and large, don't conform
21 to the code for campgrounds. They were all built before
22 that. And in addition to that, the law which applies to
23 campgrounds is really a mobile home park law and is
24 inappropriate for campgrounds. We have discussed, with the
25 Town, over I can't tell you how many years, the fact that

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2 the law ought to be changed so that we don't have to keep
3 bothering you folks. But that's what needs to be done.

4 So by way of starting off with the simplest issue, the
5 law requires the surfaces underneath the units to be hard
6 surface. Well, nobody wants it to be hard surface.
7 They're not hard surface in any RV facility, they're always
8 something that is not impervious. It may be stone. It
9 will be something so that the groundwater goes through it.
10 Now, clearly, if you were putting in a mobile home that's
11 intended for all year-round use and you're building a
12 residential community you want to have a different set of
13 facilities than you have for an RV park which is only
14 seasonal.

15 So those are the kinds of things that we're going to
16 be discussing in our variances and what we need, and a lot
17 of that is Planning Board. The Planning Board has been
18 receptive to those concepts. I tell you that based on my
19 experience in the other campground.

20 MR. H. PROTTER: If I may jump in here.

21 MR. M. MILLER: Sure.

22 MR. H. PROTTER: This is relevant to what you're
23 saying specifically.

24 I'm sitting in tonight for the ZBA attorney. But he
25 asked me --

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2 MR. M. MILLER: I knew you weren't Steve.

3 MR. H. PROTTER: I'm not. I used to be in a former
4 life when I was much younger and better looking.

5 He asked me to read a short analysis that he's done --

6 MR. M. MILLER: Okay.

7 MR. H. PROTTER: -- that I think will help to maybe
8 expedite this.

9 MR. M. MILLER: That's why I wanted to give you the
10 background.

11 CHAIRMAN MORDAS: I just want say quickly that we had
12 a very, not quite the same, but a similar situation
13 recently with another campground and basically, we're
14 trying to avoid some possible unnecessary duplication here.

15 MR. M. MILLER: Okay.

16 MR. H. PROTTER: This is from Steve.

17 It is my feeling that Back River Hope, Inc. should not
18 be scheduled for a public hearing at this time. The
19 Applicant seeks a variance from the individual standards
20 for a special use permit for vacation campgrounds under
21 199.26(z).

22 Under 199.25(b) it states the Planning Board shall
23 review an application's conformity with the individual
24 standards for special use permits contained herein, and
25 shall also have the authority to impose reasonable

1 - RE: BACK RIVER HOPE, INC. -
2 conditions and restrictions as are directly related to, or
3 incidental to the proposed special use permits.

4 Under 199.25(c) the Planning Board is authorized to
5 waive any of the individual standards for the special use
6 permit waiver requirements. The Town Board herein
7 authorizes the Planning Board, when reasonable, to waive
8 any of the individual standards for the approval, approval
9 with modifications or disapproval of a special use permit
10 submitted for approval. Any such waiver may be exercised
11 in the event any such individual standards were found not
12 to be requisite in the interest of the public health,
13 safety or general welfare or inappropriate for a particular
14 special use permit.

15 The ZBA has interpreted these provisions of the code
16 to mean that waiver of individual standards under a special
17 use permit is within the purview of the Planning Board, not
18 the ZBA. Although the transcript of a Planning Board
19 meeting some months ago seems to imply otherwise, the
20 Planning Board attorney, John Cappello, has agreed with
21 this position, that the Planning Board has the record
22 authority to deal with the entire application in-house.

23 He goes on to say that if you and/or the Board or the
24 Applicant have any reservations, you can simply table the
25 matter until next month, but that is my position.

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2 MR. M. MILLER: Let me just comment. That definitely
3 simplifies it because on campgrounds, in the past, I've
4 bounced between the two boards. That's a different
5 position. I wish Steve had shared that with us before we
6 got here.

7 The only real, then, question is is it going to be
8 this Board's position and Steve's position that -- I'm
9 looking here at setback because that is -- and we can
10 discuss the individual setbacks in the units. But if
11 they're all going to go to the Planning Board then there's
12 no reason to burden you with them.

13 MR. H. PROTTER: Well, you'd be burdened with a
14 separate hearing.

15 MR. M. MILLER: Correct. We're just as happy not to
16 do that. But some years ago we were here and then there,
17 so we thought it best to start at the beginning because to
18 go to the Planning Board and discuss units that are in
19 setback areas presents issues.

20 CHAIRMAN MORDAS: I think we're in one of those gray
21 areas of the code of the town that might need to be brushed
22 up a little bit for some more clarification in the future.
23 But what we're trying to do here tonight is try to provide
24 some clarity and some -- how shall I say it?

25 MR. M. MILLER: Well, if this Board wanted to adopt a,

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2 I'm going to say a resolution or a position by resolution
3 deferring the entire matter to the Planning Board based on
4 that provision of the code, then we don't have to trouble
5 you any further unless they kick us back to you. And then
6 we've met our need to come here to this board. That would
7 make sense. I mean there's no point in having two boards
8 review kind of the same thing.

9 BOARD MEMBER DAWKINS: I don't think we have to. The
10 law is the law.

11 CHAIRMAN MORDAS: In other words, if we do craft a
12 resolution does that mean we have to go through a public
13 hearing?

14 MR. H. PROTTER: No.

15 MR. M. MILLER: No.

16 BOARD MEMBER FINDLEY: I mean Steve said that you can
17 go to the Planning Board.

18 BOARD MEMBER DAWKINS: The law says they need to --

19 MR. M. MILLER: Well --

20 BOARD MEMBER DAWKINS: Well, the law says the Planning
21 Board has the authority.

22 MR. M. MILLER: The law says the Planning Board has
23 the authority, but this board has compliance authority. So
24 all I'm asking you to do is to adopt a resolution that
25 defers to the Planning Board so that if somebody there

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2 doesn't say, Go back and see the ZBA. That's all I'm
3 asking, so that we know that we're going in one spot, one
4 direction, and we live with it.

5 MS. K. PLATT: I have a question. Wouldn't they have
6 to go to the Planning Board to get the approval and then
7 come here? The approvals would be based off of getting
8 your input from the this board? No?

9 MR. H. PROTTER: No, no.

10 MR. M. MILLER: That would be the typical situation
11 and that's why we started out this way.

12 MR. H. PROTTER: The code has that specific provision
13 that allows the Planning Board to waive those conditions in
14 a special use permit.

15 A resolution of that sort would be appropriate if the
16 Board wanted to do that. Basically, the resolution would
17 be to refer this applicant to the Planning Board for the
18 Planning Board review under Section 199.25(b) and
19 199.25(c), for review and waiver of any appropriate
20 conditions that satisfy the requirements of those sections.

21 CHAIRMAN MORDAS: All right. Just give me a moment.

22 Shall we say in regard to individual standards or ...

23 MR. H. PROTTER: It's in regard to the application.

24 Maybe you could read back the language I gave a moment
25 ago and perhaps somebody could move that.

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2 BOARD MEMBER FINDLEY: I don't think we should make
3 motions on what the code says.

4 (The record was read, Page 33, Lines
5 16 through 20.)

6 MR. H. PROTTER: Would you like me to phrase the
7 resolution for your consideration?

8 CHAIRMAN MORDAS: Sure.

9 MR. H. PROTTER: Be it resolved that the application
10 by Back River Hope, Inc. be referred to the Planning Board
11 for its review under Sections 199.25(b) and 199.25(c) so
12 that the Planning Board can review the request for waiver
13 of the individual standards that are set forth in the code,
14 and that they can take action under those sections in
15 accordance with the standards that are set forth in those
16 sections.

17 CHAIRMAN MORDAS: All right. Before we make a motion,
18 is there discussion?

19 BOARD MEMBER FINDLEY: I don't think we need to make a
20 motion or the vote. It's what's in the code.

21 BOARD MEMBER RAMPE: Right.

22 BOARD MEMBER FINDLEY: There's no reason to vote for
23 the code.

24 And according to what -- I don't know the lawyer's
25 name over the, but he read both Cappello from the Planning

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2 Board, is under the same opinion --

3 CHAIRMAN MORDAS: His name is Howard.

4 BOARD MEMBER FINDLEY: Howard. Sorry.

5 Is under the same opinion as Steve, so I don't think
6 there's anything to do. They just need to go to the
7 correct board.

8 BOARD MEMBER DAWKINS: Tell Steve to call John.

9 CHAIRMAN MORDAS: All right. Well, do I have a motion
10 to vote on this resolution?

11 (No verbal response.)

12 CHAIRMAN MORDAS: I'm sorry, you're not going to get
13 the resolution.

14 MR. M. MILLER: If the Planning Board kicks us back
15 here we're back to the same square and that's what I'm
16 trying to avoid.

17 CHAIRMAN MORDAS: I can't predict the future, but I
18 think we're are on a better track now than maybe we would
19 have been before the meeting started. So let's just take
20 it at that.

21 MR. M. MILLER: Okay.

22 CHAIRMAN MORDAS: Best of luck in front of the
23 Planning Board.

24 MR. M. MILLER: Thank you very much.

25 CHAIRMAN MORDAS: Thank you. Thank you.

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2 BOARD MEMBER DAWKINS: Should we adjourn the meeting?

3 CHAIRMAN MORDAS: Motion to adjourn?

4 BOARD MEMBER MORREALE: One quick.

5 I'm just looking at the minutes from the Planning
6 Board when they were discussing, on page 117, where
7 Mr. Cappello: Before we look at anything, we need
8 something demonstrating from you, No. 1, how you meet the
9 Town's code. If you are seeking to vary the Town's
10 provision you have to go to the ZBA and you have to
11 demonstrate to them, at the very least, the department, or
12 a department would be okay with that.

13 Now --

14 BOARD MEMBER DAWKINS: But that was assuming that the
15 Zoning Board was going to take action on the variance.

16 BOARD MEMBER MORREALE: Okay.

17 BOARD MEMBER DAWKINS: That was assuming that the
18 Zoning Board would going to be the one taking action on the
19 variance request. And what the counsel has advised us is
20 that was neither necessary or appropriate.

21 BOARD MEMBER MORREALE: Okay. Fair enough.

22 CHAIRMAN MORDAS: Motion to close the meeting?

23 BOARD MEMBER DAWKINS: Motion.

24 CHAIRMAN MORDAS: Second?

25 BOARD MEMBER FINDLEY: Second.

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CHAIRMAN MORDAS: All in favor?

BOARD MEMBER DAWKINS: Aye.

BOARD MEMBER RAMPE: Aye.

BOARD MEMBER FINDLEY: Aye.

BOARD MEMBER MORREALE: Aye.

CHAIRMAN MORDAS: Aye.

(The motion was approved and carried.)

(Time noted: 7:36 p.m.)

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REPORTER'S CERTIFICATION

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That the foregoing transcript is an accurate record of the proceedings in the matter of Back River Hope, Inc., to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

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ROSEMARY A. MEYER

Date Transcribed: June 3, 2018

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