

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

---

*Meeting Minutes*  
*4-25-19*  
*April 25, 2019*

---

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

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ZONING BOARD OF APPEALS

MINUTES

APRIL 25, 2019

TOWN HALL

WURTSBORO, NEW YORK

ZONING BOARD MEMBERS :

MATTHEW MORDAS, Chairman

CATHY DAWKINS, Board Member

GEORGIA RAMPE, Board Member

KENT FINDLEY, Board Member

MATTHEW MORREALE, Board Member

JON FOURNIER, Alternate Board Member

STEVEN MOGEL, ESQ., Attorney

MARY GRASS, Building Department

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

Reported by: Rosemary A. Meyer

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING  
ZONING BOARD OF APPEALS

----- X

Tommy Giannopoulos  
Area Variance  
Tax Map Section 56; Block 7; Lot 8  
Neighborhood Residential Zone

----- X

Town Hall  
Town of Mamakating  
April 25, 2019  
7:06 P.M.

ZONING BOARD MEMBERS :

- MATTHEW MORDAS, Chairman
- CATHY DAWKINS, Board Member
- KENT FINDLEY, Board Member
- MATTHEW MORREALE, Board Member
- JON FOURNIER, Alternate Board Member
- STEVEN MOGEL, ESQ., Attorney
- MARY GRASS, Building Department

Also Present: Tommy Giannopoulos, Applicant

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P.O. Box 385  
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(845) 252-3515

Reported by: Rosemary A. Meyer

1                   - RE: TOMMY GIANNOPOULOS -

2           CHAIRMAN MORDAS: Good evening ladies and gentlemen.  
3 Welcome to the Mamakating Zoning Board of Appeals meeting  
4 for April 25th, 2019. I'm your chairman, Matthew Mordas.  
5 I start the meeting with a roll call.

6           Georgia.

7           BOARD MEMBER RAMPE: Here.

8           CHAIRMAN MORDAS: Cathy

9           BOARD MEMBER DAWKINS: Here.

10          CHAIRMAN MORDAS: Kent.

11          BOARD MEMBER FINDLEY: Here.

12          CHAIRMAN MORDAS: Matt.

13          BOARD MEMBER MORREALE: Here.

14          CHAIRMAN MORDAS And our alternate, Jon.

15          BOARD MEMBER FOURNIER: Here.

16          CHAIRMAN MORDAS: All right. And our counsel, as  
17 usual, Steve Mogel.

18          Everybody rise for the Pledge of Allegiance.

19                   (The Pledge of Allegiance was recited.)

20          CHAIRMAN MORDAS: Has everybody had a chance to look  
21 at last month's minutes?

22          BOARD MEMBER DAWKINS: Yes.

23          BOARD MEMBER KENT: Yes.

24          CHAIRMAN MORDAS: Do I have a motion to accept the  
25 minutes?

1                   - RE: TOMMY GIANNOPOULOS -

2           BOARD MEMBER RAMPE: I make a motion.

3           BOARD MEMBER DAWKINS: Second.

4           CHAIRMAN MORDAS: All in favor?

5           BOARD MEMBER DAWKINS: Aye.

6           BOARD MEMBER RAMPE: Aye.

7           BOARD MEMBER FINDLEY: Aye.

8           BOARD MEMBER MORREALE: Aye.

9           CHAIRMAN MORDAS: Aye.

10                   (The motion was approved and carried.)

11           CHAIRMAN MORDAS: First on the agenda is Mr. Jason  
12 Degroat who I don't believe I see here yet. So showing our  
13 flexibility, we'll go right to Mr. Giannopoulos.

14           All right. Sir, please come up and state your name  
15 and residence.

16           BOARD MEMBER RAMPE: I'm going to recuse myself  
17 because he's my direct neighbor.

18           CHAIRMAN MORDAS: Okay.

19           BOARD MEMBER RAMPE: Okay?

20           CHAIRMAN MORDAS: Thank you, Georgia.

21           BOARD MEMBER RAMPE: You're welcome.

22           MR. GIANNOPOULOS: Tommy Giannopoulos. You want my  
23 main residence or my ...

24           CHAIRMAN MORDAS: What's the residence you receive  
25 your legal notices at?

1                   - RE: TOMMY GIANNOPOULOS -

2           MR. GIANNOPOULOS: 1663 Stewart Avenue, New Hyde Park,  
3 New York, 11040.

4           CHAIRMAN MORDAS: All right. Please state as to why  
5 you're in front of us here.

6           MR. GIANNOPOULOS: Well, I basically need a variance  
7 to build a garage. As you can see in the forms that I  
8 applied, there's already a shed that's been there ever  
9 since we bought the property almost 30 years ago. I'd like  
10 to knock the shed down and replace it with a garage. The  
11 shed, at the time, is on the property and the garage would  
12 have to be on the property line with my neighbor.

13          CHAIRMAN MORDAS: Okay.

14          MR. GIANNOPOULOS: There's also a survey attached  
15 there showing the shed. Basically, that's what the garage  
16 is going to be like.

17          CHAIRMAN MORDAS: Okay. All right. This is going to  
18 be a front yard and a side yard variance?

19          MS. GRASS: Yes. It's before the street wall of the  
20 house. He just doesn't know. He didn't give me the  
21 setbacks to the front of the property line. I know the one  
22 section is going to be right on his property line. He just  
23 didn't give me the exact.

24          BOARD MEMBER DAWKINS: I think it shows a line --

25          MR. GIANNOPOULOS: None of the setbacks --

1 - RE: TOMMY GIANNOPOULOS -

2 BOARD MEMBER DAWKINS: I think it shows, on the  
3 drawing, the new garage within 15 feet and 20 feet from the  
4 front property line, if I'm reading that correctly.

5 MS. GRASS: That's your application.

6 BOARD MEMBER DAWKINS: Yes, this thing.

7 MS. GRASS: Yes.

8 BOARD MEMBER DAWKINS: But it does not show the  
9 distance between the front line of the house and the rear  
10 line of the new garage.

11 I don't know. I drove by the property and it's tight.  
12 I mean the situation he's got is not easy.

13 I would be curious to know the distance between the  
14 home, and I guess it's 20.2 feet, so 20.2 between the home  
15 and the other side yard.

16 Between the house and the other side yard setback.

17 BOARD MEMBER FINDLEY: That's the --

18 CHAIRMAN MORDAS: Mr. Giannopoulos, do I and my fellow  
19 board members have permission to stop by and inspect your  
20 property?

21 MR. GIANNOPOULOS: Any time, yes.

22 CHAIRMAN MORDAS: Thank you.

23 The long side of this proposed shed, is that an  
24 easement or just someone else's property line?

25 MR. GIANNOPOULOS: It's basically a driveway, a right





1                   - RE: TOMMY GIANNOPOULOS -

2           MR. GIANNOPOULOS: Basically, the garage door would be  
3 right here.

4           BOARD MEMBER FINDLEY: Just one garage door?

5           MR. GIANNOPOULOS: Yeah, one garage door.

6           BOARD MEMBER FINDLEY: Okay.

7           MR. GIANNOPOULOS: I'll probably have a separate door  
8 over there here to gain entrance. One garage door right  
9 here.

10          BOARD MEMBER FINDLEY: I'm just curious how you gain  
11 entry.

12          MR. GIANNOPOULOS: So while I'm up here let me  
13 explain. The same neighbor -- this is the driveway. It  
14 goes like this and then it borders, it comes around. So  
15 there's no dwellings on here. So it's basically a  
16 driveway, a path around.

17          BOARD MEMBER FINDLEY: So a driveway in the front?

18          MR. GIANNOPOULOS: Right.

19          BOARD MEMBER DAWKINS: So the idea is that this part  
20 of the garage here would be to store --

21          MR. GIANNOPOULOS: Exactly.

22          BOARD MEMBER DAWKINS: And this is for a car.

23          MR. GIANNOPOULOS: And the driveway -- the garage door  
24 would be right here. It's big.

25          BOARD MEMBER DAWKINS: Right, your driveway comes

1 - RE: TOMMY GIANNOPOULOS -

2 around.

3 MR. GIANNOPOULOS: The driveway in back of here.

4 BOARD MEMBER FINDLEY: And what he's also saying is  
5 this lot is a driveway. It's not really a road in front of  
6 him.

7 BOARD MEMBER DAWKINS: It's a right of way --

8 MR. GIANNOPOULOS: It's a right of way to the lake.

9 BOARD MEMBER DAWKINS: -- to the lake.

10 MS. GRASS: Rosemary needs you to speak up. She can't  
11 hear.

12 BOARD MEMBER DAWKINS: So he was explaining that the,  
13 what is it, the north side, the east side of the property  
14 there is a lot that has a house, but between that lot and  
15 him there's a 15 foot easement that goes from the road down  
16 to the lake.

17 MS. GRASS: Now, on your plan you show one garage door  
18 and one big barn, so you will have two bays.

19 MR. GIANNOPOULOS: No, I will have one bay. I changed  
20 the plans.

21 MS. GRASS: Okay. Well --

22 MR. GIANNOPOULOS: I'm going to submit the plan.

23 MS. GRASS: Okay. It's difficult when you change  
24 plans after you're already been denied because I denied you  
25 specifically on what you --

1 - RE: TOMMY GIANNOPOULOS -

2 MR. GIANNOPOULOS: Basically, there's going to be one  
3 garage door and an door on the side.

4 BOARD MEMBER FINDLEY: What was this setback? What is  
5 this dimension?

6 MR. GIANNOPOULOS: That's basically -- this is going  
7 to be -- this is like you put the car here.

8 BOARD MEMBER FINDLEY: No, no, I know. I was just  
9 curious what this dimension is.

10 MR. GIANNOPOULOS: This is 20. This would be like 14  
11 feet.

12 BOARD MEMBER DAWKINS: This is seven. Or six feet  
13 here.

14 MR. GIANNOPOULOS: Right, six feet.

15 BOARD MEMBER FINDLEY: It's not critical. I'm just  
16 asking.

17 What does that leave you from -- I like to look at  
18 this one better because I think it covers more.

19 CHAIRMAN MORDAS: Kent, can you speak up little bit?

20 BOARD MEMBER FINDLEY: From this side of the house  
21 which is the side of the house that you want to put the  
22 garage on, what will this distance be?

23 MR. GIANNOPOULOS: To this garage would be at least 20  
24 feet to the big garage.

25 BOARD MEMBER FINDLEY: Twenty feet?

1                   - RE: TOMMY GIANNOPOULOS -

2           MR. GIANNOPOULOS: This one.

3           BOARD MEMBER FINDLEY: To here would be 20?

4           MR. GIANNOPOULOS: Right. Presently, it's 20 feet.

5           BOARD MEMBER FINDLEY: Okay. You can't come over a  
6 little?

7           MR. GIANNOPOULOS: Where?

8           BOARD MEMBER FINDLEY: Move it off the property line  
9 just a little?

10          MR. GIANNOPOULOS: There would be no room there. That  
11 would be on top of the house.

12          CHAIRMAN MORDAS: Currently, how many feet between  
13 your current shed and the house, roughly?

14          MR. GIANNOPOULOS: Twenty feet.

15          CHAIRMAN MORDAS: Twenty feet.

16          BOARD MEMBER FINDLEY: But the one corner of the  
17 current shed, it appears, touches the property line. I  
18 think that says zero there.

19          MR. GIANNOPOULOS: Yep.

20          BOARD MEMBER FINDLEY: It's very small. 0.8.

21          BOARD MEMBER DAWKINS: Here we go, 54.

22          BOARD MEMBER FINDLEY: So we only need ...

23          BOARD MEMBER DAWKINS: On this side, not on this side.

24          BOARD MEMBER FINDLEY: Well, not for the shed.

25          BOARD MEMBER DAWKINS: Yes.

1 - RE: TOMMY GIANNOPOULOS -

2 MS. GRASS: Steve, if he changed his drawings, how  
3 does that ...

4 MR. MOGEL: Well, the drawings, I mean if the bases  
5 for the denial hasn't changed --

6 MS. GRASS: It's the same square footage?

7 MR. GIANNOPOULOS: Yes.

8 MS. GRASS: You haven't changed any of that?

9 MR. GIANNOPOULOS: No.

10 MR. MOGEL: It's the same. Obviously, he has to keep  
11 you updated.

12 MS. GRASS: Right, yes.

13 BOARD MEMBER DAWKINS: Okay.

14 CHAIRMAN MORDAS: A site visit is in order?

15 BOARD MEMBER DAWKINS: Yes.

16 CHAIRMAN MORDAS: All right. Any more questions from  
17 the Board?

18 BOARD MEMBER DAWKINS: You said it's one story. Do  
19 you know what the anticipated height is or do you have ...

20 MR. GIANNOPOULOS: Fifteen feet.

21 CHAIRMAN MORDAS: And the square footage?

22 BOARD MEMBER DAWKINS: 20 by 28, minus 6, borrow 16.

23 I can't do the math. That's Kent's job.

24 BOARD MEMBER FINDLEY: It's 14 times 28.

25 BOARD MEMBER DAWKINS: 16 times 28.

1 - RE: TOMMY GIANNOPOULOS -

2 BOARD MEMBER FINDLEY: 14 times 28.

3 BOARD MEMBER DAWKINS: You can do the math.

4 BOARD MEMBER FINDLEY: 14 times 28.

5 BOARD MEMBER DAWKINS: Plus ...

6 BOARD MEMBER FINDLEY: You have a calculator.

7 BOARD MEMBER DAWKINS: 14 times 28 is 392. Plus ...

8 BOARD MEMBER FINDLEY: 12 times ...

9 BOARD MEMBER DAWKINS: 12 by 20.

10 BOARD MEMBER FINDLEY: No, because we already did 28  
11 by 16 by 14.

12 BOARD MEMBER DAWKINS: Oh. 6 by 6, 12.

13 BOARD MEMBER FINDLEY: Yes.

14 CHAIRMAN MORDAS: Do you have a measurement on that  
15 bump out?

16 BOARD MEMBER DAWKINS: Yes. 463.

17 BOARD MEMBER FINDLEY: 460.

18 It looks like 21.3 feet from here to the property line  
19 on the house. So if he moved it over it would be in front  
20 of the house.

21 BOARD MEMBER DAWKINS: Right, if he moved it this way.

22 BOARD MEMBER FINDLEY: Yes.

23 BOARD MEMBER DAWKINS: But my question is can he move  
24 it this way.

25 MR. GIANNOPOULOS: No. I have a conflict with the

1 - RE: TOMMY GIANNOPOULOS -

2 septic.

3 BOARD MEMBER FINDLEY: The septic is right there.

4 MR. GIANNOPOULOS: I couldn't. All this is septic  
5 right here. It's tough to see, but you can see the septic.

6 CHAIRMAN MORDAS: It's mounded?

7 MR. GIANNOPOULOS: Yeah. Basically, you can see the  
8 it all. It's above ground.

9 BOARD MEMBER DAWKINS: So when I drove by your house  
10 today, you in and then the driveway seems to split sort of  
11 in front of the house and there are some trees here.

12 MR. GIANNOPOULOS: There's a driveway here.

13 BOARD MEMBER DAWKINS: Will the garage be on the  
14 street side of the trees or you're going to take the trees  
15 out?

16 MR. GIANNOPOULOS: No, the trees come down.

17 BOARD MEMBER DAWKINS: Okay.

18 CHAIRMAN MORDAS: Well, he said it's pretty much going  
19 on top of where the existing shed is.

20 BOARD MEMBER DAWKINS: I know, but the shed here.

21 BOARD MEMBER FINDLEY: And it's smaller.

22 BOARD MEMBER DAWKINS: Okay.

23 MR. GIANNOPOULOS: Essentially, there's a driveway  
24 here and --

25 BOARD MEMBER DAWKINS: It goes right in here. Okay.



1                   - RE: TOMMY GIANNOPOULOS -

2           BOARD MEMBER FINDLEY: And out of curiosity, why can't  
3 you go through the other side?

4           MR. GIANNOPOULOS: Because I have the water well on  
5 the other side. I have the water well and a buried propane  
6 tank.

7           BOARD MEMBER DAWKINS: Oh, even more important.

8           MR. GIANNOPOULOS: That's the reason.

9           BOARD MEMBER DAWKINS: I'd like to make a motion to  
10 have a meeting.

11          CHAIRMAN MORDAS: Schedule a public hearing?

12          BOARD MEMBER DAWKINS: A public hearing.

13          CHAIRMAN MORDAS: I second.

14          All in favor?

15          BOARD MEMBER DAWKINS: Aye

16          BOARD MEMBER FINDLEY: Aye.

17          BOARD MEMBER MORREALE: Aye.

18          CHAIRMAN MORDAS: Aye.

19          Jon can vote.

20          BOARD MEMBER FOURNIER: Aye.

21                   (The motion was approved and carried.)

22          MS. GRASS: You're going to come to us. I don't know  
23 if it will be ready tomorrow or not. We'll call you and  
24 let you know.

25          BOARD MEMBER DAWKINS: Okay.

(Time noted: 7:22 p.m.)

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REPORTER'S CERTIFICATION

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

That the foregoing transcript is an accurate record of the proceedings in the matter of Tommy Giannopoulos, 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: May 20, 2019

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING  
ZONING BOARD OF APPEALS

----- X

Jason Degroat  
Area Variance  
Tax Map Section 59.A; Block 1; Lot 19  
Neighborhood Residential Zone

----- X

Town Hall  
Town of Mamakating  
April 25, 2019  
7:23 P.M.

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Reported by: Rosemary A. Meyer

1 - RE: JASON DEGROAT -

2 CHAIRMAN MORDAS: Next on the agenda, Mr. Jason  
3 Degroat.

4 All right. Please step forward.

5 MR. DEGROAT: How you doing? I'm back.

6 I know the last time I was here you guys asked to see  
7 a copy of the survey. I brought that. I don't know if you  
8 want to see it.

9 CHAIRMAN MORDAS: Sure.

10 MR. DEGROAT: It's my original. I need it back.

11 (Mr. Degroat presented a survey to the  
12 Zoning Board members.)

13 BOARD MEMBER FINDLEY: Is it only 11 by 17?

14 MR. DEGROAT: No. Well, maybe. Is it 11 by 17?

15 BOARD MEMBER FINDLEY: It looks like it. Can we make  
16 copies?

17 CHAIRMAN MORDAS: Mary, you're going to make a copy of  
18 that survey?

19 MS. GRASS: Yes.

20 MR. DEGROAT: I e-mailed this in the next day after  
21 the last meeting.

22 BOARD MEMBER MORREALE: Yes, we should all have it in  
23 our e-mail.

24 BOARD MEMBER FINDLEY: Did I get that? I'm not sure  
25 that I got it.

1                   - RE: JASON DEGROAT -

2           The proposed garage is here; right?

3           MR. DEGROAT: Yes.

4           You were concerned about the metes and bounds being  
5 accurate with the site plan.

6           MR. MOGEL: Gentlemen, gentlemen. Gentlemen, speak up  
7 so the stenographer can hear comments.

8           MR. DEGROAT: Sorry.

9           CHAIRMAN MORDAS: Please.

10          Would you be able to make a copy of this?

11          MS. GRASS: I can, yes.

12                   (Ms. Grass was excused from the meeting to  
13 make copies of the survey.)

14          CHAIRMAN MORDAS: Thank you.

15          All right, Mr. Degroat, do you have anything you would  
16 like to add on top of what transpired at the last meeting?

17          MR. DEGROAT: At the last meeting, I guess upon a site  
18 visit there were some things she found she was unhappy  
19 with, so that's all since been taken care of.

20          BOARD MEMBER RAMPE: With Mary, you mean?

21          MR. DEGROAT: Yeah. Remember, we had a conversation  
22 about there were some possible violations and I would  
23 possibly being sent a notification for violations about  
24 more than one commercial vehicle and more than one utility  
25 vehicle?

1 - RE: JASON DEGROAT -

2 CHAIRMAN MORDAS: What's the utility vehicle?

3 MR. DEGROAT: A recreational vehicle is what they  
4 said. Because I have, side by side, a boat, a  
5 four-wheeler. I guess that was an issue.

6 CHAIRMAN MORDAS: Any questions?

7 BOARD MEMBER FINDLEY: The public hearing has been  
8 closed; right?

9 CHAIRMAN MORDAS: Yes. That doesn't preclude us from  
10 asking more questions.

11 BOARD MEMBER FINDLEY: No, no. No.

12 MR. MOGEL: The public hearing was closed at the last  
13 meeting?

14 MS. GRASS: Yes.

15 MR. MOGEL: We didn't leave it open?

16 BOARD MEMBER DAWKINS: No. No, I don't believe so.

17 (Ms. Grass distributed copies of the  
18 survey.)

19 BOARD MEMBER RAMPE: Thank you so much.

20 MS. GRASS: I think it was closed, Kyra said.

21 BOARD MEMBER FINDLEY: Right, that's my recollection.

22 BOARD MEMBER MORREALE: Thank you.

23 MS. GRASS: You're welcome.

24 BOARD MEMBER DAWKINS: One question I regret not  
25 having asked last month, if I'm not mistaken, your house is

1                               - RE: JASON DEGROAT -

2 directly across the street from the Pine Kill, the outflow  
3 of Yankee Lake into the Pine Kill and down to the Basha  
4 kill. Is that correct?

5           MR. DEGROAT: Yeah. Well, yeah. There's a -- I guess  
6 that's what it is, yeah, from the dam.

7           CHAIRMAN MORDAS: Wouldn't that be on the other side  
8 of Conway Road?

9           BOARD MEMBER DAWKINS: Yes, the other side of Conway  
10 Road.

11          MR. DEGROAT: Yeah, Conway down to the Pine Kill.

12          BOARD MEMBER FINDLEY: Is Conway Road a private road?

13          MR. DEGROAT: Yes.

14          BOARD MEMBER FINDLEY: Does that have any bearing on  
15 front yard issues? If it's a private road does it still  
16 count as a road or ...

17          BOARD MEMBER DAWKINS: It's listed on the tax map.

18          MR. MOGEL: Is there a position of the Building  
19 Department? Kent is asking whether the fact that the road,  
20 Conway Road, is a private road, whether that has bearing on  
21 the location of the front yard.

22                Is that what you're asking?

23          BOARD MEMBER FINDLEY: Yes.

24          MS. GRASS: In the 13 years I've been here, I've  
25 never ...

1                               - RE: JASON DEGROAT -

2           MR. MOGEL: I would assume that unless you're talking  
3 about a paper road --

4           BOARD MEMBER FINDLEY: Okay. I'm just asking.

5           MS. GRASS: I think even in that case, because we do  
6 have some of those over in the hills, we'd still consider  
7 that a road for all intents and purposes because it is an  
8 nonofficial highway, but it could be used.

9           MR. MOGEL: Okay.

10          CHAIRMAN MORDAS: As far as citing your driveway, did  
11 that have any -- how shall I say -- any part of the  
12 decision the site your driveway off of Yankee Lake Road,  
13 the fact that Conway Road is a private road?

14          MR. DEGROAT: Back when I built the house?

15          CHAIRMAN MORDAS: Yes.

16          MR. DEGROAT: Yes. Well, and plus, like, from my  
17 house, the front of my house down to Conway Road is --  
18 yeah, so the driveway would have been more level out to  
19 Yankee Lake Road.

20          BOARD MEMBER DAWKINS: And that was really what I was  
21 getting at with the question, that he does, in fact, have a  
22 very steep yard between the house and Conway. Then Conway  
23 is reasonable flat and then it drops straight off into the  
24 Pine Kill which is, I believe one of the primary feeders to  
25 the Basha Kill. So there's some degree of concern on my



1                                 - RE: JASON DEGROAT -

2 part about paved surfaces and stormwater runoff and that  
3 kind of thing. Anyway, I think it's worth noting.

4             CHAIRMAN MORDAS: So you don't have any rights to  
5 Conway Road.

6             MR. DEGROAT: No.

7             CHAIRMAN MORDAS: All right.

8             BOARD MEMBER FINDLEY: His property only touches it in  
9 the corner, it looks like. I don't know how that ...

10            CHAIRMAN MORDAS: Well ...

11            BOARD MEMBER DAWKINS: They abut on the tax map.

12            CHAIRMAN MORDAS: Mr. Degroat, my issue with this  
13 proposal, and in certain regards I wish I was here last  
14 month, it's just the size of the garage that you're  
15 proposing. You're asking the Town to, for all intents and  
16 purposes, break one of its laws for your purposes.

17            This developing coverage, it appears that you're just  
18 barely under the 25 percent max.

19            MR. DEGROAT: But I'm under; right?

20            CHAIRMAN MORDAS: You're under, but what's to prevent  
21 you from putting a nonbuilding permitted structure up that  
22 pushes you over that limit, a 12 by 10 shed. I just have  
23 an issue. It's going to be part of the criteria I read off  
24 when we go to a vote. It's just maxing out this small lot,  
25 a nonconforming lot.

1                   - RE: JASON DEGROAT -

2           MR. DEGROAT: Well, you know, part of the thing is I  
3 have three children. At some point, one next year, the  
4 other the year after that, they're both going to have  
5 vehicles, and I have another child coming up that's going  
6 to have a vehicle. What am I going to do with all these  
7 vehicles? You know, a one or two bay, I mean it's just not  
8 going to fit my family or my needs.

9           BOARD MEMBER FINDLEY: How many violations did you  
10 get?

11          MR. DEGROAT: I'm sorry.

12          BOARD MEMBER FINDLEY: How many violations did you  
13 get?

14          MR. DEGROAT: One for a vehicle and one for a  
15 recreational vehicle and one for a shed.

16          BOARD MEMBER FINDLEY: You had mentioned, Mary was out  
17 making photocopies, that you resolved all these?

18          MR. DEGROAT: Yes.

19          BOARD MEMBER FINDLEY: Is that accurate according to  
20 you?

21          MS. GRASS: I haven't been notified, no.

22          MR. DEGROAT: She hasn't been back yet, no.

23          BOARD MEMBER FINDLEY: Okay.

24          MR. DEGROAT: Actually, one of the requests was an  
25 architectural drawing for the shed so I brought that

1                                   - RE: JASON DEGROAT -

2 tonight. I just got it this morning.

3           MS. GRASS: Is that an original stamp and signature by  
4 the architect?

5           MR. DEGROAT: Yes.

6           MS. GRASS: Okay.

7           CHAIRMAN MORDAS: May I take a look at that?

8           MS. GRASS: I also need a current survey of the  
9 property.

10          BOARD MEMBER FINDLEY: Isn't that what you copied?

11          BOARD MEMBER DAWKINS: This is the original.

12          MS. GRASS: That's an original, but there's no pool,  
13 there's no shed. There's nothing on this one. He just  
14 built it, I'm assuming.

15          CHAIRMAN MORDAS: Do you need a copy of that, too,  
16 Mary?

17          MS. GRASS: What?

18          CHAIRMAN MORDAS: The shed?

19          MS. GRASS: I think he said that was for me.

20          MR. DEGROAT: Yes.

21          CHAIRMAN MORDAS: That's the existing shed.

22          BOARD MEMBER FINDLEY: That's to handle the violation  
23 on the shed.

24          MR. DEGROAT: Yes. Because there was, like, I was  
25 going to rectify the violations that we thought we had

1                               - RE: JASON DEGROAT -

2 coming my way.

3           BOARD MEMBER MORREALE: Matt, to answer your question,  
4 what would prohibit him from putting up another shed,  
5 wouldn't that be the code that prohibit him from adding any  
6 coverage to the lot?

7           CHAIRMAN MORDAS: Yes, it would be. It would have to  
8 be enforced.

9           BOARD MEMBER MORREALE: Sure.

10          BOARD MEMBER DAWKINS: But it doesn't require a  
11 building permit so that's --

12          BOARD MEMBER MORREALE: There's no way we would know.

13          BOARD MEMBER FINDLEY: It's no different than buying a  
14 car that goes faster than the speed limit. I don't think  
15 that's a valid concern.

16          BOARD MEMBER MORREALE: I agree. I think he's also  
17 showing that he's bringing his property, at least he's  
18 making an attempt, to code.

19          BOARD MEMBER FINDLEY: I think it's unfortunate late  
20 got violated. He came to get a permit to do something.

21          CHAIRMAN MORDAS: Well, no, I don't think it's  
22 unfortunate he got violated. He came forward, he got into  
23 the system and that's it. He should have cleaned up the  
24 property beforehand. He's in the business, he knows.

25          BOARD MEMBER FINDLEY: I disagree. it could have been

1                                   - RE: JASON DEGROAT -

2 handled without violations.

3           CHAIRMAN MORDAS: I don't agree.

4           BOARD MEMBER FINDLEY: Well, how many violations have  
5 been issued in Yankee Lake in the last year? I would love  
6 to know that. I drove through Yankee Lake today. I saw  
7 houses with five and six snowmobiles. Did they get  
8 violated?

9           CHAIRMAN MORDAS: Did you file a complaint?

10          BOARD MEMBER FINDLEY: No, I didn't file a complaint.

11          CHAIRMAN MORDAS: File a complaint.

12          BOARD MEMBER FINDLEY: Nope.

13          CHAIRMAN MORDAS: All right. Then you have no ground  
14 to stand upon.

15          BOARD MEMBER FINDLEY: His neighbor, right next  
16 door --

17          CHAIRMAN MORDAS: You sit on the Zoning Board --

18          BOARD MEMBER FINDLEY: -- a tractor trailer sitting in  
19 the driveway. There's an air conditioning van right down  
20 on the road, sitting in the driveway. Across the street  
21 there's a landscape truck.

22          MR. MOGEL: Pardon me. What this sounds like is  
23 someone arguing that other people were speeding and they  
24 got pulled over. The answer is that's the way enforcement  
25 works. Sometimes other people get away with it and other

1 - RE: JASON DEGROAT -

2 people who happen to do what they did and be scrutinized by  
3 enforcement get the ticket. That's precisely what happened  
4 here, it's sounds like to me. There was an application  
5 that was presented and pending. The Building Department  
6 went to the property. The Building Department observed  
7 conditions that violated the law and they issued a citation  
8 which is absolutely the Building Department's prerogative.

9 BOARD MEMBER FINDLEY: The Building Department had to  
10 drive by the same properties to get to this property.

11 MR. MOGEL: Officer, those other three cars ahead of  
12 me were going must faster. That's the argument. The  
13 argument is not that other people were doing it, the  
14 argument is are you guilty of that offense.

15 BOARD MEMBER MORREALE: Mr. Degroat had violations, he  
16 was violated.

17 MR. DEGROAT: Correct.

18 BOARD MEMBER MORREALE: He's remedying. At least I  
19 believe he's remedying or attempting to remedy those  
20 violations. I don't think we should be penalizing him on  
21 what he could do. I think that's what we should be  
22 thinking about instead of the hypothetical.

23 MR. MOGEL: I think that's a fair argument.

24 My simple argument is the only thing I'm saying is I  
25 just want to clarify if there's an allegation being made of

1 - RE: JASON DEGROAT -

2 some sort of selective enforcement on behalf of the Town, I  
3 don't see any evidence of that.

4 MR. DEGROAT: You know, I have another question and  
5 only because I just seen it happen. I'm not even sure of  
6 the street address, but the very first house on my road  
7 just put up a two-bay garage about eight feet off the road.  
8 I'm wondering was that -- because I've been here for three  
9 months and I haven't seen her in here applying for a  
10 variance. I'm wondering was there a variance for that? Am  
11 I allowed to ask that?

12 MR. MOGEL: You can ask the Building Department.

13 BOARD MEMBER MORREALE: But it probably won't have any  
14 bearing on your situation at all.

15 MR. DEGROAT: I'm just curious because it's, like, on  
16 the road in front of the house and it just went up last  
17 week. So I'm thinking to myself, I've been coming here for  
18 months, architect's fees, this, that, everything else. And  
19 I'm like I haven't seen this woman come in here. So ...

20 MR. MOGEL: Just so you know, this board is the Zoning  
21 Board of Appeals. It's not an enforcement arm. These  
22 members don't go about the town tallying up violations.

23 MR. DEGROAT: Sure.

24 MR. MOGEL: The only issues that come before us are  
25 appeals that come by applicants that come through the

1 - RE: JASON DEGROAT -

2 Building Department. You're welcome to do a FOIL request,  
3 get the old agendas and look through and see or you're  
4 welcome to request that of Building Department, see if they  
5 have any evidence of this location. But otherwise, it's  
6 really immaterial for what we're doing here tonight.

7 MR. DEGROAT: Right.

8 MS. GRASS: Steve, I'd like to answer that, if I  
9 could. Is it okay if I discuss somebody else's business  
10 here in this forum?

11 MR. MOGEL: Well, it depends. Is it confidential? I  
12 mean it's a matter of public record, is it not?

13 MS. GRASS: If they FOIL-ed it.

14 MR. MOGEL: Is it FOIL-able?

15 MS. GRASS: Yes.

16 So the property you're talking about on Yankee Road  
17 got a violation for her first shed that was there, so I  
18 guess I was selective there, as well. She couldn't get the  
19 required information that she needed so that shed had to be  
20 removed.

21 She is on a corner lot so she picked her front yard of  
22 the property is the property that is on the road going up  
23 so she didn't need a variance for that. If you did notice,  
24 there was a permit posted there, as well as the inspections  
25 that were done along the way.



1                               - RE: JASON DEGROAT -

2           MR. DEGROAT: I'm sure you inspected it. That wasn't  
3 the question.

4           MS. GRASS: You're questioning why wasn't she getting  
5 a variance. Because the front of her property faces the  
6 other road.

7           MR. DEGROAT: It faces the same road.

8           MS. GRASS: No, it doesn't.

9           MR. DEGROAT: Sure, it does.

10          MS. GRASS: She's on the corner --

11          MR. DEGROAT: The sidewalk, it goes right to the front  
12 door.

13          MS. GRASS: She's on a corner lot so she can  
14 designate, through the Zoning Board, which lot to be her  
15 front yard, which she did --

16          MR. DEGROAT: Right.

17          MS. GRASS: -- a long time ago.

18          MR. DEGROAT: I understand. I understand.

19          BOARD MEMBER MORREALE: At the last meeting one of the  
20 things, information that we needed to confirm before we  
21 could vote was the discrepancy between the tax map acreage  
22 and the actual acreage as per the survey. This has been  
23 verified; correct? He's within his lot coverage. I'm just  
24 wondering what other thoughts there are on this proposed  
25 garage.

1                               - RE: JASON DEGROAT -

2           BOARD MEMBER FINDLEY: Can he select Conway to be his  
3 front yard?

4           MS. GRASS: He doesn't touch Conway. Wasn't that just  
5 said?

6           BOARD MEMBER FINDLEY: We called this a corner lot.  
7 You said that's what we're calling it.

8           BOARD MEMBER DAWKINS: I'm going to draw our attention  
9 again to yard regulations 199-12(A), a side yard corner  
10 lot. On a corner lot each yard facing on a street shall be  
11 deemed a front yard. At the owner's discretion, one yard  
12 other than the front yard shall be deemed the rear yard.  
13 The remaining yard shall be considered the side yard.

14           So for the purposes of what's in front of me today,  
15 I'm reading the code as it stands today. The code, as it  
16 stands today, says that if you have a home that's on a  
17 corner lot, both lots facing one of the roads qualify as a  
18 front yard.

19           I'm not going to get into a discussion of what's going  
20 on at the corner of Mount Prosper and Yankee Lake Road.  
21 That is of no concern to me. The only concern to me is  
22 what's going on with this lot and this appeal.

23           CHAIRMAN MORDAS: Now, what is the distance between  
24 this proposed garage and your existing residence?

25           MR. DEGROAT: It's on there. I think it's like 12

1                                   - RE: JASON DEGROAT -

2 feet.

3           CHAIRMAN MORDAS: Does that include the soffits, the  
4 roofline?

5           MR. DEGROAT: No, it's the foundation so it's probably  
6 like 11.

7           BOARD MEMBER FINDLEY: Actually, according to this  
8 architectural drawing, it looks like it might be the  
9 soffit. I don't know what these two line indicate.

10          MR. DEGROAT: Yeah, I don't know.

11          BOARD MEMBER FINDLEY: It almost looks to me like that  
12 second line might be the soffit.

13          MR. DEGROAT: Yeah, because The first line is the  
14 foundation.

15          BOARD MEMBER FINDLEY: Yep.

16          MR. DEGROAT: And the second line is the bilevel, so  
17 it's the cantilever.

18          BOARD MEMBER FINDLEY: Oh, okay.

19          MR. DEGROAT: It's the cantilever of the front and  
20 back.

21          BOARD MEMBER FINDLEY: Okay. So it's the corner of  
22 the upper level, the bilevel.

23          CHAIRMAN MORDAS: All right. And how far does the  
24 roofline extent over?

25          MR. DEGROAT: Of the -- what are we talking? Of the

1                                   - RE: JASON DEGROAT -

2 garage?

3           CHAIRMAN MORDAS: The garage and the structure.

4           MR. DEGROAT: Twelve inches.

5           CHAIRMAN MORDAS: All right. So you have a 10 foot  
6 separation?

7           MR. DEGROAT: Yes. So we are talking about the eaves,  
8 yeah.

9           CHAIRMAN MORDAS: All right. Any more questions?

10                                (No verbal response.)

11           CHAIRMAN MORDAS: Do I have a motion to end  
12 discussion, proceed to a vote?

13           BOARD MEMBER DAWKINS: So moved.

14           CHAIRMAN MORDAS: Do I have a second?

15           BOARD MEMBER RAMPE: I'll second it.

16           CHAIRMAN MORDAS: All in favor?

17           BOARD MEMBER DAWKINS: Aye.

18           BOARD MEMBER RAMPE: Aye.

19           BOARD MEMBER FINDLEY: Aye.

20           BOARD MEMBER MORREALE: Aye.

21           CHAIRMAN MORDAS: Aye.

22                                (The motion was approved and carried.)

23           CHAIRMAN MORDAS: Okay. Before we go to a vote I must  
24 read the area variance criteria.

25           In making its determination the Zoning Board shall

1                   - RE: JASON DEGROAT -

2 take into consideration the benefit to the applicant if the  
3 variance is warranted as weighed against the detriment to  
4 the health, safety and welfare of the neighborhood or  
5 community by such grant.

6           In making such determination the Board shall also  
7 consider whether an undesirable change will be produced in  
8 the character of the neighborhood or a detriment to nearby  
9 properties will be created by the granting of the variance.

10           Georgia, how do you see this?

11           BOARD MEMBER RAMPE: Yes.

12           CHAIRMAN MORDAS: Cathy

13           BOARD MEMBER DAWKINS: Yes.

14           CHAIRMAN MORDAS: Kent.

15           BOARD MEMBER FINDLEY: No.

16           CHAIRMAN MORDAS: Matthew.

17           BOARD MEMBER MORREALE: No.

18           CHAIRMAN MORDAS: What did you say?

19           BOARD MEMBER MORREALE: No.

20           CHAIRMAN MORDAS: I'm going to say yes.

21           Whether the benefit sought by the applicant can be  
22 achieved by some method feasible to the applicant to pursue  
23 other than an area variance.

24           Matthew.

25           BOARD MEMBER MORREALE: No.

1 - RE: JASON DEGROAT -

2 CHAIRMAN MORDAS: Kent.

3 BOARD MEMBER FINDLEY: No.

4 CHAIRMAN MORDAS: Cathy.

5 BOARD MEMBER DAWKINS: Yes.

6 CHAIRMAN MORDAS: Georgia.

7 BOARD MEMBER RAMPE: I'm going to say no.

8 CHAIRMAN MORDAS: I'm going to say yes.

9 Whether the requested area variance is substantial.

10 I'll say yes.

11 Georgia.

12 BOARD MEMBER RAMPE: Yes.

13 CHAIRMAN MORDAS: Cathy.

14 BOARD MEMBER DAWKINS: Yes.

15 CHAIRMAN MORDAS: Kent.

16 BOARD MEMBER FINDLEY: Yes.

17 CHAIRMAN MORDAS: Matthew.

18 BOARD MEMBER MORREALE: Yes.

19 CHAIRMAN MORDAS: Whether the proposed variance will  
20 have an adverse effect or impact on the physical or

21 environmental conditions in the neighborhood or district.

22 Matt.

23 BOARD MEMBER MORREALE: No.

24 CHAIRMAN MORDAS: Kent.

25 BOARD MEMBER FINDLEY: No.

1                               - RE: JASON DEGROAT -

2           CHAIRMAN MORDAS: Cathy

3           BOARD MEMBER DAWKINS: Yes.

4           CHAIRMAN MORDAS: Georgia.

5           BOARD MEMBER RAMPE. Yes.

6           CHAIRMAN MORDAS: I'll say yes.

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

11           Georgia.

12           BOARD MEMBER RAMPE: Yes.

13           CHAIRMAN MORDAS: Cathy.

14           BOARD MEMBER DAWKINS: Yes.

15           CHAIRMAN MORDAS: Kent.

16           BOARD MEMBER FINDLEY: Yes.

17           CHAIRMAN MORDAS: Matthew.

18           BOARD MEMBER MORREALE: Yes.

19           CHAIRMAN MORDAS: And I'll say yes.

20           All right. In granting Mr. Degroat relief from  
21 199-13(C)(2), how do you vote?

22           BOARD MEMBER MORREALE: Me?

23           CHAIRMAN MORDAS: Yes.

24           BOARD MEMBER MORREALE: I grant in favor of relief.

25           CHAIRMAN MORDAS: Kent.

1                   - RE: JASON DEGROAT -

2           BOARD MEMBER FINDLEY: Yes, in favor or relief.

3           CHAIRMAN MORDAS: Cathy.

4           BOARD MEMBER DAWKINS: I'm very torn, but I'm going to  
5 say no.

6           CHAIRMAN MORDAS: Georgia.

7           BOARD MEMBER RAMPE: No.

8           CHAIRMAN MORDAS: I'm going to say no.  
9 Your request has been denied.

10          MR. DEGROAT: Perfect. Thank you very much.

11          CHAIRMAN MORDAS: Do I have a motion to close the  
12 meeting?

13          BOARD MEMBER DAWKINS: I'll make the motion.

14          BOARD MEMBER RAMPE: I'll second it.

15          CHAIRMAN MORDAS: All in favor?

16          BOARD MEMBER DAWKINS: Aye.

17          BOARD MEMBER RAMPE: Aye.

18          BOARD MEMBER FINDLEY: Aye.

19          BOARD MEMBER MORREALE: Aye.

20          CHAIRMAN MORDAS: Aye.

21                   (The motion was approved and carried.)

22                   (Time noted: 7:49 p.m.)

23                           \* \* \* \* \*

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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 Jason Degroat, 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: May 21, 2019

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