

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

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*Meeting Minutes*  
*6-28-18*  
*June 28, 2018*

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

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ZONING BOARD OF APPEALS

MINUTES

June 28, 2018

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

MICHELLE BABCOCK, ESQ., Attorney

KYRA PLATT, 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

Pantilieris  
Public Hearing - Use, Area, Interpretation,  
Special Use Variance  
Tax Map Section 12; Block 1; Lot 16  
Neighborhood Residential Zone

----- X

Town Hall  
Town of Mamakating  
June 28, 2018  
7:05 P.M.

ZONING BOARD MEMBERS :

- MATTHEW MORDAS, Chairman
- CATHY DAWKINS, Board Member
- GEORGIA RAMPE, Board Member
- MATTHEW MORREALE, Board Member
- MICHELLE BABCOCK, ESQ., Attorney
- KYRA PLATT, Building Department

Also Present: Thomas Farrell, 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: PANTILIERIS -

2           CHAIRMAN MORDAS: Good evening, ladies and gentlemen.  
3 Welcome to the Mamakating Zoning Board of Appeals meeting  
4 for June 28. I'm your chairman, Matthew Mordas.

5           I start off the meeting with a role call.

6           Kent Findley.

7           BOARD MEMBER FINDLEY: Here.

8           CHAIRMAN MORDAS: Matthew Morreale.

9           BOARD MEMBER MORREALE: Here.

10          CHAIRMAN MORDAS: Georgia Rampe.

11          BOARD MEMBER RAMPE: Here.

12          CHAIRMAN MORDAS: Cathy Dawkins.

13          BOARD MEMBER DAWKINS: Here.

14          CHAIRMAN MORDAS: And standing in for our usual  
15 counsel, Steve Mogel, is Michelle Babcock. Welcome aboard.

16          CHAIRMAN MORDAS: All right. Before we go further, I  
17 have to ask the Board if they have gone through the  
18 February and April minutes, and if so, can we accept them.

19          Do I have a motion to accept the February and April  
20 minutes?

21          BOARD MEMBER FINDLEY: I'll make a motion.

22          BOARD MEMBER RAMPE: I'll second.

23          CHAIRMAN MORDAS: All in favor?

24          BOARD MEMBER DAWKINS: Aye.

25          BOARD MEMBER RAMPE: Aye.

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2           BOARD MEMBER FINDLEY: Aye.

3           BOARD MEMBER MORREALE: Aye.

4           CHAIRMAN MORDAS: Aye.

5                               (The motion was approved and carried.)

6           CHAIRMAN MORDAS: All right. Kyra, the first  
7 opportunity you get, put them online. Thanks.

8           Okay. One other item. It's with a mixture of  
9 happiness and sadness I have to announce the retirement of  
10 a friend and colleague of mine, Darlene Reynolds, in the  
11 Building Department. She's been great to work with and a  
12 dedicated Town employee for many years, and I wish her all  
13 the best for a happy retirement.

14           Thank you, Darlene.

15           Okay. First up on the agenda is Mr. Pantilieris.

16           I'm sorry, sir. I forgot your name.

17           MR. FARRELL: Yes. Tom Farrell.

18           CHAIRMAN MORDAS: Mr. Farrell, please refresh us on  
19 what Mr. Pantilieris is in front of us for.

20           MR. FARRELL: Yes. He bought a two-family house on  
21 Walker Valley Road in 2002. And before he bought it he  
22 wanted to make sure it was a two-family house so he  
23 insisted that the seller give him some kind of proof that  
24 it was a two-family house, and the seller sent him the tax  
25 bill, the tax bill from 2002. It indicated that it had the

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2 designation of what they call 220 which is a designation in  
3 the assessor's office for two-family. It's a statewide  
4 number. And in addition to that, the title company for the  
5 bank, he was getting a bank loan, wanted to make sure there  
6 were no violations against the property. So the title  
7 company sent a letter to the building inspector and they  
8 wrote back and said that there were no violations. Based  
9 upon that, he closed on the house in 2003, and he had no  
10 problems. He rented it out as a two-family house until  
11 approximately 2014 when the building inspector said that  
12 there was a violation, that it really wasn't a two-family  
13 house, but it's a single-family house. And he said: I've  
14 been paying the taxes since 2002, 2003 as a two-family  
15 house. We have copies of all the tax bills in there. And  
16 in fact, he's been paying the tax bills until -- the school  
17 tax, the recent current school tax in September of 2017.  
18 You have that. That's Exhibit 15 at the end. I gave you  
19 a packet of material the last time.

20                   Now, this property apparently starts out as a summer  
21 residence by a fellow by the name of Accarino back in the  
22 '70s. And around 1983 it gets classified as a two-family  
23 house, and that's when the taxes go as a two-family house.  
24 The assessment goes up, the market value goes up, that kind  
25 of thing. And we know that because it's in the records as

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2 a two-family house. You look at the rate cards in the  
3 assessor's office; it shows it as a 220 back then. And in  
4 fact, the building inspector, Mary Grass, looked in the  
5 file, too, and she said it started about 1983. Accarino,  
6 he starts tinkering and adding on; he does his thing.

7           About 1996 or '97 he sells it to a real estate broker  
8 by the name of Cirallo. She does more tinkering and  
9 fixing. It's always 220, it's always a two-family house,  
10 it's always being taxed as a two-family house. She sells  
11 it to my client in 2002, 2003. The contract is 2002, the  
12 sale is 2003.

13           So we want to continue that. We feel that the  
14 information that we got from the Town, both through the  
15 assessment office indicating that it was taxed as a  
16 two-family, that it was 220, that that's what it was. And  
17 we also checked to see if there was any violations with  
18 that back at the time when he bought the house, when he  
19 closed on it in 2002, 2003. They said it was a two-family  
20 then, no violations. So at that point, he says: Why am I  
21 a victim? What did I do wrong in any of this situation? I  
22 paid my money and now you're telling me that the Town gave  
23 me bad information. In fact, as I said, they kept sending  
24 tax bills out, which he paid, since 2002, right through to  
25 2017.



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2           So he needs you guys to say he can have a two-family  
3 house there subject to the following bars. He's got more  
4 bars to get over.

5           The first one is he's going to have to get over the  
6 Planning Board in some fashion. The building inspector  
7 feels that he has to go before the Planning Board. If  
8 that's the position she takes before she'll issue any kind  
9 of a building permit, that's what he's got to do.

10          Also, she says it has to be according to the building  
11 code. The state, building and fire code for a two-family  
12 house probably had additional requirements in terms of  
13 electrical, plumbing and other things like that, septic,  
14 you know, because you have people in the house. So we have  
15 to over that. We have to get an engineer in to look at it  
16 and say: Yes, this is what you have to do to make it a  
17 legal two-family according to the building and the fire  
18 code. These are the things you have to do.

19          So the first step for us is to get your approval that  
20 it can stay there as a two-family. Then after that, as I  
21 said, we have to go to the Planning Board and then we have  
22 to get an engineer or somebody to give us plans for a  
23 two-family house that's in compliance with the fire and  
24 building code, and that has to get approved through Mary  
25 Grass. That's what we're doing. Got to start someplace.

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2           And if you turn me down, I don't have to go with two  
3 and three, I'm done. You know, what do we do after that?  
4 But I need this. I need one. You're one. I got to have  
5 one otherwise, there's no sense going any further, I'm  
6 done.

7           MS. PLATT: If I may, again, I will restate that  
8 although the assessor has it as a 220, which is a  
9 two-family dwelling, the assessor doesn't care if it's  
10 legal or not legal. She's going assess it as how she sees  
11 it, which is why the tax bills were going out as a  
12 two-family. Just bear it in mind.

13           CHAIRMAN MORDAS: Thank you, Kyra.

14           Thank you, Mr. Farrell.

15           MR. FARRELL: Thank you.

16           Do you have any questions, any other questions?

17           CHAIRMAN MORDAS: Well, I'm going to open up the  
18 public hearing.

19           MR. FARRELL: Okay.

20           CHAIRMAN MORDAS: Well, I'm going to make a motion to  
21 open up the public hearing.

22           Kyra, do we have the appropriate documentation that  
23 the mailings were done to your satisfaction and the notices  
24 were in our newspapers in a timely fashion?

25           MS. PLATT: Yes.

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2           CHAIRMAN MORDAS: All right. Do I have a motion to  
3 open the public hearing?

4           BOARD MEMBER DAWKINS: So moved.

5           CHAIRMAN MORDAS: Second?

6           BOARD MEMBER FINDLEY: I'll second it.

7           CHAIRMAN MORDAS: Okay. Let's let the public speak  
8 and we'll have any further questions.

9           Okay. Anybody on the list for this applicant?

10          MS. PLATT: Not for this one.

11          CHAIRMAN MORDAS: Okay. All right.

12          Okay, Fellow board members, any questions for  
13 Mr. Farrell or Mr. Pantilieris?

14          BOARD MEMBER RAMPE: Yes.

15          I see that there was a request for a C of O, and then  
16 I believe in your letter and you said no C of O was issued?

17          MR. FARRELL: Say that again.

18          BOARD MEMBER RAMPE: Do they have a Certificate of  
19 Occupancy?

20          MR. FARRELL: No. It says no C of O was issued. But  
21 there were no violations. The one we got, it's in there,  
22 too, that's 2002, 2003, right on the cusp. You have the  
23 one he got from the title company, what the title company  
24 got. And it said there was no violations against the  
25 property.

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2           MR. FARRELL: Do you want me to give you another?

3           BOARD MEMBER RAMPE: Thank you. No.

4           BOARD MEMBER FINDLEY: Was this changed from  
5 two-family or a single-family since the change in zoning or  
6 has this always been?

7           BOARD MEMBER RAMPE: It started in --

8           MS. PLATT: It was originally a seasonal dwelling.

9           BOARD MEMBER FINDLEY: No.

10          BOARD MEMBER DAWKINS: And it says on the cover of the  
11 form that it's Neighborhood Residential, formerly RAG,  
12 Agriculture. Isn't it RAG-1?

13          MR. FARRELL: RAG-1, that's what it was back in the  
14 '80s.

15          BOARD MEMBER DAWKINS: I think that was the question,  
16 isn't it?

17          BOARD MEMBER FINDLEY: Yes.

18          BOARD MEMBER DAWKINS: Had the zoning been changed.  
19 Kent's question is when was the zoning changed.

20          MR. FARRELL: Well, you guys have three zonings. You  
21 had one in 1970. I looked at all of these. 1973, 1976 and  
22 someplace in the '80s. So I tried to track it.

23          BOARD MEMBER FINDLEY: We just need the zoning that  
24 was back then.

25          BOARD MEMBER DAWKINS: But apparently it's not that

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2 one.

3 BOARD MEMBER FINDLEY: Okay. That's what I wanted to  
4 know.

5 MR. FARRELL: It would have qualified under some of  
6 the old zoning laws, when you only needed one acre or 40 to  
7 60 thousand square feet, which is a little bit less than an  
8 acre up to about an acre and half.

9 BOARD MEMBER FINDLEY: Was it a two-family at that  
10 time?

11 MR. FARRELL: We don't know. In 1983, clearly, the  
12 assessor says it's a two-family at that particular point.  
13 You can see it on the rate card attached to it. And that's  
14 what Mary Grass found, 1983. That's what she found. And I  
15 also saw that, too.

16 BOARD MEMBER FINDLEY: Do you know if it was ...

17 MS. PLATT: So going back to the March minutes, I said  
18 in '78 the assessor's records show it as a seasonal  
19 dwelling and it didn't have the additional kitchen.  
20 Sometime after '78 it was. And Mr. Farrell did say back in  
21 '83 that they had marked as a two-family. So sometime  
22 between '78 and '83 it was converted.

23 BOARD MEMBER FINDLEY: In '83 would it have qualified  
24 for a two-family?

25 MS. PLATT: I don't know what the zoning was back

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2 then.

3           MR. FARRELL: It could have because in '83 there was a  
4 40 to 60 thousand square feet requirement. So it could  
5 have snuck under the RAG-1. But I don't know if it was,  
6 what it was or when it was. You know, you can look at the  
7 cards, but the cards can sometimes be in existence for ten  
8 years. They don't issue a new card, a rate card, they just  
9 add on. They add on lines. They go out there and they see  
10 something new and that they put a -- you can see the  
11 different handwriting from different times as they go  
12 through it. I tried to trace, you know, that question, but  
13 I couldn't come up with anything. What I did is I said to  
14 myself, this poor guy, what did he do wrong. He bought it  
15 the way it was presented by the Town, regardless. You  
16 know, he's not -- he didn't do anything. He didn't make  
17 changes that required, you know, that it be ....

18           CHAIRMAN MORDAS: Now, Mary Grass did tell me that  
19 Mr. Pantilieris had an apartment above his garage, also?

20           MR. FARRELL: No. That was it. That was that  
21 efficiency apartment.

22           CHAIRMAN MORDAS: Okay.

23           MR. FARRELL: There was never a three-family there.  
24 He bought it as a two and used it as a two. There was a  
25 house. And the efficiency apartment was advertised at

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2    about 400 square feet. They actually physically were so  
3    separated you could not walk between one to the other, you  
4    had to go outside.

5           CHAIRMAN MORDAS: Well, board members, I agree with  
6    Kyra. I put don't as much credence into the tax records as  
7    maybe Mr. Farrell does. But I do feel that -- I do put a  
8    lot of weight in regards to the Building Department records  
9    which seem to show a pretty bad discrepancy in regards to a  
10   description of this place to the title company.

11           But also, I am kind of curious what the zoning laws at  
12   the time that this conversion was done.

13           BOARD MEMBER FINDLEY: That's important to me, also.  
14   I think if he was shown that at the time there was a  
15   two-family, that the zoning allowed two-family, this would  
16   be much easier to work with.

17           CHAIRMAN MORDAS: All right. Do you get sense where  
18   this is going, Mr. Farrell?

19           MR. FARRELL: I think you can assume that because  
20   they're sending out -- the Building Department is sending  
21   out in the '90s and when my guys buys it. You know, this  
22   guy Accarino who was doing all this work asked for a CO.

23           CHAIRMAN MORDAS: He put up an illegal deck.

24           MR. FARRELL: You got it.

25           CHAIRMAN MORDAS: In '96, I believe, he had an illegal

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2 deck that must have been addressed.

3 MR. FARRELL: And he gets the letter. He gets the  
4 thing from the Building Department saying there's no  
5 violations. This is '96 and '97. My guy comes along and  
6 in 2002. He's buying the end of 2002, 2003. And the title  
7 company, at that time, to him, not Accarino, not Cirillo,  
8 my guy, they ask any violations; no violations. He acts on  
9 that. So did the bank. The bank gave him a loan for a  
10 two-family house. They acted on that information, too.  
11 Doesn't everybody act on that? You get a letter from the  
12 building inspector and he says no violations, you act on  
13 it. Why wouldn't you.

14 And do you think that I could have, as a buyer, said I  
15 want to see if you got a legal two-family by sending the  
16 building inspector into your house to look at it and see if  
17 there's violations and it's not a two-family house. That's  
18 just not going to happen.

19 CHAIRMAN MORDAS: So I see on the search, in '96 it's  
20 checked as construction with no permits or CO for deck in  
21 rear. Was that ever addressed?

22 MR. FARRELL: As far as I know, if you look in the  
23 records, all of that was cleaned up by him.

24 BOARD MEMBER RAMPE: By who, the previous owner?

25 CHAIRMAN MORDAS: Accarino?



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2           MR. FARRELL: Accarino.

3           I don't want to call him the culprit, but he's the  
4 progenitor. He's the guy that has a seasonal house, he  
5 lives in the city, if I remember, New Jersey, and he just  
6 keeps adding on. There's nothing wrong. You know, you  
7 want to have people come up, you want a deck, you want  
8 this, bup, bup, bup. And then he wanted to sell it. So he  
9 got -- in '96 or '97 he got a letter saying there's no  
10 violations, so he's okay.

11           BOARD MEMBER RAMPE: So this says in October of 1983  
12 the property card was changed to the two-family. So at  
13 that time what has to happen for the property card to  
14 change?

15           MS. PLATT: Either a survey by the property owner, an  
16 application by the property owner would be filled out for  
17 the assessor's department, or they request that the  
18 assessor went out to at the look property.

19           MR. FARRELL: I don't know why anything was changed in  
20 2003 because the tax bills --

21           BOARD MEMBER RAMPE: No. 1983.

22           MR. FARRELL: Oh, 1983. Why did that change?

23           BOARD MEMBER RAMPE: Well, that's when the property  
24 card changed --

25           MR. FARRELL: Yes.

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2           BOARD MEMBER RAMPE: -- to a two-family.

3           MR. FARRELL: Yes. Okay. I don't know what -- you  
4 know, the assessors go out there. They send somebody out.  
5 They're supposed to do it every year but nobody does it  
6 every year. And they go and they look at the house. If  
7 there's a CO -- if a request for a building permit comes  
8 in, that's always a tip that something is being done and  
9 you want to go out there and take a look at it and get the  
10 final CO or whatever, the assessor goes back out and looks  
11 and see what was added on and does the assessment have to  
12 change as a result of that. So I don't know what happened  
13 in '93. I did not -- I don't see anything that says to me  
14 bang, that's it. You know, you're looking back and trying  
15 to figure out what's happening in the gap. But again, on  
16 these rate cards, which are like six by eight, you know,  
17 the box and they've got all the different information that  
18 they put in there, you can see that it's always being  
19 upgraded over, like, a ten year period. They'll get so  
20 crowded or old or whatever, throw away, put a new one in.

21           BOARD MEMBER MORREALE: Matt, even with the Building  
22 Department giving a clear no open permits, no problems with  
23 the property, some of that happens frequently, prior to a  
24 closing. Someone from the Building Department will look at  
25 photographs on the listing online and they'll find

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2 apartments, they'll find additions, they'll find decks.  
3 And without those pictures they would have gotten the green  
4 light. It's not that the property was, you know, in  
5 compliance, it just meant that nobody only knew it was out  
6 of compliance. I'm leaning toward your reasoning, Kent.

7           MR. FARRELL: The listing -- I have the listing.

8           BOARD MEMBER MORREALE: Sure.

9           MR. FARRELL: I don't know if you want to take a ...  
10          And the listing by the real estate broker, who also  
11 owned it --

12          BOARD MEMBER MORREALE: Right.

13          MR. FARRELL: -- was that it was a house with an  
14 efficiency apartment. And she puts down on the listing the  
15 square footage of the house and how much for the efficiency  
16 apartment. And she says it's a beautiful efficiency  
17 apartment. Would you like to see it?

18          BOARD MEMBER MORREALE: Well, I don't think it would  
19 make a difference. My point is that unless the Building  
20 Department knows the problem, you know, they're, you  
21 know ...

22          BOARD MEMBER DAWKINS: But ostensibly, they do because  
23 in October the homeowner, Accarino, filled out a form and  
24 submitted it to the Town. And it appears to me that based  
25 on that card in the same month of the same year the

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2 property card, those Town records, was changed to reflect a  
3 change from a one-family to a two-family dwelling. So it  
4 would appear to me that that's the time in question that  
5 the official change was made. My question is the question,  
6 Kent, that you raised, what was the zoning at the time.

7           MR. FARRELL: Right.

8           BOARD MEMBER FINDLEY: If we can confirm the zoning  
9 that was applicable at the time I would feel much better  
10 about this variance.

11          CHAIRMAN MORDAS: I agree with you, Kent.

12          BOARD MEMBER FINDLEY: I don't know how we confirm the  
13 zoning --

14          BOARD MEMBER RAMPE: Wait a minute. I believe it was  
15 one acre. It's .9 acre, but I think the zoning was a one  
16 acre.

17          MR. FARRELL: The actual amount from a survey --  
18 that's an error, too, .90 -- the survey is 1.01640.

19          BOARD MEMBER DAWKINS: Right.

20          MR. FARRELL: And I did the math on the length and the  
21 width and it's over an acre. It's over 44,000.

22          BOARD MEMBER DAWKINS: Yes. There are documents  
23 throughout that say .9 acres --

24          MR. FARRELL: Yeah.

25          BOARD MEMBER DAWKINS: -- but the actual survey plat

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2 reflects 1.0180 acres.

3           MR. FARRELL: Right.

4           BOARD MEMBER DAWKINS: And that was done ...

5           BOARD MEMBER FINDLEY: If we could get a bulk table  
6 from --

7           CHAIRMAN MORDAS: I just want to discuss something  
8 with Matt. I'm leaning in your direction, Kent.

9           How do you explain the 2002, I'm sorry, the 1996 visit  
10 from Mr.Griffo? Or if he didn't visit, at least he had  
11 photos where he said that the construction done prior to  
12 the issuance of the CO, a CO is not necessary. But he also  
13 checks that construction has been done with no permit or  
14 CO, the deck in the rear. So to me, that kind of ...

15           BOARD MEMBER DAWKINS: Well, that's deck and it's in  
16 the rear. It doesn't necessarily mean it was built  
17 without, it's part of the house.

18           BOARD MEMBER MORREALE: Right, the interior of the  
19 home.

20           BOARD MEMBER DAWKINS: It's a bit suggestive. But at  
21 this point ...

22           I mean I'm kind of -- so the Cirillo bought in '98.

23           MR. FARRELL: I think it's about -- I have a deed and  
24 it shows it's a two-family, too. They put it down as  
25 two-family. I think it's '96 or '97, something. I have

1                                 - RE: PANTILIERIS -

2 the deed.

3             BOARD MEMBER DAWKINS: I feel that we can't make a  
4 decision on this until we see the zoning.

5             CHAIRMAN MORDAS: Motion to table, keep the public  
6 hearing open.

7             BOARD MEMBER FINDLEY: I'm make that motion.

8             But how are we going to actually resolve that? Who  
9 has the --

10            CHAIRMAN MORDAS: We have to go into the Town archives  
11 to find it out.

12            MS. PLATT: The old zoning?

13            BOARD MEMBER FINDLEY: Yes.

14            CHAIRMAN MORDAS: Is that feasible?

15            MS. PLATT: Yes.

16            BOARD MEMBER FINDLEY: 1983, can you get the bulk  
17 tables to see what the zoning was at that time? Because if  
18 it was allowed, a two-family on one acre, I think it's a  
19 simple thought in my mind. But without that, then I would  
20 be a little bit apprehensive.

21            MR. FARRELL: Let me also say I looked at the zoning  
22 before I came here tonight. I have all of them. I have  
23 1977 through '86. How do we know that when they discovered  
24 it in 1983 that it hadn't been grandfathered in at that  
25 particular point, that it was done a year or two before.

1                               - RE: PANTILIERIS -

2 We're assuming that 1983 is whenever this act occurred. It  
3 could have been -- you know, there's no question it was a  
4 one acre until --

5           CHAIRMAN MORDAS: Up until what date?

6           MR. FARRELL: Actually, it continued after, in the  
7 early '80s. But they started changing it all around. They  
8 said 40 to 60 thousand square feet.

9           BOARD MEMBER FINDLEY: I think if we could get that,  
10 if someone could dig that out, I think, and I'm not  
11 speaking for the Board, but I think everyone would feel a  
12 little better with the variance. Obviously, something  
13 happened that we don't have record of.

14           MR. FARRELL: But if something was done in 1983 that  
15 created a false impression in 2002 or '03 when my guy buys  
16 it, isn't that the issue of what justice demands? Let's  
17 assume that somebody screwed up after 1983 and they made a  
18 mistake in their assessment of the whole property. My guy  
19 didn't own it, he bought it, and everybody told him it was  
20 okay. And he was there from 2002 to 2014 or '15 as a  
21 two-family house making money and paying the taxes. And  
22 now if we lose, something happened in 1983, out of luck.

23           BOARD MEMBER FINDLEY: Well, the title company should  
24 have been a little bit more diligent.

25           MR. FARRELL: It's what?

1                                 - RE: PANTILIERIS -

2             BOARD MEMBER FINDLEY: The title company should have  
3 been a little more diligent.

4             MR. FARRELL: Everybody relies on the building  
5 inspector that there's no violations. If it's a two-family  
6 house and it's illegal, that's what they're supposed to  
7 tell us. You know what happened in some of the places  
8 around here and Orange County, they force the Building  
9 Department to go out there. Of course, if they go out look  
10 at these things because there were so many violations,  
11 maybe he sort of, you know, looked the other way or -- I  
12 don't know. So you've got two responses in the different  
13 towns.

14             CHAIRMAN MORDAS: All right. The Board feels strongly  
15 about the document search.

16             Do I have a motion to keep the public hearing open?

17             BOARD MEMBER FINDLEY: I'll make that motion. I think  
18 we should know that.

19             BOARD MEMBER MORREALE: I'll second the motion.

20             BOARD MEMBER DAWKINS: I don't know that we have to  
21 keep the public hearing open. After the public hearing if  
22 somebody can do the research. I don't object to it.

23             BOARD MEMBER FINDLEY: Yes, I'm okay with --

24             BOARD MEMBER DAWKINS: But I don't want to make a  
25 decision tonight until we look at the records, the zoning



1                               - RE: PANTILIERIS -

2 records. I'm not sure if it's a necessity to keep the  
3 public hearing open, but if you want to do that, that's  
4 fine with me.

5           BOARD MEMBER FINDLEY: I think we do.

6           CHAIRMAN MORDAS: All right. All in favor?

7           BOARD MEMBER DAWKINS: Aye.

8           BOARD MEMBER RAMPE: Aye.

9           BOARD MEMBER FINDLEY: Aye.

10          BOARD MEMBER MORREALE: Aye.

11          CHAIRMAN MORDAS: Aye.

12                               (The motion was approved and carried.)

13          MR. FARRELL: Are you going to leave the public  
14 hearing open? If so -- I mean I went through this whole  
15 file. I spent a couple hours going through it about a year  
16 ago. I didn't find that smoking gun that you guys are  
17 talking about.

18          BOARD MEMBER FINDLEY: Well, we're putting our crack  
19 ace on it.

20          CHAIRMAN MORDAS: We've got youth and energy here.

21          MR. FARRELL: So you want me back next month?

22          CHAIRMAN MORDAS: Yes, sir.

23          MS. BABCOCK: Yes. If I could just note for the  
24 record that the public hearing will be continued until July  
25 26th at seven p.m.

1                               - RE: PANTILIERIS -

2           MR. FARRELL: All right.

3           CHAIRMAN MORDAS: Thank you.

4           MR. FARRELL: Thank you very much. Have a great  
5 night.

6                               (Time noted: 7:32 p.m.)

7                               \* \* \* \* \*

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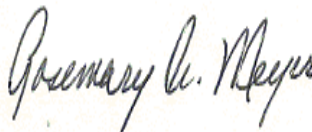
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REPORTER'S CERTIFICATION

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 Pantilieris, 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: July 23, 2018

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING  
ZONING BOARD OF APPEALS

----- X

Pena-Emilia Williams  
Special Use  
Tax Map Section 40; Block 1; Lot 7.2  
Neighborhood Residential Zone

----- X

Town Hall  
Town of Mamakating  
June 28, 2018  
7:32 P.M.

ZONING BOARD MEMBERS :

- MATTHEW MORDAS, Chairman
- CATHY DAWKINS, Acting Chairperson
- GEORGIA RAMPE, Board Member
- MATTHEW MORREALE, Board Member
- MICHELLE BABCOCK, ESQ., Attorney
- KYRA PLATT, Building Department

Also Present: Pena-Emilia Williams,  
Applicant

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

Reported by: Rosemary A. Meyer

1                   - RE: PENA-EMILIA WILLIAMS -

2           CHAIRMAN MORDAS: Next up on the agenda, Pena-Emilia  
3 Williams, public hearing.

4           MS. WILLIAMS: Hi, everyone. Nice to see you again.  
5 I'm Pena-Williams. This is my daughter, Chef Mia  
6 Simmons-Jones.

7           MS. SIMMONS-JONES: Hi there, again.

8           MS. WILLIAMS: Do you want me to start again?

9           CHAIRMAN MORDAS: Yes. Please refresh us on what  
10 you're trying to do here, special use.

11          MS. WILLIAMS: Okay. I provided you with a Power  
12 Point that we have. Our LLC is called Eat Your Heart Out,  
13 LLC, doing business as Bare Pantry.

14          We essentially took a rundown historic restaurant, La  
15 Mingotiere, you're familiar.

16          Can everybody hear?

17          Our objective is to reopen a newer restaurant which  
18 benefits the local economy and strengthens the community.  
19 The property is on 1.84 point acres. We respectfully  
20 request a variance from the minimum of the two acre  
21 requirement.

22          The history of La Mingotiere, it opened in 1929. It's  
23 located up in Wurtsboro Hills. The restaurant closed in  
24 1999. It was converted in 2004 to a single-family home by  
25 the Schenkers. The Schenkers originally owned it. Before

1                   - RE: PENA-EMILIA WILLIAMS -

2   that it was owned by Mingot, Raymond Mingot, Wurtsboro  
3   Hills. It was a formal dining area. And like I said, it  
4   closed in the early 90s.

5           It's currently zoned as a single-family home. I  
6   purchased the property. My daughter and myself purchased  
7   the property on April 12, 2018. I'm requesting relief from  
8   the two acre special use, the zoning for restaurants in the  
9   NR Zone 1. Our current lot size, as I said before, is 1.84  
10   acres.

11          The renovation efforts that I've done for the building  
12   is I've replaced the roof. There is enough off street  
13   parking. That was addressed with the parking area. I  
14   figured, calculated, it could hold 35 cars in that area of  
15   the building. I'm not going to interfere with any of the  
16   neighbors' properties in the back.

17          The existing water and septic for the restaurant is  
18   adequate for the restaurant.

19          Renovations are being completed by local contractors  
20   to support the local community.

21          Bare Pantry was founded by my daughter, Chef  
22   Simmons-Jones. She began it as a catering company serving  
23   American classic cuisine, seasonal menu, being a good  
24   neighbor, while providing some delicious culinary  
25   masterpieces. She also has amazing stuff.

1                   - RE: PENA-EMILIA WILLIAMS -

2           Chef Mia has been a chef 14 years. She's dedicated to  
3 expanding her knowledge. She attended the Culinary  
4 Institute of America and has done extensive traveling to  
5 share her culinary experience.

6           Mia worked at West Point for 11 years, cooking for the  
7 Army. Specialized in butchery, gluten free, vegan and  
8 organic food. And she's food certified.

9           The benefits to the Town of Mamakating. The economic  
10 sustainability to the town through development of tourism.  
11 Need of hospitality venues to support tourism. Providing a  
12 new culinary experience to locals and tourists with  
13 disposable income. Creating new equal opportunity jobs.  
14 Provide a dining facility within a short distance for a  
15 large percentage of local population. Filling the current  
16 void of a white tablecloth restaurant. As I explained to  
17 you, this is a fine dining restaurant. The next fine  
18 dining restaurant in this area is the Grist Mill. And  
19 preserve the town's history.

20           I wanted to show you guys, I had some really -- when I  
21 did the notice for the public hearing I got some really  
22 emotional letters about this restaurant. I didn't realize  
23 how popular it was until I sent the notices, and I want to  
24 thank you for that because I had a lot of people asking me  
25 to do this. And I had this lady that brought me to tears.

1                   - RE: PENA-EMILIA WILLIAMS -

2 She's 97 years old. I don't know, you guys probably know  
3 her. Her name is Claire Cirone. You're familiar with her.  
4 And she writes to me.

5           Dear Pena-Emilia:

6           I received your certified mail and am happy to vote  
7 for your appeal for variance. Since my parents bought my  
8 residence in May, 1929, this property has been in my  
9 family. At age seven and a half years I met Yvonne, the  
10 daughter of the original owner of La Mingotiere; have been  
11 friends all these years. Her husband was -- I'm not sure  
12 how to pronounce the name. It's Andre Kodosek (phonetic)?

13           MS. PLATT: Carades (phonetic).

14           MS. WILLIAMS: Oh, Carades. Okay. Thank you very  
15 much.

16           And mine was Coro Cirone. They were very good friends  
17 and of the residents.

18           Yvonne is mother -- Yvonne's mother built La  
19 Mingotiere in the 1950. It was very popular and highly  
20 successful.

21           I trust your application will be approved. May you be  
22 successful in your venture.

23           Since I am almost 97 years old I don't get out much,  
24 too often, but I can still invite you good wishes. Please  
25 take this letter to your hearing. Hopefully, they will add



1                   - RE: PENA-EMILIA WILLIAMS -

2 this to your folder.

3                   Sincerely, Claire Theresa Cirone.

4                   I also got letters where people adding to this so I  
5 wouldn't have to go through this process, offering me their  
6 land so we wouldn't have to go through this process. And  
7 some of them live, you know, they inherited the property in  
8 1965 and they said they had it, but they would like us, you  
9 know, to have the property if that would help us. It's  
10 obviously not in the -- it's in the same vicinity.

11                  Also, I wanted to -- I do have a copy of the letters.  
12 We can enter those into the record. I showed that to you  
13 the last meeting, on May 24th. If we could enter those.

14                  In conclusion, I would like to thank you for  
15 considering our variance request and hope you're as excited  
16 as we are about restoring this historic property, as well  
17 as providing our community with jobs and more culinary  
18 options.

19                  BOARD MEMBER FINDLEY: Not that this really has to do  
20 with your variance request, but you mentioned the fine  
21 dining experience.

22                  MS. WILLIAMS: Yes.

23                  BOARD MEMBER FINDLEY: What is the price line?

24                  MS. SIMMONS-JONES: Well, it's going to be, probably a  
25 medium price line. It's going to be mostly steak and

1                   - RE: PENA-EMILIA WILLIAMS -

2   stuff, so it's going to be a little bit higher quality  
3   food. And it's going to be locally sourced product so it  
4   will keep the price pretty low. Probably average, \$40 a  
5   plate.

6           BOARD MEMBER FINDLEY: And alcoholic beverages?

7           MS. SIMMONS-JONES: Yes. We're going to be obtaining  
8   our alcohol license.

9           BOARD MEMBER FINDLEY: Doesn't have to do with the  
10   variance. I was just curious.

11          BOARD MEMBER DAWKINS: I have a question.

12          Kyra, do you know if the side yard setback and front  
13   and rear yard setbacks are met? The only variance we're  
14   talking is acreage.

15          MS. PLATT: Mary requested a site plan showing all the  
16   distances to make sure all the setbacks were met.

17          MS. WILLIAMS: Is it a drawing of it? We submitted  
18   that.

19          BOARD MEMBER DAWKINS: I saw the drawings but it  
20   wasn't clear to me from the drawing. The special use  
21   permit for a restaurant in that zone requires 50 feet  
22   between the building and the side yard boundary on both  
23   sides, or 100 feet, total. So I was curious as to whether  
24   those criteria are met or whether or not we could provide a  
25   variance for that, as well. And there are some front yard,

1                   - RE: PENA-EMILIA WILLIAMS -

2 back yard setbacks.

3           MS. WILLIAMS: I believe I have the drawing.

4           BOARD MEMBER DAWKINS: So it's not this drawing here.

5 There's actually a bigger one. I saw a bigger one  
6 somewhere. They provided the dimensions of the structure,  
7 I believe, but not the side yard setbacks.

8           Here it is.

9           BOARD MEMBER FINDLEY: What page is it on?

10          BOARD MEMBER DAWKINS: This was in the bigger package.  
11 You don't have any of these in it?

12          BOARD MEMBER FINDLEY: I don't think so.

13          MS. PLATT: I don't know if you're still on the  
14 setbacks, but in the application for the permit Mary did  
15 request a detailed site plan --

16          BOARD MEMBER DAWKINS: Okay.

17          MS. PLATT: -- which was sent we did the denial letter.

18          MS. WILLIAMS: Oh, I thought that was part of the  
19 Planning Board.

20          BOARD MEMBER DAWKINS: So what we need in order to  
21 make this, in order to be able to ascertain it is, the  
22 drawing you provided and/or this drawing --

23          MS. WILLIAMS: Right.

24          BOARD MEMBER DAWKINS: What we need is the distance  
25 between the building and the side yard boundaries and front

1                   - RE: PENA-EMILIA WILLIAMS -

2 and back yard boundaries. That will help us know whether  
3 or not you just need the variance for the acreage or  
4 whether you would need some other variance, as well.

5           MS. WILLIAMS: Oh, I get what you're saying. You want  
6 it from the building to the road or ...

7           BOARD MEMBER DAWKINS: Building to the road.

8           MS. PLATT: Property line.

9           BOARD MEMBER DAWKINS: Property line. Thank you.

10          BOARD MEMBER FINDLEY: Could you come and show me what  
11 this drawing means?

12          MS. WILLIAMS: I'll show you.

13          MS. PLATT: Just speak up.

14          BOARD MEMBER FINDLEY: What is being shown here?

15          MS. WILLIAMS: This is the light.

16          BOARD MEMBER FINDLEY: Yes, I know. That's why I'm  
17 asking.

18          MS. WILLIAMS: I'm sorry.

19          BOARD MEMBER FINDLEY: Where's the house?

20          MS. WILLIAMS: So this is the road here. And this  
21 would be the house and that's the other building that's  
22 there. This is the original.

23          BOARD MEMBER FINDLEY: I don't have the original.

24          All right. Can I see that for a minute? I don't seem  
25 to have that in my package.

1                   - RE: PENA-EMILIA WILLIAMS -

2           MS. WILLIAMS: This?

3           BOARD MEMBER FINDLEY: Yes.

4           So is this the house?

5           MS. WILLIAMS: This is the restaurant here. This is  
6 where the restaurant is, here.

7           BOARD MEMBER FINDLEY: Okay.

8           MS. WILLIAMS: The front of it here.

9           BOARD MEMBER FINDLEY: Is this all part of the  
10 restaurant?

11          MS. WILLIAMS: Yes, that's part of the restaurant.

12          BOARD MEMBER FINDLEY: Okay. is this there? Where is  
13 this on this map?

14          MS. WILLIAMS: This is the -- I know this is the other  
15 side building that's on this side. This is the building  
16 here, itself. And then this is the road here. So if  
17 you're looking at the front of it, like this is here,  
18 that's the building here. There's a whole 'nother part.  
19 It's too light, like it wasn't a color copy.

20          BOARD MEMBER FINDLEY: Do you have the darker with  
21 you?

22          MS. WILLIAMS: I think we handed the original in. We  
23 handed the original in. Sorry. We handed in the original.

24          BOARD MEMBER FINDLEY: Do you have the original?

25          MS. WILLIAMS: I only have a copy.

1                   - RE: PENA-EMILIA WILLIAMS -

2           BOARD MEMBER DAWKINS: What you've got is you've got  
3 the dimensions of the building but we don't have the  
4 dimensions of the property itself.

5           MS. WILLIAMS: Okay.

6           BOARD MEMBER DAWKINS: So we need one on top of the  
7 other.

8           BOARD MEMBER FINDLEY: There's a piece --

9           BOARD MEMBER MORREALE: This one here? Here?

10          MS. PLATT: Yes.

11          BOARD MEMBER FINDLEY: It's something that, and I  
12 could be ...

13          BOARD MEMBER RAMPE: I don't think so.

14          BOARD MEMBER DAWKINS: No, that's not it.

15          MS. WILLIAMS: It was with the original.

16          CHAIRMAN MORDAS: Conditional variance?

17          MS. BABCOCK: This application will be required to go  
18 to the Planning Board for a special use permit. At that  
19 time the Planning Board is going to have to verify that all  
20 setbacks have been met. It's the Applicant's burden, in  
21 coming to this board, to make the proper application. And  
22 so if for some reason, another variance would be required,  
23 the Applicant would have to return.

24          BOARD MEMBER DAWKINS: You would have to come back.

25          CHAIRMAN MORDAS: All right. Do you want to do it

1                   - RE: PENA-EMILIA WILLIAMS -

2 that way or just grant the area variance?

3           BOARD MEMBER FINDLEY: I don't think it's doing that  
4 way. But this may be holding her up if she wants to move  
5 forward.

6           BOARD MEMBER RAMPE: Speak up a little bit, please.

7           BOARD MEMBER FINDLEY: I'm okay with just doing the  
8 single variance. And if she need to, she'll has to come  
9 back. But this way, she can move ahead.

10          CHAIRMAN MORDAS: All right.

11          BOARD MEMBER FINDLEY: But that's up to you guys.

12          MS. WILLIAMS: But anyway, can I say? In the original  
13 application I submitted, because I know what Kyra is  
14 talking about, when we had to do where the septic was,  
15 where the well pump was, and I did all of that. Then we  
16 did the measurements. I understand what you're talking  
17 about because I had someone to draw it out. He said he  
18 referenced where it was and how many feet it was.

19          BOARD MEMBER RAMPE: Is that in this packet?

20          MS. WILLIAMS: Yes, it was in there with the package  
21 that --

22          BOARD MEMBER FINDLEY: It is, but it's so light, at  
23 least this is in my package.

24          BOARD MEMBER DAWKINS: It's not in mine.

25          BOARD MEMBER FINDLEY: But this is in my package and

1                   - RE: PENA-EMILIA WILLIAMS -

2 it does say that something with the septic. But I don't --  
3 I mean you can't read it.

4           BOARD MEMBER RAMPE: I mean I know it's a fairly large  
5 property. I mean the building.

6           CHAIRMAN MORDAS: All right. We still have to open  
7 the public hearing.

8           BOARD MEMBER RAMPE: Okay.

9           MS. WILLIAMS: So if you all have this right here, it  
10 kind of tells you the dimensions of the property, too, as  
11 well.

12          BOARD MEMBER DAWKINS: Right. But what we need is  
13 where it sits on the property.

14          Okay. I'd like to make a motion that we open the  
15 public hearing.

16          MS. WILLIAMS: This one is better. I think it's the  
17 original.

18          CHAIRMAN MORDAS: All right. Kyra, I've got to ask  
19 were the mailings done properly and notification done in a  
20 timely fashion in our local newspaper?

21          MS. PLATT: Yes.

22          CHAIRMAN MORDAS: Thank you.

23          BOARD MEMBER FINDLEY: I just want to ask some  
24 questions.

25          CHAIRMAN MORDAS: All right. We'll hold off.



1                   - RE: PENA-EMILIA WILLIAMS -

2           BOARD MEMBER FINDLEY: I'm sorry. Your name again?

3           MS. WILLIAMS: Pena.

4           BOARD MEMBER FINDLEY: Pena, if you could just come  
5 here for a minute.

6           MS. WILLIAMS: Okay.

7           BOARD MEMBER FINDLEY: This is showing your septic.

8           MS. WILLIAMS: Right. That's on the other building  
9 there. This is the main house, right there, the property  
10 there. And this is the road.

11          BOARD MEMBER FINDLEY: How wide is that building?

12          MS. WILLIAMS: Twenty-seven sixty-five square footage.

13          MS. PLATT: Folks, you need to speak up, please.

14          BOARD MEMBER FINDLEY: And you have road footage of  
15 400 feet?

16          MS. WILLIAMS: Yes.

17          BOARD MEMBER DAWKINS: Okay. 400 feet. And what's  
18 the width of the house?

19          MS. WILLIAMS: Twenty-seven sixty-five is the  
20 restaurant. The other --

21          BOARD MEMBER FINDLEY: That's the square feet.

22          MS. WILLIAMS: Yes.

23          BOARD MEMBER FINDLEY: But it's not square. It looks  
24 like it's ...

25          MS. WILLIAMS: It's an odd shape.

1                   - RE: PENA-EMILIA WILLIAMS -

2           BOARD MEMBER MORREALE: Is this the building or is  
3 this the side yard?

4           MS. WILLIAMS: No. This is the ...

5           BOARD MEMBER FINDLEY: The building is ...

6           BOARD MEMBER MORREALE: It looks like this is the  
7 building, here. And this is -- nothing is here.

8           MS. WILLIAMS: This is the building here, right  
9 here --

10          BOARD MEMBER MORREALE: Right.

11          MS. WILLIAMS: -- that he has here.

12          BOARD MEMBER MORREALE: Yes.

13          MS. WILLIAMS: And then this is 400 feet road and this  
14 is the other building.

15          BOARD MEMBER MORREALE: Right. So --

16          MS. WILLIAMS: This is it right here.

17          BOARD MEMBER MORREALE: At least according to this  
18 drawing you've got 200 feet on this side --

19          MS. WILLIAMS: Yes, 200 feet on that side.

20          BOARD MEMBER MORREALE: -- to that property line.

21          MS. WILLIAMS: Yes.

22          BOARD MEMBER MORREALE: And then --

23          MS. WILLIAMS: And then 400 feet here.

24          BOARD MEMBER MORREALE: No, no. It looks like more.

25          MS. WILLIAMS: They have more than enough.

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2           BOARD MEMBER RAMPE: It's just something we have to  
3 double-check --

4           MS. WILLIAMS: I know, I know.

5           BOARD MEMBER RAMPE: -- that's all.

6           MS. WILLIAMS: I know. I appreciate that.

7           Do you want to keep this one if it's better?

8           CHAIRMAN MORDAS: So Kent, do you think we've -- the  
9 criteria for the --

10          BOARD MEMBER FINDLEY: My guess is that the Planning  
11 Board will also handle that issue if it is an issue.

12          CHAIRMAN MORDAS: All right. Do I have a motion to  
13 open the public hearing?

14          BOARD MEMBER DAWKINS: So moved.

15          BOARD MEMBER FINDLEY: Second.

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: Thank you very much.

24          All right. Do we have anyone on the list?

25          MS. PLATT: We have a Warren Sommers.

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2           MR. W. SOMMERS: Good evening, ladies and gentlemen of  
3 the Zoning Board. My name is Warren Sommers. I live at 5  
4 Firwood Road North. I bought a house in 2008 that  
5 overlooks this property. One of the reasons, I wanted  
6 peace, quiet. Sitting on my deck I overlook this piece of  
7 property. In the evening I watch the deer come up and  
8 right now, with their young, they're out there playing.  
9 It's peaceful, it's quiet.

10           I am directly opposed to this under no uncertain  
11 terms. It is a residential area. It hasn't been a  
12 restaurant in many, many years. It doesn't meet the  
13 qualifications for the property size, and even if it did,  
14 it is residential. I moved up there for residential quiet.  
15 I'm 71 years old. I don't need a parking lot out in my  
16 back yard. They're going to have to have floodlights on.  
17 I don't know what time they're going to stay open 'til,  
18 what sort of music they're going to have blaring. I don't  
19 need it. And I beg you to refuse this.

20           There are plenty of vacancies in the wonderful Village  
21 of Wurtsboro that could support a restaurant of this nature  
22 that is not that far from where they want to build. And I  
23 would suggest that maybe that they should contact the  
24 officials in the village and try to find a better place to  
25 put their restaurant. It is beautiful on top of that hill

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2 and I'd hate to see it ruined by commercial property.

3           And I thank you for your time. And I speak also for  
4 my neighbors who were not included in the mailing because  
5 they didn't live within the distance. But they feel the  
6 same way. They want peace and quiet up there.

7           Thank you very much.

8           CHAIRMAN MORDAS: Thank you, Mr. Sommers.

9           MS. PLATT: We also have Chris Lesser.

10          MR. C. LESER: With all the discrepancies, if you  
11 will, looking for the property line and boundaries, if the  
12 Board is satisfied with what they found I guess I'm  
13 satisfied, as well. So has the Board found all the  
14 boundaries that they were looking? Your dimensions and  
15 stuff are in order; correct? It's my question to the  
16 Board. If there's a variance there, from two acres to  
17 1.86, so there's a variance. There's some kind of footage  
18 discrepancy. So I'm just curious. If the Board is  
19 satisfied with that, I have no further comment.

20          BOARD MEMBER RAMPE: We have to get the measure, the  
21 measurements.

22          MR. C. LESER: Oh, I thought you sorted through all  
23 them, getting the dimensions correctly.

24          BOARD MEMBER DAWKINS: What was discussed earlier,  
25 Mr. Leser, is that the variance before us is a variance

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2 from 1.84 acres to the two, which would be a .16 variance.  
3 What is not before us and what we're questioning is the  
4 side yard, front and back yard setbacks. Those have not  
5 been officially requested of us. So if we voted on this we  
6 would only be voting on the acreage size. And if it was  
7 determined later that the front, side yard setbacks are not  
8 sufficient they would have to come back and get a separate  
9 variance for that. So we're only looking, right now, at  
10 the one issue.

11           MR. C. LESER: Okay.

12           CHAIRMAN MORDAS: I'm actually looking at all the  
13 issues. I'm not happy. I want the dimensions and I want  
14 to take care of it all at once.

15           MR. C. LESER: That's what my interpretation kind of  
16 was. I was listening to everybody getting the dimensions  
17 and side setbacks. So I was --

18           Will we continue with the public hearing or ...

19           BOARD MEMBER DAWKINS: There are multiple ways to go  
20 with this.

21           MR. C. LESER: Thank you.

22           CHAIRMAN MORDAS: Thank you.

23           All right. I'm of the opinion that we dots the I's  
24 and cross T's.

25           BOARD MEMBER DAWKINS: Do we have anybody else?

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2           MS. PLATT: Those are the only two on the list.

3           MR. O'NEILL: Can I speak? I didn't know I had to  
4 sign up there.

5           MS. PLATT: You can say your name first, please.

6           CHAIRMAN MORDAS: Yes, we need your name.

7           MR. O'NEILL: I'm from Wurtsboro, New York.

8           CHAIRMAN MORDAS: And what town, sir?

9           MR. O'NEILL: I live right across the street, 132  
10 Greenwood Road North. My name is Brendan O'Neill.

11           Okay. So I just have a couple of questions, really.  
12 I see a lot of people have concerns, a lot of objection, a  
13 lot of people are against it. I understand people have  
14 varying opinions, they have to say what they want to say.  
15 My only question is this, though. I was told there was  
16 going to be a small restaurant, it was going to be across  
17 the street. I understand that you get in business to make  
18 economic growth. Every businessman, that's what they do.  
19 My concerns, though, are now that I have children and they  
20 play in that front yard and it's right across street, what  
21 security is there going to be laid in place to ensure that  
22 individuals aren't getting going to get inebriated, aren't  
23 going to get intoxicated, aren't going to attempt to drive  
24 off and then end up in my front yard where my kids are.  
25 That's really my only concern. I'm not opposed to

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2 business, but I want to see where it's going to be safe.

3           You know, I get up every morning at six in the morning  
4 and I don't get home 'til one in the morning, and I put in  
5 double shifts at work and I do my two jobs. It's what I  
6 have to do so I can live up in that area. And all I'm  
7 really asking for, I like peace and quiet, but I'm not  
8 opposed to business either. Everyone's got to eat. All I  
9 want to know is what's going to be done, if this does pass,  
10 to ensure that the residents in the surrounding area aren't  
11 going to be greatly impacted by this.

12           BOARD MEMBER FINDLEY: That would be before the  
13 Planning Board; correct?

14           CHAIRMAN MORDAS: It's also before us, too. I mean we  
15 have to take all these things into consideration.

16           BOARD MEMBER FINDLEY: Correct. But that does not --  
17 I mean the site plan is not our purview, which that is more  
18 what he is referring to. We're dealing with a simple  
19 variance of 1.84 to two acres. The things he's referring  
20 to is more, in my opinion, more of a Planning Board purview  
21 where they discuss parking, the drainage, landscaping,  
22 fencing. We don't dictate that.

23           BOARD MEMBER MORREALE: Well, when we consider the  
24 impact on the community or the neighborhood.

25           BOARD MEMBER FINDLEY: That is correct. That is



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2 correct.

3           BOARD MEMBER RAMPE: Well, it's one of our questions.

4           BOARD MEMBER MORREALE: Exactly, exactly.

5           BOARD MEMBER RAMPE: Yes.

6           BOARD MEMBER MORREALE: But yes, the specific example  
7 he brought up is a Planning Board issue.

8           BOARD MEMBER FINDLEY: Right.

9           CHAIRMAN MORDAS: Well, I'm of the opinion I really  
10 don't want to do anything half-cocked here. I'd like to  
11 get those dimensions in place. If we are going to provide  
12 some relief I want to take care of it in one shot.

13           BOARD MEMBER FINDLEY: If you look at it, she has 100  
14 foot of road frontage. The building is only, at most, 70  
15 feet. Side yards look fine.

16           CHAIRMAN MORDAS: I just want to know that for sure.

17           BOARD MEMBER FINDLEY: I think it's a whole -- to hold  
18 her up a month from here to the Planning Board, you  
19 shouldn't do that. If she --

20           CHAIRMAN MORDAS: I don't know. I just held  
21 Mr. Pantilieris up for a month going in front of the  
22 Planning Board. I'm losing no sleep over this one.

23           BOARD MEMBER FINDLEY: I know that. But that's a  
24 different issue. This particular issue, she's coming and  
25 saying: This is the variance I need. I don't need

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2 anything else. If she's wrong, she has to come back.

3           MR. O'NEILL: May I ask one more question, sir?

4           BOARD MEMBER FINDLEY: Yes.

5           MR. O'NEILL: What would be the impact to the property  
6 taxes and rise and fall it does get commercially zoned?  
7 Because I understand that commercial next to residential  
8 sometimes has discrepancies in taxes, and I'm already  
9 paying through the nose. I want to make sure I'm all  
10 right.

11           BOARD MEMBER FINDLEY: Well, bear in mind, this town  
12 is not, in my mind, paying through the nose. Many other  
13 towns pay much more. I'm not a tax expert so I wouldn't  
14 know. But generally, I would assume more taxes.

15           MR. O'NEILL: So now we went up, more taxes, okay.

16           BOARD MEMBER FINDLEY: No, no, no more taxes for you.  
17 Their taxes would go up.

18           BOARD MEMBER DAWKINS: The restaurant. What Kent is  
19 saying is he would expect the restaurant to pay higher  
20 taxes, not its neighbors.

21           CHAIRMAN MORDAS: So if the restaurant does go through  
22 you can take your tax case to the assessor and file it.

23           BOARD MEMBER FINDLEY: And I'm not tax person.

24           MR. O'NEILL: No, I'm not trying to be smart, I just  
25 have questions. I grew up there in Goshen. They had a

1                   - RE: PENA-EMILIA WILLIAMS -

2 restaurant right there.

3           BOARD MEMBER FINDLEY: Goshen pays through the nose.

4           MR. O'NEILL: I know. And when they had the  
5 restaurant, the restaurant, they would end up getting tax  
6 breaks because they would get a commercial zone and there  
7 would be changes. So I just wanted to see. Because then  
8 we get tax levy like crazy. I'm just asking.

9           BOARD MEMBER FINDLEY: I couldn't tell you.

10          MR. O'NEILL: Okay.

11          MS. PLATT: That is something you could go the  
12 Assessor's Department to ask. She wouldn't be able to give  
13 you an actual amount or anything, but you could ask if it  
14 would slightly increase your taxes.

15          MR. O'NEILL: Thank you. Thank you.

16          CHAIRMAN MORDAS: Thank you.

17          BOARD MEMBER DAWKINS: Thank you.

18          BOARD MEMBER MORREALE: Thank you.

19          CHAIRMAN MORDAS: What's the lot depth on this  
20 property?

21          BOARD MEMBER MORREALE: I don't know.

22          BOARD MEMBER FINDLEY: You were talking about side  
23 yard first?

24          BOARD MEMBER DAWKINS: But how do you know the lot  
25 width?

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2           BOARD MEMBER FINDLEY: She showed me 440 feet on that  
3 little sketch.

4           And again, I feel it's incumbent upon her to request a  
5 variance. That's her problem. If she is wrong, she goes  
6 to the Planning Board and then she comes right back here.  
7 And you're right, she has have to go over it again, but  
8 that's her issue.

9           CHAIRMAN MORDAS: I want to at least know what the lot  
10 depth is.

11          BOARD MEMBER FINDLEY: We should be able to tell that  
12 on her ...

13          CHAIRMAN MORDAS: Kent, you've got a lot better  
14 eyesight than me. I can't tell on this.

15          MS. WILLIAMS: Can I answer any questions you might  
16 have?

17          BOARD MEMBER FINDLEY: Do you know how deep your lot  
18 is? Like, do you know the lot size? Usually, the lots in  
19 that area are fairly rectangular.

20          BOARD MEMBER MORREALE: I'll pull up the tax map.

21          BOARD MEMBER FINDLEY: He's going to pull up the tax  
22 map. But do you know??

23          MS. WILLIAMS: I don't have that information right in  
24 front of me.

25          CHAIRMAN MORDAS: Kyra, is it possible you print up

1                   - RE: PENA-EMILIA WILLIAMS -

2 the town tax map?

3           BOARD MEMBER FINDLEY: Matt is bringing it up on his  
4 handy dandy i-Pad.

5           CHAIRMAN MORDAS: Okay.

6           BOARD MEMBER MORREALE: Forty.

7           BOARD MEMBER FINDLEY: Forty. It's 40. Where'd it  
8 go. 40, Block 1, Lot 7.2

9           BOARD MEMBER DAWKINS: It's 40-7-1.2.

10          BOARD MEMBER MORREALE: I'll do it by the address.

11          MS. PLATT: It's 40-7-1.2.

12          BOARD MEMBER RAMPE: Do you have it?

13          BOARD MEMBER MORREALE: I'm bringing it up right now.

14          CHAIRMAN MORDAS: All right. So that's 200 feet to  
15 the adjoining property line; right?

16          BOARD MEMBER FINDLEY: I don't even know.

17          CHAIRMAN MORDAS: What's that? Twenty feet.

18          BOARD MEMBER FINDLEY: This building is 20 feet. This  
19 is another building there.

20          BOARD MEMBER MORREALE: Do you need a calculator?

21          BOARD MEMBER FINDLEY: Yes. Two fourteen.

22          CHAIRMAN MORDAS: What's this other building here?

23          MS. WILLIAMS: That building was a garage.

24          CHAIRMAN MORDAS: Garage. Thank you.

25          MS. WILLIAMS: They used to store lobsters in there.

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2           BOARD MEMBER FINDLEY: It's roughly 400 by 214.

3           BOARD MEMBER DAWKINS: So 400 wide and 214 feet deep?

4           CHAIRMAN MORDAS: Deep.

5           BOARD MEMBER FINDLEY: Yes, it's forty-four five  
6 sixty.

7           CHAIRMAN MORDAS: All right. So if it's 89 plus 93,  
8 182.

9           And how deep is the lot?

10          BOARD MEMBER FINDLEY: The information sheet  
11 represents it's 214.

12          CHAIRMAN MORDAS: 214 minus 182. That means she's got  
13 32 feet. 32 feet for the back yard I got from my  
14 measurements.

15          BOARD MEMBER FINDLEY: In doing the math, we come  
16 close. 214 times 400 comes up to 856. Divide that by  
17 43560.

18                               (Board members examining map.)

19          MS. WILLIAMS: I'm mean we're getting into this with  
20 the Planning Board. This is delaying us on getting our  
21 funding, and to move forward. This is costing more money.

22          BOARD MEMBER RAMPE: Yes, but a survey would help.

23          MS. WILLIAMS: Well, that's why I did the -- we were  
24 told that we met this and I only needed the special use,  
25 the variance.

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2           BOARD MEMBER RAMPE: Who told you that?

3           BOARD MEMBER DAWKINS: Well, you need --

4           MS. WILLIAMS: When I did the measurements I spoke  
5 with -- I spoke with Fred Harding, the former supervisor.  
6 I was talking to him. I had someone come out, do the  
7 measurements, that I hired to do the measurements, to make  
8 sure I was within those boundaries according to the  
9 application. They did the drawing. And now, the next  
10 step, to the Planning Board and getting the survey. So  
11 this has been like a, trying to secure the building, it's  
12 been like a financial hardship, and that's why I need to  
13 move forward, so I can get bank funding.

14          MS. PLATT: Fred Harding isn't from the Department,  
15 Planning --

16          MS. WILLIAMS: No, I know he's not. I know he's not.  
17 He was -- I'm just saying that he was helping us.

18          MS. PLATT: I understand. But no one from this board  
19 or this department told you you had the setbacks.

20          MS. WILLIAMS: That's why we needed this, the drawing  
21 that is sufficient enough. It's showing you where the  
22 property lines are, that we're not extending anything  
23 beyond where the setbacks are.

24          MS. SIMMONS-JONES: If we didn't meet those wouldn't  
25 that have been addressed when they first had that variance?

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2           CHAIRMAN MORDAS: Miss Williams.

3           MS. SIMMONS-JONES: Because they had that variance --

4           MS. WILLIAMS: Yes.

5           CHAIRMAN MORDAS: Yes.

6           MS. SIMMONS-JONES: If they didn't meet --

7           CHAIRMAN MORDAS: If the Planning Board determines  
8 that you need another variance you're going to have to go  
9 through this whole process all over again.

10          MS. WILLIAMS: I understand.

11          CHAIRMAN MORDAS: So --

12          MS. WILLIAMS: -- but I'm pretty sure. I did my  
13 homework on this property for a long time, sir. I've been  
14 putting a lot of money into this and a lot of time, did my  
15 homework and crossed my T's and --

16          CHAIRMAN MORDAS: I know this can be a frustrating  
17 process, but I've got to tell you, you're going to go in  
18 front of the Planning Board, you've got to get a little  
19 more armor plate under your belt because they're going to  
20 really put you through some hoops.

21          MS. WILLIAMS: I understand. I understand.

22          CHAIRMAN MORDAS: This is nothing compared to what  
23 you're going to see in front of the Planning Board.

24          MS. WILLIAMS: I know. I'm aware. I'm aware.

25          CHAIRMAN MORDAS: All right. I need that lot depth



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2 dimension.

3           BOARD MEMBER DAWKINS: And let me tell you what our  
4 concern is. Our concern, right now, is from a look at this  
5 drawing, if we add up the dimensions and we look at the  
6 front yard setback, you have plenty of room. On your front  
7 yard you have plenty. The requirement is 50. You have  
8 plenty of room for that. Our concern is you are also  
9 supposed to have 50 feet between the building and your rear  
10 property line. It does not appear to us that that is the  
11 case. So if that's the case, you would need a variance on  
12 that rear yard setback, as well. That's our concern.

13           MS. WILLIAMS: But I'm pretty sure --

14           CHAIRMAN MORDAS: That's where you have to go through  
15 the whole process again, the mailers and all that stuff.

16           MS. JONES-SIMMONS: My only issue is if we needed that  
17 variance wouldn't it have been addressed when you guys did  
18 the last variance? Like, why would it not be already,  
19 like, you would be able to see that.

20           MS. BABCOCK: If you didn't submit a plan that has all  
21 the correct information to the Board for the Town to  
22 evaluate, then that decision can't be made. The burden is  
23 on the applicant to request the correct variance that you  
24 need.

25           BOARD MEMBER FINDLEY: And also, for its use before,

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2 you may not have needed it, whatever the setback is in the  
3 rear.

4           I'm still of the opinion that this is the variance  
5 that is before us. The Planning Board is going to address  
6 it. Please allow them to go forward. I mean they'll have  
7 to come back if they need that variance.

8           And the difference, the reason why, the difference in  
9 the last one, because that's what I need to vote. That's  
10 the information I need to vote on that particular variance.  
11 That's why I feel I needed that hold the other one open.  
12 This one, I can vote on this variance without knowing the  
13 side, the rear setback, in my mind.

14           CHAIRMAN MORDAS: I just have a difference of opinion.

15           BOARD MEMBER FINDLEY: I know. I know. I'm giving  
16 you my opinion.

17           CHAIRMAN MORDAS: I want to get this thing ...

18           BOARD MEMBER FINDLEY: And she's also referring to her  
19 funding. This is potentially holding her funding back. So  
20 we would be delaying her in her pursuit of funding.  
21 Whether she gets it or not, I don't know, but ...

22           CHAIRMAN MORDAS: That's my opinion. I want that lot  
23 depth.

24           BOARD MEMBER DAWKINS: It's not the lot depth, it's  
25 the rear yard setback.

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2           CHAIRMAN MORDAS: Rear yard setback.

3           BOARD MEMBER FINDLEY: Can we have a vote on whether  
4 we want to vote on this?

5           BOARD MEMBER DAWKINS: I guess my feeling on this,  
6 Matt, is if we vote solely on the acreage variance, which  
7 is what is requested, and clarify that we are not making  
8 any statement with respect to lot line setbacks then it's  
9 incumbent on the Applicant. If she determines that there's  
10 a problem she's going to have to come back to us and to  
11 some extent, it's going to take longer to do it that way  
12 than it would to do it this way.

13           If we wait and you come back, you get one vote that  
14 addresses both issues and you would have your answer,  
15 ostensibly, next month. If you wait, we give you this and  
16 then you have to come back, you would start this whole  
17 process all over again for your second hearing.

18           CHAIRMAN MORDAS: Public hearing.

19           MS. WILLIAMS: I'm pretty sure, you know, I'm almost  
20 positive that I am within the setback required for the back  
21 yard. I don't have an issue with that. I can't come back  
22 because of funding. If I leave you guys, I have a bank  
23 that is willing to actually fund and help my daughter with  
24 a small business.

25           MS. SIMMONS-JONES: Well, if you're going to vote on

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2 this now and we provide the information you need after,  
3 like, you know, immediately after --

4           BOARD MEMBER DAWKINS: It's not a matter --

5           MS. SIMMONS-JONES: -- like, we do it that way?

6           BOARD MEMBER Dawkins: It's not up to us. If you walk  
7 away with a variance that says we're willing to give you  
8 the variance on the 1.84 acres and then you discover that  
9 your rear yard setback is not big enough, you're going to  
10 have to go to the Building Department and apply for an  
11 variance for that. Then you would come back with a whole  
12 separate new issue.

13           CHAIRMAN MORDAS: We're delaying you one month but  
14 saving you two.

15           BOARD MEMBER FINDLEY: I will also say that the  
16 Planning Board can say, Well, you don't have this variance  
17 and you need it, after you go and sit with them.

18           MS. WILLIAMS: Yes.

19           BOARD MEMBER FINDLEY: And then they send you back  
20 here before they go through their issues. That is  
21 possible.

22           BOARD MEMBER DAWKINS: But one month, she may be apply  
23 for a building permit --

24           BOARD MEMBER FINDLEY: Right.

25           BOARD MEMBER DAWKINS: -- based on the acreage here.

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2           CHAIRMAN MORDAS: I don't know. I don't want to get  
3 involved with --

4           BOARD MEMBER DAWKINS: That's not our problem.

5           CHAIRMAN MORDAS: -- in the finances because this is  
6 going to be a process. Like I said, this is really nothing  
7 compared to what you're going to face with the Planning  
8 Board.

9           CHAIRMAN MORDAS: All right. We'll close the public  
10 hearing and proceed to a vote on this variance.

11          BOARD MEMBER DAWKINS: I make a motion to close the  
12 public hearing.

13          BOARD MEMBER FINDLEY: I'll second it.

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          CHAIRMAN MORDAS: We're going to read the request for  
23 the variance. We can take it or leave it.

24          BOARD MEMBER DAWKINS: I think we should.

25          BOARDS MEMBER RAMPE: Kyra, do you have that?

1                   - RE: PENA-EMILIA WILLIAMS -

2           MS. PLATT: It should be in the application.

3           BOARD MEMBER RAMPE: Maybe you want to look at this.

4 This is your building permit application review denial

5 form. This was what the building inspector gave you.

6           MS. WILLIAMS: Yes. And then when she gave it to me,  
7 I asked if we need to address those concerns. She said no,  
8 that we'd address them when we're at the ...

9           BOARD MEMBER RAMPE: So she says that you need the two  
10 acres.

11          MS. WILLIAMS: And that's what we did the drawing for.

12          BOARD MEMBER RAMPE: Okay. And she saw that, or no?

13          MS. WILLIAMS: Yes. That's what --

14          MS. PLATT: That was also submitted with the  
15 application and she did say a detailed site plan was  
16 required showing all the structures, the well, septic  
17 location and distances.

18          MS. WILLIAMS: And it says the well and septic. It  
19 says on that.

20          MS. PLATT: As well as the distances.

21          MS. WILLIAMS: It has the distances on there.

22          MS. PLATT: To the property line?

23          CHAIRMAN MORDAS: All right. Do you want to table  
24 this to the end of the meeting?

25          BOARD MEMBER FINDLEY: No. we're either going to vote

1                   - RE: PENA-EMILIA WILLIAMS -

2 on it or not. That's what I said -- you could hold a vote  
3 that we vote or not vote.

4           CHAIRMAN MORDAS: Okay.

5           BOARD MEMBER FINDLEY: Right, we can do that.

6           CHAIRMAN MORDAS: We should do it right.

7           BOARD MEMBER FINDLEY: Sometimes we do that.

8           CHAIRMAN MORDAS: I mean consistently.

9           BOARD MEMBER FINDLEY: I feel this is different.

10          CHAIRMAN MORDAS: I try treat everyone the same way, I  
11 really do.

12          BOARD MEMBER FINDLEY: I agree. But it's also -- it's  
13 not incumbent upon us to make sure they apply for all the  
14 correct variances. That's not our mission.

15          BOARD MEMBER MORREALE: We have an application that's  
16 missing ...

17          CHAIRMAN MORDAS: All right. Do I have a motion to  
18 proceed to a vote?

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

20          BOARD MEMBER RAMPE: I'll second it.

21          CHAIRMAN MORDAS: All in favor?

22          BOARD MEMBER DAWKINS: No.

23          BOARD MEMBER RAMPE: Aye.

24          BOARD MEMBER FINDLEY: Aye.

25          BOARD MEMBER MORREALE: Aye.

1                   - RE: PENA-EMILIA WILLIAMS -

2           CHAIRMAN MORDAS: No.

3                   (The motion was approved and carried.)

4           BOARD MEMBER FINDLEY: What did you vote?

5           CHAIRMAN MORDAS: No.

6           BOARD MEMBER RAMPE: What about you?

7           BOARD MEMBER DAWKINS: No.

8           MS. PLATT: What did you just vote on?

9           BOARD MEMBER DAWKINS: There was a vote to proceed to  
10 a vote.

11          MS. BABCOCK: So right now someone then, now, can make  
12 a motion to either approve or deny the application.

13          CHAIRMAN MORDAS: First we've got to read the  
14 criteria; correct?

15          BOARD MEMBER FINDLEY: Right, we've got to go through  
16 the criteria.

17          BOARD MEMBER DAWKINS: And before we go through the  
18 criteria, we're voting on the criteria to provide a  
19 variance for ...

20          CHAIRMAN MORDAS: Provide relief from the --

21          BOARD MEMBER DAWKINS: Total acreage.

22          CHAIRMAN MORDAS: -- the bulk requirements.

23          BOARD MEMBER DAWKINS: -- for 2.0 acres.

24          MS. BABCOCK: Correct. The Applicant has 1.84 acres  
25 and the requirement is two acres.



1                   - RE: PENA-EMILIA WILLIAMS -

2           BOARD MEMBER DAWKINS: So we're voting to give her a  
3 .16 variance on the total acreage of the property.

4           CHAIRMAN MORDAS: Okay. You got that, Rosemary?

5           STENOGRAPHER: Yes.

6           CHAIRMAN MORDAS: Thank you.

7           All right. In making its determination the Zoning  
8 Board shall take into consideration the benefit to the  
9 applicant if the variance is warranted as weighed against  
10 the detriment to the health, safety and welfare of the  
11 neighborhood or community by such grant.

12           In making such determination the Board shall also  
13 consider whether an undesirable change will be produced in  
14 the character of the neighborhood or a detriment to nearby  
15 property will be created by the granting of the area  
16 variance.

17           Matthew.

18           BOARD MEMBER MORREALE: Yes.

19           CHAIRMAN MORDAS: Kent.

20           BOARD MEMBER FINDLEY: Are we allowed to comment?

21           CHAIRMAN MORDAS: No. Straight yes or no.

22           BOARD MEMBER FINDLEY: Can you read it one more time?

23           CHAIRMAN MORDAS: Whether an undesirable change will  
24 be produced in the character of the neighborhood or  
25 detriment to nearby property would be created by the

1                   - RE: PENA-EMILIA WILLIAMS -

2     granting of the area variance.

3             BOARD MEMBER FINDLEY: No.

4             CHAIRMAN MORDAS: Georgia.

5             BOARD MEMBER RAMPE: No.

6             CHAIRMAN MORDAS: Cathy.

7             BOARD MEMBER DAWKINS: No.

8             CHAIRMAN MORDAS: Yes.

9             Whether the benefit sought by the applicant can be  
10    achieved by some method feasible for the applicant to  
11    pursue other than an area variance.

12            I'll say yes.

13            Cathy.

14            BOARD MEMBER DAWKINS: No.

15            CHAIRMAN MORDAS: Georgia.

16            BOARD MEMBER DAWKINS: No.

17            CHAIRMAN MORDAS: Kent.

18            BOARD MEMBER FINDLEY: Yes.

19            CHAIRMAN MORDAS: Matthew.

20            BOARD MEMBER MORREALE: No.

21            CHAIRMAN MORDAS: Whether the requested area variance  
22    is substantial.

23            No.

24            BOARD MEMBER DAWKINS: No.

25            BOARD MEMBER RAMPE: No.

1                   - RE: PENA-EMILIA WILLIAMS -

2           BOARD MEMBER FINDLEY: No.

3           BOARD MEMBER MORREALE: No.

4           CHAIRMAN MORDAS: Whether the proposed variance will  
5 have an adverse effect or impact on the physical or  
6 environmental conditions in the neighborhood or district.

7           Matthew.

8           BOARD MEMBER MORREALE: Yes.

9           CHAIRMAN MORDAS: Kent.

10          BOARD MEMBER FINDLEY: No.

11          CHAIRMAN MORDAS: Georgia.

12          BOARD MEMBER RAMPE: No.

13          CHAIRMAN MORDAS: Cathy.

14          BOARD MEMBER DAWKINS: Yes.

15          CHAIRMAN MORDAS: Yes.

16          Whether the alleged difficulty was self-created, which  
17 consideration shall be relevant to the decision of the  
18 Zoning Board but shall not necessarily preclude the  
19 granting of the area variance.

20          Yes.

21          Cathy.

22          BOARD MEMBER DAWKINS: Yes.

23          CHAIRMAN MORDAS: Georgia.

24          BOARD MEMBER RAMPE: Yes.

25          CHAIRMAN MORDAS: Kent.

1                   - RE: PENA-EMILIA WILLIAMS -

2           BOARD MEMBER FINDLEY: Yes.

3           CHAIRMAN MORDAS: Matthew.

4           BOARD MEMBER MORREALE: Yes.

5           Okay. All right. The vote to provide relief from the  
6 bulk regulations of .16 acres for this applicant, Cathy,  
7 how do you vote?

8           BOARD MEMBER DAWKINS: Yes.

9           CHAIRMAN MORDAS: Georgia.

10          BOARD MEMBER RAMPE: Yes.

11          CHAIRMAN MORDAS: Kent.

12          BOARD MEMBER FINDLEY: Yes.

13          CHAIRMAN MORDAS: I'll say no.

14          Matthew.

15          BOARD MEMBER MORREALE: Yes.

16          CHAIRMAN MORDAS: Okay. The variance passed.

17          MS. WILLIAMS: Thank you.

18          CHAIRMAN MORDAS: Good luck with your project.

19          MS. WILLIAMS: Thank you.

20                   (Time noted: 8:26 p.m.)

21                           \* \* \* \* \*

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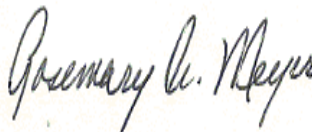
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REPORTER'S CERTIFICATION

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 Pena-Emilia Williams, 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: July 24, 2018

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING  
ZONING BOARD OF APPEALS

----- X

Christopher DeCarlo  
Amending Area Variance,  
Tax Map Section 61; Block 5; Lot 2  
Neighborhood Residential Zone

----- X

Town Hall  
Town of Mamakating  
June 28, 2018  
8:27: P.M.

ZONING BOARD MEMBERS :

- MATTHEW MORDAS, Chairman
- CATHY DAWKINS, Board Member
- GEORGIA RAMPE, Board Member
- MATTHEW MORREALE, Board Member
- MICHELLE BABCOCK, ESQ., Attorney
- KYRA PLATT, Building Department

Also Present: Karen DeCarlo,  
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: CHRISTOPHER DeCARLO -

2           CHAIRMAN MORDAS: All right. Next on the agenda,  
3 Christopher DeCarlo. I know it's not Christopher.

4           Okay, what do we do now?

5           MS. DeCARLO: I'm Karen DeCarlo.

6           Back in February I received an area variance for a  
7 garage. So I mistakenly measured the line from the road to  
8 the property where I wanted to put the garage. I just  
9 recently found out that was not the property line. And if  
10 you look at the pictures, the property line is actually up  
11 on top of the rock cliff.

12          CHAIRMAN MORDAS: Oh, it's not the road.

13          MS. DeCARLO: Not the road.

14          CHAIRMAN MORDAS: I know that happens in Mountain Lake  
15 Camps a lot.

16          MS. DeCARLO: So --

17          CHAIRMAN MORDAS: Please continue. I'm sorry.

18          MS. DeCARLO: We're keeping the garage in the same  
19 spot where we were going to put it. The new dimension from  
20 the property line to the garage is 20 feet, and I'm here to  
21 correct the record.

22          CHAIRMAN MORDAS: Okay.

23          BOARD MEMBER FINDLEY: What did we give the variance  
24 for? How many?

25          CHAIRMAN MORDAS: It was front yard, accessory

1                   - RE: CHRISTOPHER DeCARLO -

2 structure.

3           BOARD MEMBER FINDLEY: But how much was the distance?

4           CHAIRMAN MORDAS: We basically told Ms. DeCarlo to  
5 place the structure within two feet of the planned area,  
6 the plan she presented. So there is no real distances  
7 involved from any landmarks or boundaries. It was really  
8 just setting it in the best feasible place to set one.

9           And I believe you also got approval from the lake  
10 association?

11          MS. DeCARLO: Yes, correct.

12          CHAIRMAN MORDAS: The Wolf Lake Association --

13          MS. DeCARLO: Yes.

14          CHAIRMAN MORDAS: -- if I remember right.

15          MS. PLATT: Kent, I believe I gave everyone a copy of  
16 that variance.

17          BOARD MEMBER FINDLEY: I think you did. I think --

18          MS. DeCARLO: Of the variance? I have copy.

19          BOARD MEMBER FINDLEY: -- I have an area variance  
20 here.

21          BOARD MEMBER DAWKINS: So you thought the garage was  
22 going to be 50 feet from the property line.

23          MS. DeCARLO: I did.

24          BOARD MEMBER DAWKINS: And now we realize it's really  
25 only going to be 20 feet.



1                   - RE: CHRISTOPHER DeCARLO -

2           So here's the map. Here's the map that shows, that  
3 was her depiction when we approved the side yard variances.  
4 But she didn't realize she needed a front yard variance.  
5 And the property -- and I don't know why the lake didn't  
6 know it either because they're usually kind of up on  
7 things.

8           BOARD MEMBER MORREALE: It's a long story with that  
9 property.

10          BOARD MEMBER DAWKINS: At any rate, so this is what  
11 the property looks like from the road.

12          BOARD MEMBER RAMPE: So your property line goes  
13 through those rocks?

14          MS. DeCARLO: It's at the top of the rock. We  
15 actually found an X that is engraved into the rock up on  
16 the top.

17          BOARD MEMBER RAMPE: Really.

18          BOARD MEMBER DAWKINS: You don't even own these rocks.

19          MS. DeCARLO: Well, I own the top of the rock, not  
20 the side of them.

21          CHAIRMAN MORDAS: All right. So you're not going to  
22 be within ten feet of the nearest border.

23          MS. DeCARLO: Ten feet? No.

24          CHAIRMAN MORDAS: Okay.

25          MS. DeCARLO: No.

1                   - RE: CHRISTOPHER DeCARLO -

2           CHAIRMAN MORDAS: Okay. It's ten foot. It's not  
3 closer than ten feet. All right.

4           MS. DeCARLO: So really, that will be 20 feet from  
5 that front line.

6           CHAIRMAN MORDAS: Did you run this by the Wolf Lake  
7 Association again?

8           MS. DeCARLO: The change?

9           CHAIRMAN MORDAS: Yes.

10          MS. DeCARLO: No.

11          BOARD MEMBER DAWKINS: That's not my problem.

12          MS. DeCARLO: I mean I can. I didn't think that ...

13          BOARD MEMBER DAWKINS: She originally measured from  
14 here to here.

15          BOARD MEMBER FINDLEY: Oh.

16          BOARD MEMBER DAWKINS: The property line is way up on  
17 this rock. So it's only 20 and the bulk table says she  
18 needs 25.

19          CHAIRMAN MORDAS: What, for an accessory structure?  
20 It's ten foot.

21          BOARD MEMBER DAWKINS: She just wants to be sure that  
22 we're notified.

23          MS. DeCARLO: Yes, exactly.

24          BOARD MEMBER DAWKINS: So that's all we have to do.

25          MS. DeCARLO: Great.

1                   - RE: CHRISTOPHER DeCARLO -

2           MS. BABCOCK: So basically, unless anybody on the  
3 Board has any objection, we would just note for the record  
4 that there was an issue with the measurements.

5           If one of the board members does have an issue and  
6 wants a rehearing they would need to make a motion.

7           CHAIRMAN MORDAS: All right. I'll make a motion for a  
8 rehearing. Do I have any

9           BOARD MEMBER RAMPE: No.

10          CHAIRMAN MORDAS: No. Okay. All right.

11          MS. BABCOCK: And you're going to notify the lake  
12 people, too.

13          MS. DeCARLO: I will, yes.

14          CHAIRMAN MORDAS: All right. Is it out of line to ask  
15 for a letter for Mrs. DeCarlo that --

16          BOARD MEMBER FINDLEY: The minutes --

17          CHAIRMAN MORDAS: -- kind of amend this, that the  
18 Board made a decision that no further action is --

19          MS. PLATT: So do you want my department to write that  
20 letter or should the attorney's office?

21          BOARD MEMBER FINDLEY: Shouldn't the minutes serve as  
22 that record?

23          MS. PLATT: In the e-mail that Mogel did send to you  
24 he did say that --

25          CHAIRMAN MORDAS: The minutes should be sufficient?

1                   - RE: CHRISTOPHER DeCARLO -

2           MS. PLATT: Yes.

3           MS. BABCOCK: Yes, the minutes should be sufficient.

4           CHAIRMAN MORDAS: That's fine, then.

5           MS. babcock: Perfect. Thank you.

6           MS. DeCARLO: Thank you.

7           CHAIRMAN MORDAS: Thanks for bringing that to our  
8 attention.

9           MS. DeCARLO: Thank you very much.

10                           (Time noted: 8:33 p.m.)

11                                   \* \* \* \* \*

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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 Christopher DeCarlo, 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: July 24, 2018

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING  
ZONING BOARD OF APPEALS

----- X

JoAnn Hegarty & Forrest Greswold  
Area Variance  
Tax Map Section 55; Block 1; Lot 7 & 8  
Neighborhood Residential Zone

----- X

Town Hall  
Town of Mamakating  
June 28, 2018  
8:33 P.M.

ZONING BOARD MEMBERS :

- MATTHEW MORDAS, Chairman
- CATHY DAWKINS, Board Member
- GEORGIA RAMPE, Board Member
- MATTHEW MORREALE, Board Member
- MICHELLE BABCOCK, ESQ., Attorney
- KYRA PLATT, Building Department

Also Present: Forrest Griswold, Applicant

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

Reported by: Rosemary A. Meyer

1                   - RE: J. HEGARTY & F. GRESWOLD -

2           CHAIRMAN MORDAS: All right. Ms. JoAnn Hegarty and  
3 Forrest Greswold.

4           Please inform us as to what you're looking for.

5           MS. HEGARTY: Yes. We're looking for an area variance  
6 because we have an accessory structure. We purchased land  
7 in 2009 that was vacant that had a shed on it. And the  
8 shed, the roof caved in and we thought it looked terrible  
9 so we took it away. And then there was a big giant pile of  
10 cement there, left. So we said, okay, rather than bury the  
11 cement, we decided to put another shed on it. I didn't  
12 realize that we had to get a building permit. So we put  
13 the shed on it. And so it was on vacant land and we didn't  
14 know it wasn't supposed to be on vacant land. So we got a  
15 notice in May about the vacant land problem. So then we  
16 consulted with Kyra and the Department, and because the lot  
17 is contiguous to property that's already owned in the  
18 family, except one lot was in my name and one lot was in my  
19 husband's name. So now we've combined the properties  
20 together to one property.

21           BOARD MEMBER FINDLEY: You did that through the  
22 Planning Board? How did you combine them?

23           MS. HEGARTY: We combined the deeds. We went to -- we  
24 went and we combined the land by the deeds.

25           MS. PLATT: If you're subdividing, you do. But if you

1                   - RE: J. HEGARTY & F. GRESWOLD -

2 go to the assessor's office you can put something in  
3 writing, say, I'd like to combine these two deeds of land,  
4 and they'll combine it into one because they had a deed  
5 with one name and a deed with two names.

6           MS. HEGARTY: Right.

7           MS. PLATT: And the County change the deeds first, and  
8 then they went to the assessor's office.

9           BOARD MEMBER DAWKINS: So that, in effect, created a  
10 primary structure now with two accessory structures on the  
11 same lot.

12          MS. HEGARTY: Right. We --

13          BOARD MEMBER DAWKINS: So now one is closer to the  
14 road than the primary structure.

15          MS. HEGARTY: Right. So we combined it, but even so,  
16 we combined it because we're at Yankee Lake and the road  
17 curves around, it doesn't matter, we're still five feet  
18 difference with the accessory structure just because the  
19 road goes through the land right there.

20          BOARD MEMBER DAWKINS: So bear with me.

21          MS. HEGARTY: Yes.

22          BOARD MEMBER DAWKINS: I have the map.

23          MS. HEGARTY: I mean you're familiar with the area,  
24 so ...

25          BOARD MEMBER FINDLEY: I don't have a map.



1                   - RE: J. HEGARTY & F. GRESWOLD -

2           BOARD MEMBER DAWKINS: So this would be with a house  
3 and a garage. This was the second property with just a  
4 shed.

5           MS. HEGARTY: Right.

6           BOARD MEMBER DAWKINS: She replaced the shed but now  
7 the shed is five feet closer to the road than the primary  
8 structure.

9           BOARD MEMBER FINDLEY: And how far is the shed from  
10 the road? Is that 75?

11          MR. GRISWOLD: Seventy-five feet.

12          MS. HEGARTY: Seventy-five feet.

13          BOARD MEMBER FINDLEY: We'll, propose a public hearing  
14 and we're done.

15          MS. HEGARTY: If you were to drive by you would think  
16 it would be farther because the way the road is.

17          CHAIRMAN MORDAS: Isn't it strange how it works out  
18 sometimes.

19          BOARD MEMBER FINDLEY: Yeah.

20          MS. HEGARTY: Yeah.

21          CHAIRMAN MORDAS: Now, when you're saying a pile of  
22 cement, you can call it a slab.

23          MS. HEGARTY: A slab.

24          CHAIRMAN MORDAS: All right. A motion to set up a  
25 public hearing for this applicant.

1                   - RE: J. HEGARTY & F. GRESWOLD -

2           BOARD MEMBER FINDLEY: I'll make the motion.

3           BOARD MEMBER MORREALE: I'll second it.

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          MS. HEGARTY: That's next month?

12          CHAIRMAN MORDAS: Yes. Please see Kyra for express  
13 directions on --

14          MS. HEGARTY: What to do.

15          CHAIRMAN MORDAS: What to do.

16          MS. HEGARTY: Okay. Because we've already talked to  
17 the neighbors but now we need to show formal notification.

18          BOARD MEMBER FINDLEY: Yes. And then there will be a  
19 public hearing and a vote.

20          MS. HEGARTY: Next month. Okay. Thank you.

21          CHAIRMAN MORDAS: Thank you.

22                   (Time noted: 8:37 p.m.)

23                   \* \* \* \* \*

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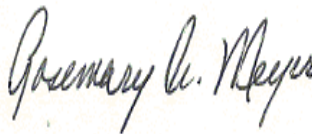
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REPORTER'S CERTIFICATION

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 JoAnn Hegarty & Forrest Greswold, 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: July 24, 2018

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING  
ZONING BOARD OF APPEALS

----- X

Mary Helen Micinowski  
Appeal of Decision  
Tax Map Section 12; Block 1; Lot 59.1

----- X

Town Hall  
Town of Mamakating  
June 28, 2018  
8:38 P.M.

ZONING BOARD MEMBERS :

- MATTHEW MORDAS, Chairman
- CATHY DAWKINS, Acting Chairperson
- GEORGIA RAMPE, Board Member
- MATTHEW MORREALE, Board Member
- MICHELLE BABCOCK, ESQ., Attorney
- KYRA PLATT, Building Department

Also Present: Mary Helen Micinowski,  
Applicant

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

Reported by: Rosemary A. Meyer

1                   - RE: MARY HELEN MICINOWSKI -

2           CHAIRMAN MORDAS: Mary Helen Micinowski.

3           MS. MICINOWSKI: Good evening. This is my husband  
4 Ozzie Morris.

5           MR. MORRIS: Hi.

6           I want to ask you a question. Can I put my hat back  
7 on? Because I had eye surgery. These lights are ...

8           CHAIRMAN MORDAS: By all means.

9           MR. MORRIS: I don't want to be disrespectful by  
10 wearing a hat.

11          MS. MICINOWSKI: So I purchased my home on 49  
12 Birchwood Drive back in 1997 as a small horse farm. We  
13 were specifically looking for a horse farm at that time.  
14 We had moved up from Rockland to Goshen. We were boarding.  
15 We had many issues with people taking care of our horses.  
16 Our main goal was to have the horses at our property so we  
17 could take of our own horses. We show, we do barrel  
18 racing, full venue. We show up and down the east coast and  
19 we've done this for 20 -- well, prior to that. But for the  
20 past 20 years we've had the horses at our property without  
21 any issue. Our neighbors have welcomed us with open arms.  
22 They came to visit the horses, their grandkids came and  
23 visited the horses. We've had -- they have picnics across  
24 the street at their park. Their guests come and visit our  
25 horses. We've always welcomed them with open arms.

1                   - RE: MARY HELEN MICINOWSKI -

2           We got a letter on the 16th that we're in violation of  
3 the zoning code that I had no idea about. When I purchased  
4 the land I specifically asked how many horses were  
5 permitted. The lawyer, the realtor, the previous owners  
6 had multiple horses. The previous owners to them had  
7 multiple horses. We were told there was no limit, as long  
8 as the place was kept clean. It is kept impeccable. And  
9 now I get this letter 12 days ago and here I am.

10           BOARD MEMBER FINDLEY: How many acres?

11           MS. MICINOWSKI: There's three acres.

12           BOARD MEMBER MORREALE: How many horses?

13           MS. MICINOWSKI: Right now we have seven.

14           MR. MORRIS: Well, when we bought the property, in the  
15 back, the back barn has four stalls. In the front you have  
16 two stalls. So that was one of the determinations why we  
17 bought the property, because we said, Oh, great, I can  
18 train the horses so I could go to the World's Finals, don't  
19 have to be at a barn where people bug you and tell you you  
20 can't ride in the arena.

21           MS. MICINOWSKI: And it was set up for six horses at  
22 the time.

23           CHAIRMAN MORDAS: All right. I'm sorry. I was not  
24 paying much attention as I should have been.

25           You've got seven horses on three acres.

1                   - RE: MARY HELEN MICINOWSKI -

2           MS. MICINOWSKI: Right now.

3           CHAIRMAN MORDAS: Okay.

4           MR. MORRIS: And he's old, he's 37, so ...

5           MS. MICINOWSKI: We've had him since a baby. He's  
6 retired and he's going to die with us. You know,  
7 that's ...

8           CHAIRMAN MORDAS: How old is that horse?

9           MR. MORRIS: Thirty-seven.

10          CHAIRMAN MORDAS: Thirty-seven.

11          MR. MORRIS: Yes.

12          CHAIRMAN MORDAS: And is that past the expected age of  
13 a horse?

14          MR. MORRIS: Well, you know, it's like people. You  
15 never know. You know, you feed him every day and hope.

16          BOARD MEMBER DAWKINS: So that's your oldest horse.

17          MR. MORRIS: That's the oldest, yes.

18          BOARD MEMBER FINDLEY: Well, unfortunately, the State  
19 is pretty specific about the definition of a horse farm,  
20 the acreage. Almost all other farms has a definition.  
21 Horse farm, too.

22          MS. MICINOWSKI: I mean --

23          MR. MORRIS: Yes. We came from Rockland being blind.  
24 We went from --

25          MS. MICINOWSKI: I mean it was my first purchase and

1                   - RE: MARY HELEN MICINOWSKI -  
2 probable trusted people more than I should have, clearly.  
3 But this is 21 years later, and I'm truly blindsided by  
4 this.

5           A woman from the DEC did come out last Friday because  
6 the complaint was that we were contaminating this  
7 neighbor's property. She said that is not at all. I was  
8 hoping to get a written report. I just FOIL-ed the report  
9 with the Town. I haven't gotten anything back on our FOIL  
10 request so I don't know where that stands. I FOIL-ed it on  
11 the 20th. I have the printout that it was received, but I  
12 haven't received anything back on that.

13           BOARD MEMBER FINDLEY: And you do this as a business;  
14 correct?

15           MR. MORRIS: No.

16           MS. MICINOWSKI: No. This is --

17           MR. MORRIS: This is me going to the World's Finals,  
18 showing people that people from New York, because when I  
19 went down there they said there's no New York outlets. So  
20 when I went to the World's Finals, I trained all these  
21 horses to show people that people up north can compete. I  
22 ran against fifteen other horses and I came in eleventh.

23           BOARD MEMBER FINDLEY: It's a hobby.

24           MS. MICINOWSKI: It's a hobby.

25           MR. MORRIS: It's a hobby.



1                   - RE: MARY HELEN MICINOWSKI -

2           MS. MICINOWSKI: It's a love.

3           MR. MORRIS: Yeah.

4           MS. MICINOWSKI: We have letters, many letters, from  
5 people in the horse community, I have a few more here, that  
6 we've always had the horses; that, you know, it's been  
7 clean. It's what we've done. There's eight of each of  
8 these. But these are just more letters to go with the  
9 letters already in there.

10           And we are requesting a variance based on the fact  
11 that it's been 21 years. It's not like we just moved in  
12 there. We've been there. Our neighbors have been there.  
13 It's been the same neighbors. Nobody has moved, nobody has  
14 changed.

15           BOARD MEMBER RAMPE: What is it that changed this?

16           MS. MICINOWSKI: The only thing that has changed in  
17 our neighborhood is they demolished a trailer next to us  
18 and they're clearing that. They need my land. And they  
19 have approached us to buy our land and I didn't want to  
20 sell it. I don't know if that has anything, prompted the  
21 complaint.

22           MS. PLATT: I do have a letter. I think it's from '96  
23 They had asked about the number of horses and the Town had  
24 responded. They said that since about '86, according to  
25 the zone, I think it was RAG-1, I'll look at it again, that

1                   - RE: MARY HELEN MICINOWSKI -

2 they didn't have a set limit of horses for that zone.

3           BOARD MEMBER RAMPE: Oh.

4           MR. MORRIS: It's, like, landlocked in a sense  
5 because --

6           MS. MICINOWSKI: Yeah, we're landlocked.

7           MR. MORRIS: -- because we have a mountain behind us  
8 and a swamp on both sides.

9           MS. MICINOWSKI: It's a perfect rectangle. I did get  
10 some pictures of the property. It's just a rectangle.  
11 It's divided up into paddocks and the horses are not on top  
12 of each other. They have plenty of room to eat the hay we  
13 buy.

14          BOARD MEMBER FINDLEY: When was that letter? I'm  
15 sorry.

16          MS. PLATT: I believe '96, if you want to ...

17          BOARD MEMBER FINDLEY: When did you buy the property?

18          MS. MICINOWSKI: '97.

19          BOARD MEMBER FINDLEY: And who --

20          MS. MICINOWSKI: The Russos owned it prior to us. I  
21 don't know the name --

22          MR. MORRIS: We don't know who owned it before.

23          MS. MICINOWSKI: The people who owned it prior to the  
24 Russos built the barn in the back.

25          BOARD MEMBER FINDLEY: And who requested that letter?

1                   - RE: MARY HELEN MICINOWSKI -

2           MS. MICINOWSKI: And they were a retired couple. They  
3 were a retired couple that wanted horses, just like us, in  
4 their back yard, just as a hobby.

5           MS. PLATT: In August of 1996, a Jay Rolnick,  
6 R-O-L-N-I-C-K, of Rolnick Realty, it was a zoning search  
7 dated for 8-23-96. And Mr. Griffo, the code enforcement  
8 officer at the time, said: The property appears to lie in  
9 a RAG-1 Zone. Private stables are permitted under the  
10 current zoning as an accessory use. Horses are permitted  
11 in the RAG-1 Zone. At the current time our zoning does not  
12 restrict the number of horses permitted.

13           BOARD MEMBER DAWKINS: And that was when?

14           MS. PLATT: This was August 28th of 1996.

15           MS. MICINOWSKI: We purchased in October of '97.

16           BOARD MEMBER FINDLEY: Oh, it was right after.

17           MS. MICINOWSKI: Yes. October 31st we closed.

18           BOARD MEMBER FINDLEY: And horses have been on there  
19 ever since.

20           MR. MORRIS: Yes.

21           MS. MICINOWSKI: And prior. But ever since, we have  
22 always had horses.

23           BOARD MEMBER FINDLEY: It's very important to go to  
24 your town meetings when there's zoning changes.

25           MR. MORRIS: Well, we actually didn't know where it

1                   - RE: MARY HELEN MICINOWSKI -

2 was, actually.

3           MS. MICINOWSKI: Honestly --

4           MR. MORRIS: They told us Town of Mamakating, Pine  
5 Bush.

6           MS. MICINOWSKI: We have a Pine Bush address, so ...

7           MR. MORRIS: Yeah, so we don't know where --

8           BOARD MEMBER FINDLEY: You've got to speak one at a  
9 time so she can --

10          CHAIRMAN MORDAS: I never heard of RAG-1 zoning.

11          MS. PLATT: This a very old zone.

12          BOARD MEMBER DAWKINS: And interestingly, I will point  
13 out that, and maybe you said this and I missed it, Kyra,  
14 because I was reading what you read, the Building  
15 Department letter that said that horses are permitted in  
16 1996 was in response to a request from a realtor and the  
17 Applicant purchased the property in '97. So it's not a  
18 leap of logic to assume that there's ...

19          BOARD MEMBER FINDLEY: Can we get a copy of that?

20          MS. PLATT: Yes.

21          BOARD MEMBER FINDLEY: Do you have a copy of that?

22          MS. MICINOWSKI: No.

23          MR. MORRIS: No.

24          BOARD MEMBER FINDLEY: You should get a copy of that.

25          MS. MICINOWSKI: Can I have one, also?

1                   - RE: MARY HELEN MICINOWSKI -

2           MR. MORRIS: And I don't sleep well at night since  
3 this happened.

4           BOARD MEMBER DAWKINS: If you have an i-Phone, just  
5 take a picture.

6           BOARD MEMBER FINDLEY: Just stay here.

7           MR. MORRIS: She's going to make copies.

8           BOARD MEMBER FINDLEY: She's going to make copies.

9           MR. MORRIS: She'll be back.

10          I mean if we had known before this we would have  
11 bought other property. But I guess this is blindsided and  
12 shock.

13          MS. MICINOWSKI: But we did inquire. I remember  
14 inquiring with the lawyer and the realtor because I was  
15 concerned that we couldn't have the horses. And they told  
16 me specifically no, it's not a problem, as long as it was  
17 kept clean.

18          BOARD MEMBER FINDLEY: And you have roughly the same  
19 number of horses --

20          MS. MICINOWSKI: Yes.

21          MR. MORRIS: Yes.

22          BOARD MEMBER FINDLEY: -- the entire time?

23          MR. MORRIS: Yeah.

24          MS. MICINOWSKI: They go up and down --

25          BOARD MEMBER FINDLEY: Of course, of course. You

1                   - RE: MARY HELEN MICINOWSKI -

2 might sell one, you might get another one. But roughly --

3           MS. MICINOWSKI: But roughly, yes.

4           BOARD MEMBER FINDLEY: -- that many horses.

5           MS. MICINOWSKI: Yes.

6           BOARD MEMBER DAWKINS: Yes, but I'm looking to here.

7 That says an agricultural operation.

8           BOARD MEMBER RAMPE: I have a question. You have

9 seven horses and six stalls?

10          MS. MICINOWSKI: We have -- there's two stalls --

11          MR. MORRIS: One stall is big enough. It's like a run  
12 in stall.

13          MS. MICINOWSKI: And they go in and out. It's not a  
14 locked stall.

15          MR. MORRIS: They're not locked in.

16          MS. MICINOWSKI: There's only really two stalls that  
17 are locked stalls. The rest, they can go in and out as  
18 they please.

19          BOARD MEMBER FINDLEY: Can we request to visit the  
20 property?

21          MR. MORRIS: You can come. You're welcome.

22          MS. MICINOWSKI: I work, but he's home all the time.

23          CHAIRMAN MORDAS: Can we stop by and take a look at  
24 your property?

25          MR. MORRIS: Yes. Yes, you can. You're welcome to.

1                   - RE: MARY HELEN MICINOWSKI -

2           MS. MICINOWSKI: You will hear our dogs barking. But  
3 he's pretty -- I mean I would appreciate if someone could  
4 give us a call and let me know that you're coming, when  
5 you're coming.

6           MR. MORRIS: But I'll be there to welcome you.

7           MS. MICINOWSKI: I can give you, you know, his cell  
8 number so that you can contact him.

9           CHAIRMAN MORDAS: Why don't you submit it to Kyra.

10          MR. MORRIS: Yes.

11          BOARD MEMBER RAMPE: Is this the cell number --

12          MS. MICINOWSKI: No. That's mine.

13          MR. MORRIS: No. That's hers.

14          CHAIRMAN MORDAS: Submit it to Kyra and let you know,  
15 give you a call.

16          MR. MORRIS: Okay. Thank you so much.

17          And you're welcome to come. You can brush the horses  
18 if you want. It will save me some trouble. You got to do  
19 them every day.

20          CHAIRMAN MORDAS: Any other questions for the  
21 Applicant?

22          BOARD MEMBER FINDLEY: I don't.

23          CHAIRMAN MORDAS: A motion to request a public  
24 hearing.

25          BOARD MEMBER FINDLEY: I make the motion.

1                   - RE: MARY HELEN MICINOWSKI -

2           BOARD MEMBER RAMPE: 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 approved and carried.)

10          CHAIRMAN MORDAS: All right. Please see Kyra. That's  
11 the next step, a public hearing.

12          MR. MORRIS: Thank you.

13          CHAIRMAN MORDAS: And we'll see you next month,  
14 hopefully.

15          MR. MORRIS: All right. Good.

16          CHAIRMAN MORRIS: And thank you for all the letters.  
17 We'll definitely take those into consideration.

18          MR. MORRIS: Thank you so much.

19          MS. MICINOWSKI: Thank you for your time.

20          MR. MORRIS: These are my children.

21          CHAIRMAN MORDAS: Motion to close.

22          BOARD MEMBER DAWKINS: Motion.

23          BOARD MEMBER FINDLEY: Second.

24          CHAIRMAN MORDAS: All in favor.

25          BOARD MEMBER DAWKINS: Aye.



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- RE: MARY HELEN MICINOWSKI -

BOARD MEMBER RAMPE: Aye.

BOARD MEMBER FINDLEY: Aye.

BOARD MEMBER MORREALE: Aye.

CHAIRMAN MORDAS: Aye.

(The motion was approved and carried.)

(Time noted: 8:51 p.m.)

\* \* \* \* \*

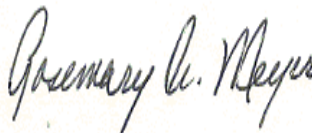
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REPORTER'S CERTIFICATION

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 Mary Helen Micinowski, 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: July 23, 2018

A	58:14 adjoining (1) 52:15	15;62:15;63:12 apply (3) 59:10,22;62:13	B	25;20:4,5,15,18,20; 21:3,7,13,16;22:9,11, 23;23:2,14,17,19,20, 23,24;24:5,7,8,9,10, 18;51:2,6,11,17,20, 21;52:3,6,7,9,10,12, 13,16,18,20,21;53:2, 3,5,10,15,18,20,22; 54:2,3,10,18;55:7,18, 23;56:3,21,25;57:5, 15,18,24;58:3,5;59:4, 6,15,16,19,22,24,25; 60:4,8,11,13,14,16, 17,18,19,24;61:3,9, 12,25;62:5,7,9,12,15, 19,20,22,23,24,25; 63:4,6,7,9,15,17,21, 23;64:2,8,12,18,20, 22;65:3,5,7,14,16,18, 20,24,25;66:2,3,8,10, 12,14,18,22,24;67:2, 4,8,10,12,15;70:23; 71:3,17,19,21,24; 72:8,10,12,17,18; 73:11,13,15,16,21, 24;74:3,5,9,16,18,21
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