

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

Meeting Minutes
8-23-18
August 23, 2018

Jeric Corporation
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P.O. Box 385
Narrowsburg, NY 12764
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ZONING BOARD OF APPEALS

MINUTES

August 23, 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

STEVEN MOGEL, ESQ., Attorney

KYRA PLATT, Building Department

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

Reported by: Rosemary A. Meyer

A G E N D A I N D E X

	Pages
Call Meeting to Order	4
Acceptance of Minutes	4
Mary Helen Micinowski - Continuation of Public Hearing.....	3 - 38
Ambika Conroy - Area Variance - Public Hearing	39 - 70
Christopher Johnson & Suzanne Defeo Johnson, Area Variance - Public Hearing	71 - 88
Raymond & Kathleen Volpe - Area Variance	89 - 121
Close Meeting	120

* * * * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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
August 23, 2018
7:00 P.M.

ZONING BOARD MEMBERS :

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

Also Present: Mary Helen Micinowski, Applicant

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Reported by: Rosemary A. Meyer

1 - RE: M.H. MICINOWSKI -

2 CHAIRMAN MORDAS: Good evening, ladies and gentlemen.
3 Welcome to the Mamakating Zoning Board of Appeals meeting
4 for August 23rd, 2018. I'm the chairman, Matthew Mordas.

5 I'd like to start the meeting with a roll call, which
6 is my usual fashion.

7 Georgia Rampe.

8 BOARD MEMBER RAMPE: Here.

9 CHAIRMAN MORDAS: Cathy Dawkins.

10 BOARD MEMBER DAWKINS: Here.

11 CHAIRMAN MORDAS: Matthew Morreale.

12 BOARD MEMBER MORREALE: Present.

13 CHAIRMAN MORDAS: Kent Findley.

14 BOARD MEMBER FINDLEY: Here.

15 CHAIRMAN MORDAS: All righty.

16 Our counsel tonight, which is usually the case, is
17 Mr. Steven Mogel.

18 I'm going to start the meeting, or continue the
19 meeting with acceptance of the minutes.

20 Has the Board had time to review the June 28th
21 minutes, and if they have, do I have a motion to accept the
22 minutes?

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

25 BOARD MEMBER DAWKINS: I'll second it.

1 - RE: M.H. MICINOWSKI -

2 CHAIRMAN MORDAS: All in favor?

3 BOARD MEMBER RAMPE: Aye.

4 BOARD MEMBER DAWKINS: Aye.

5 BOARD MEMBER MORREALE: Aye.

6 BOARD MEMBER FINDLEY: Aye.

7 CHAIRMAN MORDAS: Aye.

8 (The motion was approved and carried.)

9 CHAIRMAN MORDAS: Okay. First on the agenda is the
10 continuation of the public hearing for Ms. Micinowski.

11 Kyra, has anybody signed the list to speak?

12 MS. PLATT: Mr. Steve Boniface.

13 CHAIRMAN MORDAS: Okay. Mr. Boniface, please come up
14 and state your peace.

15 MR. S. BONIFACE: Good evening, Board.

16 I forwarded a report about manure to the secretary and
17 asked her to forward it on to you. And I'm hoping you all
18 took time to just read the first paragraph because that
19 goes in depth how horse manure, specifically, it says it's
20 an excellent crop nutrient source. If not used properly,
21 the pathogens, nutrients, organic matters contained in this
22 can contribute to the pollution of surface and ground
23 water, possibly including your own water supply. It goes
24 on.

25 Everybody get a chance to look at that, or no?

1 - RE: M.H. MICINOWSKI -

2 BOARD MEMBER MORREALE: Yes.

3 MS. M.H. MICINOWSKI: I don't have a copy of that.

4 MR. S. BONIFACE: Excuse me?

5 MS. M.H. MICINOWSKI: I don't have a copy of that.

6 MR. S. BONIFACE: And also, since the last meeting, we
7 have an article from the Times Herald Record dated
8 Saturday, July 21st, 2018. The headline is Ulster Bans
9 Swimming At Five Beaches, Lake. I don't know if you want
10 me to read this or if you guys want to ...

11 CHAIRMAN MORDAS: Please read that. I haven't read
12 that myself.

13 MR. S. BONIFACE: Okay.

14 The Ulster County Health Department has closed five
15 beaches and a lake to swimming. The beaches were closed
16 Friday due to detection of elevated levels of fecal
17 bacteria. The lakes were shut to bathing due to harmful
18 algae, according to Dr. Carol Smith, the County
19 Commissioner of the Health.

20 And then the it goes on to list all the beaches, which
21 I'm sure you don't care about. And below that it says:
22 There is no clear source of the beach contamination. The
23 most likely sources are runoff from agricultural
24 activities, but the Department cannot rule out human
25 sources, Smith said.

1 - RE: M.H. MICINOWSKI -

2 The County Health Department follows the state
3 guidelines for beaches which set a threshold of 60 part per
4 100 milliliters of fresh matter.

5 All of our -- the average of our tests, I believe,
6 have been over 600.

7 So I have that article.

8 I have a copy of the report from the New York State
9 Health, or Agriculture and Markets. I'd be glad to give
10 that to them.

11 CHAIRMAN MORDAS: Kyra will supply that to
12 Mrs. Micinowski.

13 MR. S. BONIFACE: Okay.

14 I also have some pictures that were taken this past
15 Saturday. Can I approach?

16 CHAIRMAN MORDAS: Sure.

17 MR. S. BONIFACE: Explain to what they are.

18 So this is his arena close the road. So the first
19 picture here is his arena. It's close to the road. And
20 you can see the manure floating in water.

21 This is a culvert that runs under the road into our
22 pond. It's travels through about 40 or 50 the feet of
23 grass that comes out into our pond. This was Saturday. We
24 had a heavy rain, lasted maybe 15 minutes.

25 This is a picture of the arena from the road.

1 - RE: M.H. MICINOWSKI -

2 I have another one that looks a little further back.
3 This is also a picture of the road.

4 It's clear that the contaminants are running into the
5 pond. It's a health hazard. I mean there's no other way
6 to say it. It's a health hazard.

7 MS. M.H. MICINOWSKI: And yet people were swimming in
8 the pond on August 14th.

9 CHAIRMAN MORDAS: I'm going to ask you to return to
10 your seat, respectfully. You'll have your turn.

11 MS. M.H. MICINOWSKI: All right. But I just want to
12 see what --

13 MR. O. SMITH: Because what he calls the arena is our
14 front paddock. that's the only thing that the rainwater
15 hits and runs off. My arena is 250 feet away.

16 CHAIRMAN MORDAS: If you don't mind, can we hang on to
17 these photos?

18 MR. S. BONIFACE: No. You can keep those.

19 CHAIRMAN MORDAS: Okay. We'll address that when it's
20 your turn.

21 MR. S. BONIFACE: They don't need them, the pictures.

22 MR. O. MORRIS: No.

23 CHAIRMAN MORDAS: Thank you, Mr. Boniface.

24 MR. S. BONIFACE: So again, I mean as I said when I
25 was up there, this is a health hazard. I know we had

1 - RE: M.H. MICINOWSKI -
2 conversation at the last meeting that there's no pollutants
3 in horse manure. Well, that is absolutely not true.
4 Nobody would want their child playing in that paddock or
5 arena, whatever is it. And that runs directly into our
6 pond.

7 Were they swimming? They probably were. Was it a
8 good idea? Probably not. I don't know if there was any
9 health issues after that, but to me, it's a health hazard
10 and to even consider seven horses on two and a half acres
11 would not be safe at all.

12 Any questions for me?

13 CHAIRMAN MORDAS: Any questions from the Board?

14 BOARD MEMBER FINDLEY: No.

15 BOARD MEMBER RAMPE: No.

16 BOARD MEMBER MORREALE: No.

17 MR. S. BONIFACE: Thank you very much.

18 CHAIRMAN MORDAS: Thank you

19 Anybody else on the ...

20 MS. PLATT: No.

21 CHAIRMAN MORDAS: Anybody from the audience would like
22 speak?

23 MS. E. WALTER-PANKO: Yes. My name is Erin
24 Walter-Panko. I live at 61 Daisy Lane, Montgomery,
25 New York, about 20 minutes from here.

1 - RE: M.H. MICINOWSKI -

2 I really would like to take a look at what toxins he
3 says are in there. I just actually did a Google search for
4 things that can cause E Coli. It has all of the health
5 risks. I'd like to see kind of the scientific data to
6 support that because I have not seen any research anywhere
7 that actually supports that.

8 Also, again, I've know Ozzie for over 20 years. I've
9 known Helen. They're like second parents to me. You know,
10 I know the Bonifaces, as well.

11 I kind of just want to bring up if this such an issue
12 why is it coming now?

13 I believe, actually, Ozzie has had more horses than he
14 does currently, and all of a sudden this becoming an issue.
15 I'm just having a really hard time understanding why, you
16 know, Ozzie and Helen are being attacked at this moment.
17 You know, this has never been an issue in the past.

18 Again, those pictures, I know we talked about it's the
19 paddock, not the arena. I just hope you take it all into
20 consideration.

21 If I could approach, I could even show you -- I could
22 do a simple Google search about what is in horse manure,
23 what contaminants. I can show you and prove to you that is
24 absolutely not true, if you would like to see it.

25 Do you have any questions? Anybody have any questions

1 - RE: M.H. MICINOWSKI -

2 for me?

3 CHAIRMAN MORDAS: Why don't you show the Board that
4 photo.

5 MS. E. WALTER-PANKO: It's a Google search that I have
6 about horse manure and E Coli.

7 CHAIRMAN MORDAS: We have varying reports.

8 MS. E. WALTER-PANKO: I'm sure.

9 Also, I do want to remind that something was brought
10 up at the last meeting. There was a trailer that was next
11 to there that was recently taken down which Mr. Boniface
12 doesn't mention at the last meeting. So I don't know if
13 that had to do with contaminants. I don't know if that
14 happened in the last, like, you know, six months or a year.
15 So I don't know. Maybe that's nutrients. I don't know why
16 we would have to be pointing fingers here.

17 This is -- I can do more extensive research. This is
18 just a two minute search that I did. It's just two
19 minutes. I could do more extensive research if people are
20 asking for it.

21 So any questions or anything for me?

22 MR. MOGEL: You're welcome to take a look at this item
23 that was provided to us.

24 MS. E. WALTER-PANKO: Yes.

25 MR. MOGEL: AEM Tier Worksheet, Manure Management for

1 - RE: M.H. MICINOWSKI -

2 Horses. It does specify: If not used properly, the
3 pathogens, nutrient and organic matter contained in it,
4 meaning manure, can contribute to pollution of surface and
5 ground water and possibly including your own water supply.
6 Bacterial and protozoan pathogens in manure can pose a
7 health risk when found in drinking water supply.

8 MS. E. WALTER-PANKO: What did they report? What does
9 the pathogen, that report say that it had?

10 MR. MOGEL: This isn't a report.

11 MS. E. WALTER-PANKO: Yeah, that's that. But I would
12 like to know what specific pathogens that are causing this
13 algae to see if it matches up with whatever has happened in
14 their --

15 CHAIRMAN MORDAS: Well, algae, from my limited
16 knowledge, is really a nutrient formed contamination.

17 MS. E. WALTER-PANKO: Yes.

18 CHAIRMAN MORDAS: It's a factor of, I guess nitrates,
19 nitrites and also phosphates within the manure which can be
20 part of a component of manure.

21 MS. E. WALTER-PANKO: But what makes you sick is,
22 like, E Coli makes you sick. You know --

23 CHAIRMAN MORDAS: Well, algae can make you sick,
24 E Coli.

25 MS. E. WALTER-PANKO: Yes. yes, definitely.

1 - RE: M.H. MICINOWSKI -

2 CHAIRMAN MORDAS: Some people confuse the two as one.
3 They're distinctly different contaminants. And --

4 MS. E. WALTER-PANKO: No, absolutely. But I'd like to
5 know what it tested positive for because --

6 CHAIRMAN MORDAS: Fecal coliform. On two separate
7 occasions greater than 600 counts per 100 milliliters.
8 That was taken on June 26th of this year. And then another
9 sample was taken prior to that, June 5th, that came up 920
10 counts per 100 milliliters of fecal coliform.

11 MS. E. WALTER-PANKO: And what about the other
12 wildlife? I'm having difficulty understanding.

13 CHAIRMAN MORDAS: If you listen to the article that
14 Mr. Boniface read, that even the regulators in Ulster
15 County, they were hesitant to point directly to what
16 actually caused the beach closure that was --

17 MS. E. WALTER-PANKO: Yes. I just think that all this
18 needs to be taken into consideration. I'm sure those other
19 beaches didn't have a horse farm next to it. I'm just
20 sorry. I just want to understand.

21 If you have any more questions, just let me know.

22 CHAIRMAN MORDAS: Thank you very much.

23 MR. BONIFACE: Excuse me. Would you like to keep this
24 article?

25 CHAIRMAN MORDAS: That's not necessary.

1 - RE: M.H. MICINOWSKI -

2 BOARD MEMBER FINDLEY: No. I --

3 CHAIRMAN MORDAS: Actually, please, supply it to Kyra
4 as part our record.

5 BOARD MEMBER FINDLEY: I do have a question, though.
6 Weren't we anticipating a report from the DEC?

7 MS. PLATT: We haven't received anything in writing
8 from them yet.

9 CHAIRMAN MORDAS: I had a phone conversation with Mary
10 Gross of the DEC.

11 Mr. Boniface, is it true that you're in conversation
12 with the DEC in regards to alleged redirection of the trout
13 stream into your pond?

14 MR. S. BONIFACE: Yes. They wrote me a summons a
15 month or so ago; went to court this morning. Nothing was
16 settled. It'll be months before anything is settled about
17 that. The boulders that are in question have been there
18 for over 50 years, so I don't know where it's going to go.

19 CHAIRMAN MORDAS: Okay. Thank you very much.

20 MR. S. BONIFACE: Yeah.

21 CHAIRMAN MORDAS: My conversation with Mary Gross,
22 basically, she said to me that until the pond is isolated
23 from the stream, any conclusions in regards to the source
24 of contamination at this time would be premature.

25 BOARD MEMBER RAMPE: Well, we didn't know that.

1 - RE: M.H. MICINOWSKI -

2 CHAIRMAN MORDAS: I wish I had a letter from her, but
3 that was the gist of the conversation I had with her. That
4 was roughly a week ago.

5 Do you folks have anything you would like to say,
6 Ms. Micinowski or --

7 MS. M.H. MICINOWSKI: I mean I just want to reiterate
8 --

9 CHAIRMAN MORDAS: Please come up here for the
10 stenographer.

11 MS. M.H. MICINOWSKI: Excuse me. I'm a little worked
12 up.

13 Helen Micinowski, Mary Helen Micinowski, 49 Birchwood
14 Drive, Pine Bush.

15 I just wondered, we have been in this property since
16 October of 1996. In August of 1996 a letter was issued
17 from the Town of Mamakating stating that we were going for
18 horses, that we could have multiple horses. We have had
19 those horses for 21 years. These are not just horses that
20 come in and out, these are our family, these are our pets.
21 There has not been an issue for 21 years. And now, 21
22 years later, whatever is going on with the pond, this whole
23 thing, he's claiming is coming from my property. I find
24 that extremely difficult to believe. Especially -- I mean
25 they have documentation stating that is horse manure

1 - RE: M.H. MICINOWSKI -
2 contaminant. I have documentation stating that it doesn't.
3 So clearly, depending on who you talk to, that's the
4 information that you're going to get. There's no --
5 there's been an answer on that, clearly. So we have to
6 know --

7 I'm not in violation of any zoning, from what I was
8 told, from the time that I purchased this property. I have
9 never been in violation of the zoning. We have kept the
10 property clean. We drag the paddocks. The water runoff
11 has been an issue. I wrote that in my appeal, that it was
12 rerouted from the Boniface property. We have water coming
13 into my basement on a daily basis, whether there's rain or
14 not, because there's constantly water coming into my
15 property. You can't change water.

16 CHAIRMAN MORDAS: Has that issue with your basement
17 been constant since you bought the house?

18 MS. M.H. MICINOWSKI: No, no. It's been about the
19 last ...

20 MR. O. MORRIS: It's since they came -- Kenny started
21 digging trenches at the top of the mountain all the way to
22 the back and it's big enough to drive a truck in it. And
23 we used ride the horses there before he said we couldn't.
24 And the water runs from the top of the mountain to the back
25 end of the property and it runs right down inside. And

1 - RE: M.H. MICINOWSKI -

2 that's why I put the manure there because arena was two
3 feet under water. The garage that I have is two feet under
4 water.

5 MS. M.H. MICINOWSKI: Everything.

6 CHAIRMAN MORDAS: All right. So you're staging the
7 manure --

8 MR. O. MORRIS: Is my --

9 CHAIRMAN MORDAS: -- in the highest point of your
10 property.

11 MR. O. MORRIS: The highest point.

12 MS. M.H. MICINOWSKI: Yes.

13 MR. O. MORRIS: If you look on Google Map, you'll see
14 my property --

15 BOARD MEMBER FINDLEY: Just one quick question. I
16 want to clarify a term that I think is important.

17 When you say manure, are you talking fresh manure or
18 compost?

19 MR. O. MORRIS: No.

20 MS. H.M. MICINOWSKI: It's compost

21 MR. O. MORRIS: If you dig into it, you'll get dirt.
22 You know, that's what it is. But what I'm saying is the
23 problem when that water goes to the back everything gets
24 under water. But they didn't have a problem when I kept
25 pumping water down the street because my basement was up to

1 - RE: M.H. MICINOWSKI -

2 here, (indicating), with water. It killed my tanks and
3 everything else.

4 BOARD MEMBER FINDLEY: Now, because of this runoff,
5 did that property owner offer to share to fix it?

6 MS. M.H. MICINOWSKI: No.

7 MR. O. MORRIS: No.

8 BOARD MEMBER FINDLEY: Okay.

9 MR. O. MORRIS: Relating to what he said --

10 MS. M.H. MICINOWSKI: Well, actually, they had
11 suggested that we build a dry well.

12 CHAIRMAN MORDAS: A dry well. The addendum to the
13 SEQRA forms are filled out.

14 BOARD MEMBER FINDLEY: Did they offer to split the
15 cost?

16 MS. M.H. MICINOWSKI: No.

17 MR. O. MORRIS: And the dry well would be on our land.

18 MS. M.H. MICINOWSKI: It would be on our land
19 filtering water from their property. And a dry well in the
20 middle of a horse arena is the right way to hurt a horse's
21 leg. That's just not even something for me to consider.

22 MR. O. MORRIS: In regard to Mr. Boniface talking
23 about the rock formation was there for 20 years, no. Six
24 years ago they was in there with big, heavy equipment,
25 moving boulders to divert the water. Now, if that water is

1 - RE: M.H. MICINOWSKI -

2 running from somewhere else and it's getting some bacteria,
3 because they fill that pond, because every year they drain
4 it --

5 CHAIRMAN MORDAS: Well, that was a concern of the lady
6 I talked to from the DEC.

7 MR. O. MORRIS: That's what I'm saying.

8 But when they drain it, we don't know where that water
9 comes from. If my manure goes to them, it's the water that
10 hits the ground and that trenches it and runs off.

11 Everything from my arena back is blocked. That front
12 paddock, I drag it. They can tell you, I drag it dig with
13 the quad, I drag it with my tractor. It's done every time
14 the ground is dry. There's no manure there.

15 MS. M.H. MICINOWSKI: I mean it's mud It's not
16 necessarily manure, it is mud.

17 MR. O. MORRIS: And dirty water that is mud.

18 MS. M.H. MICINOWSKI: It's mud. It's mud.

19 BOARD MEMBER FINDLEY: I just want to interrupt for a
20 second.

21 MR. S. BONIFACE: Please look at the pictures.

22 BOARD MEMBER FINDLEY: When you spoke to the DEC did
23 they offer a time frame when they anticipate a report --

24 CHAIRMAN MORDAS: No.

25 BOARD MEMBER FINDLEY: -- or anything from their

1 - RE: M.H. MICINOWSKI -

2 visit?

3 CHAIRMAN MORDAS: No. As you heard from Mr. Boniface,
4 that the court proceedings are ...

5 BOARD MEMBER FINDLEY: I heard that.

6 CHAIRMAN MORDAS: So basically, it's a process.

7 BOARD MEMBER FINDLEY: Okay. I just want to --
8 because the last --

9 CHAIRMAN MORDAS: That's what I took back from my
10 conversation.

11 BOARD MEMBER FINDLEY: All right. Because I think the
12 last meeting we said we thought we were expecting a report
13 soon. That's what I thought I remembered.

14 MR. MOGEL: That was the hope.

15 BOARD MEMBER FINDLEY: That was the hope. Okay.

16 CHAIRMAN MORDAS: This is the DEC.

17 BOARD MEMBER FINDLEY: All right.

18 CHAIRMAN MORDAS: They'll get around to it.

19 MR. O. MORRIS: But my main concern is input. We've
20 been there all this time. Everything was stated that we
21 could have horses there. I was asked twice, do you sell
22 your house. If they want to buy my house --

23 CHAIRMAN MORDAS: I do have a letter from Mr. Rolnick
24 of Rolnick Realty that was -- actually, it's a letter from
25 Mr. Griffo, the code enforcement officer --

1 - RE: M.H. MICINOWSKI -

2 MS. M.H. MICINOWSKI: To the realtor; correct?

3 CHAIRMAN MORDAS: -- back in 1996.

4 MS. M.H. MICINOWSKI: Yes.

5 CHAIRMAN MORDAS: And basically, it's knock yourself
6 out, there's no regulations in the town concerning
7 livestock density at this time. It also says, however, if
8 a health hazard is created the Town will take legal action
9 to have it corrected. And then he goes on to say that he
10 enclosed a copy of the Cornell Cooperative Extension
11 guidelines as some advice to you guys.

12 MR. O. MORRIS: Now, if they say it's a health hazard,
13 yeah, tell me what the hazard is; fine, I'll take care of
14 it. But to say that I'm taking manure, telling people at
15 their parties that they have on a weekly basis that I'm
16 taking manure and throwing it in that pond is a false.
17 It's a false statement. People say, Ozzie, you're taking
18 manure? You know, I have to put it in my tractor to drive
19 200 feet to go across the road and then dump it --

20 MR. S. BONIFACE: Nobody said that.

21 MR. O. MORRIS: Yes, they did.

22 MS. M.H. MICINOWSKI: Our manure that is fresh is
23 dumped at the furthest back of the property and it's
24 nowhere near the pond. It's at the farthest back of the
25 property we can get.

1 - RE: M.H. MICINOWSKI -

2 MR. MOGEL: Just for the record, the allegation you're
3 making with regard to people being told that you're dumping
4 it directly into the lake, whether that --

5 MR. O. MORRIS: Has no bearings on this. I understand
6 that.

7 MR. MOGEL: Right.

8 And the other part is, again, for the record, that
9 hasn't been an allegation that's been raised in front of
10 the Board.

11 MR. O. MORRIS: Right.

12 MR. MOGEL: Whether that happened or not is immaterial
13 for these proceedings. But it's not what the allegation
14 is.

15 MR. O. MORRIS: But the thing that bothers me the most
16 is 21 years been there, not a problem. Their kids came to
17 me; they rode at my house. They knew how many horses we
18 had and it took them 21 years to say, Oh, by the way.

19 MS. M.H. MICINOWSKI: Plus the previous owners --

20 MR. O. MORRIS: Russo. No.

21 MS. M.H. MICINOWSKI: No.

22 MR. O. MORRIS: The people before him.

23 MS. M.H. MICINOWSKI: But there's a letter in the file
24 that states they had 11 horses. They have all the names of
25 horses listed. So this is not even since we've had the

1 - RE: M.H. MICINOWSKI -

2 property.

3 CHAIRMAN MORDAS: How many horses now? Seven or six?

4 MR. O. MORRIS: Seven.

5 CHAIRMAN MORDAS: Seven.

6 BOARD MEMBER RAMPE: I'm just wondering what other
7 factors could have changed in the neighborhood.

8 MS. M.H. MICINOWSKI: Well, not -- I mean this --
9 it's the weather. The weather's been terrible.

10 BOARD MEMBER RAMPE: Right.

11 MS. M.H. MICINOWSKI: I just went up to the Finger
12 Lakes. Seneca Lake is closing because of algae. It's a
13 642 foot lake. Nobody can swim in that lake because of
14 algae. The Jersey shores were closed because of algae.
15 The Long Island beaches were closed because of algae. The
16 weather has been hot, it's been rainy. It's global
17 warming.

18 CHAIRMAN MORDAS: It's been a swamp.

19 MS. M.H. MICINOWSKI: It's been a swamp. You've all
20 lived with us.

21 MR. MOGEL: Just have mercy, please, on our
22 stenographer. She can only take one person at a time.

23 MR. O. MORRIS: I'm sorry.

24 BOARD MEMBER RAMPE: I know that HABs, which are
25 harmful algae blooms, are a problem in all of New York

1 - RE: M.H. MICINOWSKI -

2 State.

3 MS. M.H. MICINOWSKI: Yes.

4 BOARD MEMBER RAMPE: But as far as what has occurred
5 in your area in particular, I mean I noticed there was a
6 lot of clearcutting. Clearcutting next door will also
7 produce more runoff, more nutrients going into the lake to
8 allow the algae to grow. So was this algae noticed after
9 the clearcutting?

10 MR. O. MORRIS: We don't know because we really didn't
11 look. We just know that we just had a lot of water. Then
12 he said, Ozzie, You got to block your water. I go, What do
13 you mean? This is right behind me, a mountain. And he
14 looks down. Our property is here, everything's up higher.
15 And he goes, Ozzie, there's a pond behind you. And I go,
16 What do you mean, a pond? I walk back there and it's
17 bigger than this whole building and it's just as filled.
18 It could have been a beaver dam or whatever it was. All
19 that water had nowhere to go. Where that trailer was that
20 they tore down, the water used to go alongside it and they
21 used to dig it up and run it to me. I said, No, I can't
22 keep taking all that water. You know, just fills my garage
23 and everything else up. So that's when I just said, Well,
24 since I don't have equipment, which I did ask at one time,
25 I asked Kenny could they dig a trench, because I remember

1 - RE: M.H. MICINOWSKI -

2 his grandfather had one there, if you dig a trench the
3 water would just skip. But, you know, people do whatever
4 they want to do. His response was, well, dry well. Well,
5 what, you want me to take half of my property to make a dry
6 well to run water off? You know, so when I saw the pond
7 and where the town, especially when we had Katrina, I
8 walked, almost got sucked under the road because when I
9 walked in that I didn't know it was that deep and it went
10 right by the road and it was as high as my waist. It ran
11 to the pond. I said, Oh, so that must where they run the
12 pond.

13 Kenny that lives up front, his whole basement was
14 flooded, too. And they took the equipment, because they do
15 have equipment, and they got rid of their problem. Well, I
16 don't have their equipment. I'm retired. She's almost
17 retired. We don't have tons of money, we don't have all
18 this heavy equipment to change things.

19 Next door to us, when they tore down the mobile home,
20 I said, Oh, okay. People think they had an electrical
21 fire. They tore it down. I was thinking they were going
22 to bulldoze it all the way down. I don't know what's going
23 to happen when we have our next heavy storm. Because they
24 flattened it out and took away the swamp, is that going to
25 send more water to it? So if I took away all the manure,

1 - RE: M.H. MICINOWSKI -

2 that means I'm asking myself to take all that water, which
3 I can't.

4 I have algae real bad. You know, my basement was
5 green. I had to have a guy come by and steam out my
6 basement because there was always water. I had to put two
7 dehumidifiers there. I went through five sump pumps. Not
8 little sump pumps, but big ones.

9 CHAIRMAN MORDAS: So basically, you're saying that the
10 rain pattern had been --

11 MR. O. MORRIS: It was altered.

12 CHAIRMAN MORDAS: It's been altered.

13 MR. O. MORRIS: Yes. And I didn't even complain
14 because I didn't know that there was somebody I could
15 complain about it. I just took care of it myself, whatever
16 I could.

17 But I feel bad that something's wrong with the pond,
18 but it has nothing to do with me. I can't control --

19 He first talked to me on the phone he said, Well,
20 you're running water in our pond. I said, Well, I can't
21 control runoff water. And he said, Oh, you can't control
22 water? Next thing you know, Oh, yeah, I went to the town
23 and found out that you have too many horses. It was like a
24 threat. And I'm, like, What? The next thing you know, I
25 at this meeting. So is it the battle between the big guy

1 - RE: M.H. MICINOWSKI -
2 and the little guy or is it supposed to be neighbor to
3 neighbor, because he's not the neighbor. You know, the
4 other people that live next to me are my neighbors. I very
5 rarely see him.

6 MS. M.H. MICINOWSKI: I mean it's kind of -- I know
7 it's kind of -- it's ...

8 MR. O. MORRIS: And I'm not sleeping well. This is
9 three months of aggravation.

10 MS. M.H. MICINOWSKI: I don't know how he -- I don't
11 know that there's proof of anywhere. You can prove where
12 the contamination is coming from?

13 But again, we haven't changed what we've been doing
14 and it hasn't been an issue for 21 years. Actually, more
15 than that because the previous owner had horses.

16 MR. MOGEL: Just for clarification, also, the matter
17 that's in front of the Board is not to decide between you
18 folks and the Bonifaces. You were cited by the Town.

19 MS. M.H. MICINOWSKI: It's about how many horses we
20 have.

21 MR. MOGEL: Well, the appeal, you were cited and
22 you're appealing that citation. Let's just be clear about
23 that.

24 MR. O. MORRIS: Right.

25 MS. M.H. MICINOWSKI: And the appeal, also, I did not

1 - RE: M.H. MICINOWSKI -

2 have a copy of the letter that said that we were zoned
3 agricultural until that first meeting. Kyra gave it to us.
4 So we were never in violations anything, and I really want
5 that to be made clear, that we were never in violation.
6 Because when we bought this property we were zoned
7 agricultural, we were told we could have the horses. The
8 letter came from the Town. Had that not been told, and I
9 was told that multiple times before the purchase, before
10 the closing that, yes, we can have the horses, they know
11 how many horses we were bringing over. It was not an
12 issue. There's two barns on the property, there was a
13 riding arena. It was clearly set up then as a horse farm.

14 CHAIRMAN MORDAS: Ms. Micinowski, the Board recognizes
15 that --

16 MS. M.H. MICINOWSKI: I just wanted to make that
17 clear, that's all.

18 CHAIRMAN MORDAS: -- that due diligence was done
19 before the purchase of the property and the zoning at the
20 time. You haven't stepped out of line of the zoning of the
21 period. We understand that.

22 MS. M.H. MICINOWSKI: Okay. I just want that clear
23 because the initial letter was that it was a violation,
24 that we were, you know, violating the zoning, and we were
25 not, that's all. I just want that to be -- I just want

1 - RE: M.H. MICINOWSKI -

2 that clarified.

3 CHAIRMAN MORDAS: Thank you. Thank you very much.

4 I believe you were next, Mr. Boniface.

5 MR. S. BONIFACE: Yeah.

6 There's a lot said about why nothing was done earlier.
7 We really didn't even think about it before, but over the
8 last four or five years it's gotten significantly worse
9 with the algae bloom, the smell of the water. I mean the
10 pictures are obvious. The manure is laying there in the
11 water, right along the edge of the road. You can see
12 what's running out of the culvert into the pond. It is a
13 pretty dramatic health issue for anybody that swims in that
14 pond, any pets that swim in that pond, and furthermore,
15 down the stream. I mean this is the kind of thing that
16 creates that article from the Record. We didn't change the
17 water path, we didn't change the lot where the trailer was.
18 His house, the trailer, all that is in the floodplain.
19 That whole area is a floodplain. And he gets a lot of
20 water. Not his fault. Mother Nature dumps a lot of water.
21 And I mean some years we get a lot more so we get runoff.

22 And in testing the pond, it's always much higher right
23 after a rainstorm. If it sits for a couple of weeks, when
24 the water comes in from the brook which runs out of
25 Cragsmoor, I don't follow it on foot to see if there's any

1 - RE: M.H. MICINOWSKI -

2 other pollutants, but the water in the brook, after a
3 couple of weeks of no rain, it actually cleans up
4 significantly. It's down in the 300 range which is still
5 way, way too high for what the Health Department says it
6 should be.

7 CHAIRMAN MORDAS: Do you mean the brook or the pond?

8 MR. S. BONIFACE: The pond. When the --

9 The question about the boulder, that's been there for
10 50 years. We've had two permits over the years to work in
11 that stream at different points to do reclamation of the
12 stream. The boulders have been there since probably '64,
13 '65. My dad put them in there. That was never changed.
14 We've had many DEC people out there to issue the permits.
15 So the reclamation, the stream reclamation people have been
16 there and never had an issue 'til Ozzie evidentially said,
17 Oh, that's a big problem over there. We've never had
18 issues. We've had DEC there. I've had two permits, one
19 from, I believe '06 and one from '12, to work with heavy
20 equipment in the stream. He's right, we have been in the
21 stream with heavy equipment. We built retaining walls
22 along the stream. I mean it's very obvious. And we
23 lowered the channel for the downstream while we had
24 permits, both times. DEC people came out, approved it.
25 But we did not change the boulders or any of that. But

1 - RE: M.H. MICINOWSKI -

2 there is water that runs into the stream pretty much every
3 day because of the boulders. And like I say, if it doesn't
4 rain, if you don't take the runoff from the horse paddock
5 and the arena, it does clean itself up. It gets better.
6 Either the sun kills some of it, it sinks to the bottom. I
7 don't really know. But ultimately, it's going from our
8 pond further down the stream into the Shawangunk Kill,
9 eventually into the Wallkill, eventually into the Hudson.

10 So too many horses, no filtration. And I said this at
11 the last meeting, somebody way smarter than me determined
12 that on two acres you should have one large animal. And
13 again, it is a health hazard. The pictures, in my mind,
14 tell the whole story.

15 A lot of things that Ozzie mentioned are not correct.
16 Nobody ever accused him of dumping manure into the pond,
17 never. Everything that I have said to people --

18 CHAIRMAN MORDAS: Mr. Boniface, I don't want to go
19 into that.

20 MR. S. BONIFACE: Okay. All right.

21 CHAIRMAN MORDAS: Thank you much, sir.

22 Please come up. State your name and address.

23 MR. WALTER: My name is Joe Walter. I live at 54
24 North Road, Bloomingburg, New York.

25 I know this is not a zoning issue that's being

1 - RE: M.H. MICINOWSKI -

2 reviewed, but it always comes up about this. E Coli issue
3 or contaminants, everything. And we all know, you don't
4 need a weatherman, we've had a tremendous amount of rain.
5 It's been an unprecedented amount of rain lately. Okay?

6 What causes E Coli? Where does it come from? I've
7 been on the Internet searching, looking at it, and there's
8 thousands. You could print off thousands of articles
9 saying that, you know, horses are not an issue. What are
10 issues? Dogs are issues, people are issues. Okay?

11 You know, everybody's septic system today, or just
12 about everybody, is over taxed with all this rain.
13 Everything is fully saturated. You talk to anybody who's
14 pumping septic. They'll say this is not a good year,
15 people say. Okay? I know septic systems, they can cause
16 E Coli. All right? I don't know how many people live on
17 that road. I know up other than Helen there's two people
18 with houses. I don't know what the other conditions are.
19 But if you want to look at what causes E Coli
20 contamination, it's probably just carnivores. You know,
21 they eat meat. Dogs, dogs is a big list. Okay? Humans is
22 a big list. Okay? These are the issues with E Coli. If
23 you look on the Internet, I've looked all over the place,
24 not horses. All right?

25 The wall that he has blocking off that runoff that's

1 - RE: M.H. MICINOWSKI -
2 coming down, that is pure dirt on the outside because that
3 stuff is like 20 years old, and it's good dirt because I
4 use it. I wish I could use get more. The inside, yeah, he
5 might have some fresh manure, but that is not what's
6 flowing through that stream, that runoff into it. We've
7 had unprecedented rain. There could be -- you know, with
8 this, anything could happen. Okay? So, you know, if
9 there's something inadvertent that flows to the lake that,
10 you know, I don't know. Or the pond, whatever it is.

11 But, you know, I know this is just a zoning issue
12 review, but as far as the E Coli, there are so many other
13 things that could be causing it. And this year we've had
14 such unprecedented amounts of rain. You know, there's a
15 lot of other factors here. You know, and even it's not, we
16 continue.

17 That's all I have to say. Thank you.

18 CHAIRMAN MORDAS: Thank you, Mr. Walter.

19 Anybody else that hasn't spoken yet from the public?

20 Please come up. State your name and address for our
21 stenographer.

22 MR. M. PANKO: My name is Michael Panko and I live at
23 61 Daisy Lane in Montgomery.

24 I attended the last board meeting on July 26th. I
25 just wanted to tell the Board something that I heard on my

1 - RE: M.H. MICINOWSKI -
2 way out of the meeting. Mr. Steve Boniface walked up to
3 Mr. Ozzie Morris, without any prompting, and I heard him
4 say: This is nothing personal. I know you're not doing
5 it. I just would to say what I heard with my own ears, and
6 I just wanted to state that because I feel that that's
7 something very surprising to hear from a person bringing
8 this complaint.

9 CHAIRMAN MORDAS: Thank you.

10 MR. M. PANKO: Thank you.

11 CHAIRMAN MORDAS: Okay. Do I have a motion to close
12 the public hearing if no one else from the public that
13 hasn't spoken yet would like to speak? Do I have a motion
14 to close the public hearing?

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

16 CHAIRMAN MORDAS: Do I have a second?

17 BOARD MEMBER RAMPE: I'll second it.

18 CHAIRMAN MORDAS: All in favor?

19 BOARD MEMBER RAMPE: Aye.

20 BOARD MEMBER DAWKINS: Aye.

21 BOARD MEMBER MORREALE: Aye.

22 BOARD MEMBER FINDLEY: Aye.

23 CHAIRMAN MORDAS: Aye.

24 (The motion was approved and carried.)

25 CHAIRMAN MORDAS: All right. On advise from Counsel,

1 - RE: M.H. MICINOWSKI -
2 due to the potential for litigation involving some of the
3 applicants tonight, I would like to have a motion to go
4 into Executive Session.

5 BOARD MEMBER DAWKINS: So moved.

6 BOARD MEMBER FINDLEY: I'll second it.

7 CHAIRMAN MORDAS: All in favor?

8 BOARD MEMBER RAMPE: Aye.

9 BOARD MEMBER DAWKINS: Aye.

10 BOARD MEMBER MORREALE: Aye.

11 BOARD MEMBER FINDLEY: Aye.

12 CHAIRMAN MORDAS: Aye.

13 (The motion was approved and carried.)

14 CHAIRMAN MORDAS: We'll try to keep this as brief as
15 possible.

16 (The Board recessed for Executive Session at
17 7:37 p.m.)

18 * * * * *

19 (The Board came out of Executive Session at
20 8:19 p.m.)

21 CHAIRMAN MORDAS: Do I have a motion to come out of
22 Executive Session?

23 BOARD MEMBER MORREALE: I'll make that motion.

24 BOARD MEMBER RAMPE: I'll second it.

25 CHAIRMAN MORDAS: All in favor?

1 - RE: M.H. MICINOWSKI -

2 BOARD MEMBER RAMPE: Aye.

3 BOARD MEMBER DAWKINS: Aye.

4 BOARD MEMBER MORREALE: Aye.

5 BOARD MEMBER FINDLEY: Aye.

6 CHAIRMAN MORDAS: Aye.

7 (The motion was approved and carried.)

8 MR. MOGEL: No vote was taken.

9 CHAIRMAN MORDAS: Okay. We have closed the public
10 hearing. By law, we have 62 days to render a decision on
11 this matter. Given the volume of testimony and evidence
12 that has been presented, we choose to exercise some of
13 those 62 days in making our decision.

14 We want to thank the people involved with this
15 application for their patience as we went through our
16 Executive Session. There will be no decision as of this
17 month on this matter.

18 Thank you.

19 MR. S. BONIFACE: Can I say one other thing?

20 CHAIRMAN MORDAS: The public hearing is closed,
21 Mr. Boniface.

22 MR. S. BONIFACE: I know.

23 I was just thinking maybe somebody from the county
24 health department should be involved also. Maybe they
25 could advise you, your board.

1 - RE: M.H. MICINOWSKI -

2 CHAIRMAN MORDAS: I'll take that under advisement,
3 sir. Thank you.

4 MR. S. BONIFACE: Thank you.

5 (Time noted: 8:21 p.m.)

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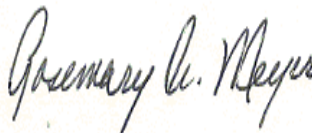
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REPORTER'S CERTIFICATION

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

That the foregoing transcript is an accurate record of the proceedings in the matter of 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: October 26, 2018

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
ZONING BOARD OF APPEALS

----- X
Ambika Conroy
Area Variance
Tax Map Section 20; Block 1; Lot 5
Mountain Greenbelt Zone
----- X

Town Hall
Town of Mamakating
August 23, 2018
8:21 P.M.

ZONING BOARD MEMBERS :

- MATTHEW MORDAS, Chairman
- CATHY DAWKINS, Board Member
- GEORGIA RAMPE, Board Member
- KENT FINDLEY, BOARD MEMBER
- MATTHEW MORREALE, Board Member
- STEVEN MOGEL, ESQ., Attorney
- KYRA PLATT, Building Department

Also Present: Ambika Conroy, Applicant

JERIC CORPORATION
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Reported by: Rosemary A. Meyer

1 - RE: AMBIKA CONROY -

2 CHAIRMAN MORDAS: Okay, next on the agenda. Next is
3 Ambika Conroy.

4 MS. A. CONROY: Hi. I'm Ambika Conroy, 93 Fish
5 Hatchery Road.

6 CHAIRMAN MORDAS: Could you just pull the microphone
7 down a little bit?

8 MS. PLATT: I just turned them off because they were
9 buzzing. Do you want me to turn them back on?

10 CHAIRMAN MORDAS: Please.

11 MS. PLATT: They might buzz.

12 CHAIRMAN MORDAS: All right.

13 (Ms. Platt complied.)

14 MS. A. CONROY: I'm Ambika Conroy, 93 Fish Hatchery
15 Road.

16 CHAIRMAN MORDAS: All right. Turn it off.

17 Ladies and gentlemen, anybody in the audience that has
18 trouble hearing, I just ask you to move up little closer.
19 We're having some problems with the PA system.

20 Thanks.

21 MS. A. CONROY: So I was here last time and you had
22 made the decision for me to go back to Mary and talk to
23 her, which didn't exactly happen. I tried to call on
24 Monday, then I came down to the office at 11:30 but she
25 wasn't in yet. And then I spoke with Kyra and she said

1 - RE: AMBIKA CONROY -

2 Mary would get back to me; that didn't happen. I called
3 again on Friday. Then Kyra said that Mary had wanted to
4 come out and speak with the assessor and somebody else to
5 look at the property. I said, great, I would love for her
6 to come, please don't come when I'm not there, please call
7 me and make an appointment. I'm very flexible, I could
8 probably meet her any time they were going to come. Never
9 heard from them, never anything. I called back, like, a
10 few days later and Kyra said that Mary had been there and
11 come to my property and taken photos. And I was frustrated
12 and I mentioned my frustration in that process on the phone
13 to Kyra. And then she said I would get a letter in the
14 mail. I just received this packet when I arrived here
15 tonight. So I kind of --

16 CHAIRMAN MORDAS: It's real thick.

17 MS. A. CONROY: Pretty thick, but I had to look
18 through it. And yeah, I don't know if you guys have had a
19 chance to look through it. I believe you received it at
20 the same time I did, but ...

21 I don't know. I guess -- so I'm not -- I don't know
22 exactly where to start. It's such a long history of this
23 property. Or what's most pertinent to the problem at hand
24 which is the fact that this is 17 feet from the property
25 line.

1 - RE: AMBIKA CONROY -

2 I did bring my neighbor who is on the other side of
3 that property line just to speak of what the situation was
4 of that property before I was there, you know, what was the
5 status of the buildings that were there. I didn't come
6 prepared to bring a stack of photos because I didn't
7 realize I was going to get this packet, I didn't have to
8 kind of do that. I do have some photos on my phone that I
9 could show you of the existing barn, but I think the best
10 thing is for my neighbor to say what was there beforehand
11 because she's lived there for many years and she knew are
12 the previous owner.

13 I do just want to say that I did buy this property at
14 the tax auction. It was full of stuff. Like I had to take
15 four metal dumpsters out, maybe like 30 dump loads to the
16 dump. I have receipts of everything. I've been in, you
17 know, contact with the Building Department. I did build
18 the existing barn beforehand, which I made some mistakes
19 there and I've been rectifying all of Mary's. I've gotten
20 reports in engineering, I've got my drawings done. I am
21 rectifying the little things that need rectifying. And
22 yeah, I've been speaking to everybody, doing all of that
23 things that I feel I need to be doing. And I just would
24 love to complete my life and get this resolved however that
25 needs to happen. If I need to do more things, I'm very

1 - RE: AMBIKA CONROY -

2 willing to do them.

3 But I do have a structure -- actually, both
4 structures, the barn that I fixed up, and the main house
5 both are 17 feet from the property line. I don't think I
6 can move them, so I'm here now to do whatever I need to
7 going forward to make it legal, however that needs to
8 happen.

9 CHAIRMAN MORDAS: Did you have some more photos you
10 wanted to introduce in the proceeding?

11 MS. A. CONROY: I actually thought -- like, I just saw
12 these. I actually thought that they would include --
13 because I've seen pictures. They had a lot of previous
14 pictures of all the junk and all the and barn structure and
15 I thought that they might be in this packet, but they're
16 not, it's the new barn. So I could submit those tomorrow.
17 I can bring them down. I didn't -- yeah, I didn't
18 realize --

19 CHAIRMAN MORDAS: I don't know if that's necessary.

20 MS. A. CONROY: Okay.

21 CHAIRMAN MORDAS: Thanks for the offer.

22 MS. A. CONROY: Okay.

23 CHAIRMAN MORDAS: All right. Okay.

24 Before we go any further, I forgot to ask our
25 secretary, Kyra, if the mailings were done to her

1 - RE: AMBIKA CONROY -

2 satisfaction and were the multiple newspapers the Town uses
3 notified in a timely fashion.

4 MS. PLATT: Yes.

5 CHAIRMAN MORDAS: Thank you.

6 All right. All right. Anybody signed for ...

7 MS. PLATT: No.

8 CHAIRMAN MORDAS: Okay.

9 MS. A. CONROY: Oh, sorry. Can I mention one more
10 thing?

11 CHAIRMAN MORDAS: Sure.

12 MS. A. CONROY: It's about the AG because we were
13 talking about the AG from the last time. So Melinda from
14 Cornell Cooperative, they came and visited my property to
15 approve me for AG. They didn't for this year, but they
16 said I would be ready for next year. They just wanted me
17 to have more livestock even though I have the livestock
18 that I passed for the first phase or the first year.

19 CHAIRMAN MORDAS: All right. So they made
20 recommendations.

21 MS. A. CONROY: Yeah. They made a recommendation.
22 She said it would be better just for me to clear up the
23 violations and for me to get that all cleaned up before I
24 go through the process of the AG application. And she said
25 next year I would be totally ready for that, just to clear

1 - RE: AMBIKA CONROY -

2 that up.

3 CHAIRMAN MORDAS: Thank you very much for that update
4 on the status of your exemption request.

5 Do I have a motion to open up the public hearing?

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

7 BOARD MEMBER FINDLEY: Are we allowed to ask questions
8 first of the applicant?

9 CHAIRMAN MORDAS: Before, after.

10 BOARD MEMBER FINDLEY: All right, whatever.

11 CHAIRMAN MORDAS: Thanks, Kent.

12 BOARD MEMBER DAWKINS: I'll second the motion.

13 CHAIRMAN MORDAS: All in favor?

14 BOARD MEMBER RAMPE: Aye.

15 BOARD MEMBER DAWKINS: Aye.

16 BOARD MEMBER MORREALE: Aye.

17 BOARD MEMBER FINDLEY: Aye.

18 CHAIRMAN MORDAS: Aye.

19 (The motion was approved and carried.)

20 CHAIRMAN MORDAS: You mentioned you have some
21 neighbors that would like to speak?

22 MS. A. CONROY: Yes, my neighbor, Sue Peevers.

23 CHAIRMAN MORDAS: Please introduce yourself to our
24 stenographer, name and address, please.

25 MS. S. PEEVERS: Hi. I'm Sue Peevers and I'm at 89

1 - RE: AMBIKA CONROY -

2 Fish Hatchery Road.

3 And I just would like to speak on her behalf that the
4 existing barn that she fixed up was there. It's, I guess
5 17 feet from my property line, which is no big deal to me,
6 but apparently, I guess it's in violation of something.
7 But it's been there. I bought the house in '97 and it was
8 there in '97, so it was an existing building.

9 BOARD MEMBER DAWKINS: Do you have any problems with
10 her changing the use of the structure from a barn to a
11 living space?

12 MS. S. PEEVERS: Not at all. It's up on the hill from
13 me. I don't see it. She's a great neighbor. And like I
14 said, the previous neighbor, who I didn't have problems
15 with either, but I mean that place was a junkyard. They
16 removed 150 cars from there before she bought it from
17 auction. And it was loaded with boat trailers, old
18 barrels, old wood piles, like a bunch of crap. And since
19 she's had the property, she has cleaned it up immensely and
20 she continues to do so.

21 BOARD MEMBER DAWKINS: Thank you.

22 CHAIRMAN MORDAS: Miss Conroy, I forgot to ask you.
23 What was the use? Do you know what the use of that
24 building was prior to your --

25 MS. A. CONROY: It was a horse farm.

1 - RE: AMBIKA CONROY -

2 MS. S. PEEVERS: It was a horse farm. He had two
3 horses at one time because I used to take care of them for
4 him.

5 CHAIRMAN MORDAS: Okay.

6 BOARD MEMBER FINDLEY: What's the foundation of that
7 barn, or was, or is?

8 MS. A. CONROY: It was just post and beams and now
9 it's --

10 BOARD MEMBER FINDLEY: Did it have rock, did it have
11 concrete? Did you add that?

12 MS. A. CONROY: No. It's just on regular board.

13 BOARD MEMBER FINDLEY: Post.

14 MS. A. CONROY: Yes, Post and beam.

15 BOARD MEMBER MORREALE: The structure that's there
16 now, what is the foundation? Still just post?

17 MS. A. CONROY: Uh-huh.

18 BOARD MEMBER MORREALE: Okay.

19 MS. A. CONROY: It's small.

20 MS. S. PEEVERS: And may I add, it looks a hell of a
21 lot better now.

22 BOARD MEMBER FINDLEY: Did you increase the size of
23 the structure at all?

24 MS. A. CONROY: No. I stayed exactly to what was
25 there because I didn't want to be updating the existing. I

1 - RE: AMBIKA CONROY -

2 didn't want to, you know, change anything that was there.

3 BOARD MEMBER FINDLEY: And before you started that did
4 you attempt to get a permit?

5 MS. A. CONROY: Well, actually I didn't realize that I
6 needed a permit to update something that was there. And
7 when I found out is I received the stop work order. I went
8 down immediately and started, like I had done incorrectly,
9 started the process to rectify it, and went -- sorry.

10 BOARD MEMBER FINDLEY: Do you know when that building
11 was built, the original barn? Is it on --

12 MS. A. CONROY: The barn?

13 BOARD MEMBER FINDLEY: I mean can you tell from its
14 vintage, its construction?

15 MS. A. CONROY: The original house, 1908, I think.

16 MS. S. PEEVERS: I'm not sure.

17 MS. A. CONROY: And they built off of that, like added
18 onto that, the whole main house that's down there. And I
19 imagine maybe in the '60s.

20 MS. S. PEEVERS: I don't know. It was there when I
21 moved there. It's old.

22 BOARD MEMBER FINDLEY: Do we have the tax thing? Do
23 we know?

24 BOARD MEMBER DAWKINS: I didn't look at the tax ...

25 BOARD MEMBER FINDLEY: Kyra, do you know when that

1 - RE: AMBIKA CONROY -

2 building was built?

3 BOARD MEMBER RAMPE: One says 1900 and one says 1960.

4 MS. PLATT: So the one that says 1900 would be what is
5 the dwelling. And then mobile home, and this is RD4, which
6 is like a garage or a detached structure was built in 1960,
7 which would predate zoning requirements.

8 BOARD MEMBER FINDLEY: And would it predate any
9 zoning? What was the zoning? Do we know the --

10 MS. PLATT: There was no zoning.

11 BOARD MEMBER FINDLEY: There was no zoning at the
12 time. Okay.

13 And 1800 square feet, what's the length and width of
14 the building?

15 MS. A. CONROY: It's like 18 by 20.

16 BOARD MEMBER RAMPE: It's right here on the map.

17 BOARD MEMBER FINDLEY: Okay. I'm sorry.

18 BOARD MEMBER RAMPE: That's okay.

19 MS. A. CONROY: It's pretty small.

20 BOARD MEMBER FINDLEY: Did you go up at all?

21 MS. A. CONROY: There were two floors. There's two
22 floors, yes.

23 BOARD MEMBER FINDLEY: Okay.

24 CHAIRMAN MORDAS: Do you plan on converting the
25 original house back into the primary residence at a future

1 - RE: AMBIKA CONROY -

2 date?

3 MS. A. CONROY: When I get my brain back and cash
4 back, yeah. I'm just trying to get a feel on this so I can
5 move forward. I don't have any idea for a few years.

6 BOARD MEMBER FINDLEY: Is this preventing you from
7 getting a mortgage?

8 MS. A. CONROY: Yes, from getting a mortgage.

9 BOARD MEMBER FINDLEY: I think you said that the last
10 time.

11 MS. A. CONROY: I thought that I could move into the
12 main house, like fix it up enough and move into. But it's
13 just one thing after another, which is I did this, thinking
14 okay, I can my mortgage on this and then as the money, you
15 know, get it together, do the other. I'm doing what I can
16 when with the money that I can.

17 BOARD MEMBER FINDLEY: What is your future plan with
18 the structure you fixed up to live in?

19 MS. A. CONROY: To be my workshop. I raise Angora
20 rabbits. They're fiber animals. The original idea was to
21 live in it for a year and then build the main house and
22 then have that be where I process my fiber and do spinning
23 and shipping, everything from here.

24 BOARD MEMBER FINDLEY: It kind of seems to fit into
25 our master plan.

1 - RE: AMBIKA CONROY -

2 CHAIRMAN MORDAS: Any further questions from the Board
3 or anybody else from the public who would care to speak on
4 this application?

5 MS. A. CONROY: I have one thing to mention, but it
6 has to do with something slightly different. But I spoke
7 to the highway supervisor, and it's to do with a little
8 road that comes to my property. I don't know if this is
9 the correct timing to say something, but he said that maybe
10 I should mention it at this meeting.

11 BOARD MEMBER DAWKINS: Okay.

12 CHAIRMAN MORDAS: Go for it.

13 MS. A. CONROY: Go over it? Okay.

14 So we, the three of us, Sue, Lynelle and I, all kind
15 of touch this road that they're calling it a paper road.
16 The road ends in a cul de sac at her property and Lynelle's
17 property across, and then it goes up the middle of their
18 property up to my gate, about ...

19 MS. S. PEEVERS: I don't know. Maybe 150 feet, maybe
20 more.

21 MS. A. CONROY: So I thought that I should have a road
22 to my property, to my gate, that was, like, maintained by
23 the Town. But Buddy was saying that is called a paper road
24 or something, from the past. Basically, we're just
25 wondering is it they not let anyone on because they never

1 - RE: AMBIKA CONROY -

2 plowed that or maintained that section of the road. And
3 now, when I inquired about it, they're saying that it's a
4 paper road and that it's my responsibility to make sure
5 that it's maintained so that I can get to my property
6 from --

7 BOARD MEMBER DAWKINS: Painter Hill.

8 MS. A. CONROY: No. 93 Fish Hatchery Road is where
9 my --

10 BOARD MEMBER RAMPE: Where is it on this map, though?

11 MS. A. CONROY: Do you want me to show you?

12 BOARD MEMBER RAMPE: Yes.

13 MS. A. CONROY: Okay, so this is Fish Hatchery. So
14 right where come in here, this is my gate. This the gate
15 to my property. And then is Sue. And down here is the cul
16 de sac and that's where they finished the road.

17 BOARD MEMBER DAWKINS: But your property is over here.

18 BOARD MEMBER RAMPE: So this is the gate to your
19 property.

20 MS. A. CONROY: Yeah, this is the gate. So this road
21 right here, they're calling it like a paper road and
22 nobody's maintaining it. So he's saying if I want to get
23 to my property, I need to maintain that. Right now --

24 BOARD MEMBER FINDLEY: Is it paved?

25 MS. A. CONROY: No. It's a dirt road and every time

1 - RE: AMBIKA CONROY -

2 it rains, like I have crazy, it's like a riverbed.

3 CHAIRMAN MORDAS: Fish Hatchery Road, part of it is
4 dedicated to the Town, part of it is Buddy's
5 responsibility.

6 MS. A. CONROY: Yes.

7 CHAIRMAN MORDAS: I'm not saying whether he has
8 responsibility over that section or not --

9 MS. A. CONROY: Yes.

10 CHAIRMAN MORDAS: -- but the onus is going to be upon
11 you to find out.

12 MS. A. CONROY: Right.

13 Well, I've been really trying to find out. Buddy was
14 up there the other day. We've been talking about this road
15 for, like, two years. I talked to the Amy at the tax
16 assessor. Now he's saying --

17 CHAIRMAN MORDAS: You're kind of talking to your
18 potential adversary.

19 MS. A. CONROY: Yes. I talked to --

20 CHAIRMAN MORDAS: Go to Monticello and do some deed
21 research.

22 MS. A. CONROY: I've done that. I had a hundred year
23 title search done. I talked to three lawyers.

24 CHAIRMAN MORDAS: What was their conclusion?

25 MS. A. CONROY: Everybody says the road ends here.

1 - RE: AMBIKA CONROY -

2 Even Amy, the tax assessor, says the road ends here. It
3 ends at my gate. What on Buddy's ...

4 CHAIRMAN MORDAS: My advise is I would call the
5 supervisor.

6 MS. A. CONROY: I talked to Bill. He said that Buddy
7 is in charge of that. I've been getting the --

8 MR. MOGEL: Well --

9 MS. A. CONROY: I have been getting the roundabout.
10 And there's, like -- like we all -- basically, the road is
11 like --

12 BOARD MEMBER FINDLEY: It's not what we're here for.

13 CHAIRMAN MORDAS: We're really not equipped to tell
14 you.

15 MS. A. CONROY: Okay.

16 MR. MOGEL: The ZBA doesn't have any jurisdiction over
17 this. I don't want any of the board members to comment on
18 that.

19 MS. A. CONROY: Okay.

20 CHAIRMAN MORDAS: All right.

21 MS. A. CONROY: I will continue my interesting search.
22 Okay.

23 CHAIRMAN MORDAS: All right. Motion to close the
24 public hearing?

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

1 - RE: AMBIKA CONROY -

2 BOARD MEMBER DAWKINS: I'll second it.

3 CHAIRMAN MORDAS: All in favor?

4 BOARD MEMBER RAMPE: Aye.

5 BOARD MEMBER DAWKINS: Aye.

6 BOARD MEMBER MORREALE: Aye.

7 BOARD MEMBER FINDLEY: Aye.

8 CHAIRMAN MORDAS: Aye.

9 (The motion was approved and carried.)

10 CHAIRMAN MORDAS: All right. Do any of my fellow of
11 Board members have any further questions for Ms. Conroy?

12 (No verbal response.)

13 CHAIRMAN MORDAS: All right. Do I have a motion to
14 proceed to a vote on the question of providing Ms. Conroy
15 some relief from our bulk regulation? Do I have a motion
16 to proceed to a vote?

17 BOARD MEMBER DAWKINS: So moved.

18 BOARD MEMBER FINDLEY: I'm going to object to that. I
19 think we should discuss why we're voting on a variance.

20 CHAIRMAN MORDAS: I --

21 BOARD MEMBER FINDLEY: It's a structure that existed
22 prior to zoning. If the Applicant is not increasing the
23 nonconformity we should not be voting on a variance. She
24 should get a building permit.

25 MS. PLATT: If I could, it was an accessory structure

1 - RE: AMBIKA CONROY -

2 that was preexisting to this that she converted to a
3 dwelling.

4 BOARD MEMBER FINDLEY: The code doesn't make a
5 distinction between that. It says an existing structure
6 may be modified or altered just as long as the
7 nonconformity is not changed. And also, the existing
8 dwelling had the same setback issue. We really should
9 never be here.

10 MS. PLATT: The use is, and I think that's why she's
11 before the Board, is accessory, which an accessory
12 structure has ten feet off the property line. I'm pretty
13 sure that's concerning all current zones, ten feet off the
14 property line, ten feet from the rear line. But because
15 the accessory structure was --

16 BOARD MEMBER FINDLEY: But tell me where the code
17 distinguished that.

18 CHAIRMAN MORDAS: Kent, let her finish.

19 MS. PLATT: It was a dwelling and accessory structure.
20 The accessory structure was converted to -- or the dwelling
21 was gutted; right? So two accessory structures now on a
22 piece of property which is, I guess current zoning. And
23 then the one accessory structure was converted to a
24 dwelling. She's changing the use. In the current code, a
25 single-family dwelling in that zone needs to be 50 feet off

1 - RE: AMBIKA CONROY -

2 the property line.

3 BOARD MEMBER FINDLEY: Agreed.

4 MS. PLATT: So going by today's zoning, she wouldn't
5 meet that.

6 BOARD MEMBER FINDLEY: Right.

7 MS. PLATT: That's why she's before you, because the
8 use of it was changed from an accessory to a single-family
9 dwelling.

10 BOARD MEMBER FINDLEY: Does it tell us anywhere in the
11 code because of the use?

12 MS. PLATT: I honestly couldn't tell you.

13 BOARD MEMBER MORREALE: Well, that was the problem
14 that we had also. There was lack of --

15 BOARD MEMBER FINDLEY: It doesn't say that.

16 BOARD MEMBER MORREALE: It doesn't talk about usage in
17 our code.

18 BOARD MEMBER FINDLEY: So what is the requirement, her
19 perceived requirement, when and if she changes the uses
20 again?

21 MS. PLATT: She might have to come back here unless
22 you're granting -- I actually don't know.

23 Steve, this might be a question for you. If her
24 variance is granted today to have the accessory structure
25 converted to a dwelling for relief of whatever is the

1 - RE: AMBIKA CONROY -

2 setback ...

3 MR. MOGEL: Fifty feet. Fifty foot setback of which
4 only 17 is provided. Thirty-three.

5 MS. PLATT: If that's granted today, she gets a permit
6 to convert it to a house and then she wants to change the
7 second accessory structure which was the original primary,
8 would she need to come back here or can you guys vote on
9 that --

10 BOARD MEMBER RAMPE: Right now.

11 MS. PLATT: -- potentially tonight, as well?

12 MR. MOGEL: Was she denied for that? She put in a
13 building permit only for the one structure.

14 CHAIRMAN MORDAS: No. We're just really discussing
15 one structure here.

16 MR. MOGEL: Yes. But the question is -- is the
17 question -- right. That's the legal standpoint, which is
18 what was the jurisdictional document that got us here
19 today. It was a building permit application that was put
20 in and then denied. And that building permit application
21 was just for the single structure; correct? Or was it for
22 the second structure?

23 BOARD MEMBER DAWKINS: I'm not sure about that.

24 MS. PLATT: It's only the --

25 MS. A. CONROY: Can I speak? Sorry.

1 - RE: AMBIKA CONROY -

2 If I had known, I would have put in both because this
3 process is lengthy. I was told to put in for this part and
4 then when I want to do the next part, do the next part.
5 But also, like, regardless of if I need the variance, I
6 still need the variance because what happened, I also was
7 concerned that maybe I should get the variance for both
8 structures that were updated, like, are going to be
9 updating, the existing, because otherwise, if I sell it
10 again it's going to be a problem for the next people. It's
11 just going to be a problem. But those two things have been
12 there since the 60s. So to get a variance for both of
13 them, I think it's just the thing to do in order for me for
14 the future.

15 CHAIRMAN MORDAS: To an extent, I agree with that, but
16 I think if we go that route it should be conditional on her
17 receiving a CO --

18 BOARD MEMBER DAWKINS: For the first one.

19 CHAIRMAN MORDAS: -- for the first one.

20 BOARD MEMBER RAMPE: But she is here requesting --

21 BOARD MEMBER DAWKINS: Existing barn --

22 BOARD MEMBER RAMPE: Right, but does it say --

23 BOARD MEMBER DAWKINS: Existing barn and house.

24 MR. MOGEL: This was denied a building permit
25 application?

1 - RE: AMBIKA CONROY -

2 BOARD MEMBER RAMPE: Well, I'm just saying it's been
3 brought up before.

4 BOARD MEMBER DAWKINS: No, you're right.
5 Kyra.

6 MR. MOGEL: Do you want the application?

7 MS. PLATT: I think I need to get you guys the
8 application.

9 BOARD MEMBER RAMPE: Do you want the denial form?

10 BOARD MEMBER DAWKINS: No. He wants --

11 (Mr. Mogel examining documents.)

12 MR. MOGEL: Well, my opinion would be that I find that
13 the building permit application denial form is sufficiently
14 vague, that it does not identify this that the house -- the
15 conversion of the accessory structure to a house, it is too
16 vague to indicate that that was the only application that
17 was before the Board. The Applicant's letter in their
18 application to the ZBA, states that: I am requesting an
19 area variance for the barn and house. So it would be my
20 opinion, and I would recommend to the Board, that the Board
21 could consider the variances for both the house and the
22 barn simultaneously.

23 BOARD MEMBER RAMPE: I made a motion to close the
24 public hearing. Or No, I made a motion to --

25 MR. MOGEL: To go to a vote.

1 - RE: AMBIKA CONROY -

2 You might want to just ask given that there has been a
3 change and the extension of the variance, is there anybody
4 present here today that has any additional comments with
5 regard to the variance application. I mean it's true that
6 the public hearing is closed. Of course, you have the
7 opportunity to reopen if somebody has additional comments
8 they wanted to make given that we're now talking about both
9 the barn and the house, or an accessory structure and a
10 house.

11 CHAIRMAN MORDAS: Are we opening up a potential
12 Pandora's box with having potentially two single-family
13 houses on the same?

14 BOARD MEMBER RAMPE: No, no, no. But we're going to
15 give provisions.

16 BOARD MEMBER DAWKINS: You suggested making a
17 provision that the second can't have it unless the
18 first closes.

19 CHAIRMAN MORDAS: That CO.

20 BOARD MEMBER DAWKINS: Right.

21 MR. MOGEL: The question --

22 CHAIRMAN MORDAS: Maybe it should be reversed.

23 MR. MOGEL: The Applicant had indicated that both
24 structures would ultimately become single homes.

25 BOARD MEMBER DAWKINS: No.

1 - RE: AMBIKA CONROY -

2 MS. A. CONROY: Uh-uh.

3 MR. MOGEL: No?

4 BOARD MEMBER DAWKINS: Right now we have a house and a
5 barn --

6 MR. MOGEL: Right.

7 BOARD MEMBER DAWKINS: -- which she's going to turn
8 into a barn and a house.

9 MR. MOGEL: Right.

10 BOARD MEMBER DAWKINS: As soon as she finishes the
11 barn into the house, then she's going to go do work on the
12 house and turn it into a house and then the barn become a
13 barn.

14 CHAIRMAN MORDAS: So let's discuss potentially issuing
15 a variance for the gutted house when the CO is extinguished
16 on the conversion.

17 BOARD MEMBER DAWKINS: So you won't start work on the
18 house until you have completed work on the barn.

19 MS. A. CONROY: Uh-huh.

20 BOARD MEMBER DAWKINS: Then you go back and work on
21 the house.

22 MS. A. CONROY: Yes, right.

23 BOARD MEMBER DAWKINS: But not before.

24 MS. A. CONROY: No. I need it to be able to get a
25 mortgage, so ...

1 - RE: AMBIKA CONROY -

2 BOARD MEMBER FINDLEY: How long do you envision this
3 taking to get into the original house?

4 MS. A. CONROY: The original house?

5 BOARD MEMBER FINDLEY: Yes.

6 MS. A. CONROY: Probably -- well, envisioning and
7 actuality with contractors up here, it's different, but --

8 BOARD MEMBER FINDLEY: Envisioning first.

9 MS. A. CONROY: Envisioning would be the next two
10 years.

11 BOARD MEMBER DAWKINS: Your point is well taken
12 because if we were talking about building permits, but
13 we're not. We're talking about the paperwork.

14 BOARD MEMBER FINDLEY: Well, it goes on here in this
15 is nonconforming there is something about damages to
16 structures and you do have two years to, if a structure is
17 damaged, two years to rebuild it for the same use. I was
18 just curious.

19 CHAIRMAN MORDAS: All right. I'm going to state that
20 I'm in the camp that Kyra is in in regard to this created a
21 new conformity to the district bulk regulations. I do feel
22 that a variance is required here.

23 MR. MOGEL: You mean a nonconformity.

24 CHAIRMAN MORDAS: A new ...

25 MR. MOGEL: You said conformity.

1 - RE: AMBIKA CONROY -

2 CHAIRMAN MORDAS: Sorry. Thanks, Steve.

3 A new nonconformity to the district bulk regulations.

4 So I'm making a motion to vote on providing Miss
5 Conroy relief from the side yard setbacks on her converted
6 barn of 33 feet; and also, a conditional variance on the
7 gutted house with the same distance, 33 feet of relief from
8 the bulk regulations. That would be conditioned upon the
9 extinguishment of the CO for the converted barn house.

10 BOARD MEMBER DAWKINS: I'd like to second that motion.

11 CHAIRMAN MORDAS: Did we proceed to a vote? Did we
12 pass the motion?

13 STENOGRAPHER: No. Cathy made the motion.

14 CHAIRMAN MORDAS: Do I have a second to proceed to a
15 vote on that variance?

16 BOARD MEMBER RAMPE: I'll second that motion.

17 CHAIRMAN MORDAS: Matthew.

18 BOARD MEMBER MORREALE: I vote to give relief.

19 BOARD MEMBER FINDLEY: We're not there yet.

20 BOARD MEMBER MORREALE: Oh.

21 BOARD MEMBER FINDLEY: We're just voting to --

22 CHAIRMAN MORDAS: We're voting to vote.

23 BOARD MEMBER FINDLEY: You're voting to have a vote.

24 CHAIRMAN MORDAS: This is what I do to try to prevent
25 confusion.

1 - RE: AMBIKA CONROY -

2 BOARD MEMBER FINDLEY: I vote no.

3 CHAIRMAN MORDAS: I vote to proceed with the vote.

4 (The motion was approved and carried.)

5 CHAIRMAN MORDAS: All right. I've got to read the
6 criteria.

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

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

17 Matthew.

18 BOARD MEMBER MORREALE: No.

19 CHAIRMAN MORDAS: Kent.

20 BOARD MEMBER FINDLEY: No.

21 CHAIRMAN MORDAS: Georgia.

22 BOARD MEMBER RAMPE: No.

23 CHAIRMAN MORDAS: Cathy.

24 BOARD MEMBER DAWKINS: No.

25 CHAIRMAN MORDAS: No.

1 - RE: AMBIKA CONROY -

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

5 I'll say yes.

6 Cathy.

7 BOARD MEMBER DAWKINS: Yes.

8 CHAIRMAN MORDAS: Georgia.

9 BOARD MEMBER RAMPE: Yes.

10 CHAIRMAN MORDAS: Kent.

11 BOARD MEMBER FINDLEY: Yes.

12 CHAIRMAN MORDAS: Matthew.

13 BOARD MEMBER MORREALE: Yes.

14 CHAIRMAN MORDAS: Whether the requested area variance
15 is substantial.

16 Georgia.

17 BOARD MEMBER RAMPE: Yes.

18 CHAIRMAN MORDAS: Kent.

19 BOARD MEMBER FINDLEY: No.

20 CHAIRMAN MORDAS: Cathy.

21 BOARD MEMBER DAWKINS: Yes.

22 CHAIRMAN MORDAS: Matthew.

23 BOARD MEMBER MORREALE: Yes.

24 CHAIRMAN MORDAS: Yes.

25 Whether the proposed variance will have an adverse

1 - RE: AMBIKA CONROY -

2 effect or impact on the physical or environmental
3 conditions in the neighborhood or district.

4 I'll say no.

5 Cathy.

6 BOARD MEMBER DAWKINS: No.

7 CHAIRMAN MORDAS: Georgia.

8 BOARD MEMBER RAMPE: No.

9 CHAIRMAN MORDAS: Kent.

10 BOARD MEMBER FINDLEY: No.

11 CHAIRMAN MORDAS: Matthew.

12 BOARD MEMBER MORREALE: No.

13 CHAIRMAN MORDAS: Whether the alleged difficulty was
14 self-created, which consideration shall be relevant to the
15 decision of the Zoning Board but shall not necessarily
16 preclude the granting of the area variance.

17 Cathy.

18 BOARD MEMBER DAWKINS: No.

19 CHAIRMAN MORDAS: Georgia.

20 BOARD MEMBER RAMPE: No.

21 CHAIRMAN MORDAS: Matthew.

22 BOARD MEMBER MORREALE: No.

23 CHAIRMAN MORDAS: Kent.

24 BOARD MEMBER FINDLEY: No.

25 CHAIRMAN MORDAS: No.

1 - RE: AMBIKA CONROY -

2 All right. We're voting for relief of the bulk
3 regulations of the aforementioned variance that I crafted,
4 which I can't remember anymore.

5 MR. MOGEL: I'm sorry. Was that a front yard
6 variance?

7 CHAIRMAN MORDAS: Side yard variance.

8 BOARD MEMBER DAWKINS: Side yard variance.

9 MR. MOGEL: Okay.

10 CHAIRMAN MORDAS: All right, how do you vote, Matthew?

11 BOARD MEMBER FINDLEY: But I ...

12 BOARD MEMBER MORREALE: I vote in favor of relief.

13 CHAIRMAN MORDAS: Kent.

14 BOARD MEMBER FINDLEY: No.

15 CHAIRMAN MORDAS: Georgia.

16 BOARD MEMBER RAMPE: In favor of relief.

17 CHAIRMAN MORDAS: Cathy.

18 BOARD MEMBER DAWKINS: Yes.

19 CHAIRMAN MORDAS: Yes.

20 (The motion was approved and carried.)

21 CHAIRMAN MORDAS: What you're witnessing tonight is a
22 difference of opinion amongst board members as to
23 interpretation of the code. Nothing was really directed to
24 you personally.

25 MS. A. CONROY: I understand.

1 - RE: AMBIKA CONROY -

2 CHAIRMAN MORDAS: I have seen pictures of the property
3 before you purchased it and I wish you continued success.
4 Good luck with your project, and I'm happy that you're the
5 owner of the property now.

6 MS. A. CONROY: Thank you.

7 CHAIRMAN MORDAS: Good luck.

8 MS. A. CONROY: Come see the bunnies.

9 CHAIRMAN MORDAS: Thank you, Miss Conroy.

10 (Time noted: 8:55 p.m.)

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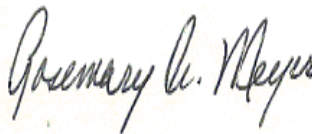
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REPORTER'S CERTIFICATION

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

That the foregoing transcript is an accurate record of the proceedings in the matter of Ambika Conroy, 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: October 26, 2018

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
ZONING BOARD OF APPEALS

----- X
Christopher Johnson & Suzanne Defeo Johnson
Area Variance
Tax Map Section 1; Block 1; Lot 22
----- X

Town Hall
Town of Mamakating
August 23, 2018
8:55 P.M.

ZONING BOARD MEMBERS :

- MATTHEW MORDAS, Chairman
- CATHY DAWKINS, Board Member
- GEORGIA RAMPE, Board Member
- KENT FINDLEY, BOARD MEMBER
- MATTHEW MORREALE, Board Member
- STEVEN MOGEL, ESQ., Attorney
- KYRA PLATT, Building Department

Also Present: Andrew Burka, 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: C. JOHNSON & S. DEFEO JOHNSON -

2 CHAIRMAN MORDAS: Okay. Next on the agenda,
3 Christopher and Suzanne Defeo Johnson.

4 MR. A. BURKA: Good evening, Board.

5 CHAIRMAN MORDAS: Please reintroduce yourself for
6 Rosemary.

7 MR. A. BURKA: My name is Andrew Burka and I'm with
8 Crawford and Associates Engineering. I'm representing
9 Threshold Builders, as well as the landlord.

10 BOARD MEMBER DAWKINS: You're who?

11 MR. A. BURKA: Andrew Burka.

12 CHAIRMAN MORDAS: Andrew Burka, B-U-R-K-A.

13 BOARD MEMBER DAWKINS: So he's not Owen. Oh.

14 MR. A. BURKA: No. I think they were previously
15 going to send Evan from my office, but he couldn't make it.

16 CHAIRMAN MORDAS: Okay.

17 BOARD MEMBER DAWKINS: Okay.

18 CHAIRMAN MORDAS: All right, Mr. Burka.

19 MR. A. BURKA: We're seeking an area variance for the
20 shed due to it being closer to the street than the
21 principal building.

22 Do you guys have the site plan in front of you? Okay.

23 So I was informed that everything went fairly smoothly
24 last time. You guys had requested some more photos of
25 where the shed would be located on the site in comparison

1 - RE: C. JOHNSON & S. DEFEO JOHNSON -

2 to what he might have handed out last time. I bought along
3 some more photos for you guys to look at.

4 Permission to approach?

5 CHAIRMAN MORDAS: Sure. Please.

6 MR. A. BURKA: I think these might have been offered
7 to you before. And then also, from the original photos
8 from the last meeting, I brought four more photos that show
9 possibly different perspective views of said shed in
10 relation to the house that's currently being built.

11 BOARD MEMBER RAMPE: Thank you.

12 MR. A. BURKA: No problem.

13 I also brought with me a plan of the shed itself, the
14 layout, as well as what the aesthetics might look like. I
15 don't know if that will help you guys visualize. I'll show
16 it to you guys, as well.

17 BOARD MEMBER DAWKINS: Thank you.

18 MR. A. BURKA: You're welcome.

19 BOARD MEMBER RAMPE: Thank you.

20 MR. A. BURKA: You're welcome.

21 Basically, as you'll quick gather from the plan, the
22 shed is supposed to be painted to match what the house is
23 going to look like, as well as you can see from the
24 photographs the shed and the house is quite far back from
25 the street so visibility is less than if it was up closer

1 - RE: C. JOHNSON & S. DEFEO JOHNSON -

2 to the front of the street.

3 BOARD MEMBER RAMPE: So in this photo is this the
4 street, or, this is their driveway?

5 MR. A. BURKA: Yes, that's the --

6 BOARD MEMBER DAWKINS: This is the road right here?

7 MR. A. BURKA: Yes. You're basically just past the
8 mouth of the driveway looking down toward the back.

9 BOARD MEMBER RAMPE: Okay

10 MR. A. BURKA: So that road would be Painter Hill.

11 BOARD MEMBER DAWKINS: And it's going to it be painted
12 the same color as the house but not have the same siding or
13 anything like that.

14 MR. A. BURKA: Correct; yes, wood siding stained to
15 match the siding color of the house. I don't remember off
16 the top of my head what the siding on the house is supposed
17 to be.

18 BOARD MEMBER FINDLEY: Is that like a shiplap siding
19 or a --

20 BOARD MEMBER DAWKINS: Looks like logs.

21 BOARD MEMBER RAMPE: Logs.

22 BOARD MEMBER DAWKINS: Is it log? Is it a log home?

23 MR. A. BURKA: It's a panelized home. So it's, you
24 know, stick frame, I believe two by four walls.

25 BOARD MEMBER FINDLEY: Is this wooden batten? Is the

1 - RE: C. JOHNSON & S. DEFEO JOHNSON -

2 shed wooden batten. You said wood. I'm just curious.

3 MR. A. BURKA: I'm actually not a hundred percent what
4 the typical, you know, siding is going to shake out to be.
5 It's pretty generic of a plan. I believe it's -- yeah,
6 it's being produced by Brad Barns and then delivered to the
7 site.

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

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

11 BOARD MEMBER FINDLEY: I'll second it.

12 CHAIRMAN MORDAS: All in favor?

13 BOARD MEMBER RAMPE: Aye.

14 BOARD MEMBER DAWKINS: Aye.

15 BOARD MEMBER MORREALE: Aye.

16 BOARD MEMBER FINDLEY: Aye.

17 CHAIRMAN MORDAS: Aye.

18 (The motion was approved and carried.)

19 CHAIRMAN MORDAS: All right. Kyra, have the mailings
20 been done to your satisfaction and the newspapers notified
21 in a timely fashion?

22 MS. PLATT: Yes.

23 CHAIRMAN MORDAS: Thank you.

24 All right. Anybody signed up for comment?

25 MS. PLATT: No.

1 - RE: C. JOHNSON & S. DEFEO JOHNSON -

2 CHAIRMAN MORDAS: Anybody from the public care to
3 speak on this application?

4 (No verbal response.)

5 CHAIRMAN MORDAS: Any questions from the Board?

6 BOARD MEMBER DAWKINS: Why is the shed planned to go
7 in the front yard?

8 MR. A. BURKA: So as you can see by the site plan, you
9 know, the septic system takes the rear of the house where
10 generally people will place their shed. So due to the
11 challenge of soils and the location being best for the
12 septic system, it seemed better to still cluster all the
13 proposed structures in development on the front together.
14 And so by bringing it to the front closer, you know, to
15 where all the development is, it still makes it accessible
16 for my client in terms of, you know, where they park and
17 accessing things they might use to clear the driveway and
18 whatnot. So that's, you know, sort of mainly the reason
19 why it's in the front yard.

20 BOARD MEMBER DAWKINS: Is that the purpose, for like
21 snow removal equipment, that kind of stuff? Do you know
22 why?

23 MR. A. BURKA: We're not, as I said, sure what they're
24 going to storing in there, but, you know, I would assume,
25 you know, this long of a driveway it would be plowed, or

1 - RE: C. JOHNSON & S. DEFEO JOHNSON -
2 most likely a snow blower. So, you know, probably
3 something like that. Just your typical, I guess, homeowner
4 storage would be occurring in the shed.

5 CHAIRMAN MORDAS: Well, it seem like you want to place
6 it anywhere except behind the front wall of the house. Why
7 is that? I mean I visited the site. It seems like there's
8 a need to do more grading so you're going to have more
9 heavy equipment, more fill brought in. I see the septic
10 tank still is exposed so it's got to be brought up.

11 MR. A. BURKA: Right.

12 CHAIRMAN MORDAS: What's the problem with putting the
13 shed off the driveway and then still be behind the closest
14 point of the front wall of the house to Painter Hill Road?

15 MS. PLATT: If I may, at the last meeting Owen said
16 there are a bunch of existing trees that they didn't want
17 to move. I'm not sure where the trees are on the site plan
18 exactly, but that is one of the reasons why they were
19 putting it there, as well.

20 BOARD MEMBER DAWKINS: They can put it right where the
21 truck is, right here.

22 CHAIRMAN MORDAS: It's rare that I have someone who is
23 still developing their site to come up and ask for a shed
24 in front of the house before the project is even completed.
25 It's usually somebody who had a house sited years ago and

1 - RE: C. JOHNSON & S. DEFEO JOHNSON -
2 wants to put a garage and they have rock ledge protruding
3 out their back yard. I have a problem with setting a
4 precedent with new construction, with the way our code is
5 written, for having a shed in between the house and the
6 driveway. Like said, I really have a problem with new
7 construction. I feel that you're going to have heavy
8 equipment out there, it's not a real burden to the
9 homeowner to site this thing behind the, I would say that
10 corner of the house, close to the road.

11 BOARD MEMBER DAWKINS: I mean this is a pre-fab shed;
12 right?

13 MR. A. BURKA: Yes. To my knowledge, Brad Barns is
14 going to be constructing this.

15 BOARD MEMBER DAWKINS: I mean you're not even putting
16 in a ...

17 BOARD MEMBER MORREALE: On the first picture on the
18 second page to the left of the house, it looks like there's
19 a clearing.

20 BOARD MEMBER DAWKINS: There is a curtain drain
21 somewhere in here.

22 MR. A. BURKA: Yeah, the curtain drain is just off the
23 back of the ...

24 BOARD MEMBER DAWKINS: Behind the driveway.

25 MR. A. BURKA: Yeah, behind the driveway.

1 - RE: C. JOHNSON & S. DEFEO JOHNSON -

2 BOARD MEMBER DAWKINS: But it looks like there's
3 plenty of space to put the shed back here.

4 CHAIRMAN MORDAS: I know Painter Hill is quite a
5 hiking thing to get to. Has anybody else from the Board
6 visited the site? I'm just curious. I usually wait for
7 Chris Leser to ask that question.

8 BOARD MEMBER RAMPE: Where is he?

9 BOARD MEMBER FINDLEY: No. Is he okay?

10 BOARD MEMBER DAWKINS: Where is he?

11 BOARD MEMBER FINDLEY: I was wondering.

12 CHAIRMAN MORDAS: That's in honor of him.

13 BOARD MEMBER DAWKINS: Do you want to close the public
14 hearing?

15 CHAIRMAN MORDAS: Does the Board have any more
16 questions for this gentleman?

17 BOARD MEMBER FINDLEY: Will there be any utilities?

18 MR. A. BURKA: Going to the shed?

19 BOARD MEMBER FINDLEY: Yes.

20 MR. A. BURKA: I don't believe so. To my knowledge
21 and what I've been, you know, looped in on, I haven't seen
22 any talk about utilities going to the shed.

23 BOARD MEMBER FINDLEY: Is there a concrete pad for it?

24 MR. A. BURKA: No. It's just going to be set on
25 basically a tamped gravel bed.

1 - RE: C. JOHNSON & S. DEFEO JOHNSON -

2 CHAIRMAN MORDAS: The concrete pad is a residual from
3 the previous owners?

4 MR. A. BURKA: Oh, up towards the front of the
5 driveway?

6 CHAIRMAN MORDAS: Yes.

7 MR. A. BURKA: Yes. I believe that was there prior to
8 the client purchasing this lot.

9 CHAIRMAN MORDAS: Any further questions from the
10 Board?

11 (No verbal response.)

12 CHAIRMAN MORDAS: All right. Do I have a motion to
13 proceed to -- oh, I'm sorry.

14 Motion to close the public hearing.

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

16 BOARD MEMBER MORREALE: Second.

17 CHAIRMAN MORDAS: All in favor?

18 BOARD MEMBER RAMPE: Aye.

19 BOARD MEMBER DAWKINS: Aye.

20 BOARD MEMBER MORREALE: Aye.

21 BOARD MEMBER FINDLEY: Aye.

22 CHAIRMAN MORDAS: Aye.

23 (The motion was approved and carried.)

24 CHAIRMAN MORDAS: All right. Motion to proceed to a
25 vote.

1 - RE: C. JOHNSON & S. DEFEO JOHNSON -

2 BOARD MEMBER DAWKINS: I'm not ready to vote tonight.
3 I would really like to understand, before we take a vote,
4 why it is that the property owner thinks the shed needs to
5 be down here rather than up here. I am not ready to reject
6 the property owner, but I don't --

7 CHAIRMAN MORDAS: So you want take a ride up there
8 first.

9 BOARD MEMBER DAWKINS: Not only do I want to take a
10 ride up, I want the property owner to explain to me why it
11 is the shed needs to be in the front yard. So far, they've
12 shown me lots of pictures and they've shown me maps, but
13 nobody has given me a logical explanation for why.

14 BOARD MEMBER RAMPE: Well, especially when you can
15 relocate it, it looks like anywhere.

16 BOARD MEMBER DAWKINS: I mean it appears to me, from
17 the photographs and from the survey map, that there's not a
18 reason in the world why it can't sit right up next to the
19 house, behind the house, the side of the house, any number
20 of places. And it's possible that there's a logical
21 explanation, which is why I don't want to go to a vote
22 until we understand better what the situation is.

23 MR. MOGEL: I guess we don't have a second on that
24 motion?

25 CHAIRMAN MORDAS: Do I have a second on the vote?

1 - RE: C. JOHNSON & S. DEFEO JOHNSON -

2 BOARD MEMBER FINDLEY: I'll make a second on the vote.

3 CHAIRMAN MORDAS: All in favor?

4 Aye.

5 BOARD MEMBER MORREALE: Aye.

6 BOARD MEMBER FINDLEY: Aye.

7 BOARD MEMBER RAMPE: I just want to say without the
8 information that she's talking about, I'm going to vote no.

9 CHAIRMAN MORDAS: Well, I feel the owners had ample
10 time. I mean we've had two meetings on this.

11 BOARD MEMBER RAMPE: Okay.

12 CHAIRMAN MORDAS: You know, time is available to not
13 just the owner, it's valuable to me, too.

14 BOARD MEMBER RAMPE: Yes, absolutely.

15 CHAIRMAN MORDAS: And they had an opportunity to be
16 here.

17 BOARD MEMBER RAMPE: Okay.

18 (The motion was approved and carried.)

19 CHAIRMAN MORDAS: All right. The vote passes, three,
20 two, I believe.

21 BOARD MEMBER DAWKINS: Yes.

22 BOARD MEMBER RAMPE: Criteria.

23 CHAIRMAN MORDAS: All right.

24 MR. A. BURKA: Yes, I believe the intent is, you know,
25 ease of access. If you put it, I think if we're talking

1 - RE: C. JOHNSON & S. DEFEO JOHNSON -
2 about the referenced place, to the left is where the three
3 parking spaces are, behind there where the underground
4 utilities come in, I believe that's a location you guys
5 were talking about possibly relocating to it. I think it
6 just -- putting where it's located now, it just gives the
7 owner ease of access to get things in and out compared to
8 if there's vehicles in those parking spaces, you know,
9 trying to kind of get, let's say a lawn mower that was in
10 there in and out.

11 CHAIRMAN MORDAS: I mean the electric is going to be
12 run underneath the driveway into the house; right?

13 MR. A. BURKA: The electric goes behind the corner,
14 underneath. If you see on the site plan, you see that
15 transformer pad and then the first corner.

16 CHAIRMAN MORDAS: Yes. It's adjacent to a jog in the
17 driveway. It's conduit underneath the driveway to the
18 house.

19 MR. A. BURKA: It runs --

20 BOARD MEMBER DAWKINS: No.

21 MR. A. BURKA: -- to the side of the driveway, to the
22 transformer pad, then it loops around without going
23 underneath. And then it angles to the house.

24 CHAIRMAN MORDAS: All right. But it's going to be
25 underground.

1 - RE: C. JOHNSON & S. DEFEO JOHNSON -

2 MR. A. BURKA: Correct; I believe so.

3 BOARD MEMBER MORREALE: The home is 24 feet deep. The
4 shed is 16 feet. I mean there's lots of space behind where
5 that line is coming through.

6 CHAIRMAN MORDAS: All right. I'm going to read the
7 criteria now.

8 BOARD MEMBER RAMPE: Yes.

9 CHAIRMAN MORDAS: In making its determination, the
10 Zoning Board shall take into consideration the benefit to
11 the applicant if the variance is warranted as weighed
12 against the detriment to the health, safety and welfare of
13 the community by such grant.

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

19 Kent.

20 BOARD MEMBER FINDLEY: No.

21 CHAIRMAN MORDAS: Matthew.

22 BOARD MEMBER MORREALE: No.

23 CHAIRMAN MORDAS: Georgia.

24 BOARD MEMBER RAMPE: No..

25 CHAIRMAN MORDAS: Cathy.

1 - RE: C. JOHNSON & S. DEFEO JOHNSON -

2 BOARD MEMBER DAWKINS: No.

3 CHAIRMAN MORDAS: I'll say yes.

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

7 I'll say yes.

8 Cathy.

9 BOARD MEMBER DAWKINS: Yes.

10 CHAIRMAN MORDAS: Georgia.

11 BOARD MEMBER RAMPE: Yes.

12 BOARD MEMBER FINDLEY: Yes.

13 CHAIRMAN MORDAS: Matthew

14 BOARD MEMBER MORREALE: Yes.

15 CHAIRMAN MORDAS: Yes.

16 Whether the requested variance is substantial.

17 Georgia.

18 BOARD MEMBER RAMPE: Yes.

19 CHAIRMAN MORDAS: Cathy.

20 BOARD MEMBER DAWKINS: Yes.

21 CHAIRMAN MORDAS: Matthew.

22 BOARD MEMBER MORREALE: Yes.

23 CHAIRMAN MORDAS: Kent.

24 BOARD MEMBER FINDLEY: Yes.

25 CHAIRMAN MORDAS: Yes.

1 - RE: C. JOHNSON & S. DEFEO JOHNSON -

2 Whether the proposed variance will have an adverse
3 effect or impact on the physical or environmental
4 conditions in the neighborhood or district.

5 I'll say yes.

6 Cathy.

7 BOARD MEMBER DAWKINS: No.

8 CHAIRMAN MORDAS: Georgia.

9 BOARD MEMBER RAMPE: No.

10 CHAIRMAN MORDAS: Kent.

11 BOARD MEMBER FINDLEY: No.

12 CHAIRMAN MORDAS: Matthew.

13 BOARD MEMBER MORREALE: No.

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

18 Kent.

19 BOARD MEMBER FINDLEY: Yes.

20 CHAIRMAN MORDAS: Matthew.

21 BOARD MEMBER MORREALE: Yes.

22 CHAIRMAN MORDAS: Cathy.

23 BOARD MEMBER DAWKINS: Yes.

24 CHAIRMAN MORDAS: Yes.

25 Georgia.

1 - RE: C. JOHNSON & S. DEFEO JOHNSON -

2 BOARD MEMBER RAMPE: Yes.

3 CHAIRMAN MORDAS: Okay. In the request for this
4 applicant to be granted relief from 199-13 --

5 MR. MOGEL: (c)(2).

6 CHAIRMAN MORDAS: (c)(2). Thank you, Steve.

7 How does the Board vote? Cathy?

8 BOARD MEMBER DAWKINS. No.

9 CHAIRMAN MORDAS: Georgia.

10 BOARD MEMBER RAMPE: No.

11 CHAIRMAN MORDAS: Kent.

12 BOARD MEMBER FINDLEY: Yes.

13 CHAIRMAN MORDAS: Matthew.

14 BOARD MEMBER MORREALE: No.

15 CHAIRMAN MORDAS: I'll vote no.

16 (The variance was not granted.)

17 CHAIRMAN MORDAS: Thank you for your presentation,

18 Mr. Burka.

19 MR. A. BURKA: You're welcome. Thank you.

20 (Time noted: 9:14 p.m.)

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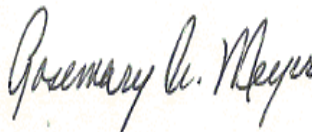
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REPORTER'S CERTIFICATION

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

That the foregoing transcript is an accurate record of the proceedings in the matter of Christopher Johnson and Suzanne Defeo Johnson, 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: October 26, 2018

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
ZONING BOARD OF APPEALS

----- X
Raymond & Kathleen Volpe
Area Variance
Tax Map Section 54; Block 5; Lot 12
Neighborhood Residential Zone
----- X

Town Hall
Town of Mamakating
August 23, 2018
9:14 P.M.

ZONING BOARD MEMBERS :

- MATTHEW MORDAS, Chairman
- CATHY DAWKINS, Board Member
- GEORGIA RAMPE, Board Member
- KENT FINDLEY, BOARD MEMBER
- MATTHEW MORREALE, Board Member
- STEVEN MOGEL, ESQ., Attorney
- KYRA PLATT, Building Department

Also Present: Raymond and Kathleen Volpe

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

Reported by: Rosemary A. Meyer

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 CHAIRMAN MORDAS: Next on the agenda, Raymond and
3 Kathleen Volpe.

4 Thank you for your patience tonight. I appreciate it.

5 MR. R. VOLPE: I'm Raymond Volpe.

6 MS. K. VOLPE: I'm Kathleen Volpe, 6 Gregory Road,
7 Wurtsboro.

8 CHAIRMAN MORDAS: All right. Please state your case.

9 MS. K. VOLPE: We want to build a two-car detached
10 two-story garage on our property, road side, because we are
11 lakefront.

12 CHAIRMAN MORDAS: All right.

13 MR. MOGEL: This issue has been raised. It hasn't
14 been addressed fully in redoing the zoning.

15 BOARD MEMBER DAWKINS: They're just starting,
16 changing, looking at the zoning code.

17 MR. MOGEL: That was something that the Zoning Board
18 Chairman specifically brought up to them.

19 BOARD MEMBER DAWKINS: But I don't think --

20 MR. MOGEL: Correct?

21 CHAIRMAN MORDAS: No.

22 BOARD MEMBER DAWKINS: Well, I don't know. We'll let
23 the Applicant state their case, but I don't think it's
24 because of the -- I think it's the shape of the yard, but I
25 may be wrong.

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 MR. MOGEL: What, variance?

3 BOARD MEMBER DAWKINS: Yes.

4 MR. MOGEL: No. The variance is --

5 CHAIRMAN MORDAS: Front yard.

6 BOARD MEMBER DAWKINS: No, I understand.

7 MR. MOGEL: Right.

8 MS. K. VOLPE: Yes, the variance is because we're
9 lakefront. We have the setback. We have the footage for
10 that.

11 MR. MOGEL: Right. It's just that given where you're
12 located, you regard the front of your house as being the
13 lake side.

14 MS. K. VOLPE: Exactly. That's what I said.

15 MR. MOGEL: Right.

16 CHAIRMAN MORDAS: You're in the majority with that.

17 MR. MOGEL: Correct.

18 BOARD MEMBER DAWKINS: We're working on that.

19 MS. K. VOLPE: I know.

20 BOARD MEMBER RAMPE: Okay, I have a question. Was
21 there a preexisting shed back here?

22 MR. R. VOLPE: Yes.

23 BOARD MEMBER RAMPE: Oh, wait. Oh, I see.

24 MS. K. VOLPE: Yes, the little one.

25 MR. R. VOLPE: Yes.

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 BOARD MEMBER RAMPE: It's still there.

3 MR. R. VOLPE: Yes.

4 BOARD MEMBER RAMPE: Okay.

5 MR. R. VOLPE: That's coming down.

6 MS. K. VOLPE: That's got to come down for the garage
7 to go there.

8 BOARD MEMBER RAMPE: Okay.

9 Is the garage going to be where that shed is?

10 MR. R. VOLPE: Yes.

11 MS. K. VOLPE: Yes, the same.

12 BOARD MEMBER RAMPE: Because it's kind of not drawn
13 like that. Not

14 MS. K. VOLPE: I can draw it for you.

15 MR. R. VOLPE: The shed, the little shed is coming
16 down.

17 BOARD MEMBER RAMPE: Okay.

18 MS. K. VOLPE: Oh, it's drawn right over it.

19 BOARD MEMBER DAWKINS: We have a question.

20 MS. K. VOLPE: Sure.

21 BOARD MEMBER DAWKINS: So this big gray blob is the
22 lake?

23 MR. R. VOLPE: Yes.

24 BOARD MEMBER DAWKINS: And these little gray blobs are
25 rocks?

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 MR. R. VOLPE: Yeah, they're rocks.

3 BOARD MEMBER DAWKINS: They're all rocks.

4 MR. R. VOLPE: It says rock.

5 MS. K. VOLPE: We've got the big, big rocks. I mean
6 even if --

7 CHAIRMAN MORDAS: Now, do you have your septic system
8 and well on any of these?

9 MR. R. VOLPE: The septic --

10 MS. K. VOLPE: It's right behind the house. That's it
11 right there.

12 MR. VOLPE: We have an application in for a new
13 septic.

14 BOARD MEMBER DAWKINS: Where's your well?

15 MS. K. VOLPE: The well is ...

16 MR. R. VOLPE: Right on the side of the house.

17 BOARD MEMBER RAMPE: By the little W.

18 MS. K. VOLPE: Oh, that's the old well.

19 CHAIRMAN MORDAS: Now, you have an application in for
20 a new septic system. Is there any problems you've had
21 siting this new proposed septic system?

22 MS. K. VOLPE: No, none at all. We're just waiting
23 for it to stop raining for them to put it in. Everything
24 has been approved.

25 CHAIRMAN MORDAS: Okay, all right. And it's going to

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 go right in this?

3 MS. K. VOLPE: Yes. It's going to go right where the
4 old one is. He's digging up to put in the tank there. And
5 then they're running the lines back by the driveway.

6 BOARD MEMBER DAWKINS: On this side?

7 MS. K. VOLPE: Yeah. That's all done. We got the
8 building permit and everything for it. But it's just been
9 raining so much they hasn't gotten to us. He's way behind.
10 Tim Gottlieb.

11 CHAIRMAN MORDAS: Thank you.

12 Any further questions from the Board?

13 BOARD MEMBER FINDLEY: Utilities, will there be
14 utilities in this?

15 MS. K. VOLPE: Electric for the garages and the
16 lights, yeah. Just electric.

17 BOARD MEMBER FINDLEY: No water?

18 MS. K. VOLPE: No.

19 BOARD MEMBER FINDLEY: What is the second story for?

20 MS. K. VOLPE: Storage, something we're lacking.

21 CHAIRMAN MORDAS: What's going to be the total height
22 of the garage? You probably have it written down.

23 MS. K. VOLPE: It's on there. It's -- because it's 24
24 by 24 and the height is -- where is it?

25 CHAIRMAN MORDAS: Eight foot three is the ceiling

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 height upstairs. You have ten foot for that awning, that
3 roof.

4 MS. K. VOLPE: Yeah. But then that's part of the
5 eight foot three. That's doesn't mean --

6 CHAIRMAN MORDAS: Well, that's 24 inches. Take off
7 24. It's ten foot, plus six three, plus the little eave.

8 MS. K. VOLPE: So it's 16 -- it's 18.

9 CHAIRMAN MORDAS: Eighteen feet.

10 MS. K. VOLPE: Eighteen.

11 CHAIRMAN MORDAS: Approximately.

12 MS. K. VOLPE: Yes.

13 CHAIRMAN MORDAS: And your main house is how high?

14 MS. K. VOLPE: It's a one story.

15 BOARD MEMBER DAWKINS: Is the ultimate goal to raise
16 or renovate the existing house?

17 MS. K. VOLPE: Yeah, when we have the money.

18 CHAIRMAN MORDAS: It's not pushing the envelope like
19 some of these other properties.

20 BOARD MEMBER RAMPE: These stairs to the second floor
21 are exterior?

22 MR. R. VOLPE: Yes.

23 MS. K. VOLPE: Yes.

24 BOARD MEMBER RAMPE: Okay.

25 MR. R. VOLPE: We looked at the model and found that

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 the stairs inside took up too much space.

3 BOARD MEMBER RAMPE: Too much space.

4 MS. K. VOLPE: Too much space.

5 BOARD MEMBER RAMPE: But you can easily fit two cars,
6 I mean two cars. And then you also have extra room.

7 MS. K. VOLPE: No. No, it's just a plain two-car
8 garage.

9 MR. R. VOLPE: Well, it's 24 by 24.

10 BOARD MEMBER RAMPE: Right.

11 MR. R. VOLPE: Yeah.

12 BOARD MEMBER RAMPE: So how long is a car?

13 MR. R. VOLPE: How long? Oh, yeah. Eight feet. I
14 put my benches and shelves along the back wall.

15 BOARD MEMBER RAMPE: Right, right, right. Okay.

16 BOARD MEMBER DAWKINS: There's no shelves.

17 MR. R. VOLPE: There's no shelves?

18 BOARD MEMBER DAWKINS: No, no shelves.

19 MR. MOGEL: For the record, this is a Type II under
20 SEQRA so no further environmental have to be done.

21 BOARD MEMBER RAMPE: Thank you for that.

22 MR. MOGEL: You're welcome.

23 MR. R. VOLPE: And it's prefab.

24 MS. K. VOLPE: Yes.

25 BOARD MEMBER DAWKINS: Will it have a foundation or

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 will it be on gravel base?

3 MR. R. VOLPE: If you look at the drawings we gave
4 you, they show there's a cement slab.

5 MS. K. VOLPE: A cement pad?

6 CHAIRMAN MORDAS: Poured?

7 MR. R. VOLPE: Yeah.

8 CHAIRMAN MORDAS: All right. So 24 by 24, 500 square
9 feet.

10 MS. K. VOLPE: Five hundred and --

11 MR. R. VOLPE: Seventy-six.

12 CHAIRMAN MORDAS: And how big is your primary
13 structure?

14 MR. R. VOLPE: Six hundred and --

15 MS. K. VOLPE: Six forty-eight.

16 BOARD MEMBER DAWKINS: Is there an attic?

17 MR. R. VOLPE: Yeah. Well, it's a -- we can't get up
18 there.

19 MS. K. VOLPE: It's like a crawlspace.

20 MR. R. VOLPE: They closed it off.

21 BOARD MEMBER RAMPE: What was the square footage of
22 the garage?

23 BOARD MEMBER DAWKINS: Twenty-four by twenty-four.

24 MR. R. VOLPE: Five seventy-six.

25 MS. K. VOLPE: 576 square feet.

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 CHAIRMAN MORDAS: All right. Is there an issue with
3 including the upstairs for storage?

4 BOARD MEMBER RAMPE: It initially looks like it.

5 BOARD MEMBER FINDLEY: Potentially. But I know --

6 CHAIRMAN MORDAS: As usable square footage.

7 BOARD MEMBER FINDLEY: I know you talked about that
8 before. I'm looking in accessory structures and I'm not
9 finding the square foot thing that you were talking about
10 the last time. What part of the code did you pull that out
11 of?

12 BOARD MEMBER DAWKINS: It's in accessory structures.

13 BOARD MEMBER FINDLEY: I'm looking at it. I don't see
14 anything where it talks about the relating ...

15 CHAIRMAN MORDAS: Let's flesh this one out.

16 BOARD MEMBER FINDLEY: Yes.

17 BOARD MEMBER RAMPE: Well, it's not bigger, the
18 percentage of the dwelling; right?

19 BOARD MEMBER FINDLEY: Right.

20 Not to exceed one story in height.

21 So accessory, private boathouses, docks. This is not
22 a boathouse; right?

23 MS. K. VOLPE: No.

24 (Board members examining the code.)

25 BOARD MEMBER RAMPE: The proportion of the garage ...

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 BOARD MEMBER DAWKINS: The accessory structure can't
3 be ...

4 MR. MOGEL: I don't see anything that specifies that.

5 BOARD MEMBER RAMPE: There's something about 40
6 percent.

7 MR. MOGEL: Well, there's 20 percent, the aggregate
8 ground area covered by --

9 BOARD MEMBER FINDLEY: That's there.

10 MR. MOGEL: -- any accessory buildings in any rear
11 yard shall not exceed 20 percent of the rear yard area.

12 BOARD MEMBER DAWKINS: Oh, okay.

13 MR. MOGEL: But I think that the Board is certainly
14 within its discretion to consider the size of the accessory
15 structure vis-a-vis the size of the principal structure.

16 CHAIRMAN MORDAS: I want to skip to the code. I want
17 to make sure that I'm applying the code here.

18 BOARD MEMBER RAMPE: What is the square footage of
19 your house? Do you know? You know, the length times
20 width?

21 MS. K. VOLPE: Six hundred and forty-eight.

22 BOARD MEMBER RAMPE: No. The footage, the width and
23 the length of the house.

24 BOARD MEMBER DAWKINS: The dimensions.

25 MS. K. VOLPE: Of our house?

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 BOARD MEMBER RAMPE: Yes.

3 MS. K. VOLPE: Oh. You mean with the porch and
4 everything, too?

5 BOARD MEMBER RAMPE: Well, yes.

6 CHAIRMAN MORDAS: It might not be that it's not
7 allowed. It might be --

8 MS. K. VOLPE: I don't know because the front porch is
9 the length of the front of the house.

10 BOARD MEMBER RAMPE: Wait a minute. Would it be in
11 their packet?

12 BOARD MEMBER DAWKINS: Yes, it would.

13 MS. K. VOLPE: We didn't count for the porch, we just
14 counted for the house.

15 So you're looking for the length and width, right, of
16 the house?

17 BOARD MEMBER RAMPE: Yes.

18 MR. R. VOLPE: It's not a box. --

19 MS. K. VOLPE: The house was built and then, I
20 guess ...

21 CHAIRMAN MORDAS: Well, you say 15 by 30.

22 MS. K. VOLPE: Oh.

23 BOARD MEMBER DAWKINS: It's an odd shape. It's a
24 little bit of an odd shape.

25 MS. K. VOLPE: Yeah, because the original house I

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 think was built like in 1920 something and then they added
3 a bathroom and a kitchen in, like, in 1946.

4 BOARD MEMBER MORREALE: You wouldn't have full size
5 survey, would you, by any chance? The survey, the two
6 scale survey?

7 MR. R. VOLPE: I don't have it with me. Why? You
8 going to try to scale?

9 BOARD MEMBER MORREALE: Yes.

10 MR. R. VOLPE: You can try to use the ten foot. I
11 made that ten foot to scale.

12 BOARD MEMBER MORREALE: Okay.

13 MR. R. VOLPE: So you can try to use that.

14 BOARD MEMBER RAMPE: I wanted to know the dimensions
15 of the house. I think the tax card probably has the square
16 footage, isn't it?

17 MS. PLATT: I can grab the property card.

18 BOARD MEMBER RAMPE: Also, this says total area, .53
19 acres, and then in somewhere else I saw .48. Not that it
20 matters much, but which is it?

21 MR. R. VOLPE: My deed says .48.

22 BOARD MEMBER RAMPE: Oh. but this says --

23 MS. K. VOLPE: The survey and everything was done.
24 You know, everything is a little wonky at the lake.

25 BOARD MEMBER RAMPE: Yes.

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 MR. MOGEL: Just for reference, 199-45(a)(3) provides
3 that accessory structures or uses which exceed the gross
4 floor area of a principal structure shall not be exempt
5 from these regulations and shall require site plan
6 approval. It doesn't apply here because it does not exceed
7 the gross floor area of the principal structure. But that
8 might be --

9 BOARD MEMBER FINDLEY: Well, that might depend if you
10 count the second floor, though; no?

11 CHAIRMAN MORDAS: Yes. We have to make a
12 determination if part of the second floor is --

13 BOARD MEMBER FINDLEY: Because it says floor area.
14 We've had this conversation a few times.

15 BOARD MEMBER MORREALE: Right.

16 CHAIRMAN MORDAS: -- is considered square footage of
17 the --

18 MR. R. VOLPE: And does that count living space?

19 CHAIRMAN MORDAS: It just says gross floor area.

20 MS. K. VOLPE: Oh, so it doesn't matter that -- okay,
21 all right.

22 MR. MOGEL: Where's the definition of gross floor
23 area? It would be under definitions.

24 CHAIRMAN MORDAS: Accessory structure --

25 BOARD MEMBER FINDLEY: Could you just tell me where

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 you read that?

3 Oh, you wrote it down. 45(a).

4 MR. MOGEL: The gross floor area definition?

5 BOARD MEMBER FINDLEY: Yes.

6 MR. MOGEL: Gross floor area is the sum of the gross
7 horizontal areas of several floors of the building
8 excluding basement and attic floors used solely for
9 accessory mechanical equipment.

10 What that means is that if the attic has --

11 CHAIRMAN MORDAS: Mechanicals.

12 MR. MOGEL: Yes. Well, only accessory mechanical
13 equipment. So your boiler, something like that. But it
14 would include living space, anything that would be livable
15 on an attic level.

16 CHAIRMAN MORDAS: I know there's a way to determine
17 where they cut down the angles, you know, walked areas.
18 They put a box in there and that's considered the gross
19 floor area.

20 MS. K. VOLPE: Yeah. Because it's a gambrel roof so
21 it's not like you have your -- you know what I'm saying?
22 The garage is going to have a gambrel roof. So it's not
23 like it's four, like, completely straight walls. You know,
24 it kind of comes --

25 CHAIRMAN MORDAS: Gambrel roofs are considered more

1 - RE: RAYMOND & KATHLEEN VOLPE -
2 usable, actually, for upstairs.

3 MS. K. VOLPE: Oh, all right.

4 BOARD MEMBER MORREALE: But Matt, I mean if doesn't
5 have a CO for living space how could we include it as such?

6 MR. MOGEL: What we're talking about not living space,
7 but gross floor area.

8 BOARD MEMBER MORREALE: Right.

9 MR. MOGEL: And it specifics all horizontal dimensions
10 shall be taken from the exterior faces of walls or other
11 outer limits of roof areas.

12 MR. R. VOLPE: But the definition of the floor area,
13 doesn't it say something about living space? I might have
14 misheard. No? Okay.

15 MR. MOGEL: No, no mention of living space. It's
16 calculations, this is setting forth that calculation, gross
17 horizontal areas.

18 BOARD MEMBER RAMPE: Thank you.

19 MR. MOGEL: Excluding basement and attic used solely
20 for mechanical equipment. So if you have an HVAC system
21 up in the attic, you know, if it's a short ceiling, I
22 assume you can exclude that.

23 BOARD MEMBER DAWKINS: Like a ceiling fan?

24 BOARD MEMBER RAMPE: No.

25 BOARD MEMBER DAWKINS: It was a joke.

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 BOARD MEMBER RAMPE: Oh. It's too late for jokes.

3 CHAIRMAN MORDAS: All right. So your house is single
4 story. What do you have you, stud attic upstairs or ...

5 MR. R. VOLPE: Right.

6 MS. K. VOLPE: Yes.

7 BOARD MEMBER RAMPE: You're going to rebuild the
8 house.

9 MS. K. VOLPE: Well, we're going to try to save it.

10 BOARD MEMBER RAMPE: Okay. If you do, it's going to
11 remain one story. Let's say you take it down. Then you
12 would put up a one-story home?

13 MS. K. VOLPE: No, probably a two-story home.

14 BOARD MEMBER DAWKINS: If you receive --

15 MS. K. VOLPE: But we have to be -- we have to leave
16 the same footprint --

17 BOARD MEMBER RAMPE: Same footprint.

18 MS. K. VOLPE: -- because we're on a nonconforming
19 lot, so we would just be doing that.

20 BOARD MEMBER RAMPE: Right.

21 BOARD MEMBER DAWKINS: If you try to save the existing
22 structure while you build up or will you stay with the
23 existing roof?

24 MS. K. VOLPE: We would build up.

25 MR. R. VOLPE: We have to redo the foundation.

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 MS. K. VOLPE: And then we would build a second floor.

3 MR. R. VOLPE: If we have to redo the foundation we
4 might as well lift it, put a second story and have a
5 walk-in going out the lake side. So it would actually be,
6 you know, three floors; right?

7 MS. K. VOLPE: No.

8 MR. R. VOLPE: No?

9 CHAIRMAN MORDAS: Is this a calendar event? Do you
10 have a target date?

11 MR. R. VOLPE: No, no. we need this garage to be able
12 to do the next step which is store everything and can't do
13 anything until we have the garage done.

14 CHAIRMAN MORDAS: Would you consider a different roof
15 line on your accessory structure?

16 MS. K. VOLPE: What do you mean?

17 CHAIRMAN MORDAS: Like a peaked roof instead of a
18 gambrel roof.

19 MS. K. VOLPE: What difference would that make? I
20 don't understand.

21 CHAIRMAN MORDAS: It would still give you usable space
22 upstairs, but it might reduce the square footage
23 requirement for the site plan approval.

24 MS. K. VOLPE: You're saying so like you wouldn't to
25 be able to stand up on the second floor?

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 CHAIRMAN MORDAS: You would, but in few areas.

3 BOARD MEMBER DAWKINS: But in a smaller area.

4 MR. MOGEL: I would want to clear that with the
5 Building Department first because there's no definition.
6 It doesn't say whether that would be included. And my
7 quick review of that section, I would say it would include
8 the limiting if you're going to do a peak roof at that area
9 would be.

10 MS. PLATT: I missed what part of the code you're
11 reading.

12 MR. MOGEL: Definition of gross floor area.

13 MS. PLATT: There was another person that came before
14 us. I know we excluded the porches and everything, but we
15 included the attached garage to their structure. Is that
16 the same code that you're reading now?

17 BOARD MEMBER DAWKINS: It's the same code but the
18 issue is a little bit different.

19 MS. PLATT: Right, yes.

20 When we read that code, though, did we count both
21 stories of the house for the square footage?

22 CHAIRMAN MORDAS: Yes. It goes with multiple stories,
23 so what's considered usable gross floor area. So I know
24 houses that have angles to the upstairs, it's less of a
25 footprint than you would anticipate in the first story.

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 BOARD MEMBER DAWKINS: So you can have floor space but
3 you can consider it to be unusable because the roof is
4 sloped.

5 MR. MOGEL: The only place I would see that as being
6 applicable is talking about the measurement, where it's
7 being measured from the exterior walls. If you're
8 measuring it, the horizontal dimension is taken from the
9 exterior face of the walls. So if that's the case, then
10 I'm assuming where you start getting to the peak, that that
11 is going to exclude anything further, I don't know.

12 BOARD MEMBER FINDLEY: But you'd have to be able to
13 stand for it to be considered livable; right?

14 CHAIRMAN MORDAS: Yeah. There's like a box, a box
15 within the --

16 BOARD MEMBER FINDLEY: I mean I know it doesn't say
17 that in the code, but --

18 MR. MOGEL: That's the thing. I mean --

19 BOARD MEMBER FINDLEY: But they do say livable; right?

20 MR. MOGEL: Yes. Well, no, they don't.

21 BOARD MEMBER DAWKINS: They say usable.

22 BOARD MEMBER FINDLEY: Usable.

23 MR. MOGEL: It actually doesn't even say usable.

24 BOARD MEMBER DAWKINS: What does it say?

25 MR. MOGEL: Sum of the gross horizontal area of

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 several floors of a building excluding basement and attic
3 floors used solely for accessory mechanical equipment.

4 So basically, that includes everything, really.

5 BOARD MEMBER FINDLEY: Well, they say excluding the
6 attic which kind of implies that you can't stand.

7 MR. MOGEL: It says excludes attic and basement floors
8 used solely for accessory mechanical equipment.

9 BOARD MEMBER FINDLEY: Okay.

10 BOARD MEMBER RAMPE: So if an air conditioner is up
11 there ..

12 CHAIRMAN MORDAS: Air condition unit.

13 MR. MOGEL: Air conditioning unit, boiler.

14 CHAIRMAN MORDAS: HVAC.

15 MR. MOGEL: Yes. that's what it really means.

16 MS. PLATT: So are you concerned with the square
17 footage of the house?

18 BOARD MEMBER FINDLEY: Well --

19 BOARD MEMBER DAWKINS: The square footage of the
20 garage.

21 BOARD MEMBER RAMPE: Of the garage --

22 MR. MOGEL: Of the garage.

23 BOARD MEMBER DAWKINS: -- if you add the two floors,
24 is greater than the square footage of the existing house.

25 BOARD MEMBER FINDLEY: Yes, the relationship of the

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 square footage. Not that we're concerned. It's the
3 relationship.

4 MS. PLATT: Do you want Mary --

5 MR. MOGEL: That would be helpful.

6 You haven't even set up a public hearing yet; right?

7 CHAIRMAN MORDAS: No. But we could use the time for
8 the public hearing and give the Applicant options based on
9 what we find out.

10 BOARD MEMBER DAWKINS: Or they can ask for an
11 interpretation.

12 BOARD MEMBER FINDLEY: But if I read this correctly,
13 if they want to continue with this size structure, that
14 goes to the Planning Board.

15 MR. MOGEL: That --

16 CHAIRMAN MORDAS: The way the code is written.

17 BOARD MEMBER FINDLEY: Yes.

18 MR. MOGEL: That appears that way without any further
19 guidance as to the calculation of gross floor area.

20 MS. PLATT: This is a 24 by 24 garage?

21 BOARD MEMBER RAMPE: Yes.

22 Ms. K. VOLPE: Yes.

23 MR. R. VOLPE: Two floors.

24 BOARD MEMBER FINDLEY: Now, if it went to like a four
25 foot peak, 24 by 24, we would say that it doesn't exceed;

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 correct?

3 MR. MOGEL: I don't --

4 BOARD MEMBER FINDLEY: I'm asking --

5 CHAIRMAN MORDAS: I would really lean on the building
6 inspector's expertise on that question.

7 MR. MOGEL: I'm sure this is not a new question. It's
8 probably been considered previously.

9 Just looking at the definition of gross floor area,
10 there is no indication that -- it's giving a horizontal
11 dimension, that's all we're talking about, taken from the
12 exterior faces of the walls or other outer limits of roofed
13 areas. I think there's some question there that even if
14 you went to a peaked roof as to whether you'd really be
15 cutting down the gross floor area. I'm not sure you are.

16 CHAIRMAN MORDAS: I'm not sure either.

17 MS. PLATT: Going by horizontal dimensions would it
18 count? That's what I would think; right?

19 MR. MOGEL: Horizontal dimensions, the sum of the
20 gross horizontal areas of several floors --

21 MS. PLATT: Okay.

22 MR. MOGEL: -- excluding basement and attic that are
23 used solely for accessory --

24 BOARD MEMBER FINDLEY: See, I wouldn't call that a
25 floor, then. I'm just saying if you had a four foot peak,

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 it's not a floor.

3 BOARD MEMBER DAWKINS: They tell you that the only
4 exclusion is what you're using for mechanicals.

5 CHAIRMAN MORDAS: This is the only horizontal. These
6 two walls are the only horizontal portions.

7 MR. MOGEL: True.

8 MR. MOGEL: Although, unfortunately, being real
9 technical, all horizontal dimensions shall be taken from
10 the exterior faces of walls or other outer limits.

11 So the question is someone is someone going to regard
12 this straight up to the peak as being --

13 CHAIRMAN MORDAS: That's what I'm looking at. I'm not
14 a hundred percent sure.

15 MR. MOGEL: I don't seen it in here.

16 CHAIRMAN MORDAS: Like you say, I really need to be
17 relying on the expertise of the building inspector on this.

18 MR. R. VOLPE: What does that mean to us? Will we
19 wait another month?

20 MR. MOGEL: No.

21 MR. R. VOLPE: We're trying to --

22 CHAIRMAN MORDAS: I would ...

23 BOARD MEMBER RAMPE: I would install an old air
24 conditioner up there.

25 MR. R. VOLPE: We got one.

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 MR. MOGEL: I would recommend that the matter be put
3 on for a public hearing and in the interim, that there be
4 some discussion with the building inspector, some
5 clarification as to gross floor area. I would like the
6 building inspector to indicate what the estimated gross
7 floor area of the accessory structure would be. That would
8 be helpful.

9 MS. K. VOLPE: Can I just say something? Wouldn't
10 that have been brought up when it was originally denied
11 because of the whole lakefront, road front thing?

12 MR. MOGEL: Maybe, maybe not.

13 MS. K. VOLPE: Oh, all right. We just were told that
14 we had to do the variance because, you know, it was going
15 to be road side.

16 BOARD MEMBER DAWKINS: The other thing I would,
17 consider in the meantime what size a two-story garage would
18 be there. Do they offer something that you bring in just a
19 little bit that would get you under the wire. If you get a
20 24 wide and bring the depth in just a little bit, is there
21 something that's prefab that will still get you there. If
22 Mary --

23 MS. K. VOLPE: But were you just talking about -- were
24 you talking about the square footage of both floors?

25 BOARD MEMBER MORREALE: Correct.

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 BOARD MEMBER DAWKINS: We have to add the square
3 footage of the main floor and the second floor and that has
4 to be under the square footage of your house.

5 MS. K. VOLPE: Of my house.

6 MR. MOGEL: Yes.

7 BOARD MEMBER MORREALE: That's what we're having
8 trouble with.

9 MS. K. VOLPE: Do you understand how small that garage
10 would have to be? It wouldn't be a two-car garage.

11 BOARD MEMBER DAWKINS: Now, the other thing I would
12 say is things like your porch that the concrete pad is
13 attached --

14 MS. K. VOLPE: Yes.

15 BOARD MEMBER DAWKINS: -- if you can --

16 MS. K. VOLPE: Is that considered?

17 BOARD MEMBER DAWKINS: -- bring up on the one side and
18 bring down on the other.

19 BOARD MEMBER FINDLEY: You're not necessarily
20 prohibited from doing that. You would just have to go to
21 the Planning Board.

22 MR. MOGEL: Correct.

23 What that means is that you would then have to do a
24 site plan, have a site plan review. Nobody could tell you
25 whether the Planning Board would be amenable to doing that

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 or not. I mean nobody knows. I don't know what the
3 Planning Board's position is on it and they might not know
4 without seeing the application.

5 CHAIRMAN MORDAS: And also, Mary has a better grasp on
6 the Planning Board fees that could factor into it.

7 MR. MOGEL: But Planning Board requires escrow, an
8 escrow payment be made, to cover engineering reviews,
9 unlike the Zoning Board where it's just one flat fee. An
10 engineer is required to review site plans. You have to put
11 in 1,000.

12 BOARD MEMBER DAWKINS: I mean you can also talk to
13 Mary about what some of the other options are. I mean I
14 don't know. If you can slide the shed up closer to the
15 house and attach it, does that change your whole profile.
16 But Mary is the one who would answer that question.

17 CHAIRMAN MORDAS: Now, the square footage, the numbers
18 on your house, is that coming off the assessor's card, the
19 tax assessor's card?

20 BOARD MEMBER MORREALE: Yes.

21 MS. K. VOLPE: Yeah, but it's not including the front
22 porch.

23 MR. MOGEL: Okay. So that something that you want to
24 look into.

25 CHAIRMAN MORDAS: Something to bring up.

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 MS. K. VOLPE: Yeah.

3 BOARD MEMBER RAMPE: You know, if I include the front
4 porch does my square footage for this calculation, how big.
5 Because you don't want a lot where there's a gigantic
6 garage with an itty bitty house.

7 MS. K. VOLPE: Yes.

8 BOARD MEMBER RAMPE: That's what this is all designed
9 to prevent.

10 MR. MOGEL: Correct.

11 MS. K. VOLPE: Right.

12 BOARD MEMBER RAMPE: So even if you went on the garage
13 of 22 by 22 might scooch you under the right amount.

14 CHAIRMAN MORDAS: I don't mean to sound derogatory
15 towards you folks. We rarely have in front of us a house
16 with your square footage. Usually they're bigger.

17 MR. R. VOLPE: See, in our case we can't redo the
18 house until we get the storage --

19 CHAIRMAN MORDAS: I understand.

20 MR. R. VOLPE: -- to put all --

21 CHAIRMAN MORDAS: It's puzzle. You've got to shuffle
22 something here to be able to do something there, and I
23 understand that.

24 BOARD MEMBER RAMPE: The other thing is the pod. I
25 mean you don't have to put all your house storage in the

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 garage.

3 MS. K. VOLPE: Well, we already have two storage
4 units.

5 BOARD MEMBER RAMPE: Oh.

6 BOARD MEMBER FINDLEY: Are we going to vote?

7 MS. K. VOLPE: I see it from my house, I see it.

8 BOARD MEMBER DAWKINS: It's barely a one car garage.

9 BOARD MEMBER FINDLEY: Are we voting on a public
10 hearing?

11 CHAIRMAN MORDAS: All right. Motion to set up a
12 public hearing?

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

14 BOARD MEMBER FINDLEY: I'll second it.

15 CHAIRMAN MORDAS: All in favor?

16 BOARD MEMBER RAMPE: Aye.

17 BOARD MEMBER DAWKINS: Aye.

18 BOARD MEMBER MORREALE: Aye.

19 BOARD MEMBER FINDLEY: Aye.

20 CHAIRMAN MORDAS: Aye.

21 (The motion was approved and carried.)

22 MS. K. VOLPE: So in the meantime, we have to talk to
23 Mary.

24 BOARD MEMBER DAWKINS: Yes.

25 And Kyra will help you with the stuff, but I would go

1 - RE: RAYMOND & KATHLEEN VOLPE -
2 talk to Mary.

3 CHAIRMAN MORDAS: Just find out what the square
4 footage, what she considers the total gross floor area of
5 your proposed accessory structure.

6 MR. MOGEL: Correct.

7 MS. K. VOLPE: Now, if she turns around and says if we
8 count the front porch, too ...

9 BOARD MEMBER DAWKINS: If she gives you numbers I
10 would ask her to put it in writing, get a signature and
11 bring it back to us.

12 MS. K. VOLPE: Okay.

13 MR. MOGEL: If the gross floor area of the garage is
14 less than the gross floor area of your principal structure
15 then you're back here in front of the Board.

16 BOARD MEMBER DAWKINS: Then you're good to go.

17 MR. MOGEL: Then you're good to go.

18 CHAIRMAN MORDAS: With what you initially wanted.

19 MR. MOGEL: With what you initially wanted.

20 MS. K. VOLPE: But the gross floor of both floors.

21 MR. MOGEL: Whatever she considers it.

22 BOARD MEMBER RAMPE: But that's what I said. I have
23 648 for the dwelling.

24 MS. K. VOLPE: Yes.

25 BOARD MEMBER RAMPE: And 576 for the garage.

1 - RE: RAYMOND & KATHLEEN VOLPE -

2 MS. K. VOLPE: And 576. But if you double this --

3 MR. MOGEL: It's two floors.

4 BOARD MEMBER DAWKINS: That's only one floor.

5 BOARD MEMBER RAMPE: Oh.

6 MR. MOGEL: Yes.

7 BOARD MEMBER DAWKINS: But if she says -- talk to her.

8 See what she says.

9 BOARD MEMBER RAMPE: Right.

10 MS. K. VOLPE: Okay. So --

11 MR. R. VOLPE: We'll talk to Kyra about it.

12 MR. MOGEL: You might want to get a clear idea from
13 Mary before you actually start sending out the mailers.

14 MS. K. VOLPE: Okay. All right.

15 BOARD MEMBER DAWKINS: But even if you don't ...

16 MS. K. VOLPE: All right. Thank you.

17 CHAIRMAN MORDAS: Thank you.

18 MR. R. VOLPE: Thank you, Board.

19 CHAIRMAN MORDAS: Have a good night.

20 CHAIRMAN MORDAS: Do I have a motion to close the
21 meeting?

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

23 BOARD MEMBER DAWKINS: Second.

24 CHAIRMAN MORDAS: All in favor?

25 BOARD MEMBER RAMPE: Aye.

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- RE: RAYMOND & KATHLEEN VOLPE -

BOARD MEMBER DAWKINS: Aye.

BOARD MEMBER MORREALE: Aye.

BOARD MEMBER FINDLEY: Aye.

CHAIRMAN MORDAS: Aye.

(The motion was approved and carried.)

(Time noted: 9:44 p.m.)

* * * * *

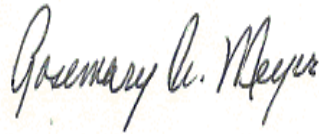
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REPORTER'S CERTIFICATION

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 Raymond and Kathleen Volpe, 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.

A handwritten signature in cursive script, reading "Rosemary A. Meyer", is centered on the page. The signature is written in black ink on a light-colored background.

ROSEMARY A. MEYER

Date Transcribed: October 26, 2018

A	again (8) 8:24;10:8,18;22:8; 27:13;31:13;57:20; 59:10	animal (1) 31:12	assessor's (2) 115:18,19	104:19;109:2,7; 111:22
able (5) 62:24;106:11,25; 108:12;116:22	against (1) 65:9	anticipate (2) 19:23;107:25	assume (1) 104:22	basically (7) 14:22;20:6;21:5; 26:9;51:24;54:10; 109:4
absolutely (3) 9:3;10:24;13:4	agenda (1) 5:9	anymore (1) 68:4	assuming (1) 108:10	basis (2) 16:13;21:15
accept (2) 4:21,23	aggravation (1) 27:9	appeal (3) 16:11;27:21,25	attached (2) 107:15;114:13	bathing (1) 6:17
acceptance (1) 4:19	ago (3) 14:15;15:4;18:24	appealing (1) 27:22	attacked (1) 10:16	battle (1) 26:25
accessory (21) 55:25;56:11,11,15, 19,20,21,23;57:8,24; 58:7;60:15;61:9; 103:9,12;106:15; 109:3,8;111:23; 113:7;118:5	agree (1) 59:15	Appeals (1) 4:3	attended (1) 33:24	beach (2) 6:22;13:16
according (1) 6:18	Agreed (1) 57:3	appears (1) 110:18	attic (10) 103:8,10,15; 104:19,21;105:4; 109:2,6,7;111:22	Beaches (7) 6:9,15,15,20;7:3; 13:19;23:15
accused (1) 31:16	agricultural (3) 6:23;28:3,7	applicable (1) 108:6	audience (1) 9:21	bearings (1) 22:5
achieved (1) 66:3	Agriculture (1) 7:9	Applicant (6) 55:22;61:23;65:8; 66:2,3;110:8	August (3) 4:4;8:8;15:16	beaver (1) 24:18
acres (2) 9:10;31:12	air (4) 109:10,12,13; 112:23	applicants (1) 35:3	average (1) 7:5	become (2) 61:24;62:12
across (2) 21:19;51:17	algae (13) 6:18;12:13,15,23; 23:12,14,14,15,25; 24:8,8;26:4;29:9	Applicant's (1) 60:17	away (3) 8:15;25:24,25	becoming (1) 10:14
action (1) 21:8	allegation (3) 22:2,9,13	application (12) 36:15;51:4;58:19, 20;59:25;60:6,8,13, 16,18;61:5;115:4	Aye (35) 5:3,4,5,6,7;34:19, 20,21,22,23;35:8,9, 10,11,12;36:2,3,4,5, 6;55:4,5,6,7,8; 117:16,17,18,19,20; 119:25;120:2,3,4,5	behind (2) 24:13,15
activities (1) 6:24	alleged (2) 14:12;67:13	approach (2) 7:15;10:21	back (15) 8:2;16:22,24; 17:23;19:11;20:9; 21:3,23,24;24:16; 57:21;58:8;62:20; 118:11,15	below (1) 6:21
actuality (1) 63:7	allow (1) 24:8	approval (1) 106:23	B	benefit (2) 65:8;66:2
actually (14) 10:3,7,13;13:16; 14:3;18:10;20:24; 27:14;30:3;57:22; 104:2;106:5;108:23; 119:13	almost (2) 25:8,16	approved (10) 5:8;30:24;34:24; 35:13;36:7;55:9; 65:4;68:20;117:21; 120:6	Bacteria (2) 6:17;19:2	big (8) 16:22;18:24;26:8, 25;30:17;32:21,22; 116:4
add (2) 109:23;114:2	along (2) 29:11;30:22	area (25) 24:5;29:19;60:19; 65:16;66:4,14;67:16; 103:4,6,19;104:7,12; 107:3,8,12,23; 108:25;110:19; 111:9,15;113:5,7; 118:4,13,14	Bacterial (1) 12:6	bigger (2) 24:17;116:16
addendum (1) 18:12	alongside (1) 24:20	areas (7) 103:7,17;104:11, 17;107:2;111:13,20	bad (2) 26:4,17	Bill (1) 54:6
additional (2) 61:4,7	altered (3) 26:11,12;56:6	arena (12) 7:18,19,25;8:13, 15;9:5;10:19;17:2; 18:20;19:11;28:13; 31:5	Bans (1) 6:8	Birchwood (1) 15:13
address (3) 8:19;31:22;33:20	Although (1) 112:8	around (2) 20:18;118:7	barely (1) 117:8	bit (3) 107:18;113:19,20
adversary (1) 53:18	always (3) 26:6;29:22;32:2	article (5) 6:7;7:7;13:13,24; 29:16	barn (13) 59:21,23;60:19,22; 61:9;62:5,8,11,12,13, 18;64:6,9	bitty (1) 116:6
adverse (1) 66:25	AMBIKA (19) 51:1;52:1;53:1; 54:1;55:1;56:1;57:1; 58:1;59:1;60:1;61:1; 62:1;63:1;64:1;65:1; 66:1;67:1;68:1;69:1	articles (1) 32:8	barns (1) 28:12	block (1) 24:12
advice (1) 21:11	amenable (1) 114:25	assessor (2) 53:16;54:2	based (1) 110:8	blocked (1) 19:11
advise (3) 34:25;36:25;54:4	amongst (1) 68:22		basement (11) 16:13,16;17:25; 25:13;26:4,6;103:8;	blocking (1) 32:25
advisement (1) 37:2	amount (3) 32:4,5;116:13			bloom (1) 29:9
AEM (1) 11:25	amounts (1) 33:14			Bloomingsburg (1) 31:24
aforementioned (1) 68:3	Amy (2) 53:15;54:2			blooms (1) 23:25
	angles (2) 103:17;107:24			Board (250) 4:3,8,10,12,14,20, 23,25;5:3,4,5,6,15; 6:2;9:13,14,15,16;

<p>11:3;14:2,5,25; 17:15;18:4,8,14; 19:19,22,25;20:5,7, 11,15,17;22:10;23:6, 10,24;24:4;27:17; 28:14;33:24,25; 34:15,17,19,20,21, 22;35:5,6,8,9,10,11, 16,19,23,24;36:2,3,4, 5,25;51:2,11;52:7,10, 12,17,18,24;54:12, 17,25;55:2,4,5,6,7,11, 17,18,21;56:4,11,16; 57:3,6,10,13,15,16, 18;58:10,23;59:18, 20,21,22,23;60:2,4,9, 10,17,20,20,23; 61:14,16,20,25;62:4, 7,10,17,20,23;63:2,5, 8,11,14;64:10,16,18, 19,20,21,23;65:2,7, 12,18,20,22,24;66:7, 9,11,13,17,19,21,23; 67:6,8,10,12,15,18, 20,22,24;68:8,11,12, 14,16,18,22;103:5; 104:4,8,18,23,24,25; 105:2,7,10,14,17,20, 21;107:3,17;108:2, 12,16,19,21,22,24; 109:5,9,10,18,19,21, 23,25;110:10,12,14, 17,21,24;111:4,24; 112:3,23;113:16,25; 114:2,7,11,15,17,19, 21,25;115:6,7,9,12, 20;116:3,8,12,24; 117:5,6,8,9,13,14,16, 17,18,19,24;118:9, 15,16,22,25;119:4,5, 7,9,15,18,22,23,25; 120:2,3,4</p> <p>Board's (1) 115:3</p> <p>boiler (2) 103:13;109:13</p> <p>Boniface (34) 5:12,13,15;6:4,6, 13;7:13,17;8:18,21, 23,24;9:17;11:11; 13:14,23;14:11,14, 20;16:12;18:22; 19:21;20:3;21:20; 29:4,5;30:8;31:18, 20;34:2;36:19,21,22; 37:4</p> <p>Bonifaces (2) 10:10;27:18</p> <p>both (10) 30:24;59:2,7,12; 60:21;61:8,23; 107:20;113:24; 118:20</p>	<p>bothers (1) 22:15</p> <p>bottom (1) 31:6</p> <p>bought (2) 16:17;28:6</p> <p>boulder (1) 30:9</p> <p>boulders (5) 14:17;18:25;30:12, 25;31:3</p> <p>box (4) 61:12;103:18; 108:14,14</p> <p>brief (1) 35:14</p> <p>bring (7) 10:11;113:18,20; 114:17,18;115:25; 118:11</p> <p>bringing (2) 28:11;34:7</p> <p>brook (3) 29:24;30:2,7</p> <p>brought (3) 11:9;60:3;113:10</p> <p>Buddy (3) 51:23;53:13;54:6</p> <p>Buddy's (2) 53:4;54:3</p> <p>build (4) 18:11;105:22,24; 106:2</p> <p>building (15) 24:17;55:24;58:13, 19,20;59:24;60:13; 63:12;103:7;107:5; 109:2;111:5;112:17; 113:4,6</p> <p>built (1) 30:21</p> <p>bulk (5) 55:15;63:21;64:3, 8;68:2</p> <p>bulldoze (1) 25:22</p> <p>bunnies (1) 69:8</p> <p>Bush (1) 15:14</p> <p>buy (1) 20:22</p>	<p>4:5;54:4;111:24</p> <p>called (1) 51:23</p> <p>calling (2) 51:15;52:21</p> <p>calls (1) 8:13</p> <p>came (7) 13:9;16:20;22:16; 28:8;30:24;35:19; 107:13</p> <p>camp (1) 63:20</p> <p>can (33) 5:22;7:15,20;8:16, 18;10:4,23;11:17; 12:4,6,19,23;19:12; 21:25;23:13,22; 27:11;28:10;29:11; 32:15;36:19;52:5; 58:8,25;66:2;104:22; 108:2,3;110:10; 113:9;114:15; 115:12,14</p> <p>car (1) 117:8</p> <p>card (2) 115:18,19</p> <p>care (4) 6:21;21:13;26:15; 51:3</p> <p>carnivores (1) 32:20</p> <p>Carol (1) 6:18</p> <p>carried (9) 5:8,34;24:35;13; 36:7;55:9;65:4; 68:20;117:21;120:6</p> <p>case (3) 4:16;108:9;116:17</p> <p>Cathy (8) 4:9;64:13;65:23; 66:6,20;67:5,17; 68:17</p> <p>cause (2) 10:4;32:15</p> <p>caused (1) 13:16</p> <p>causes (2) 32:6,19</p> <p>causing (2) 12:12;33:13</p> <p>ceiling (2) 104:21,23</p> <p>CHAIRMAN (179) 4:2,4,9,11,13,15; 5:2,7,9,13;6:11;7:11, 16;8:9,16,19,23;9:13, 18,21;11:3,7;12:15, 18,23;13:2,6,13,22, 25;14:3,9,19,21;15:2, 9;16:16;17:6,9;</p>	<p>18:12;19:5,24;20:3,6, 9,16,18,23;21:3,5; 23:3,5,18;26:9,12; 28:14,18;29:3;30:7; 31:18,21;33:18;34:9, 11,16,18,23,25;35:7, 12,14,21,25;36:6,9, 20;37:2;51:2,12; 53:3,7,10,17,20,24; 54:4,13,20,23;55:3,8, 10,13,20;56:18; 58:14;59:15,19; 61:11,19,22;62:14; 63:19,24;64:2,11,14, 17,22,24;65:3,5,19, 21,23,25;66:8,10,12, 14,18,20,22,24;67:7, 9,11,13,19,21,23,25; 68:7,10,13,15,17,19, 21;69:2,7,9;103:11, 16,25;105:3;106:9, 14,17,21;107:2,22; 108:14;109:12,14; 110:7,16;111:5,16; 112:5,13,16,22; 115:5,17,25;116:14, 19,21;117:11,15,20; 118:3,18;119:17,19, 20,24;120:5</p> <p>chance (1) 5:25</p> <p>change (9) 16:15;25:18;29:16, 17;30:25;58:6;61:3; 65:13;115:15</p> <p>changed (5) 23:7;27:13;30:13; 56:7;57:8</p> <p>changes (1) 57:19</p> <p>changing (1) 56:24</p> <p>channel (1) 30:23</p> <p>character (1) 65:14</p> <p>charge (1) 54:7</p> <p>child (1) 9:4</p> <p>choose (1) 36:12</p> <p>citation (1) 27:22</p> <p>cited (2) 27:18,21</p> <p>claiming (1) 15:23</p> <p>clarification (2) 27:16;113:5</p> <p>clarified (1) 29:2</p> <p>clarify (1)</p>	<p>17:16</p> <p>clean (2) 16:10;31:5</p> <p>cleans (1) 30:3</p> <p>clear (8) 6:22;8:4;27:22; 28:5,17,22;107:4; 119:12</p> <p>Clearcutting (3) 24:6,9</p> <p>clearly (3) 16:3,5;28:13</p> <p>close (7) 7:18,19;34:11,14; 54:23;60:23;119:20</p> <p>closed (7) 6:14,15;23:14,15; 36:9,20;61:6</p> <p>closer (1) 115:14</p> <p>closes (1) 61:18</p> <p>closing (2) 23:12;28:10</p> <p>closure (1) 13:16</p> <p>CO (5) 59:17;61:19;62:15; 64:9;104:5</p> <p>code (13) 20:25;56:4,16,24; 57:11,17;68:23; 107:10,16,17,20; 108:17;110:16</p> <p>Coli (10) 10:4;11:6;12:22, 24;32:2,6,16,19,22; 33:12</p> <p>coliform (2) 13:6,10</p> <p>coming (7) 10:12;15:23;16:12, 14;27:12;33:2; 115:18</p> <p>comment (1) 54:17</p> <p>comments (2) 61:4,7</p> <p>Commissioner (1) 6:19</p> <p>community (1) 65:11</p> <p>complain (2) 26:13,15</p> <p>complaint (1) 34:8</p> <p>completed (1) 62:18</p> <p>completely (1) 103:23</p> <p>component (1) 12:20</p>
	C			
	<p>calculation (3) 104:16;110:19; 116:4</p> <p>calculations (1) 104:16</p> <p>calendar (1) 106:9</p> <p>call (3)</p>			

compost (2) 17:18,20	8:4;10:23;11:13; 13:3;32:3	crazy (1) 53:2	day (2) 31:3;53:14	dig (5) 17:21;19:12;24:21, 25;25:2
concern (2) 19:5;20:19	contamination (5) 6:22;12:16;14:24; 27:12;32:20	created (3) 21:8;63:20;65:15	days (2) 36:10,13	digging (1) 16:21
concerned (3) 59:7;109:16;110:2	continuation (1) 5:10	creates (1) 29:16	de (2) 51:16;52:16	diligence (1) 28:18
concerning (2) 21:6;56:13	continue (4) 4:18;33:16;54:21; 110:13	criteria (1) 65:6	DEC (9) 14:6,10,12;19:6, 22;20:16;30:14,18,24	dimension (2) 108:8;111:11
conclusion (1) 53:24	continued (1) 69:3	crop (1) 5:20	decide (1) 27:17	dimensions (4) 104:9;111:17,19; 112:9
conclusions (1) 14:23	contractors (1) 63:7	cul (2) 51:16;52:15	decision (4) 36:10,13,16;67:15	directed (1) 68:23
concrete (1) 114:12	contribute (2) 5:22;12:4	culvert (2) 7:21;29:12	dedicated (1) 53:4	directly (3) 9:5;13:15;22:4
condition (1) 109:12	control (3) 26:18,21,21	curious (1) 63:18	deed (1) 53:20	dirt (4) 17:21;33:2,3;52:25
conditional (2) 59:16;64:6	conversation (6) 9:2;14:9,11,21; 15:3;20:10	current (3) 56:13,22,24	deep (1) 25:9	dirty (1) 19:17
conditioned (1) 64:8	conversion (2) 60:15;62:16	currently (1) 10:14	definitely (1) 12:25	discuss (2) 55:19;62:14
conditioner (2) 109:10;112:24	convert (1) 58:6	cut (1) 103:17	definition (5) 103:4;104:12; 107:5,12;111:9	discussing (1) 58:14
conditioning (1) 109:13	converted (6) 56:2,20,23;57:25; 64:5,9	cutting (1) 111:15	dehumidifiers (1) 26:7	discussion (1) 113:4
conditions (2) 32:18;67:3	Cooperative (1) 21:10	D		
conformity (2) 63:21,25	copy (5) 6:3,5;7:8;21:10; 28:2	dad (1) 30:13	denial (2) 60:9,13	distance (1) 64:7
confuse (1) 13:2	Cornell (1) 21:10	daily (1) 16:13	denied (4) 58:12,20;59:24; 113:10	distinction (1) 56:5
confusion (1) 64:25	corrected (1) 21:9	Daisy (2) 9:24;33:23	density (1) 21:7	distinctly (1) 13:3
CONROY (53) 51:1,5,13,21;52:1, 8,11,13,20,25;53:1,6, 9,12,19,22,25;54:1,6, 9,15,19,21,55:1,11, 14;56:1;57:1;58:1, 25;59:1;60:1;61:1; 62:1,2,19,22,24;63:1, 4,6,9;64:1,5;65:1; 66:1;67:1;68:1,25; 69:1,6,8,9	correctly (1) 110:12	dam (1) 24:18	Department (6) 6:14,24;7:2;30:5; 36:24;107:5	distinguished (1) 56:17
consider (6) 9:10;18:21;60:21; 106:14;108:3;113:17	cost (1) 18:15	damaged (1) 63:17	depending (1) 16:3	district (3) 63:21;64:3;67:3
consideration (5) 10:20;13:18;65:8, 13;67:14	counsel (2) 4:16;34:25	damages (1) 63:15	depth (2) 5:19;113:20	divert (1) 18:25
considered (6) 103:18,25;107:23; 108:13;111:8;114:16	count (3) 107:20;111:18; 118:8	data (1) 10:5	derogatory (1) 116:14	document (1) 58:18
considers (2) 118:4,21	counts (2) 13:7,10	date (1) 106:10	designed (1) 116:8	documentation (2) 15:25;16:2
constant (1) 16:17	County (5) 6:14,18;7:2;13:15; 36:23	dated (1) 6:7	detection (1) 6:16	documents (1) 60:11
constantly (1) 16:14	couple (2) 29:23;30:3	Dawkins (68) 4:9,10,25;5:4; 34:15,20;35:5,9; 36:3;51:11;52:7,17; 55:2,5,17;58:23; 59:18,21,23;60:4,10; 61:16,20,25;62:4,7, 10,17,20,23;63:11; 64:10;65:24;66:7,21; 67:6,18;68:8,18; 104:23,25;105:14,21; 107:3,17;108:2,21, 24;109:19,23; 110:10;112:3; 113:16;114:2,11,15, 17;115:12;117:8,17, 24;118:9,16;119:4,7, 15,23;120:2	determination (2) 65:7,12	Dogs (3) 32:10,21,21
contained (2) 5:21;12:3	course (1) 61:6	date (1) 106:10	determine (1) 103:16	done (6) 19:13;28:18;29:6; 53:22,23;106:13
contaminant (1) 16:2	court (2) 14:15;20:4	date (1) 106:10	determined (1) 31:11	door (2) 24:6;25:19
contaminants (5)	cover (1) 115:8	date (1) 106:10	detriment (2) 65:9,15	double (1) 119:2
	crafted (1) 68:3	date (1) 106:10	difference (2) 68:22;106:19	down (18) 11:11;16:25;17:25; 24:14,20;25:19,21, 22;29:15;30:4;31:8; 33:2;52:15;103:3,17; 105:11;111:15; 114:18
	Cragsmoor (1) 29:25	date (1) 106:10	different (6) 13:3;30:11;51:6; 63:7;106:14;107:18	downstream (1) 30:23
		date (1) 106:10	difficult (1) 15:24	Dr (1)
		date (1) 106:10	difficulty (2) 13:12;67:13	

6:18 drag (4) 16:10;19:12,12,13 drain (2) 19:3,8 dramatic (1) 29:13 drinking (1) 12:7 Drive (3) 15:14;16:22;21:18 dry (7) 18:11,12,17,19; 19:14;25:4,5 due (4) 6:16,17;28:18;35:2 dump (1) 21:19 dumped (1) 21:23 dumping (2) 22:3;31:16 dumps (1) 29:20 dwelling (9) 56:3,8,19,20,24,25; 57:9,25;118:23	16:22 environmental (1) 67:2 envision (1) 63:2 envisioning (3) 63:6,8,9 equipment (13) 18:24;24:24;25:14, 15,16,18;30:20,21; 103:9,13;104:20; 109:3,8 equipped (1) 54:13 Erin (1) 9:23 escrow (2) 115:7,8 Especially (2) 15:24;25:7 estimated (1) 113:6 even (14) 9:10;10:21;13:14; 18:21;22:25;26:13; 29:7;33:15;54:2; 108:23;110:6; 111:13;116:12; 119:15 evening (2) 4:2;5:15 event (1) 106:9 eventually (2) 31:9,9 Everybody (3) 5:25;32:12;53:25 everybody's (1) 32:11 everything's (1) 24:14 evidence (1) 36:11 evidentially (1) 30:16 examining (1) 60:11 exceed (1) 110:25 excellent (1) 5:20 exclude (2) 104:22;108:11 excluded (1) 107:14 excludes (1) 109:7 excluding (5) 103:8;104:19; 109:2,5;111:22 exclusion (1) 112:4 Excuse (3)	6:4;13:23;15:11 Executive (5) 35:4,16,19,22; 36:16 exercise (1) 36:12 existed (1) 55:21 existing (8) 56:5,7;59:9,21,23; 105:21,23;109:24 expecting (1) 20:12 expertise (2) 111:6;112:17 Explain (1) 7:17 Extension (2) 21:10;61:3 extensive (2) 11:17,19 extent (1) 59:15 exterior (5) 104:10;108:7,9; 111:12;112:10 extinguished (1) 62:15 extinguishment (1) 64:9 extremely (1) 15:24	117:15;119:24 feasible (1) 66:3 fecal (3) 6:16;13:6,10 fee (1) 115:9 feel (3) 26:17;34:6;63:21 fees (1) 115:6 feet (13) 7:22;8:15;17:3,3; 21:19;51:19;56:12, 13,14,25;58:3;64:6,7 fellow (1) 55:10 few (1) 107:2 Fifty (2) 58:3,3 file (1) 22:23 fill (1) 19:3 filled (2) 18:13;24:17 fills (1) 24:22 filtering (1) 18:19 filtration (1) 31:10 find (6) 15:23;53:11,13; 60:12;110:9;118:3 Findley (70) 4:13,14;5:6,9;14; 14:2,5;17:15;18:4,8, 14;19:19,22,25;20:5, 7,11,15,17;34:22; 35:6,11;36:5;52:24; 54:12;55:7,18,21; 56:4,16;57:3,6,10,15, 18;63:2,5,8,14;64:19, 21,23;65:2,20;66:11, 19;67:10,24;68:11, 14;103:5;108:12,16, 19,22;109:5,9,18,25; 110:12,17,24;111:4, 24;114:19;117:6,9, 14,19;119:22;120:4 fine (1) 21:13 Finger (1) 23:11 fingers (1) 11:16 finish (1) 56:18 finished (1) 52:16 finishes (1)	62:10 fire (1) 25:21 First (11) 5:9,18;7:18;26:19; 28:3;59:18,19;61:18; 63:8;107:5,25 Fish (3) 52:8,13;53:3 Five (4) 6:9,14;26:7;29:8 fix (1) 18:5 flat (1) 115:9 flattened (1) 25:24 floating (1) 7:20 flooded (1) 25:14 floodplain (2) 29:18,19 floor (24) 103:4,6,19;104:7, 12;106:2,25;107:12, 23;108:2;110:19; 111:9,15,25;112:2; 113:5,7;114:3,3; 118:4,13,14,20;119:4 floors (12) 103:7,8;106:6; 109:2,3,7,23;110:23; 111:20;113:24; 118:20;119:3 flowing (1) 33:6 flows (1) 33:9 folks (3) 15:5;27:18;116:15 follow (1) 29:25 follows (1) 7:2 foot (5) 23:13;29:25;58:3; 110:25;111:25 footage (13) 106:22;107:21; 109:17,19,24;110:2; 113:24;114:3,4; 115:17;116:4,16; 118:4 footprint (3) 105:16,17;107:25 form (2) 60:9,13 formation (1) 18:23 formed (1) 12:16 forms (1)	
E					
earlier (1) 29:6 ears (1) 34:5 eat (1) 32:21 edge (1) 29:11 effect (1) 67:2 Either (2) 31:6;111:16 electrical (1) 25:20 elevated (1) 6:16 else (7) 9:19;18:3;19:2; 24:23;33:19;34:12; 51:3 enclosed (1) 21:10 end (1) 16:25 ends (4) 51:16;53:25;54:2,3 enforcement (1) 20:25 engineer (1) 115:10 engineering (1) 115:8 enough (1)					
		F			
		face (1) 108:9 faces (3) 104:10;111:12; 112:10 factor (2) 12:18;115:6 factors (2) 23:7;33:15 false (2) 21:16,17 family (1) 15:20 fan (1) 104:23 far (2) 24:4;33:12 farm (2) 13:19;28:13 farthest (1) 21:24 fashion (1) 4:6 fault (1) 29:20 favor (9) 5:2;34:18;35:7,25; 55:3;68:12,16;			

18:13 forth (1) 104:16 forward (1) 5:17 forwarded (1) 5:16 found (2) 12:7;26:23 foundation (2) 105:25;106:3 four (4) 29:8;103:23; 110:24;111:25 frame (1) 19:23 fresh (4) 7:4;17:17;21:22; 33:5 Friday (1) 6:16 front (12) 8:14;19:11;22:9; 25:13;27:17;68:5; 113:11;115:21; 116:3,15;118:8,15 fully (1) 32:13 further (6) 8:2;31:8;51:2; 55:11;108:11;110:18 furthermore (1) 29:14 furthest (1) 21:23 future (1) 59:14	gigantic (1) 116:5 gist (1) 15:3 Given (3) 36:11;61:2,8 gives (1) 118:9 giving (1) 111:10 glad (1) 7:9 global (1) 23:16 goes (11) 5:19,23;6:20; 17:23;19:9;21:9; 24:15;51:17;63:14; 107:22;110:14 Good (10) 4:2;5:15;9:8; 32:14;33:3;69:4,7; 118:16,17;119:19 Google (4) 10:3,22;11:5;17:13 grandfather (1) 25:2 grant (1) 65:11 granted (2) 57:24;58:5 granting (3) 57:22;65:16;67:16 grasp (1) 115:5 grass (1) 7:23 greater (2) 13:7;109:24 green (1) 26:5 Griffo (1) 20:25 Gross (21) 14:10,21;103:4,6,6, 18;104:7,16;107:12, 23;108:25;110:19; 111:9,15,20;113:5,6; 118:4,13,14,20 ground (4) 5:22;12:5;19:10,14 grow (1) 24:8 guess (2) 12:18;56:22 guidance (1) 110:19 guidelines (2) 7:3;21:11 gutted (3) 56:21;62:15;64:7 guy (3) 26:5,25;27:2	guys (4) 6:10;21:11;58:8; 60:7 H HABs (1) 23:24 half (2) 9:10;25:5 hang (1) 8:16 happen (2) 25:23;33:8 happened (4) 11:14;12:13;22:12; 59:6 happy (1) 69:4 hard (1) 10:15 harmful (2) 6:17;23:25 Hatchery (3) 52:8,13;53:3 hazard (8) 8:5,6,25;9:9;21:8, 12,13;31:13 headline (1) 6:8 Health (18) 6:14,19;7:2,9;8:5, 6,25;9:9,9;10:4;12:7; 21:8,12;29:13;30:5; 31:13;36:24;65:10 hear (1) 34:7 heard (5) 20:3,5;33:25;34:3, 5 hearing (13) 5:10;34:12,14; 36:10,20;54:24; 60:24;61:6;110:6,8; 113:3;117:10,12 heavy (6) 7:24;18:24;25:18, 23;30:19,21 Helen (5) 10:9,16;15:13,13; 32:17 help (1) 117:25 helpful (2) 110:5;113:8 Herald (1) 6:7 hesitant (1) 13:15 high (2) 25:10;30:5 higher (2) 24:14;29:22	highest (2) 17:9,11 highway (1) 51:7 Hill (1) 52:7 hits (2) 8:15;19:10 HM (1) 17:20 home (3) 25:19;105:12,13 homes (1) 61:24 honestly (1) 57:12 hope (3) 10:19;20:14,15 hoping (1) 5:17 horizontal (12) 103:7;104:9,17; 108:8,25;111:10,17, 19,20;112:5,6,9 horse (9) 5:19;9:3;10:22; 11:6;13:19;15:25; 18:20;28:13;31:4 horses (22) 9:10;10:13;12:2; 15:18,18,19,19; 16:23;20:21;22:17, 24,25;23:3;26:23; 27:15,19;28:7,10,11, 31:10;32:9,24 horse's (1) 18:20 hot (1) 23:16 house (39) 16:17;20:22,22; 22:17;29:18;58:6; 59:23;60:14,15,19, 21;61:9,10;62:4,8,11, 12,12,15,18,21;63:3, 4;64:7,9;105:3,8; 107:21;109:17,24; 114:4,5;115:15,18; 116:6,15,18,25;117:7 houses (3) 32:18;61:13; 107:24 Hudson (1) 31:9 human (1) 6:24 Humans (1) 32:21 hundred (2) 53:22;112:14 hurt (1) 18:20 HVAC (2)	104:20;109:14 I idea (2) 9:8;119:12 identify (1) 60:14 immaterial (1) 22:12 impact (1) 67:2 implies (1) 109:6 important (1) 17:16 inadvertent (1) 33:9 include (4) 103:14;104:5; 107:7;116:3 included (2) 107:6,15 includes (1) 109:4 including (3) 5:23;12:5;115:21 increasing (1) 55:22 indicate (2) 60:16;113:6 indicated (1) 61:23 indicating (1) 18:2 indication (1) 111:10 information (1) 16:4 initial (1) 28:23 initially (2) 118:18,19 input (1) 20:19 inquired (1) 52:3 inside (2) 16:25;33:4 inspector (3) 112:17;113:4,6 inspector's (1) 111:6 install (1) 112:23 instead (1) 106:17 interesting (1) 54:21 interim (1) 113:3 Internet (2) 32:7,23
G				
gambrel (4) 103:20,22,25; 106:18 garage (19) 17:3;24:22;103:22; 106:11,13;107:15; 109:20,21,22;110:20; 113:17;114:9,10; 116:6,12;117:2,8; 118:13,25 gate (7) 51:18,22;52:14,14, 18,20;54:3 gave (1) 28:3 gentlemen (1) 4:2 Georgia (7) 4:7;65:21;66:8,16; 67:7,19;68:15 gets (4) 17:23;29:19;31:5; 58:5				

<p>interpretation (2) 68:23;110:11</p> <p>interrupt (1) 19:19</p> <p>into (29) 7:21,23;8:4;9:5; 10:19;13:18;14:13; 16:13,14;17:21;22:4; 24:7;29:12;31:2,8,9, 9,16,19;33:6;35:4; 62:8,11,12;63:3;65:8, 13;115:6,24</p> <p>involved (2) 36:14,24</p> <p>involving (1) 35:2</p> <p>Island (1) 23:15</p> <p>isolated (1) 14:22</p> <p>issue (17) 10:11,14,17;15:21; 16:11,16;27:14; 28:12;29:13;30:14, 16;31:25;32:2,9; 33:11;56:8;107:18</p> <p>issued (1) 15:16</p> <p>issues (6) 9:9;30:18;32:10, 10,10,22</p> <p>issuing (1) 62:14</p> <p>item (1) 11:22</p> <p>itty (1) 116:6</p>	<p>112:1;113:1;114:1; 115:1;116:1;117:1; 118:1;119:1;120:1</p> <p>Katrina (1) 25:7</p> <p>keep (4) 8:18;13:23;24:22; 35:14</p> <p>Kenny (3) 16:20;24:25;25:13</p> <p>Kent (8) 4:13;56:18;65:19; 66:10,18;67:9,23; 68:13</p> <p>kept (2) 16:9;17:24</p> <p>kids (1) 22:16</p> <p>Kill (1) 31:8</p> <p>killed (1) 18:2</p> <p>kills (1) 31:6</p> <p>kind (9) 10:5,11;27:6,7; 29:15;51:14;53:17; 103:24;109:6</p> <p>knew (1) 22:17</p> <p>knock (1) 21:5</p> <p>knowledge (1) 12:16</p> <p>known (3) 10:9;57:22;59:2</p> <p>knows (1) 115:2</p> <p>Kyra (8) 5:11;7:11;14:3; 28:3;60:5;63:20; 117:25;119:11</p>	<p>large (1) 31:12</p> <p>last (11) 6:6;9:2;11:10,12, 14;16:19;20:8,12; 29:8;31:11;33:24</p> <p>lasted (1) 7:24</p> <p>late (1) 105:2</p> <p>lately (1) 32:5</p> <p>later (1) 15:22</p> <p>law (1) 36:10</p> <p>lawyers (1) 53:23</p> <p>laying (1) 29:10</p> <p>lean (1) 111:5</p> <p>leave (1) 105:15</p> <p>leg (1) 18:21</p> <p>legal (2) 21:8;58:17</p> <p>lengthy (1) 59:3</p> <p>less (2) 107:24;118:14</p> <p>letter (9) 15:2,16;20:23,24; 22:23;28:2,8,23; 60:17</p> <p>level (1) 103:15</p> <p>levels (1) 6:16</p> <p>lift (1) 106:4</p> <p>likely (1) 6:23</p> <p>limited (1) 12:15</p> <p>limiting (1) 107:8</p> <p>limits (3) 104:11;111:12; 112:10</p> <p>line (6) 28:20;56:12,14,14; 57:2;106:15</p> <p>list (4) 5:11;6:20;32:21,22</p> <p>listed (1) 22:25</p> <p>listen (1) 13:13</p> <p>litigation (1) 35:2</p> <p>little (8)</p>	<p>8:2;15:11;26:8; 27:2;51:7;107:18; 113:19,20</p> <p>livable (3) 103:14;108:13,19</p> <p>live (5) 9:24;27:4;31:23; 32:16;33:22</p> <p>lived (1) 23:20</p> <p>lives (1) 25:13</p> <p>livestock (1) 21:7</p> <p>living (5) 103:14;104:5,6,13, 15</p> <p>Long (3) 23:15;56:6;63:2</p> <p>look (9) 5:25;10:2;11:22; 17:13;19:21;24:11; 32:19,23;115:24</p> <p>looked (1) 32:23</p> <p>looking (3) 32:7;111:9;112:13</p> <p>looks (2) 8:2;24:14</p> <p>lot (11) 24:6,11;29:6,17,19, 20,21;31:15;33:15; 105:19;116:5</p> <p>lowered (1) 30:23</p> <p>luck (2) 69:4,7</p> <p>Lynelle (1) 51:14</p> <p>Lynelle's (1) 51:16</p>	<p>manure (27) 5:16,19;7:20;9:3; 10:22;11:6,25;12:4,6, 19,20;15:25;17:2,7, 17,17;19:9,14,16; 21:14,16,18,22; 25:25;29:10;31:16; 33:5</p> <p>many (9) 22:17;23:3;26:23; 27:19;28:11;30:14; 31:10;32:16;33:12</p> <p>Map (2) 17:13;52:10</p> <p>Markets (1) 7:9</p> <p>Mary (11) 14:9,21;15:13; 110:4;113:22;115:5, 13,16;117:23;118:2; 119:13</p> <p>matches (1) 12:13</p> <p>Matt (1) 104:4</p> <p>matter (6) 7:4;12:3;27:16; 36:11,17;113:2</p> <p>matters (1) 5:21</p> <p>Matthew (9) 4:4,11;64:17; 65:17;66:12,22; 67:11,21;68:10</p> <p>may (1) 56:6</p> <p>maybe (11) 7:24;11:15;36:23, 24;51:9,19,19;59:7; 61:22;113:12,12</p> <p>mean (27) 8:5,24;15:7,24; 19:15;23:8;24:5,13, 16;27:6;29:9,15,21; 30:7,22;61:5;63:23; 104:4;106:16; 108:16,18;112:18; 115:2,12,13;116:14, 25</p> <p>meaning (1) 12:4</p> <p>means (4) 26:2;103:10; 109:15;114:23</p> <p>meantime (2) 113:17;117:22</p> <p>measured (1) 108:7</p> <p>measurement (1) 108:6</p> <p>measuring (1) 108:8</p> <p>meat (1)</p>
J				
<p>Jersey (1) 23:14</p> <p>Joe (1) 31:23</p> <p>joke (1) 104:25</p> <p>jokes (1) 105:2</p> <p>July (2) 6:8;33:24</p> <p>June (3) 4:20;13:8,9</p> <p>jurisdiction (1) 54:16</p> <p>jurisdictional (1) 58:18</p>				
K	L			M
<p>KATHLEEN (18) 103:1;104:1;105:1; 106:1;107:1;108:1; 109:1;110:1;111:1;</p>	<p>lack (1) 57:14</p> <p>ladies (1) 4:2</p> <p>lady (1) 19:5</p> <p>Lake (9) 6:9,15;22:4;23:12, 13,13;24:7;33:9; 106:5</p> <p>lakefront (1) 113:11</p> <p>lakes (2) 6:17;23:12</p> <p>land (2) 18:17,18</p> <p>Lane (2) 9:24;33:23</p>	<p>level (1) 103:15</p> <p>levels (1) 6:16</p> <p>lift (1) 106:4</p> <p>likely (1) 6:23</p> <p>limited (1) 12:15</p> <p>limiting (1) 107:8</p> <p>limits (3) 104:11;111:12; 112:10</p> <p>line (6) 28:20;56:12,14,14; 57:2;106:15</p> <p>list (4) 5:11;6:20;32:21,22</p> <p>listed (1) 22:25</p> <p>listen (1) 13:13</p> <p>litigation (1) 35:2</p> <p>little (8)</p>	<p>mailers (1) 119:13</p> <p>main (2) 20:19;114:3</p> <p>maintain (1) 52:23</p> <p>maintained (3) 51:22;52:2,5</p> <p>maintaining (1) 52:22</p> <p>makes (2) 12:21,22</p> <p>making (6) 22:3;36:13;61:16; 64:4;65:7,12</p> <p>Mamakating (2) 4:3;15:17</p> <p>Management (1) 11:25</p>	<p>manure (27) 8:5,24;15:7,24; 19:15;23:8;24:5,13, 16;27:6;29:9,15,21; 30:7,22;61:5;63:23; 104:4;106:16; 108:16,18;112:18; 115:2,12,13;116:14, 25</p> <p>meaning (1) 12:4</p> <p>means (4) 26:2;103:10; 109:15;114:23</p> <p>meantime (2) 113:17;117:22</p> <p>measured (1) 108:7</p> <p>measurement (1) 108:6</p> <p>measuring (1) 108:8</p> <p>meat (1)</p>

<p>32:21 mechanical (5) 103:9,12;104:20; 109:3,8 Mechanicals (2) 103:11;112:4 meet (1) 57:5 meeting (16) 4:3,5,18,19;6:6; 9:2;11:10,12;20:12; 26:25;28:3;31:11; 33:24;34:2;51:10; 119:21 MEMBER (218) 4:8,10,12,14,23,25; 5:3,4,5,6;6:2,9;14,15, 16;14:2,5,25;17:15; 18:4,8,14;19:19,22, 25;20:5,7,11,15,17; 23:6,10,24;24:4; 34:15,17,19,20,21, 22;35:5,6,8,9,10,11, 23,24;36:2,3,4,5; 51:11;52:7,10,12,17, 18,24;54:12,25;55:2, 4,5,6,7,17,18,21;56:4, 16;57:3,6,10,13,15, 16,18;58:10,23; 59:18,20,21,22,23; 60:2,4,9,10,23;61:14, 16,20,25;62:4,7,10, 17,20,23;63:2,5,8,11, 14;64:10,16,18,19, 20,21,23;65:2,18,20, 22,24;66:7,9,11,13, 17,19,21,23;67:6,8, 10,12,18,20,22,24; 68:8,11,12,14,16,18; 103:5;104:4,8,18,23, 24,25;105:2,7,10,14, 17,20,21;107:3,17; 108:2,12,16,19,21,22, 24;109:5,9,10,18,19, 21,23,25;110:10,12, 17,21,24;111:4,24; 112:3,23;113:16,25; 114:2,7,11,15,17,19; 115:12,20;116:3,8, 12,24;117:5,6,8,9,13, 14,16,17,18,19,24; 118:9,16,22,25; 119:4,5,7,9,15,22,23, 25;120:2,3,4 members (3) 54:17;55:11;68:22 mention (4) 11:12;51:5,10; 104:15 mentioned (1) 31:15 mercy (1) 23:21</p>	<p>method (1) 66:3 MH (65) 4:1;5:1;6:1,3,5;7:1; 8:1,7,11;9:1;10:1; 11:1;12:1;13:1;14:1; 15:1,7,11;16:1,18; 17:1,5,12;18:1,6,10, 16,18;19:1,15,18; 20:1;21:1,2,4,22; 22:1,19,21,23;23:1,8, 11,19;24:1,3;25:1; 26:1;27:1,6,10,19,25; 28:1,16,22;29:1; 30:1;31:1;32:1;33:1; 34:1;35:1;36:1;37:1 Michael (1) 33:22 MICINOWSKI (72) 4:1;5:1,10;6:1,3,5; 7:1,12;8:1,7,11;9:1; 10:1;11:1;12:1;13:1; 14:1;15:1,6,7,11,13, 13;16:1,18;17:1,5,12, 20;18:1,6,10,16,18; 19:1,15,18;20:1;21:1, 2,4,22;22:1,19,21,23; 23:1,8,11,19;24:1,3; 25:1;26:1;27:1,6,10, 19,25;28:1,14,16,22; 29:1;30:1;31:1;32:1; 33:1;34:1;35:1;36:1; 37:1 middle (2) 18:20;51:17 might (10) 33:5;57:21,23; 61:2;104:13;106:4, 22;115:3;116:13; 119:12 milliliters (3) 7:4;13:7,10 mind (2) 8:16;31:13 minute (1) 11:18 minutes (7) 4:19,21,22,24; 7:24;9:25;11:19 misheard (1) 104:14 Miss (2) 64:4;69:9 missed (1) 107:10 mobile (1) 25:19 modified (1) 56:6 Mogel (75) 4:17;11:22,25; 12:10;20:14;22:2,7, 12;23:21;27:16,21;</p>	<p>36:8;54:8,16;58:3,12, 16;59:24;60:6,11,12, 25;61:21,23;62:3,6,9; 63:23,25;68:5,9; 103:4,6,12;104:6,9, 15,19;107:4,12; 108:5,18,20,23,25; 109:7,13,15,22; 110:5,15,18;111:3,7, 19,22;112:7,8,15,20; 113:2,12;114:6,22; 115:7,23;116:10; 118:6,13,17,19,21; 119:3,6,12 moment (1) 10:16 money (1) 25:17 Montgomery (2) 9:24;33:23 month (3) 14:15;36:17; 112:19 months (3) 11:14;14:16;27:9 Monticello (1) 53:20 MORDAS (179) 4:2,4,9,11,13,15; 5:2,7,9,13;6:11;7:11, 16;8:9,16,19,23;9:13, 18,21;11:3,7;12:15, 18,23;13:2,6,13,22, 25;14:3,9,19,21;15:2, 9;16:16;17:6,9; 18:12;19:5,24;20:3,6, 9,16,18,23;21:3,5; 23:3,5,18;26:9,12; 28:14,18;29:3;30:7; 31:18,21;33:18;34:9, 11,16,18,23,25;35:7, 12,14,21,25;36:6,9, 20;37:2;51:2,12; 53:3,7,10,17,20,24; 54:4,13,20,23;55:3,8, 10,13,20;56:18; 58:14;59:15,19; 61:11,19,22;62:14; 63:19,24;64:2,11,14, 17,22,24;65:3,5,19, 21,23,25;66:8,10,12, 14,18,20,22,24;67:7, 9,11,13,19,21,23,25; 68:7,10,13,15,17,19, 21;69:2,7,9;103:11, 16,25;105:3;106:9, 14,17,21;107:2,22; 108:14;109:12,14; 110:7,16;111:5,16; 112:5,13,16,22; 115:5,17,25;116:14, 19,21;117:11,15,20; 118:3,18;119:17,19,</p>	<p>20,24;120:5 more (12) 10:13;11:17,19; 13:21;24:7,7;25:25; 27:14;29:21;33:4; 51:20;103:25 morning (1) 14:15 Morreale (27) 4:11,12;5:5;6:2; 9:16;34:21;35:10,23; 36:4;55:6;57:13,16; 64:18,20;65:18; 66:13,23;67:12,22; 68:12;104:4,8; 113:25;114:7; 115:20;117:18;120:3 MORRIS (29) 8:22;16:20;17:8, 11,13,19,21;18:7,9, 17,22;19:7,17;20:19; 21:12,21;22:5,11,15, 20,22;23:4,23;24:10; 26:11,13;27:8,24; 34:3 mortgage (1) 62:25 most (2) 6:23;22:15 Mother (1) 29:20 motion (32) 4:21,23;5:8;34:11, 13,15,24;35:3,13,21, 23;36:7;54:23,25; 55:9,13,15;60:23,24; 64:4,10,12,13,16; 65:4;68:20;117:11, 13,21;119:20,22; 120:6 mountain (3) 16:21,24;24:13 moved (2) 35:5;55:17 moving (1) 18:25 Mrs (1) 7:12 much (7) 9:17;13:22;14:19; 29:3,22;31:2,21 mud (5) 19:15,16,17,18,18 multiple (3) 15:18;28:9;107:22 must (1) 25:11 myself (3) 6:12;26:2,15 N name (5)</p>	<p>9:23;31:22,23; 33:20,22 names (1) 22:24 Nature (1) 29:20 near (1) 21:24 nearby (1) 65:15 necessarily (3) 19:16;67:15; 114:19 necessary (1) 13:25 need (10) 8:21;32:4;52:23; 58:8;59:5,6;60:7; 62:24;106:11;112:16 needs (2) 13:18;56:25 neighbor (3) 27:2,3,3 neighborhood (4) 23:7;65:10,14;67:3 neighbors (1) 27:4 New (8) 7:8;9:25;23:25; 31:24;63:21,24;64:3; 111:7 next (14) 11:10;13:19;24:6; 25:19,23;26:22,24; 27:4;29:4;59:4,4,10; 63:9;106:12 night (1) 119:19 nitrates (1) 12:18 nitrites (1) 12:19 Nobody (6) 9:4;21:20;23:13; 31:16;114:24;115:2 nobody's (1) 52:22 nonconforming (2) 63:15;105:18 nonconformity (4) 55:23;56:7;63:23; 64:3 North (1) 31:24 noted (3) 37:5;69:10;120:7 noticed (2) 24:5,8 nowhere (2) 21:24;24:19 numbers (2) 115:17;118:9 nutrient (3)</p>
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5:20;12:3,16 nutrients (3) 5:21;11:15;24:7	113:10 otherwise (1) 59:9 out (22) 6:24;7:23;15:20; 18:13;21:6;25:24; 26:5,23;28:20;29:12, 24;30:14,24;34:2; 35:19,21;53:11,13; 106:5;110:9;118:3; 119:13 outer (3) 104:11;111:12; 112:10 outside (1) 33:2 over (13) 7:6;10:8;14:18; 28:11;29:7;30:10,17; 32:12,23;51:13; 52:17;53:8;54:16 own (3) 5:23;12:5;34:5 owner (3) 18:5;27:15;69:5 owners (1) 22:19 Ozzie (9) 10:8,13,16;21:17; 24:12,15;30:16; 31:15;34:3	pass (1) 64:12 past (3) 7:14;10:17;51:24 path (1) 29:17 pathogen (1) 12:9 pathogens (4) 5:21;12:3,6,12 patience (1) 36:15 pattern (1) 26:10 paved (1) 52:24 payment (1) 115:8 peace (1) 5:14 peak (5) 107:8;108:10; 110:25;111:25; 112:12 peaked (2) 106:17;111:14 PEEVERS (1) 51:19 people (20) 8:7;11:19;13:2; 21:14,17;22:3,22; 25:3,20;27:4;30:14, 15,24;31:17;32:10, 15,16,17;36:14;59:10 per (3) 7:3;13:7,10 perceived (1) 57:19 percent (1) 112:14 period (1) 28:21 permit (7) 55:24;58:5,13,19, 20;59:24;60:13 permits (5) 30:10,14,18,24; 63:12 person (3) 23:22;34:7;107:13 personal (1) 34:4 personally (1) 68:24 pets (2) 15:20;29:14 phone (2) 14:9;26:19 phosphates (1) 12:19 photo (1) 11:4 photos (1)	8:17 physical (1) 67:2 picture (3) 7:19,25;8:3 pictures (7) 7:14;8:21;10:18; 19:21;29:10;31:13; 69:2 piece (1) 56:22 Pine (1) 15:14 place (2) 32:23;108:5 plan (3) 106:23;114:24,24 Planning (6) 110:14;114:21,25; 115:3,6,7 plans (1) 115:10 PLATT (22) 5:12;9:20;14:7; 55:25;56:10,19;57:4, 7,12,21;58:5,11,24; 60:7;107:10,13,19; 109:16;110:4,20; 111:17,21 playing (1) 9:4 please (8) 5:13;6:11;14:3; 15:9;19:21;23:21; 31:22;33:20 plowed (1) 52:2 Plus (1) 22:19 pm (5) 35:17,20;37:5; 69:10;120:7 pod (1) 116:24 point (4) 13:15;17:9,11; 63:11 pointing (1) 11:16 points (1) 30:11 pollutants (2) 9:2;30:2 pollution (2) 5:22;12:4 pond (27) 7:22,23;8:5,8;9:6; 14:13,22;15:22;19:3; 21:16,24;24:15,16; 25:6,11,12;26:17,20; 29:12,14,14,22;30:7, 8;31:8,16;33:10 porch (4)	114:12;115:22; 116:4;118:8 porches (1) 107:14 portions (1) 112:6 pose (1) 12:6 position (1) 115:3 positive (1) 13:5 possible (1) 35:15 possibly (2) 5:23;12:5 potential (3) 35:2;53:18;61:11 potentially (3) 58:11;61:12;62:14 preclude (1) 67:16 preexisting (1) 56:2 prefab (1) 113:21 premature (1) 14:24 Present (2) 4:12;61:4 presented (1) 36:12 pretty (3) 29:13;31:2;56:12 prevent (2) 64:24;116:9 previous (2) 22:19;27:15 previously (1) 111:8 primary (1) 58:7 principal (1) 118:14 print (1) 32:8 prior (2) 13:9;55:22 probably (7) 9:7,8;30:12;32:20; 63:6;105:13;111:8 problem (9) 17:23,24;22:16; 23:25;25:15;30:17; 57:13;59:10,11 proceed (5) 55:14,16;64:11,14; 65:3 proceedings (2) 20:4;22:13 process (2) 20:6;59:3 produce (1)
O	P			

24:7 produced (1) 65:14 profile (1) 115:15 prohibited (1) 114:20 project (1) 69:4 prompting (1) 34:3 proof (1) 27:11 properly (2) 5:20;12:2 property (36) 15:15,23;16:8,10, 12,15,25;17:10,14; 18:5,19;21:23,25; 23:2;24:14;25:5; 28:6,12,19;51:8,16, 17,18,22;52:5,15,17, 19,23;56:12,14,22; 57:2;65:15;69:2,5 proposed (2) 66:25;118:5 protozoan (1) 12:6 prove (2) 10:23;27:11 provided (2) 11:23;58:4 providing (2) 55:14;64:4 provision (1) 61:17 provisions (1) 61:15 public (16) 5:10;33:19;34:12, 12,14;36:9,20;51:3; 54:24;60:24;61:6; 110:6,8;113:3;117:9, 12 pumping (2) 17:25;32:14 pumps (2) 26:7,8 purchase (2) 28:9,19 purchased (2) 16:8;69:3 pure (1) 33:2 pursue (1) 66:4 put (16) 17:2;21:18;26:6; 30:13;58:12,19;59:2, 3;103:18;105:12; 106:4;113:2;115:10; 116:20,25;118:10 puzzle (1)	116:21 Q quad (1) 19:13 quick (2) 17:15;107:7 R rain (10) 7:24;16:13;26:10; 30:3;31:4;32:4,5,12; 33:7,14 rains (1) 53:2 rainstorm (1) 29:23 rainwater (1) 8:14 rainy (1) 23:16 raised (1) 22:9 Rampe (57) 4:7,8,23;5:3;9:15; 14:25;23:6,10,24; 24:4;34:17,19;35:8, 24;36:2;52:10,12,18; 54:25;55:4;58:10; 59:20,22;60:2,9,23; 61:14;64:16;65:22; 66:9,17;67:8,20; 68:16;104:18,24; 105:2,7,10,17,20; 109:10,21;110:21; 112:23;116:3,8,12, 24;117:5,13,16; 118:22,25;119:5,9,25 ran (1) 25:10 range (1) 30:4 rarely (2) 27:5;116:15 RAYMOND (18) 103:1;104:1;105:1; 106:1;107:1;108:1; 109:1;110:1;111:1; 112:1;113:1;114:1; 115:1;116:1;117:1; 118:1;119:1;120:1 RE (71) 4:1;5:1;6:1;7:1; 8:1;9:1;10:1;11:1; 12:1;13:1;14:1;15:1; 16:1;17:1;18:1;19:1; 20:1;21:1;22:1;23:1; 24:1;25:1;26:1;27:1; 28:1;29:1;30:1;31:1; 32:1;33:1;34:1;35:1; 36:1;37:1;51:1;52:1;	53:1;54:1;55:1;56:1; 57:1;58:1;59:1;60:1; 61:1;62:1;63:1;64:1; 65:1;66:1;67:1;68:1; 69:1;103:1;104:1; 105:1;106:1;107:1; 108:1;109:1;110:1; 111:1;112:1;113:1; 114:1;115:1;116:1; 117:1;118:1;119:1; 120:1 read (9) 5:18;6:10,11,11; 13:14;65:5;103:2; 107:20;110:12 reading (2) 107:11,16 real (2) 26:4;112:8 really (17) 10:2,15;12:16; 24:10;28:4;29:7; 31:7;53:13;54:13; 56:8;58:14;68:23; 109:4,15;111:5,14; 112:16 realtor (1) 21:2 Realty (1) 20:24 rear (1) 56:14 rebuild (2) 63:17;105:7 receive (1) 105:14 received (1) 14:7 receiving (1) 59:17 recently (1) 11:11 recessed (1) 35:16 reclamation (3) 30:11,15,15 recognizes (1) 28:14 recommend (2) 60:20;113:2 Record (5) 6:7;14:4;22:2,8; 29:16 redirection (1) 14:12 redo (3) 105:25;106:3; 116:17 reduce (1) 106:22 regard (5) 18:22;22:3;61:5; 63:20;112:11	regardless (1) 59:5 regards (2) 14:12,23 regulation (1) 55:15 regulations (5) 21:6;63:21;64:3,8; 68:3 regulators (1) 13:14 reiterate (1) 15:7 Relating (1) 18:9 relationship (2) 109:25;110:3 relevant (1) 67:14 relief (8) 55:15;57:25;64:5, 7,18;68:2,12,16 relying (1) 112:17 remain (1) 105:11 remember (2) 24:25;68:4 remembered (1) 20:13 remind (1) 11:9 render (1) 36:10 reopen (1) 61:7 report (8) 5:16;7:8;12:8,9,10; 14:6;19:23;20:12 reports (1) 11:7 requested (1) 66:14 requesting (2) 59:20;60:18 required (2) 63:22;115:10 requirement (3) 57:18,19;106:23 requires (1) 115:7 rerouted (1) 16:12 research (4) 10:6;11:17,19; 53:21 respectfully (1) 8:10 response (2) 25:4;55:12 responsibility (3) 52:4;53:5,8 retaining (1)	30:21 retired (2) 25:16,17 return (1) 8:9 reversed (1) 61:22 review (5) 4:20;33:12;107:7; 114:24;115:10 reviewed (1) 32:2 reviews (1) 115:8 rid (1) 25:15 ride (1) 16:23 riding (1) 28:13 right (60) 8:11;16:25;17:6; 18:20;20:11,17;22:7, 11;23:10;24:13; 25:10;27:24;29:11, 22;30:20;31:20; 32:16,24;34:25; 52:14,21,23;53:12; 54:20,23;55:10,13; 56:21;57:6;58:10,17; 59:22;60:4;61:20; 62:4,6,9,22;63:19; 65:5;68:2,10;104:3, 8;105:3,5,20;106:6; 107:19;108:13,19; 110:6;111:18; 113:13;116:11,13; 117:11;119:9,14,16 righty (1) 4:15 risk (1) 12:7 risks (1) 10:5 riverbed (1) 53:2 road (31) 7:18,19,21,25;8:3; 21:19;25:8,10;29:11; 31:24;32:17;51:8,15, 15,16,21,23;52:2,4,8, 16,20,21,25;53:3,14, 25;54:2,10;113:11,15 rock (1) 18:23 rode (1) 22:17 roll (1) 4:5 Rolnick (2) 20:23,24 roof (10) 103:20,22;104:11;
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105:23;106:14,17,18; 107:8;108:3;111:14 roofed (1) 111:12 roofs (1) 103:25 roughly (1) 15:4 roundabout (1) 54:9 route (1) 59:16 rule (1) 6:24 run (3) 24:21;25:6,11 running (4) 8:4;19:2;26:20; 29:12 runoff (9) 6:23;16:10;18:4; 24:7;26:21;29:21; 31:4;32:25;33:6 runs (8) 7:21;8:15;9:5; 16:24,25;19:10; 29:24;31:2 Russo (1) 22:20	53:23;54:21 searching (1) 32:7 seat (1) 8:10 second (20) 4:25;10:9;19:20; 34:16,17;35:6,24; 55:2;58:7,22;61:17; 64:10,14,16;106:2,4, 25;114:3;117:14; 119:23 secretary (1) 5:16 section (3) 52:2;53:8;107:7 seeing (1) 115:4 self-created (1) 67:14 sell (2) 20:21;59:9 send (1) 25:25 sending (1) 119:13 Seneca (1) 23:12 separate (1) 13:6 septic (2) 32:11,15 septics (1) 32:14 SEQRA (1) 18:13 Session (5) 35:4,16,19,22; 36:16 set (4) 7:3;28:13;110:6; 117:11 setback (3) 56:8;58:2,3 setbacks (1) 64:5 setting (1) 104:16 settled (2) 14:16,16 seven (4) 9:10;23:3,4,5 several (3) 103:7;109:2; 111:20 shall (6) 65:7,12;67:14,15; 104:10;112:9 share (1) 18:5 Shawangunk (1) 31:8 shed (1)	115:14 shores (1) 23:14 short (1) 104:21 show (4) 10:21,23;11:3; 52:11 shuffle (1) 116:21 shut (1) 6:17 sick (3) 12:21,22,23 side (6) 64:5;68:7,8;106:5; 113:15;114:17 signature (1) 118:10 signed (1) 5:11 significantly (2) 29:8;30:4 simple (1) 10:22 simultaneously (1) 60:22 single (3) 58:21;61:24;105:3 single-family (3) 56:25;57:8;61:12 sinks (1) 31:6 site (4) 106:23;114:24,24; 115:10 sits (1) 29:23 six (3) 11:14;18:23;23:3 size (2) 110:13;113:17 skip (1) 25:3 sleeping (1) 27:8 slide (1) 115:14 slightly (1) 51:6 sloped (1) 108:4 small (1) 114:9 smaller (1) 107:3 smarter (1) 31:11 smell (1) 29:9 Smith (3) 6:18,25;8:13 solely (5)	103:8;104:19; 109:3,8;111:23 somebody (4) 26:14;31:11;36:23; 61:7 someone (2) 112:11,11 something's (1) 26:17 somewhere (1) 19:2 soon (2) 20:13;62:10 sorry (5) 13:20;23:23;58:25; 64:2;68:5 sought (1) 66:2 sound (1) 116:14 source (3) 5:20;6:22;14:23 sources (2) 6:23,25 space (7) 103:14;104:5,6,13, 15;106:21;108:2 speak (5) 5:11;9:22;34:13; 51:3;58:25 specific (1) 12:12 specifically (1) 5:19 specifics (1) 104:9 specify (1) 12:2 split (1) 18:14 spoke (2) 19:22;51:6 spoken (2) 33:19;34:13 square (13) 106:22;107:21; 109:16,19,24;110:2; 113:24;114:2,4; 115:17;116:4,16; 118:3 staging (1) 17:6 stand (3) 106:25;108:13; 109:6 standpoint (1) 58:17 start (5) 4:5,18;62:17; 108:10;119:13 started (1) 16:20 state (8)	5:14;7:2,8;24:2; 31:22;33:20;34:6; 63:19 stated (1) 20:20 statement (1) 21:17 states (2) 22:24;60:18 stating (3) 15:17,25;16:2 stay (1) 105:22 steam (1) 26:5 stenographer (4) 15:10;23:22;33:21; 64:13 step (1) 106:12 stepped (1) 28:20 Steve (4) 5:12;34:2;57:23; 64:2 Steven (1) 4:17 still (4) 30:4;59:6;106:21; 113:21 storage (3) 116:18,25;117:3 store (1) 106:12 stories (2) 107:21,22 storm (1) 25:23 story (5) 31:14;105:4,11; 106:4;107:25 straight (2) 103:23;112:12 stream (12) 14:13,23;29:15; 30:11,12,15,20,21, 22;31:2,8;33:6 street (1) 17:25 structure (24) 55:21,25;56:5,12, 15,19,20,23;57:24; 58:7,13,15,21,22; 60:15;61:9;63:16; 105:22;106:15; 107:15;110:13; 113:7;118:5,14 structures (4) 56:21;59:8;61:24; 63:16 stud (1) 105:4 stuff (2)
S				
sac (2) 51:16;52:16 safe (1) 9:11 safety (1) 65:10 same (8) 56:8;61:13;63:17; 64:7;105:16,17; 107:16,17 sample (1) 13:9 saturated (1) 32:13 Saturday (3) 6:8;7:15,23 save (2) 105:9,21 saw (1) 25:6 saying (13) 17:22;19:7;26:9; 32:9;51:23;52:3,22; 53:7,16;60:2;103:21; 106:24;111:25 scientific (1) 10:5 scooch (1) 116:13 search (6) 10:3,22;11:5,18;	senior (1) 119:23 seniority (1) 5:16 sent (1) 20:21;59:9 sentiment (1) 25:25 sentimental (1) 119:13 Seneca (1) 23:12 separate (1) 13:6 septic (2) 32:11,15 septics (1) 32:14 SEQRA (1) 18:13 Session (5) 35:4,16,19,22; 36:16 set (4) 7:3;28:13;110:6; 117:11 setback (3) 56:8;58:2,3 setbacks (1) 64:5 setting (1) 104:16 settled (2) 14:16,16 seven (4) 9:10;23:3,4,5 several (3) 103:7;109:2; 111:20 shall (6) 65:7,12;67:14,15; 104:10;112:9 share (1) 18:5 Shawangunk (1) 31:8 shed (1)	115:14 shores (1) 23:14 short (1) 104:21 show (4) 10:21,23;11:3; 52:11 shuffle (1) 116:21 shut (1) 6:17 sick (3) 12:21,22,23 side (6) 64:5;68:7,8;106:5; 113:15;114:17 signature (1) 118:10 signed (1) 5:11 significantly (2) 29:8;30:4 simple (1) 10:22 simultaneously (1) 60:22 single (3) 58:21;61:24;105:3 single-family (3) 56:25;57:8;61:12 sinks (1) 31:6 site (4) 106:23;114:24,24; 115:10 sits (1) 29:23 six (3) 11:14;18:23;23:3 size (2) 110:13;113:17 skip (1) 25:3 sleeping (1) 27:8 slide (1) 115:14 slightly (1) 51:6 sloped (1) 108:4 small (1) 114:9 smaller (1) 107:3 smarter (1) 31:11 smell (1) 29:9 Smith (3) 6:18,25;8:13 solely (5)	103:8;104:19; 109:3,8;111:23 somebody (4) 26:14;31:11;36:23; 61:7 someone (2) 112:11,11 something's (1) 26:17 somewhere (1) 19:2 soon (2) 20:13;62:10 sorry (5) 13:20;23:23;58:25; 64:2;68:5 sought (1) 66:2 sound (1) 116:14 source (3) 5:20;6:22;14:23 sources (2) 6:23,25 space (7) 103:14;104:5,6,13, 15;106:21;108:2 speak (5) 5:11;9:22;34:13; 51:3;58:25 specific (1) 12:12 specifically (1) 5:19 specifics (1) 104:9 specify (1) 12:2 split (1) 18:14 spoke (2) 19:22;51:6 spoken (2) 33:19;34:13 square (13) 106:22;107:21; 109:16,19,24;110:2; 113:24;114:2,4; 115:17;116:4,16; 118:3 staging (1) 17:6 stand (3) 106:25;108:13; 109:6 standpoint (1) 58:17 start (5) 4:5,18;62:17; 108:10;119:13 started (1) 16:20 state (8)	5:14;7:2,8;24:2; 31:22;33:20;34:6; 63:19 stated (1) 20:20 statement (1) 21:17 states (2) 22:24;60:18 stating (3) 15:17,25;16:2 stay (1) 105:22 steam (1) 26:5 stenographer (4) 15:10;23:22;33:21; 64:13 step (1) 106:12 stepped (1) 28:20 Steve (4) 5:12;34:2;57:23; 64:2 Steven (1) 4:17 still (4) 30:4;59:6;106:21; 113:21 storage (3) 116:18,25;117:3 store (1) 106:12 stories (2) 107:21,22 storm (1) 25:23 story (5) 31:14;105:4,11; 106:4;107:25 straight (2) 103:23;112:12 stream (12) 14:13,23;29:15; 30:11,12,15,20,21, 22;31:2,8;33:6 street (1) 17:25 structure (24) 55:21,25;56:5,12, 15,19,20,23;57:24; 58:7,13,15,21,22; 60:15;61:9;63:16; 105:22;106:15; 107:15;110:13; 113:7;118:5,14 structures (4) 56:21;59:8;61:24; 63:16 stud (1) 105:4 stuff (2)

33:3;117:25 substantial (1) 66:15 success (1) 69:3 sucked (1) 25:8 sudden (1) 10:14 Sue (2) 51:14;52:15 sufficiently (1) 60:13 suggested (2) 18:11;61:16 sum (3) 103:6;108:25; 111:19 summons (1) 14:14 sump (2) 26:7,8 sun (1) 31:6 supervisor (2) 51:7;54:5 supply (5) 5:23;7:11;12:5,7; 14:3 support (1) 10:6 supports (1) 10:7 supposed (1) 27:2 sure (11) 6:21;7:16;11:8; 13:18;52:4;56:13; 58:23;111:7,15,16; 112:14 surface (2) 5:22;12:4 surprising (1) 34:7 swamp (3) 23:18,19;25:24 swim (2) 23:13;29:14 Swimming (4) 6:9,15;8:7;9:7 swims (1) 29:13 system (2) 32:11;104:20 systems (1) 32:15	talked (7) 10:18;19:6;26:19; 53:15,19,23;54:6 talking (12) 17:17;18:22;53:14, 17;61:8;63:12,13; 104:6;108:6;111:11; 113:23,24 tanks (1) 18:2 target (1) 106:10 tax (3) 53:15;54:2;115:19 taxed (1) 32:12 technical (1) 112:9 telling (1) 21:14 ten (3) 56:12,13,14 term (1) 17:16 terrible (1) 23:9 tested (1) 13:5 testimony (1) 36:11 testing (1) 29:22 tests (1) 7:5 Thanks (1) 64:2 thinking (2) 25:21;36:23 Thirty-three (1) 58:4 though (3) 14:5;52:10;107:20 thought (3) 20:12,13;51:21 thousands (2) 32:8,8 threat (1) 26:24 three (4) 27:9;51:14;53:23; 106:6 threshold (1) 7:3 throwing (1) 21:16 Tier (1) 11:25 til (1) 30:16 Times (3) 6:7;28:9;30:24 timing (1) 51:9	title (1) 53:23 today (5) 32:11;57:24;58:5, 19;61:4 today's (1) 57:4 told (7) 16:8;22:3;28:7,8,9; 59:3;113:13 tonight (4) 4:16;35:3;58:11; 68:21 tons (1) 25:17 took (7) 5:18;20:9;22:18; 25:14,24,25;26:15 top (2) 16:21,24 tore (3) 24:20;25:19,21 total (1) 118:4 touch (1) 51:15 towards (1) 116:15 Town (9) 15:17;21:6,8;25:7; 26:22;27:18;28:8; 51:23;53:4 toxins (1) 10:2 tractor (2) 19:13;21:18 trailer (4) 11:10;24:19;29:17, 18 travels (1) 7:22 tremendous (1) 32:4 trench (2) 24:25;25:2 trenches (2) 16:21;19:10 trouble (1) 114:8 trout (1) 14:12 truck (1) 16:22 true (5) 9:3;10:24;14:11; 61:5;112:7 try (4) 35:14;64:24;105:9, 21 trying (2) 53:13;112:21 turn (4) 8:10,20;62:7,12	turns (1) 118:7 twice (1) 20:21 two (25) 9:10;11:18,18; 13:2,6;17:2,3;26:6; 28:12;30:10,18; 31:12;32:17;53:15; 56:21;59:11;61:12; 63:9,16,17;109:23; 110:23;112:6;117:3; 119:3 two-car (1) 114:10 two-story (2) 105:13;113:17	59:9 upon (2) 53:10;64:8 upstairs (4) 104:2;105:4; 106:22;107:24 usable (6) 104:2;106:21; 107:23;108:21,22,23 usage (1) 57:16 use (8) 33:4,4;56:10,24; 57:8,11;63:17;110:7 used (10) 5:20;12:2;16:23; 24:20,21;103:8; 104:19;109:3,8; 111:23 uses (1) 57:19 using (1) 112:4 usual (1) 4:6 usually (2) 4:16;116:16
T		U		V
talk (8) 16:3;32:13;57:16; 115:12;117:22; 118:2;119:7,11		uh-uh (1) 62:2 Ulster (3) 6:8,14;13:14 ultimately (2) 31:7;61:24 under (9) 7:21;17:3,3,24; 25:8;37:2;113:19; 114:4;116:13 undesirable (1) 65:13 unfortunately (1) 112:8 unit (2) 109:12,13 units (1) 117:4 unless (2) 57:21;61:17 unlike (1) 115:9 unprecedented (3) 32:5;33:7,14 unusable (1) 108:3 up (42) 5:13;8:25;10:11; 11:10;12:13;13:9; 15:9,12;17:25;23:11; 24:14,21,23;25:13; 28:13;30:3;31:5,22; 32:2,17;33:20;34:2; 51:17,18;53:14;60:3; 61:11;63:7;104:21; 105:12,22,24;106:25; 109:10;110:6; 112:12,24;113:10; 114:17;115:14,25; 117:11 updated (1) 59:8 updating (1)	vague (2) 60:14,16 variance (25) 55:19,23;57:24; 59:5,6,7,12;60:19; 61:3,5;62:15;63:22; 64:6,15;65:9,16;66:4, 14,25;67:16;68:3,6,7, 8;113:14 variances (1) 60:21 varying (1) 11:7 verbal (1) 55:12 violating (1) 28:24 violation (4) 16:7,9;28:5,23 violations (1) 28:4 visit (1) 20:2 VOLPE (68) 103:1,20;104:1,3, 12;105:1,5,6,9,13,15, 18,24,25;106:1,2,3,7, 8,11,16,19,24;107:1; 108:1;109:1;110:1, 22,23;111:1;112:1, 18,21,25;113:1,9,13, 23;114:1,5,9,14,16; 115:1,21;116:1,2,7,	

11,17,20;117:1,3,7, 22;118:1,7,12,20,24; 119:1,2,10,11,14,16, 18;120:1 volume (1) 36:11 vote (17) 36:8;55:14,16; 58:8;60:25;64:4,11, 15,18,22,23;65:2,3,3; 68:10,12;117:6 voting (7) 55:19,23;64:21,22, 23;68:2;117:9	weatherman (1) 32:4 weather's (1) 23:9 week (1) 15:4 weekly (1) 21:15 weeks (2) 29:23;30:3 weighed (1) 65:9 Welcome (2) 4:3;11:22 welfare (1) 65:10 Weren't (1) 14:6 what's (4) 25:22;29:12;33:5; 107:23 whole (7) 15:22;24:17;25:13; 29:19;31:14;113:11; 115:15 who's (1) 32:13 wide (1) 113:20 wildlife (1) 13:12 wire (1) 113:19 wish (3) 15:2;33:4;69:3 within (2) 12:19;108:15 without (3) 34:3;110:18;115:4 witnessing (1) 68:21 wondered (1) 15:15 wondering (2) 23:6;51:25 work (6) 30:10,19;62:11,17, 18,20 worked (1) 15:11 Worksheet (1) 11:25 worse (1) 29:8 writing (2) 14:7;118:10 written (1) 110:16 wrong (1) 26:17 wrote (3) 14:14;16:11;103:3	Y yard (4) 64:5;68:5,7,8 year (6) 11:14;13:8;19:3; 32:14;33:13;53:22 years (19) 10:8;14:18;15:19, 21,22;18:23,24; 22:16,18;27:14;29:8, 21;30:10,10;33:3; 53:15;63:10,16,17 York (4) 7:8;9:25;23:25; 31:24	9:25;10:8;18:23; 33:3 200 (1) 21:19 2018 (2) 4:4;6:8 21 (6) 15:19,21,21;22:16, 18;27:14 21st (1) 6:8 22 (2) 116:13,13 23rd (1) 4:4 24 (5) 110:20,20,25,25; 113:20 250 (1) 8:15 26th (2) 13:8;33:24 28th (1) 4:20	62 (2) 36:10,13 64 (1) 30:12 642 (1) 23:13 648 (1) 118:23 65 (1) 30:13
W	Weren't (1) 14:6 what's (4) 25:22;29:12;33:5; 107:23 whole (7) 15:22;24:17;25:13; 29:19;31:14;113:11; 115:15 who's (1) 32:13 wide (1) 113:20 wildlife (1) 13:12 wire (1) 113:19 wish (3) 15:2;33:4;69:3 within (2) 12:19;108:15 without (3) 34:3;110:18;115:4 witnessing (1) 68:21 wondered (1) 15:15 wondering (2) 23:6;51:25 work (6) 30:10,19;62:11,17, 18,20 worked (1) 15:11 Worksheet (1) 11:25 worse (1) 29:8 writing (2) 14:7;118:10 written (1) 110:16 wrong (1) 26:17 wrote (3) 14:14;16:11;103:3	Z ZBA (2) 54:16;60:18 zone (1) 56:25 zoned (2) 28:2,6 zones (1) 56:13 Zoning (14) 4:3;16:7,9;28:19, 20,24;31:25;33:11; 55:22;56:22;57:4; 65:7;67:15;115:9	200 (1) 21:19 2018 (2) 4:4;6:8 21 (6) 15:19,21,21;22:16, 18;27:14 21st (1) 6:8 22 (2) 116:13,13 23rd (1) 4:4 24 (5) 110:20,20,25,25; 113:20 250 (1) 8:15 26th (2) 13:8;33:24 28th (1) 4:20	7 7:37 (1) 35:17
waist (1) 25:10 wait (1) 112:19 walk (1) 24:16 walked (4) 25:8,9;34:2;103:17 walk-in (1) 106:5 wall (1) 32:25 Walkkill (1) 31:9 walls (8) 30:21;103:23; 104:10;108:7,9; 111:12;112:6,10 WALTER (3) 31:23,23;33:18 WALTER-PANKO (13) 9:23,24;11:5,8,24; 12:8,11,17,21,25; 13:4,11,17 wants (2) 58:6;60:10 warming (1) 23:17 warranted (1) 65:9 water (44) 5:23,23;7:20;12:5, 5,7;16:10,12,14,15, 24;17:3,4,23,24,25; 18:2,19,25,25;19:8,9, 17;24:11,12,19,20, 22;25:3,6,25;26:2,6, 20,21,22;29:9,11,17, 20,20,24;30:2;31:2 way (12) 8:5;16:21;18:20; 22:18;25:22;30:5,5; 31:11;34:2;103:16; 110:16,18 weather (2) 23:9,16	Weren't (1) 14:6 what's (4) 25:22;29:12;33:5; 107:23 whole (7) 15:22;24:17;25:13; 29:19;31:14;113:11; 115:15 who's (1) 32:13 wide (1) 113:20 wildlife (1) 13:12 wire (1) 113:19 wish (3) 15:2;33:4;69:3 within (2) 12:19;108:15 without (3) 34:3;110:18;115:4 witnessing (1) 68:21 wondered (1) 15:15 wondering (2) 23:6;51:25 work (6) 30:10,19;62:11,17, 18,20 worked (1) 15:11 Worksheet (1) 11:25 worse (1) 29:8 writing (2) 14:7;118:10 written (1) 110:16 wrong (1) 26:17 wrote (3) 14:14;16:11;103:3	Z ZBA (2) 54:16;60:18 zone (1) 56:25 zoned (2) 28:2,6 zones (1) 56:13 Zoning (14) 4:3;16:7,9;28:19, 20,24;31:25;33:11; 55:22;56:22;57:4; 65:7;67:15;115:9	3	8 8:19 (1) 35:20 8:21 (1) 37:5 8:55 (1) 69:10
		0	3	9
		06 (1) 30:19	300 (1) 30:4 33 (2) 64:6,7	9:44 (1) 120:7 920 (1) 13:9 93 (1) 52:8
		1	4	
		1,000 (1) 115:11 100 (3) 7:4;13:7,10 11 (1) 22:24 12 (1) 30:19 14th (1) 8:8 15 (1) 7:24 150 (1) 51:19 17 (1) 58:4 1996 (3) 15:16,16;21:3	40 (1) 7:22 45a (1) 103:3 49 (1) 15:13	
		2	5	
		20 (4)	50 (4) 7:22;14:18;30:10; 56:25 54 (1) 31:23 576 (2) 118:25;119:2 5th (1) 13:9	
			6	
			60 (1) 7:3 600 (2) 7:6;13:7 60s (1) 59:12 61 (2) 9:24;33:23	