

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

---

*Meeting Minutes*  
*11-29-18*  
*November 29, 2018*

---

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

ZONING BOARD OF APPEALS

MINUTES

November 19, 2018

TOWN HALL

WURTSBORO, NEW YORK

ZONING BOARD MEMBERS :

MATTHEW MORDAS, Chairman

CATHY DAWKINS, Board Member

GEORGIA RAMPE, Board Member

MATTHEW MORREALE, Board Member

STEVEN MOGEL, ESQ., Attorney

KYRA PLATT, Building Department

MICHELE HARRINGTON, Building Department

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

Reported by: Rosemary A. Meyer

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING  
ZONING BOARD OF APPEALS

----- X  
Nook Key 2, LLC  
Interpretation of Violation  
Tax Map Section 49; Block 1; Lot 2.4  
Town Center Zone  
----- X

Town Hall  
Town of Mamakating  
November 29 2018  
7:01 P.M.

ZONING BOARD MEMBERS :

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

Also Present: Benjamin Ostrer, Esq.,  
on behalf of Applicant

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

Reported by: Rosemary A. Meyer

1                   - RE:  NOOK KEY 2 LLC -

2           CHAIRMAN MORDAS:  Good evening, ladies and gentlemen.  
3  Welcome to the Mamakating Zoning Board of Appeals meeting  
4  for November 29, 2018.  I'm your chairman, Matthew Mordas.  
5  I start off the meeting with a roll call.

6           Kent.

7                   (No verbal response.)

8           CHAIRMAN MORDAS:  Not here.

9           Matthew.

10          BOARD MEMBER MORREALE:  Present.

11          CHAIRMAN MORDAS:  Georgia.

12          BOARD MEMBER RAMPE:  Here.

13          CHAIRMAN MORDAS:  Cathy.

14          BOARD MEMBER DAWKINS:  Here.

15          CHAIRMAN MORDAS:  And our counsel tonight, as usual,  
16  Steven Mogel.

17                Has everybody had an opportunity to go over the  
18  September 27th minutes, and if so, do I have a motion to  
19  accept the minutes?

20          BOARD MEMBER RAMPE:  There was a corrected?

21          STENOGRAPHER:  Yes.

22          BOARD MEMBER RAMPE:  That was sent today; right?

23          STENOGRAPHER:  The text wasn't corrected, but what was  
24  corrected, there was a processing problem with the word  
25  index, the hyperlinks.

1                   - RE:  NOOK KEY 2 LLC -

2           BOARD MEMBER DAWKINS:  I'll make a motion that we  
3 accept the minutes.

4           BOARD MEMBER RAMPE:  Yes.

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

6           CHAIRMAN MORDAS:  All in favor?

7           BOARD MEMBER RAMPE:  Aye.

8           BOARD MEMBER DAWKINS:  Aye.

9           BOARD MEMBER MORREALE:  Aye.

10          CHAIRMAN MORDAS:  Aye.

11                   (The motion was approved and carried.)

12          CHAIRMAN MORDAS:  First on the agenda is Nook Key 2  
13 LLC.

14          Please approach the podium and state your case.

15          MR. B. OSTRER:  Good evening.  My name is Benjamin  
16 Ostrer.  I'm a representative of Nook Key 2 LLC.

17          We are here to appeal a Notice of Violation, well,  
18 actually two Notices of Violation.  The most recent is in  
19 the package that was submitted to members of the board as  
20 Exhibit No. 1, and that, the offense described is a sign  
21 violation.  No sign shall be erected.  The violation is  
22 being appealed because, as we set out in our packet, this  
23 sign has been documented as being A, permitted, and erected  
24 and continuously standing since on or about October of  
25 1967.  We believe that therefore, it predates the ordinance

1                   - RE: NOOK KEY 2 LLC -

2 so it would be a preexisting structure, and for that  
3 reason, supported also by the fact that there were numerous  
4 municipal searches, clearly, there could be errors in  
5 those, but they are consistent in the fact that these  
6 municipal searches from the one that was obtained by my  
7 clients prior to their acquisition of the property and  
8 several issued in 1993 and '94 which don't denote a  
9 violation. The sign ordinance, I believe, was imported,  
10 became a part of the code perhaps in 1976. The earliest  
11 version of the code we could find, we believe was in 1972.  
12 In either event, the sign would predate it.

13           Exhibit No. 4 in your packet is, and I apologize for  
14 the quality of that, but we did obtain that from the  
15 Department of Transportation and it does show, No. 24, this  
16 is the State's permit because, of course, 209 is a state  
17 highway. Date sign erected, it says: Month, 10; year,  
18 '67. That's what we're relying upon to demonstrate the age  
19 of the sign. For that reason, we believe that our appeal  
20 of the citation and Notice of Violation, and we assume  
21 Order to Remedy should be overruled.

22           MR. MOGEL: Counsel, just as a preliminary matter, I  
23 believe that this applicant is a relative of one of the  
24 sitting justices in the town?

25           MR. B. OSTRER: That's correct.

1                   - RE: NOOK KEY 2 LLC -

2           MR. MOGEL: I just wanted to state that. Does anybody  
3 feel that there is any issue with them personally in making  
4 a reasoned and unbiased decision as a result of that  
5 relationship who wants to recuse themselves?

6           CHAIRMAN MORDAS: No.

7           MR. MOGEL: Okay. So this will have to be scheduled  
8 for a public hearing.

9           CHAIRMAN MORDAS: Are you through with your discussion  
10 here or ...

11          MR. B. OSTRER: Yes, sir, unless you have any  
12 questions, Mr. Chairman.

13          CHAIRMAN MORDAS: I'm going to ask the Board.  
14 Do any of the board members have any questions?

15                   (No verbal response.)

16          MR. MOGEL: Do you happen to have the section of the  
17 code that refers to preexisting nonconforming structures?  
18 And does it reference structures, signs referenced as  
19 structures?

20          BOARD MEMBER RAMPE: Well, this was in the packet.  
21 Where did this come from?

22          MR. MOGEL: That's an older.

23          BOARD MEMBER DAWKINS: Yes, that's one of billboards

24          CHAIRMAN MORDAS: It's 199-54.

25          MR. MOGEL: Dwellings on nonconforming lots. No. It



1                   - RE: NOOK KEY 2 LLC -

2 would be talking nonconforming buildings --

3           MS. PLATT: 199-51.

4           MR. MOGEL: Okay. Nonconforming uses, nonconforming  
5 uses, nonconforming buildings. Okay, all right.

6           And do you know is there a definition of structures  
7 mentioned?

8           CHAIRMAN MORDAS: It says buildings.

9           MR. MOGEL: Yes.

10          CHAIRMAN MORDAS: This is a structure.

11          MR. MOGEL: That's true.

12          CHAIRMAN MORDAS: It says building or structure,  
13 referring to C(2).

14          BOARD MEMBER DAWKINS: Okay.

15          MR. MOGEL: Okay. Thank you.

16          BOARD MEMBER DAWKINS: There's nothing in there that  
17 talks about the height of the sign. It talks about the  
18 dimensions of the sign, but nothing that talks about the  
19 height of the sign. That's the dimensions.

20          MR. MOGEL: Does the Building Department have anything  
21 to add?

22          MS. PLATT: No. Do you have questions?

23          MR. MOGEL: Just, I mean what's being raised and  
24 presented here is this is preexisting the code. It's been  
25 there 50 years. I was just curious if the Building

1                   - RE: NOOK KEY 2 LLC -

2 Department, aside from the complaint, what else might have  
3 prompted.

4           MS. PLATT: One of the municipal searches, I  
5 understand -- I can't speak for the ones that were in the  
6 90s. I wasn't here. The one that was done most recently,  
7 2017, the violation was first issued in 2014 so I don't  
8 know why it missed in the 2017 municipal search.

9           MR. MOGEL: Thank you.

10          BOARD MEMBER DAWKINS: Can I ask a question? I was  
11 looking at your Exhibit 4 that provided the sign dimensions  
12 as eight by eight, and I was commenting that the form  
13 didn't necessarily assess how high the sign is off the  
14 ground, so I got curious. I'm looking at photographs that  
15 you provided throughout time. One of them is '97, 2014,  
16 and then another one undated. And then the pictures begin  
17 to show what looks modern, and just based on my --

18          CHAIRMAN MORDAS: Is this the actual sign in question?

19          BOARD MEMBER DAWKINS: Yes.

20          But that sign looks dramatically different in size and  
21 shape than the current sign.

22          MR. OSTRER: Which?

23          BOARD MEMBER DAWKINS: So it doesn't appear to be me  
24 that --

25          MR. OSTRER: I don't know --

1                   - RE: NOOK KEY 2 LLC -

2           BOARD MEMBER DAWKINS: -- it's

3           MS. OSTRER: I'm sorry, Ms. Dawkins, I'm not ...

4           BOARD MEMBER DAWKINS: So I'm in Exhibit -- bear with  
5 me.

6           MR. OSTRER: Three?

7           BOARD MEMBER DAWKINS: Three. I'm flipping through  
8 photographs that were provided. So I see the one that  
9 shows the Century 21.

10          MR. OSTRER: I believe some of those signs are the  
11 signs in the adjacent property.

12          BOARD MEMBER DAWKINS: Okay.

13          MR. B. OSTRER: That's not --

14          BOARD MEMBER DAWKINS: So those are for reference.

15          MR. B. OSTRER: Right. And the --

16          BOARD MEMBER DAWKINS: Regardless, is this the sign  
17 that we're talking about?

18          MR. B. OSTRER: No. I believe the sign ...

19          CHAIRMAN MORDAS: Kyra, is there any mention in the  
20 code in regards to signage, for maintenance of signs?

21          BOARD MEMBER RAMPE: 199-29.

22          BOARD MEMBER DAWKINS: So that's the sign we're  
23 talking about.

24          MR. OSTRER: That's the sign, yes.

25          BOARD MEMBER DAWKINS: Okay.

1                   - RE: NOOK KEY 2 LLC -

2           MR. B. OSTRER: And there's -- Century 21 is plastic,  
3 pasted over it.

4           BOARD MEMBER DAWKINS: Yes.

5           MR. B. OSTRER: The other ones are for reference  
6 because there are signs on the opposites. There were  
7 signs, I believe they still exist, on the opposite side of  
8 the street.

9           CHAIRMAN MORDAS: Okay.

10          MS. PLATT: Matt, in answer to your question, Georgia  
11 said it was 199-29 is the sign regulations. B, permit  
12 required. C is exempt signs, so that would go through what  
13 might not require the permit.

14          MR. MOGEL: Change of use of a sign. I mean it's  
15 being used as a sign. I'm not really certain how that  
16 would ...

17          MS. PLATT: Currently, when people apply for a sign  
18 permit, currently, they would need a description or a  
19 drawing of what sign is being put up. So I would think if  
20 there was going to be something in its place.

21          MR. MOGEL: I assume you couldn't say if you have a  
22 sign that's advertising an alarm company and then a year  
23 later you have a sign that's advertising an air  
24 conditioning company, I wouldn't say that that's a change  
25 in use.

1                   - RE: NOOK KEY 2 LLC -

2           MS. PLATT: All right.

3           BOARD MEMBER MORREALE: What does the sign advertising  
4 at the moment?

5           MR. B. OSTRER: What ...

6           BOARD MEMBER MORREALE: I think there's a tarp over  
7 it, isn't there?

8           MR. B. OSTRER: Right, because of the violation from  
9 the building inspector, we want to. So it's dormant  
10 presently. I mean it's still a sign, it's just not saying  
11 anything.

12           BOARD MEMBER MORREALE: Right.

13           MS. PLATT: Hasn't it been covered with a tarp for a  
14 little while now, though?

15           MR. DOLAN: The majority of the sign is covered over  
16 and then there's still some. It's basically like street  
17 fairs and stuff. People have been putting banners and  
18 stuff over it. But the sign was blacked out when you gave  
19 the violation. We put plastic over it, but they're  
20 still ...

21           MR. B. OSTRER: So there's some volunteers who made  
22 use of the sign. But it's not our current intent until we  
23 get a ruling from the Board.

24           MR. MOGEL: So you're going to have to schedule this  
25 for a public hearing.

1                   - RE:  NOOK KEY 2 LLC -

2           CHAIRMAN MORDAS:  Okay.  Unless any other board  
3 members have a question, do I have a motion to schedule a  
4 public hearing?

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

6           CHAIRMAN MORDAS:  Do I have a second.

7           BOARD MEMBER MORREALE:  I'll second that.

8           CHAIRMAN MORDAS:  All in favor?

9           BOARD MEMBER RAMPE:  Aye.

10          BOARD MEMBER DAWKINS:  Aye.

11          BOARD MEMBER MORREALE:  Aye.

12          CHAIRMAN MORDAS:  Aye.

13                   (The motion was approved and carried.)

14          CHAIRMAN MORDAS:  Thank you, sir.

15          MR. B. OSTRER:  We'll get the ...

16          CHAIRMAN MORDAS:  Talk to Kyra.

17          MR. B. OSTRER:  We'll get the mailing list and all, or  
18 do you do the mailing?

19          CHAIRMAN MORDAS:  Talk to Kyra.

20                   (Time noted:  7:17 p.m.)

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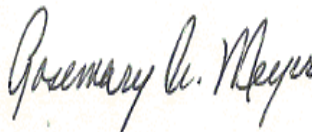
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REPORTER'S CERTIFICATION

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 Nook Key 2 LLC, 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: December 31, 2018

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING  
ZONING BOARD OF APPEALS

----- X

Jodi Cavanaugh  
Public Hearing - Area Variance  
Tax Map Section 27.A; Block 2; Lot 56.2  
Burlingham Residential Zone

----- X

Town Hall  
Town of Mamakating  
November 29, 2018  
7:18 P.M.

ZONING BOARD MEMBERS :

- MATTHEW MORDAS, Chairman
- CATHY DAWKINS, Board Member
- GEORGIA RAMPE, Board Member
- MATTHEW MORREALE, Board Member
- STEVEN MOGEL, ESQ., Attorney
- KYRA PLATT, Building Department
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Also Present: Jodi Cavanaugh, Applicant

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Reported by: Rosemary A. Meyer



1 - RE: JODI CAVANAUGH -

2 CHAIRMAN MORDAS: Okay, next on the agenda is a public  
3 hearing for Ms. Jodi Cavanaugh.

4 Please approach the podium and refresh us as to what  
5 you're trying to do here.

6 MS. J. CAVANAUGH: I don't know if anybody went out to  
7 the house, but first of all, good evening. I'm trying to  
8 build a garage, an oversized one car garage, but it's  
9 forward of the house.

10 I think when I was in here last month I said it was  
11 about 10 feet, 15 feet. It's more like 20 feet from the  
12 road. It was actually closer to the house than I realized.  
13 But it's still forward of the house, and that's the  
14 variance, the problem.

15 CHAIRMAN MORDAS: All right. Any board members have  
16 any questions?

17 Well, actually, do I have a motion to open the public  
18 hearing?

19 BOARD MEMBER DAWKINS: So moved.

20 CHAIRMAN MORDAS: Do I have a second?

21 BOARD MEMBER RAMPE: I'll second.

22 CHAIRMAN MORDAS: All in favor?

23 BOARD MEMBER RAMPE: Aye.

24 BOARD MEMBER DAWKINS: Aye.

25 BOARD MEMBER MORREALE: Aye.

1                   - RE: JODI CAVANAUGH -

2           CHAIRMAN MORDAS: Aye.

3                   (The motion was approved and carried.)

4           CHAIRMAN MORDAS: Okay. Any questions for  
5 Ms. Cavanaugh?

6           BOARD MEMBER MORREALE: Miss Cavanaugh, is this a copy  
7 of your survey?

8           MS. J. CAVANAUGH: Yes.

9           BOARD MEMBER MORREALE: And is it fairly accurate as  
10 far as the angle of the road here?

11          MS. J. CAVANAUGH: Yeah. Yeah. It's a little weird,  
12 but yeah. it comes -- yeah. And it's more -- see, The  
13 house is here so it's more here. And I think my drawing  
14 has it more here. It's about 20 feet off the road.

15          BOARD MEMBER MORREALE: Okay. Also on your drawing it  
16 shows that the road is parallel to the front of the house.  
17 So that's not really the way the lay of the land is?

18          MS. J. CAVANAUGH: To me, looks like it is, but  
19 according to the map it's not.

20          BOARD MEMBER MORREALE: Okay.

21          MS. J. CAVANAUGH: Yeah.

22          BOARD MEMBER MORREALE: Thank you.

23          MS. J. CAVANAUGH: Yeah. Nobody can even back out of  
24 the driveway. Everybody runs over the ...

25          CHAIRMAN MORDAS: All right. It's a wraparound

1                   - RE: JODI CAVANAUGH -

2 street.

3           BOARD MEMBER RAMPE: Were you going to give us  
4 dimensions of the existing shed?

5           CHAIRMAN MORDAS: It's 10 by 12; right.

6           MS. J. CAVANAUGH: I thought it was 10 by -- 10 by 10.

7           CHAIRMAN MORDAS: According to this sketch.

8           MS. J. CAVANAUGH: Oh, the garage?

9           MR. MOGEL: Shed.

10          BOARD MEMBER DAWKINS: The existing shed.

11          MS. J. CAVANAUGH: Oh, the shed in the back is, I'm  
12 going to say 10 by 10.

13          CHAIRMAN MORDAS: Let me ask you a question. How  
14 would you describe the layout of your neighborhood? I mean  
15 the road and the size of the lots and proximity to houses  
16 across the street, how would you describe your  
17 neighborhood?

18          MS. J. CAVANAUGH: Well, it's a circular road. It's a  
19 paved road. For the most part, the pavement is very good.  
20 We just updated half of the paving.

21          CHAIRMAN MORDAS: Would you consider it a two lane  
22 road?

23          MS. J. CAVANAUGH: No.

24          CHAIRMAN MORDAS: Okay.

25          MS. J. CAVANAUGH: No, it's not a two lane road.

1 - RE: JODI CAVANAUGH -

2 BOARD MEMBER DAWKINS: It's a town road?

3 MS. J. CAVANAUGH: No, it's a private road. It's a  
4 private road. They were mostly bungalow houses at one  
5 time, but most people have turned them over to seasonal  
6 houses.

7 BOARD MEMBER DAWKINS: Who owns the road?

8 MS. J. CAVANAUGH: We do. We pay the taxes on it.  
9 Well, not me, myself personally, but --

10 BOARD MEMBER DAWKINS: But people --

11 MS. J. CAVANAUGH: Yes, yes.

12 CHAIRMAN MORDAS: Kyra, is anybody from the public  
13 signed up to speak? Does anybody want to speak from the  
14 public?

15 (No verbal response.)

16 CHAIRMAN MORDAS: Okay. Would you say that it's  
17 common in your neighborhood to have sheds in the street  
18 side of the house?

19 MS. J. CAVANAUGH: Well, it's a garage. It's going to  
20 be an oversized garage.

21 CHAIRMAN MORDAS: Garage, shed --

22 MS. J. CAVANAUGH: Yes.

23 CHAIRMAN MORDAS: An accessory structure.

24 MS. J. CAVANAUGH: Yeah.

25 Not many have a garage. My neighbor directly next

1                               - RE: JODI CAVANAUGH -

2 door, he has a large garage, a large shed, but it's to the  
3 side of his house.

4           CHAIRMAN MORDAS: It's kind of behind the house,  
5 though; right?

6           MS. J. CAVANAUGH: Yeah. Well, yeah, yeah. I would  
7 say yeah.

8           CHAIRMAN MORDAS: Do you think you could feasibly do  
9 something similar to that?

10          MS. J. CAVANAUGH: I think some of the problem, as I  
11 was trying to explain last time, is that the property drops  
12 off.

13          CHAIRMAN MORDAS: But before the drop off do you  
14 think ...

15          MS. J. CAVANAUGH: Well, then pulling it forward, I  
16 don't know how that would -- with the well and the pipes  
17 that run from the well to the house, it would be over --

18          CHAIRMAN MORDAS: So that is your actual drinking  
19 well.

20          MS. J. CAVANAUGH: Yeah. Yes, it is, sir.

21          BOARD MEMBER MORREALE: It looks like -- I'm looking  
22 at the topography. It looks as though it drops off in the  
23 back.

24          MS. J. CAVANAUGH: Yeah.

25          BOARD MEMBER DAWKINS: Now, you said, when you started

1                               - RE: JODI CAVANAUGH -

2 this evening, that the measurement between the proposed  
3 garage and the road is 20 feet?

4           MS. J. CAVANAUGH: Yes. It's actually a little over  
5 20 feet.

6           BOARD MEMBER DAWKINS: Okay.

7           MS. J. CAVANAUGH: The front corner is probably 22 and  
8 the back corner is probably more like 25. And that's that  
9 turn. The turn makes it a little, you know ...

10          CHAIRMAN MORDAS: And the shed that currently is  
11 there, I mean that's just on skids; right?

12          MS. J. CAVANAUGH: I don't know really what's  
13 underneath. It was there when I bought the house.

14          CHAIRMAN MORDAS: Okay.

15          MS. J. CAVANAUGH: It has our mower in it, it has all  
16 our, you know, all our lawn stuff in it and whatever else  
17 we can squeeze in there.

18          CHAIRMAN MORDAS: Have you been out to the site?  
19 Has anybody else from the board been out to the site?

20          BOARD MEMBER RAMPE: No.

21          BOARD MEMBER MORREALE: No.

22          CHAIRMAN MORDAS: All right.

23          BOARD MEMBER MORREALE: I'm looking at a satellite  
24 photo here. I don't know if that would help you at all.

25          BOARD MEMBER RAMPE: Yes, it would.

1                   - RE: JODI CAVANAUGH -

2           BOARD MEMBER MORREALE: It shows the topography that  
3 Ms. Cavanaugh is referring to, the drop off. It's not the  
4 best in the world, but it drops off in the rear.

5           What I'm curious about is directly to the right.

6           BOARD MEMBER DAWKINS: There's a well there.

7           BOARD MEMBER MORREALE: The well back to the rear.

8           BOARD MEMBER DAWKINS: And there's some piping.

9           BOARD MEMBER MORREALE: Okay. So there's piping.

10          BOARD MEMBER DAWKINS: There's a tree here. There's a  
11 big tree here.

12          MS. J. CAVANAUGH: Big maple, yeah.

13          BOARD MEMBER RAMPE: So you want to put it right in  
14 front of the maple?

15          MS. J. CAVANAUGH: It would be in front of the maple,  
16 yeah. And it could actually go a little closer to that  
17 maple.

18          BOARD MEMBER DAWKINS: So it looks like from the  
19 topography here -- can you zoom out a little bit?

20                   (Board Member Morreale complied.)

21          BOARD MEMBER DAWKINS: So her driveway comes in from  
22 way over there on the left? Is that the road?

23          BOARD MEMBER RAMPE: It's right there.

24          BOARD MEMBER MORREALE: This road, where this is  
25 showing the road is not accurate. For the lack of anything

1                   - RE: JODI CAVANAUGH -

2 better to go on, I would go by the survey.

3           What I'm curious about is the distance from the road.

4 I mean does --

5           BOARD MEMBER DAWKINS: Thirty-two 32 from the road to  
6 the house is what it says on the --

7           BOARD MEMBER MORREALE: 32.8, yes.

8           BOARD MEMBER DAWKINS: Yes.

9           And then from the road to the new structure is going  
10 to be --

11           What did you say, 20 feet?

12           BOARD MEMBER RAMPE: Twenty.

13           MS. J. CAVANAUGH: That can get pushed back a little  
14 more. It can be a little bigger distance.

15           BOARD MEMBER MORREALE: I'm just curious about how  
16 accurate this is.

17           BOARD MEMBER DAWKINS: Zoom in for me.

18                               (Board Member Morreale complied.)

19           BOARD MEMBER MORREALE: That's the main road.

20           BOARD MEMBER DAWKINS: Okay.

21           BOARD MEMBER MORREALE: A row of trees there.

22           So you said it could be closer to the maple, possibly?

23           MS. J. CAVANAUGH: Yeah.

24           BOARD MEMBER MORREALE: And if it were to go closer to  
25 the maple, how far to the road, your best estimate?



1                   - RE: JODI CAVANAUGH -

2           BOARD MEMBER DAWKINS: But you're going to build a  
3 foundation; right?

4           MS. J. CAVANAUGH: Yes, yes.

5           BOARD MEMBER DAWKINS: So you don't want to go too  
6 close to the trees.

7           MS. J. CAVANAUGH: I don't want to break the roots,  
8 yeah. I mean there's a little, I think a Mountain Ash in  
9 front of it but it's --

10          CHAIRMAN MORDAS: What kind of foundation are you  
11 proposing, a slab?

12          MS. J. CAVANAUGH: Slab.

13          CHAIRMAN MORDAS: I don't know. I have reservations.  
14 It's a very tight packed neighborhood, very narrow road.  
15 When you turn onto, what's that, Sunset Circle, it would  
16 just dominate the entranceway to that little part of the  
17 neighborhood. I like how your neighbor has things set up.  
18 What's that, No. 20?

19          MS. J. CAVANAUGH: Twenty, yeah.

20          CHAIRMAN MORDAS: And I wish you would try to  
21 replicate something like that. Maybe move that 10 by 12  
22 shed. It's not a big structure. Put the garage back there  
23 and maybe move the 10 by 12 shed --

24          BOARD MEMBER DAWKINS: To the side.

25          CHAIRMAN MORDAS: -- to the side. I don't think it's

1                   - RE: JODI CAVANAUGH -

2 really breaking too much china to do that.

3           If you had a more spread out neighborhood. I think  
4 aesthetically, it's just going to open up a Pandora's box.  
5 You're going to be the first and then there's going to be  
6 other people and before you know it, it's going to be a  
7 ghetto in there. It's going to look that way.

8           BOARD MEMBER MORREALE: It looks like there's some  
9 rough houses in rough shape.

10          MS. J. CAVANAUGH: I mean take a ride through there.

11          CHAIRMAN MORDAS: I know. Half of it's in the  
12 floodplain.

13          BOARD MEMBER DAWKINS: Have you considered putting the  
14 garage where the shed is?

15          MS. J. CAVANAUGH: I have and I don't know how -- I'm  
16 going to lose -- I'll end up -- I don't know how to move  
17 the shed. It's kind of an older shed. It's perfect for  
18 the mowers and everything. It has extra storage for us.  
19 Moving that and then building --

20          BOARD MEMBER RAMPE: Unless you had a garage.

21          MS. J. CAVANAUGH: Unless I had a garage.

22          But because of that drop down, I don't how much you  
23 have to build --

24          BOARD MEMBER DAWKINS: In the winter you would like it  
25 a lot better.

1                   - RE: JODI CAVANAUGH -

2           BOARD MEMBER RAMPE: To have it parked closer.

3           BOARD MEMBER DAWKINS To have it parked closer to the  
4 house.

5           MS. J. CAVANAUGH: But I mean retaining walls to shore  
6 up the back end of it because of that hill. There's a big  
7 Pin Oak that's right there, also.

8           BOARD MEMBER MORREALE: So it's a potential of a great  
9 deal larger expense.

10          Would I be correct in assuming that if you took down  
11 the maple you could build the garage and it would be ...

12          MS. J. CAVANAUGH: I mean the water line comes right  
13 behind that maple into that back corner of the house.

14          MS. J. CAVANAUGH: And if we went back there we'd have  
15 to go smaller than the size.

16          BOARD MEMBER RAMPE: I'm not what that is.

17          BOARD MEMBER MORREALE: Can you Help me out. What is  
18 this here on the property?

19          MS. J. CAVANAUGH: That's my well.

20          BOARD MEMBER MORREALE: That's the well.

21          MS. J. CAVANAUGH: Yes.

22          BOARD MEMBER MORREALE: Okay.

23          BOARD MEMBER RAMPE: Well, that's kind of -- well,  
24 that's -- oh.

25          Well, what's this?

1                               - RE: JODI CAVANAUGH -

2           BOARD MEMBER MORREALE: That's the maple, I believe,  
3 and that's some shrubs maybe on the neighbor's property.

4           BOARD MEMBER DAWKINS: I have to feel with respect to  
5 what you said, Matt, getting --

6           CHAIRMAN MORDAS: I would feel better if I had -- I'm  
7 not saying I'm right on this thing, but I'd have a better  
8 feeling about making a decision on this if other board  
9 members actually went out to the site and inspected the  
10 site. What I'm going to propose is to close the public  
11 hearing and forego any vote tonight. I want everybody to  
12 go out and inspect this. I'll relate this to Kent, too.  
13 If everybody else feels differently, then so be it. It's a  
14 democracy here. But right now I have an issue with this  
15 shed being so close to the road in this particular instance  
16 here.

17           All right. Do I have a motion to close the public  
18 hearing?

19           BOARD MEMBER DAWKINS: So moved.

20           BOARD MEMBER MORREALE: I'll second it.

21           CHAIRMAN MORDAS: All in favor?

22           BOARD MEMBER RAMPE: Aye.

23           BOARD MEMBER DAWKINS: Aye.

24           BOARD MEMBER MORREALE: Aye.

25           CHAIRMAN MORDAS: Aye.

1                   - RE: JODI CAVANAUGH -

2                   (The motion was approved and carried.)

3           CHAIRMAN MORDAS: I'm sorry, we're not going to vote  
4 on this tonight. I'm going to insist that the other board  
5 members go out and visually inspect the property. You  
6 might be happy with the results.

7           MS. J. CAVANAUGH: Yeah, I would be happy if you did  
8 go out and see. You know, look around the neighborhood and  
9 see how well we take care of our property and the  
10 improvements. We're making improvements on it.

11          CHAIRMAN MORDAS: No, it's a beautiful property. I'm  
12 not denying that. I'm nervous about the ramifications of  
13 allowing this. And then I see other people that have gone  
14 through pains to put their -- like No. 20, I look at that  
15 as a poster child of how that should look. It's very  
16 nicely done. If you could emulate that I think you would  
17 end up being happy with the product. We'll see.

18          MS. J. CAVANAUGH: I think that well that you see on  
19 my property used to feed 20, so he has that whole side of  
20 that house. Lou Magrino used to own that house and he had  
21 all that side of the property to work with because his  
22 house was attached to our well. It's when they sold the  
23 house to me that everybody came off their wells.

24          CHAIRMAN MORDAS: That well has unusual problems in  
25 the scheme of things.

1                   - RE: JODI CAVANAUGH -

2           MS. J. CAVANAUGH: Yeah.

3           CHAIRMAN MORDAS: I'm sorry there's going to be no  
4 instant gratification.

5           MS. J. CAVANAUGH: That's okay.

6           MR. MOGEL: The Board has 62 days, by statute, to make  
7 a decision.

8           MS. J. CAVANAUGH: Okay.

9           CHAIRMAN MORDAS: I'm hoping that we can come up with  
10 a decision at the next meeting.

11          MS. J. CAVANAUGH: Okay.

12          CHAIRMAN MORDAS: Thank you.

13          MS. J. CAVANAUGH: Can't really do anything in the  
14 wintertime, so it's good.

15          Thank you.

16          CHAIRMAN MORDAS: Thank you very much.

17          A motion to close the meeting, to adjourn the meeting?

18          BOARD MEMBER MORREALE: I'll make the motion.

19          CHAIRMAN MORDAS: Second?

20          BOARD MEMBER RAMPE: I'll second.

21          CHAIRMAN MORDAS: All in favor?

22          BOARD MEMBER RAMPE: Aye.

23          BOARD MEMBER DAWKINS: Aye.

24          BOARD MEMBER MORREALE: Aye.

25          CHAIRMAN MORDAS: Aye.

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- RE: JODI CAVANAUGH -  
(The motion was approved and carried.)  
(Time noted: 7:33 p.m.)  
\* \* \* \* \*

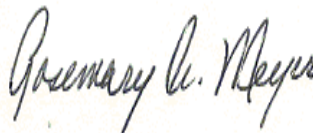
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REPORTER'S CERTIFICATION

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 Jodi Cavanaugh, 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: December 31, 2018



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