

TOWN OF MAMAKATING
ZONING BOARD OF APPEALS

MINUTES

January 5, 2022

TOWN HALL

WURTSBORO, NEW YORK

ZONING BOARD MEMBERS :

MATTHEW MORREALE, Chairman

GEORGIA RAMPE, Board Member

KENT FINDLEY, Board Member

GENEVIEVE MULHARE, Board Member

DAVID LEWIS, Board Member

JON FOURNIER, Alternate Board Member

KYRA PLATT, Building Department

KELSEY CALHOUN, 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

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Dorothy Dorn
Area Variance for Existing Shed
Public Hearing
Tax Map Section 46; Block 2; Lot 51.1
Village Adjacent Zone

----- X

Town Hall
Town of Mamakating
January 5, 2023
7:00 P.M.

ZONING BOARD MEMBERS :

- MATTHEW MORREALE, Chairman
- GEORGIA RAMPE, Board Member
- KENT FINDLEY, Board Member
- GENEVIEVE MULHARE, Board Member
- DAVID LEWIS, Board Member
- JON FOURNIER, Alternate Board Member
- KYRA PLATT, Building Department
- KELSEY CALHOUN, Building Department

Also Present: Dorothy Dorn, Applicant

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

1 - RE: DOROTHY DORN -

2 CHAIRMAN MORREALE: I'm going to call the meeting to
3 order, January 5th ZBA meeting called to order.

4 Please stand for the Pledge.

5 (The Pledge of Allegiance was recited.)

6 CHAIRMAN MORREALE: Roll call here.

7 Dave Lewis.

8 BOARD MEMBER LEWIS: Here.

9 CHAIRMAN MORREALE: Genevieve Mulhare.

10 BOARD MEMBER MULHARE: Here.

11 CHAIRMAN MORREALE: Jon Fournier.

12 ALTERNATE BOARD MEMBER FOURNIER: Here.

13 CHAIRMAN MORREALE: Kent Findley.

14 BOARD MEMBER FINDLEY: Here.

15 CHAIRMAN MORREALE: Georgia Rampe.

16 BOARD MEMBER RAMPE: Here.

17 CHAIRMAN MORREALE: Okay. Before we even vote on the
18 acceptance of the minutes, I'd like to congratulate Dave
19 Lewis. I want to thank him for coming on the board as a
20 voting member.

21 BOARD MEMBER LEWIS: Thank you.

22 CHAIRMAN MORREALE: Thank you.

23 BOARD MEMBER RAMPE: Congratulations.

24 BOARD MEMBER FINDLEY: Congratulations.

25 CHAIRMAN MORREALE: Now, has everyone had a chance to

1 - RE: DOROTHY DORN -

2 review the October and December minutes?

3 BOARD MEMBER RAMPE: The December was the just summary;
4 right?

5 CHAIRMAN MORREALE: Just the summary, but technically,
6 official.

7 BOARD MEMBER RAMPE: Yes, I'll vote to accept them.

8 CHAIRMAN MORREALE: So do I have a second?

9 BOARD MEMBER FINDLEY: I'll second.

10 CHAIRMAN MORREALE: All in favor?

11 BOARD MEMBER RAMPE: Aye.

12 BOARD MEMBER FINDLEY: Aye.

13 BOARD MEMBER MULHARE: Aye.

14 BOARD MEMBER LEWIS: Aye.

15 CHAIRMAN MORREALE: Aye.

16 (The motion was approved and carried.)

17 CHAIRMAN MORREALE: Steve, are you ...

18 MS. PLATT: I don't see that he is. Kelsey is e-mailing
19 him right now.

20 There's three people on here. Two of them I don't
21 believe is Steve. There's one who is under a number.

22 CHAIRMAN MORREALE: Okay. folks, we're just waiting to
23 make sure our counsel is present either in person or online.

24 MS. PLATT: I'm going to have to pause the meeting, that
25 way it doesn't record.

1 - RE: DOROTHY DORN -

2 CHAIRMAN MORREALE: I think we did confirm last month,
3 but I'll confirm again. Should have done it before the vote.

4 All the mailers were done and ads were put in the paper?

5 MS. PLATT: Yes.

6 CHAIRMAN MORREALE: Thank you.

7 MS. PLATT: This is a continuation so it wasn't reposted
8 in the paper, but the first --

9 CHAIRMAN MORREALE: Sure.

10 MS. PLATT -- was.

11 CHAIRMAN MORREALE: Anybody who wanted would have been
12 notified at the last meeting.

13 MS. PLATT: Correct.

14 CHAIRMAN MORREALE: So Dorothy Dorn, please approach and
15 refamiliarize us with your application.

16 MS. DORN: I'm here for a variance for a shed on the
17 property.

18 MS. PLATT: Into the microphone a little more, please.

19 MS. DORN: I'm here for a variance on the shed on my
20 property.

21 CHAIRMAN MORREALE: Okay. I think -- oh, before we go,
22 Kyra, can you grab a mic for her unless that one works?
23 Dave, you want to be a star.

24 (Ms. Platt complied.)

25 CHAIRMAN MORREALE: While we're moving mics around ...

1 - RE: DOROTHY DORN -

2 BOARD MEMBER FINDLEY: We're still short one. We can
3 share.

4 BOARD MEMBER MULHARE: I can share with him.

5 BOARD MEMBER LEWIS: We'll share.

6 CHAIRMAN MORREALE: Okay.

7 We discussed it was a corner lot. But I don't think it
8 mattered in this case because it's still is in one of the two
9 front yards.

10 When I visited the property I could see how there's --
11 it's well more than 10 or 12 feet off the property line.

12 And Miss Dorn, do you mind telling me what this is? I
13 took a picture of it on your property. What is that right
14 there?

15 MS. DORN: That is filled with cement.

16 CHAIRMAN MORREALE: Oh, okay. Oh, this is the bucket.
17 I was just -- I ...

18 MS. PLATT: A bucket filled with cement.

19 CHAIRMAN MORREALE: It's a bucket.

20 MS. DORN: My father used to do his own cement work so
21 we have buckets like that.

22 CHAIRMAN MORREALE: Okay.

23 MS. DORN: He's supposed to (inaudible).

24 MS. PLATT: If you want it in the minutes, you just need
25 it louder.

1 - RE: DOROTHY DORN -

2 MS. DORN: Okay. Well, it's going to be moved.

3 CHAIRMAN MORREALE: Okay. It's a cement bucket that
4 can be moved.

5 MS. DORN: Right.

6 CHAIRMAN MORREALE: The reason I'm asking about it, the
7 bucket didn't raise any flags. I was just curious if it was
8 part of the septic system, a well or something like that.

9 MS. DORN: No.

10 CHAIRMAN MORREALE: Okay.

11 MS. DORN: The septic is in the front.

12 CHAIRMAN MORREALE: Okay.

13 MS. DORN: The well is in the back.

14 CHAIRMAN MORREALE: But this right here, is your propane
15 tank; correct?

16 MS. DORN: Yes.

17 CHAIRMAN MORREALE: Okay. Thank you.

18 So in order to move the shed it would require moving the
19 propane tank. And I don't know if you guys can see this
20 right here. She would have to move the shed basically toward
21 the center of this picture.

22 MS. DORN: And there are two trees there, too.

23 CHAIRMAN MORREALE: Two trees, as well.

24 I'm not sure if -- I think you told us at the first
25 meeting. How long have you owned this property?

1 - RE: DOROTHY DORN -

2 MS. DORN: Over 22 years.

3 CHAIRMAN MORREALE: Over 22 years?

4 MS. DORN: Yes.

5 CHAIRMAN MORREALE: Did you purchase the property
6 yourself?

7 MS. DORN: My parents had it.

8 CHAIRMAN MORREALE: Your parents.

9 MS. DORN: With us.

10 CHAIRMAN MORREALE: Okay.

11 MS. DORN: It was like a -- my father had cancer and my
12 mother had a transplant, which is very big in our family. So
13 we moved in together. They live downstairs, we live
14 upstairs.

15 CHAIRMAN MORREALE: Got it. It was your father's shop?

16 MS. DORN: Yes.

17 BOARD MEMBER RAMPE: I found when I approached the
18 property it looked very nice.

19 MS. DORN: Thank you.

20 BOARD MEMBER RAMPE: You're welcome.

21 That when you approach from the front, it seems fine,
22 like it's behind the house. Not knowing corner lots have --

23 CHAIRMAN MORREALE: From the road --

24 BOARD MEMBER RAMPE: -- two backs.

25 CHAIRMAN MORREALE: I'm sorry.

1 - RE: DOROTHY DORN -

2 BOARD MEMBER RAMPE: Yes, go ahead.

3 CHAIRMAN MORREALE: From the road, the neighbor to the
4 right, the yard, the home, it's almost exactly the same. You
5 know, the shed's in the back, obviously not a corner lot.
6 This would not be something that would be out of the norm for
7 this stretch of road. It's certainly a well-kept property.

8 I don't remember from my visit or if I took pictures.
9 What is the foundation of the shed?

10 MS. DORN: Umm ...

11 CHAIRMAN MORREALE: Is it on gravel?

12 MS. DORN: Cement.

13 CHAIRMAN MORREALE: Cement?

14 MR. DORN: (Inaudible.)

15 MS. DORN: And then he used two-by-fours for the shed,
16 like mounted out.

17 CHAIRMAN MORREALE: I guess what I'm going back and
18 forth in my mind is it certainly would be a hardship to move.
19 I guess what I am, again, me, personally, trying to come to
20 terms with in this case, there's a hardship, is it of
21 significance to warrant a variance.

22 Does anyone else? I mean moving the shed is going to,
23 especially this time of year, is going to be hard. I'm not
24 really sure what the process of moving a propane tank. I'm
25 just --

1 - RE: DOROTHY DORN -

2 BOARD MEMBER RAMPE: They'd have to dig new line.

3 CHAIRMAN MORREALE: They'd have to dig new lines. So
4 we're talking about an expense, as well.

5 I guess what I'd like to hear some conversation on how
6 does the Board feel about the significant hardship for this
7 applicant versus keeping it where it is where it kind of
8 blends into the community as it is now. Any thoughts on that
9 from anybody?

10 BOARD MEMBER FINDLEY: I think I'd like to hear the
11 public first, if there's any public comment.

12 CHAIRMAN MORREALE: Okay.

13 BOARD MEMBER FINDLEY: We voted to open the public
14 comment, the public --

15 CHAIRMAN MORREALE: Agreed.

16 BOARD MEMBER FINDLEY: That's what I'd like to hear
17 first.

18 CHAIRMAN MORREALE: Who do we have to speak from the
19 public?

20 MS. PLATT: Kelsey's asked them twice, but as far as I'm
21 aware, nobody has reached out. I know two of the names were
22 on for the Old Roosa Gap property. They may have thought
23 maybe it was on for tonight. I'll ask them again, though.
24 But I don't believe we gotten anybody. We may.

25 CHAIRMAN MORREALE: Okay.

1 - RE: DOROTHY DORN -

2 MS. PLATT: But I don't think there's anybody. No one's
3 responded for comments.

4 BOARD MEMBER FINDLEY: All right. So my feeling is it's
5 a corner lot. That's more the way the house is positioned.
6 It seems fine to me.

7 CHAIRMAN MORREALE: I'm inclined to agree with you,
8 Kent.

9 Any other thoughts?

10 BOARD MEMBER MULHARE: So Matt, can you clarify for me?
11 Can you guys hear me?

12 CHAIRMAN MORREALE: Yes.

13 BOARD MEMBER MULHARE: Okay. You said when you looked
14 at the house and it was in line with the neighborhood. You
15 were talking along North Road --

16 CHAIRMAN MORREALE: Yes.

17 BOARD MEMBER MULHARE: -- right? So it conforms with --

18 CHAIRMAN MORREALE: The main drag.

19 BOARD MEMBER MULHARE: -- the main road that the front
20 of the house actually faces.

21 CHAIRMAN MORREALE: Uh-huh.

22 BOARD MEMBER MULHARE: Okay. Thank you.

23 CHAIRMAN MORREALE: So I think we'll give it Kelsey
24 another shot and then ...

25 MS. PLATT: Did everybody go to the site?

1 - RE: DOROTHY DORN -

2 BOARD MEMBER RAMPE: I went.

3 BOARD MEMBER LEWIS: I just passed.

4 BOARD MEMBER MULHARE: I drive by.

5 MS. PLATT: That's going.

6 BOARD MEMBER FINDLEY: No one else has a comment? Can
7 we --

8 CHAIRMAN MORREALE: No.

9 BOARD MEMBER FINDLEY: -- close the public comment?

10 CHAIRMAN MORREALE: I'm right there with you.

11 Do I have a second to Kent's motion?

12 BOARD MEMBER RAMPE: I'll second.

13 CHAIRMAN MORREALE: All in favor?

14 BOARD MEMBER RAMPE: Aye.

15 BOARD MEMBER FINDLEY: Aye.

16 BOARD MEMBER MULHARE: Aye.

17 BOARD MEMBER LEWIS: Aye.

18 CHAIRMAN MORREALE: Aye.

19 (The motion was approved and carried.)

20 CHAIRMAN MORREALE: Okay.

21 BOARD MEMBER FINDLEY: Do we have any other debate?

22 BOARD MEMBER MULHARE: No.

23 CHAIRMAN MORREALE: I don't think so.

24 BOARD MEMBER RAMPE: You've got to ask the questions.

25 CHAIRMAN MORREALE: Yes. So unless there's any other

1 - RE: DOROTHY DORN -

2 conversation from the Board, in regards to the Applicant's
3 appeal for relief from Town Code 199-13, Section C,
4 Subsection 2, yes, in favor of relief, and no, not in favor.

5 STENOGRAPHER: Do you have to do the criteria first?

6 CHAIRMAN MORREALE: Yes. I skipped the whole criteria.

7 The questions: Whether an undesirable change be
8 produced in the character of the neighborhood or a detriment
9 to nearby properties will be created by the granting of the
10 area variance.

11 Georgia.

12 BOARD MEMBER RAMPE: No.

13 CHAIRMAN MORREALE: I'm going to say no, also.

14 Kent.

15 BOARD MEMBER FINDLEY: No.

16 CHAIRMAN MORREALE: Jon

17 ALTERNATE BOARD MEMBER FOURNIER: No.

18 STENOGRAPHER: Jon's voting tonight?

19 CHAIRMAN MORREALE: He's an alternate. It's on the
20 sheet. I'm just reading what's on here.

21 Sorry. I had the wrong version so I just read
22 whatever's in front of me.

23 CHAIRMAN MORREALE: Okay. So Genevieve.

24 BOARD MEMBER MULHARE: No.

25 CHAIRMAN MORREALE: And Dave.

1 - RE: DOROTHY DORN -

2 BOARD MEMBER LEWIS: No.

3 CHAIRMAN MORREALE: All right. Whether the benefit
4 sought from the Applicant can be achieved by some method
5 feasible for the Applicant to pursue other than an area
6 variance.

7 I'm going to say yes.

8 Kent, how do you vote?

9 BOARD MEMBER FINDLEY: Yes.

10 CHAIRMAN MORREALE: Genevieve.

11 BOARD MEMBER MULHARE: Yes.

12 CHAIRMAN MORREALE: Georgia.

13 BOARD MEMBER RAMPE: Yes.

14 CHAIRMAN MORREALE: Dave.

15 BOARD MEMBER LEWIS: Yes.

16 CHAIRMAN MORREALE: Okay. Whether the requested area
17 variance is substantial.

18 Genevieve.

19 BOARD MEMBER MULHARE: Yes.

20 CHAIRMAN MORREALE: Dave.

21 BOARD MEMBER LEWIS: Yes.

22 CHAIRMAN MORREALE: Kent.

23 BOARD MEMBER FINDLEY: Yes.

24 CHAIRMAN MORREALE: I'll vote yes.

25 And Georgia.

1 - RE: DOROTHY DORN -

2 BOARD MEMBER RAMPE: Yes.

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

6 I'm going to vote no.

7 Kent.

8 BOARD MEMBER FINDLEY: No.

9 CHAIRMAN MORREALE: Dave.

10 BOARD MEMBER LEWIS: No.

11 CHAIRMAN MORREALE: Genevieve.

12 BOARD MEMBER MULHARE: No.

13 CHAIRMAN MORREALE: And Georgia.

14 BOARD MEMBER RAMPE: No.

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

19 I'm going to vote yes.

20 Georgia.

21 BOARD MEMBER RAMPE: Yes, but by her dad; right?

22 BOARD MEMBER FINDLEY: Yes.

23 CHAIRMAN MORREALE: They purchased it together.

24 BOARD MEMBER RAMPE: Right. Oh, oh, her dad. Okay.

25 CHAIRMAN MORREALE: So yes?

1 - RE: DOROTHY DORN -

2 BOARD MEMBER RAMPE: Yes.

3 CHAIRMAN MORREALE: Kent.

4 BOARD MEMBER FINDLEY: Yes.

5 CHAIRMAN MORREALE: Genevieve.

6 BOARD MEMBER MULHARE: Yes.

7 CHAIRMAN MORREALE: Dave.

8 BOARD MEMBER LEWIS: Yes.

9 CHAIRMAN MORREALE: All right. So now, back to where I
10 started earlier. I'll read the vote.

11 In regards to the Applicant's appeal for relief from the
12 Town Code 199-13, Section C, Subsection 2, where yes would be
13 in favor of relief and no would not be in favor ...

14 Georgia, how do you vote?

15 BOARD MEMBER RAMPE: I vote to grant them relief.

16 CHAIRMAN MORREALE: Okay. Dave, how do you vote?

17 BOARD MEMBER LEWIS: I vote to grant them relief.

18 CHAIRMAN MORREALE: Genevieve.

19 BOARD MEMBER MULHARE: Grant them relief.

20 CHAIRMAN MORREALE: Kent.

21 BOARD MEMBER FINDLEY: Yes.

22 CHAIRMAN MORREALE: I also vote yes.

23 (The variance was granted.)

24 CHAIRMAN MORREALE: You're all set, folks.

25 MS. DORN: Thank you. We appreciate it.

1 - RE: DOROTHY DORN -

2 CHAIRMAN MORREALE: Well, thank you, and good luck with
3 your sale.

4 MS. DORN: Thank you.

5 MR. DORN: Now, is there any kind of paperwork that
6 comes with that?

7 MS. PLATT: We're going to give you something tomorrow
8 if you're able to come pick it up. Otherwise, we can mail it
9 to you. But we're going to follow up with the permit
10 application. We'll put the variance into it. We'll give you
11 a copy of and we'll go from there.

12 MS. DORN: I'm pick it up from you tomorrow.

13 MS. PLATT: Okay. Perfect.

14 MS. DORN: All right?

15 MR. DORN. Thank you.

16 CHAIRMAN MORREALE: Thank you, folks.

17 MS. DORN: Thank you. Have a good night.

18 CHAIRMAN MORREALE: Unless there's anything else to
19 discuss --

20 BOARD MEMBER FINDLEY: I would like to mention one
21 thing.

22 CHAIRMAN MORREALE: Yes.

23 BOARD MEMBER FINDLEY: I believe it's January 11th is
24 agricultural training right here.

25 MS. PLATT: Yes. I had sent an e-mail.

1 - RE: DOROTHY DORN -

2 BOARD MEMBER FINDLEY: I know. At what time?

3 MS. PLATT: Six p.m., but I will follow up tomorrow.

4 BOARD MEMBER FINDLEY: Okay. I just want to remind
5 everyone.

6 MS. PLATT: I'm pretty sure it's six p.m. it's going to
7 be here. But I'll follow up tomorrow, or tonight, actually,
8 in an e-mail and we'll go from there.

9 BOARD MEMBER FINDLEY: Okay.

10 BOARD MEMBER RAMPE: Oh, do it tomorrow.

11 MS. PLATT: We've got to wait for the video to convert.
12 No problem.

13 BOARD MEMBER RAMPE: Okay.

14 MS. PLATT: And then January 13th is our next submission
15 deadline. The meeting is going to be January 26th.

16 BOARD MEMBER FINDLEY: Yes, January 11th here.

17 BOARD MEMBER RAMPE: Do you have anyone on?

18 MS. PLATT: Yes, we do.

19 BOARD MEMBER RAMPE: More than one?

20 MS. PLATT: Yes. Two new ones, I think.

21 BOARD MEMBER RAMPE: Oh, okay.

22 ALTERNATE BOARD MEMBER FOURNIER: Does that include
23 bees?

24 BOARD MEMBER FINDLEY: And who's hosting the
25 agricultural training?

1 - RE: DOROTHY DORN -

2 MS. PLATT: Good question, Kent. I will check into
3 that, as well. I do not have that information. It's in one
4 of the e-mails from December 15th, I think.

5 BOARD MEMBER RAMPE: All right. So I'll vote to close
6 the meeting.

7 CHAIRMAN MORREALE: So we have a motion to close the
8 meeting. Do we have a second?

9 BOARD MEMBER MULHARE: I'll second.

10 CHAIRMAN MORREALE: All in favor?

11 BOARD MEMBER RAMPE: Aye.

12 BOARD MEMBER FINDLEY: Aye.

13 BOARD MEMBER MULHARE: Aye.

14 BOARD MEMBER LEWIS: Aye.

15 CHAIRMAN MORREALE: Aye.

16 (The motion was approved and carried.)

17 CHAIRMAN MORREALE: Thank you. Have a good night.

18 (Time noted: 7:29 p.m.)

19 * * * * *

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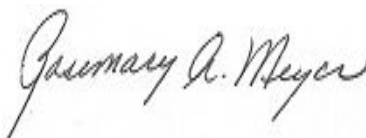
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REPORTER'S CERTIFICATION

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 Dorothy Dorn, 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 that reads "Rosemary A. Meyer". The signature is written in dark ink and is centered on the page.

ROSEMARY A. MEYER

Date Transcribed: January 25, 2023

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