

TOWN OF MAMAKATING
ZONING BOARD OF APPEALS

MINUTES

April 27, 2023

TOWN HALL

WURTSBORO, NEW YORK

ZONING BOARD MEMBERS :

KENT FINDLEY, Acting Chairman

GEORGIA RAMPE, Board Member

GENEVIEVE MULHARE, Board Member

DAVID LEWIS, Board Member

JON FOURNIER, Alternate Board Member

KYRA PLATT, Building Department

STEVEN MOGEL, ESQ., Attorney (via Zoom)

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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A, G E N D A I N D E X

	Pages
Call Meeting to Order	4
Pledge of Allegiance	4
Acceptance of Minutes	4
Jerry and Rebecca Woods, Public Hearing Area Variance For Proposed Above-Ground Pool	3 - 22
Diego Pineda, Public Hearing Area Variance Relief From 199-54	23 - 50
Victoria Puig, Public Hearing Area Variance For Proposed Two-Story Addition's Side Yard Setbacks	51 - 65
Dino & Morelli, Area Variance for Proposed Addition	66 - 84
Hardscrapers @ Hudson Valley LLC, Interpretation and Appeal of Building Inspector's Determination .	85 - 99
Close Meeting	98

* * * * *

1
2
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4
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16
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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
ZONING BOARD OF APPEALS

----- X

Jerry & Rebecca Woods
Public Hearing
Area Variance for Proposed Above-ground Pool
Tax Map Section 66; Block 1; Lot 17
Mountain Greenbelt Zone

----- X

Town Hall
Town of Mamakating
April 27, 2023
7:00 P.M.

ZONING BOARD MEMBERS :

- KENT FINDLEY, Acting Chairman
- GEORGIA RAMPE, Board Member
- GENEVIEVE MULHARE, Board Member
- DAVID LEWIS, Board Member
- JON FOURNIER, Alternate Board Member
- KYRA PLATT, Building Department
- STEVEN MOGEL, ESQ., Attorney (via Zoom)

Also Present: Jerry Woods, Applicant

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

Reported By: Rosemary A. Meyer

1 - RE: JERRY & REBECCA WOODS -

2 ACTING CHAIRMAN FINDLEY: Good evening, everyone.

3 I'd like a motion to call the meeting to order.

4 BOARD MEMBER RAMPE: I'll accept that motion and second.

5 BOARD MEMBER MULHARE: I'll second.

6 ACTING CHAIRMAN FINDLEY: All in favor?

7 BOARD MEMBER RAMPE: Aye.

8 BOARD MEMBER MULHARE: Aye.

9 ACTING CHAIRMAN FINDLEY: Aye.

10 (The motion was approved and carried.)

11 MS. PLATT: Just a reminder to speak into your
12 microphones tonight, everybody.

13 (The stenographer inquired if Board Member
14 Fournier would be appointed as a voting member.)

15 CHAIRMAN FINDLEY: I was going to ask about that. Can I
16 appoint Jon as a voting member tonight because Dave is not
17 here?

18 Is Matt Morreale going to vote?

19 MS. PLATT: Matt won't be voting tonight. He's just
20 going to be observing from Zoom.

21 ACTING CHAIRMAN FINDLEY: Okay.

22 MS. PLATT: Steve is on and unmuted.

23 MR. MOGEL: Yes, you can appoint him.

24 ACTING CHAIRMAN FINDLEY: Okay. Thank you.

25 Just to take care of a few issues, due to attendance,

1 - RE: JERRY & REBECCA WOODS -

2 Jon Fournier will be a voting member tonight.

3 Matt Morreale is out sick so I am the acting chairman
4 tonight.

5 We'll do attendance and then we'll do the Pledge of
6 Allegiance.

7 Matt Morreale is absent.

8 Georgia Rampe.

9 BOARD MEMBER RAMPE: Here.

10 ACTING CHAIRMAN FINDLEY: Genevieve Mulhare.

11 BOARD MEMBER MULHARE: Here.

12 ACTING CHAIRMAN FINDLEY: Jon Fournier

13 ALTERNATE BOARD MEMBER FOURNIER: Here.

14 ACTING CHAIRMAN FINDLEY: And Dave Lewis.

15 BOARD MEMBER LEWIS: Here.

16 ACTING CHAIRMAN FINDLEY: So we are all five, five
17 voting members. Jon still remains a voting member.

18 We will stand and do the Pledge of Allegiance.

19 (The Pledge of Allegiance was recited.)

20 ACTING CHAIRMAN FINDLEY: All right. The first
21 applicant on the agenda is a public hearing, Jerry and
22 Rebecca Woods.

23 MR. MOGEL: Mr. Chair, did you want to approve the
24 minutes?

25 ACTING CHAIRMAN FINDLEY: Oh, I skipped that. Yes.

1 - RE: JERRY & REBECCA WOODS -

2 Do I have a motion to accept the February minutes?

3 BOARD MEMBER RAMPE: I don't know which one I read.

4 ACTING CHAIRMAN FINDLEY: We didn't approve February
5 minutes last meeting.

6 BOARD MEMBER RAMPE: Oh, okay.

7 ACTING CHAIRMAN FINDLEY: They had them.

8 BOARD MEMBER RAMPE: Then I read them. I read them so
9 I'll approve them.

10 ACTING CHAIRMAN FINDLEY: Do I have a second?

11 BOARD MEMBER LEWIS: I second it.

12 ACTING CHAIRMAN FINDLEY: All in favor?

13 BOARD MEMBER RAMPE: Aye.

14 BOARD MEMBER MULHARE: Aye.

15 BOARD MEMBER LEWIS: Aye.

16 ALTERNATE BOARD MEMBER FOURNIER: Aye.

17 ACTING CHAIRMAN FINDLEY: Aye.

18 (The motion was approved and carried.)

19 ACTING CHAIRMAN FINDLEY: March meeting minutes we do
20 not have; correct?

21 STENOGRAPHER: Correct.

22 MR. MOGEL: With regard to the February minutes, given
23 the application that was presented at that point, the
24 decision that was made at that meeting, I am just going to
25 ask that those minutes be filed with the Town Clerk. That's

1 - RE: JERRY & REBECCA WOODS -
2 something that would be necessary at that point.

3 So Kyra, if you could ensure that a copy of the
4 completed minutes are filed with the Town Clerk I would
5 appreciate it.

6 MS. PLATT: They'll be filed with them in the morning.
7 Thank you.

8 MR. MOGEL: Thank you.

9 ACTING CHAIRMAN FINDLEY: All right. Now we'll move on
10 to the public hearing for Jerry and Rebecca Woods.

11 And just for a couple things, Kyra, you have all the
12 mailings?

13 MS. PLATT: Yes. They were provided today, and the
14 newspaper was notified.

15 ACTING CHAIRMAN FINDLEY: If you could go over your
16 project.

17 MR. WOODS: Yeah. I'm looking for an area variance to
18 put an above-ground pool in what the Building Department
19 considered to be my front yard.

20 ACTING CHAIRMAN FINDLEY: Anything else about that?

21 MR. WOODS: No.

22 ACTING CHAIRMAN FINDLEY: That's fine.

23 There was some question about where your septic is.

24 MR. WOODS: The septic -- oh, you guys drove by the
25 house, I'm assuming. It's on the right side of the driveway

1 - RE: JERRY & REBECCA WOODS -

2 before you get to the house.

3 ACTING CHAIRMAN FINDLEY: Right side of the drive. As
4 you're driving --

5 MR. WOODS: As you drive in, up the driveway, it's on
6 the right there.

7 BOARD MEMBER MULHARE: Like right in here, (indicating)?
8 The driveway comes up, the house is here, (indicating).

9 MR. WOODS: Yes, yes. It's right in there, yes.

10 Yeah, the pool would probably be 200, 150 feet from
11 that, or farther.

12 BOARD MEMBER RAMPE: Where did he say?

13 BOARD MEMBER MULHARE: In here.

14 BOARD MEMBER RAMPE: In here.

15 BOARD MEMBER MULHARE: Yes.

16 BOARD MEMBER RAMPE: So the pool is there.

17 BOARD MEMBER MULHARE: Is there.

18 BOARD MEMBER RAMPE: Okay.

19 ACTING CHAIRMAN FINDLEY: Does any board member have any
20 other questions?

21 BOARD MEMBER RAMPE: Yes, I have a question. So the
22 front of the house is facing Route 209.

23 MR. WOODS: Yes.

24 BOARD MEMBER RAMPE: And the pool is behind the
25 imaginary line of the dwelling, isn't it?

1 - RE: JERRY & REBECCA WOODS -

2 ACTING CHAIRMAN FINDLEY: Well, I think -- yes, I agree
3 with what you said, but I think there's some interpretation
4 as to what the front yard is and what the rear yard is based
5 on these property lines because the house is at an angle.

6 BOARD MEMBER RAMPE: Right.

7 So he doesn't have a rear yard?

8 ACTING CHAIRMAN FINDLEY: I wouldn't say that. I would
9 say, just my rough opinion is the rear yard is anywhere
10 behind that far corner.

11 BOARD MEMBER RAMPE: Is there a reason why the pool
12 can't go there?

13 ACTING CHAIRMAN FINDLEY: Other than it needs a
14 variance, I don't think so.

15 BOARD MEMBER RAMPE: Oh.

16 MS. PLATT: Mr. Woods, why are you proposing the pool in
17 that location?

18 MR. WOODS: Well, this is the area that I'm proposing
19 the pool. It's level, it's flat. The area up off the corner
20 behind the well that you're referring to is wooded, it's
21 steep. It would require a lot of excavation and ...

22 ACTING CHAIRMAN FINDLEY: Would you like to see?

23 BOARD MEMBER RAMPE: Yes.

24 ACTING CHAIRMAN FINDLEY: I printed out a Google --

25 MR. WOODS: Okay

1 - RE: JERRY & REBECCA WOODS -

2 ACTING CHAIRMAN FINDLEY: -- image of the property.
3 There's woods in the front. I believe you wouldn't be able
4 to see the pool from 209.

5 MR. WOODS: No, you wouldn't be able to see it. The
6 only spot you would ever see it from, if you come on 209
7 towards Wurtsboro, if you look up the driveway you might be
8 able to see it.

9 BOARD MEMBER RAMPE: Okay. Thank you.

10 MR. WOODS: But yes, it's roughly probably 60 feet
11 higher than the road there where that is.

12 ACTING CHAIRMAN FINDLEY: Does anyone have any further
13 questions for the Applicant?

14 BOARD MEMBER RAMPE: No.

15 ACTING CHAIRMAN FINDLEY: Would anyone like to make a
16 motion to open the public hearing?

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

18 BOARD MEMBER MULHARE: I'll second it.

19 ACTING CHAIRMAN FINDLEY: All in favor of opening the
20 public hearing?

21 BOARD MEMBER RAMPE: Aye.

22 BOARD MEMBER MULHARE: Aye.

23 BOARD MEMBER LEWIS: Aye.

24 ALTERNATE BOARD MEMBER FOURNIER: Aye.

25 ACTING CHAIRMAN FINDLEY: Aye.

1 - RE: JERRY & REBECCA WOODS -

2 (The motion was approved and carried.)

3 ACTING CHAIRMAN FINDLEY: At this time we'll open it to
4 anyone in the public or on Zoom. Three minutes.

5 Anybody --

6 MS. PLATT: I believe this is Chris' signature, but I'm
7 not positive.

8 Did you sign up to talk, Chris?

9 MR. C. LESER: No.

10 MS. PLATT: No? I apologize. I can't read whoever
11 signed up to talk on this.

12 MR. C. LESER: Probably last month.

13 MS. PLATT: It's not, but thank you.

14 Would anybody like to comment on this project?

15 (No verbal response.)

16 MS. PLATT: Nobody messaged me on Zoom that they wanted
17 to comment.

18 ACTING CHAIRMAN FINDLEY: So there's no one that would
19 like to comment?

20 BOARD MEMBER RAMPE: There's one other question I have.
21 How far would their proposed pool edge be from the property
22 line? I don't see a marking here.

23 MR. WOODS: I'm trying to think. It would be about 20
24 feet from the property line.

25 BOARD MEMBER RAMPE: I think we have to get a hard

1 - RE: JERRY & REBECCA WOODS -

2 number on that, no?

3 ACTING CHAIRMAN FINDLEY: Well, two things with that.

4 I'm fine with that.

5 Unfortunately, because this property is on Route 209 we
6 would need a 239-m. Is that correct, Kyra?

7 MS. PLATT: Yes. So after we just discussed it, this
8 property does hit the county's municipal boundary for
9 projects. Sorry, my map just got wonky. It is within the
10 boundaries of requiring 239-m review by the County. Any
11 project within certain distance from state or county property
12 lines, roadways, anything like that, would require the County
13 to have the opportunity to review it, which is what the 239-m
14 would be for them.

15 MR. WOODS: Okay.

16 MS. PLATT: Most times they respond back that they don't
17 have any comments on projects like this --

18 MR. WOODS: Right.

19 MS. PLATT: -- but because it is within that boundary
20 the Board would like us to send that out.

21 MR. WOODS: Okay.

22 MS. PLATT: We'll e-mail that out to them tomorrow.

23 MR. WOODS: Okay.

24 MS. PLATT: It's an area variance for a pool. They'll
25 likely have a response for us in two weeks.

1 - RE: JERRY & REBECCA WOODS -

2 MR. WOODS: Okay.

3 MS. PLATT: So Steve, I don't know if the Board would be
4 able to do any sort of variance stipulated based off of those
5 responses from the County or if they have to wait.

6 ACTING CHAIRMAN FINDLEY: Me, personally, I'd prefer not
7 to, but I think we could close the public hearing.

8 BOARD MEMBER RAMPE: What does Steve have to say?

9 ACTING CHAIRMAN FINDLEY: Yes.

10 MR. MOGEL: I think you can certainly go either way. I
11 mean obviously, the safest thing is to not vote and wait for
12 the 239 review to be done. But I don't see any reason why,
13 if the Board so chooses, that it can't vote contingent upon a
14 local determination, decision by the County which is highly
15 likely under the circumstances. But in any event, the
16 variance itself wouldn't become operative until you get that
17 239 review complete or responded to. So it's the Board's
18 pleasure. It's not a legal determination necessarily. I
19 think you can go either route. I think in either event the
20 Applicant is probably going to have to wait 'til a
21 determination next month.

22 ACTING CHAIRMAN FINDLEY: I basically agree with
23 everything Steve said other than I don't see the point of
24 voting, especially if you have a question about the offset
25 from the property line.

1 - RE: JERRY & REBECCA WOODS -

2 I do think we could close the public hearing.

3 Do you have any issue with that, Steve?

4 MR. MOGEL: No, I wouldn't have any issue with that. I
5 think it makes sense. Nobody has asked to comment on this so
6 it doesn't seem to be ...

7 In terms of the scope of this variance it doesn't seem
8 to be anything other than a standard type of variance.

9 ACTING CHAIRMAN FINDLEY: So I would ask you to get the
10 offset from the property line.

11 MR. WOODS: It's going to be 20 feet is what it's going
12 to be.

13 ACTING CHAIRMAN FINDLEY: It's going to be 20 feet.

14 MR. WOODS: Yeah.

15 ACTING CHAIRMAN FINDLEY: There is an indication of 10
16 feet over here. I'm not sure what that --

17 MR. WOODS: Yeah, that's the minimum requirement.

18 ACTING CHAIRMAN FINDLEY: That's the minimum
19 requirement. So you're going to be in excess of 10, for
20 sure.

21 MR. WOODS: Yes.

22 ACTING CHAIRMAN FINDLEY: Do I have a motion to close
23 the public hearing?

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

25 BOARD MEMBER LEWIS: I'll second.

1 - RE: JERRY & REBECCA WOODS -

2 ACTING CHAIRMAN FINDLEY: All in favor?

3 BOARD MEMBER RAMPE: Aye.

4 BOARD MEMBER MULHARE: Aye.

5 BOARD MEMBER LEWIS: Aye.

6 ALTERNATE BOARD MEMBER FOURNIER: Aye.

7 ACTING CHAIRMAN FINDLEY: Aye.

8 (The motion was approved and carried.)

9 ACTING CHAIRMAN FINDLEY: How does the Board feel?

10 Would you like to vote on this contingent on the 239 review
11 or would you like to wait 'til next month?

12 BOARD MEMBER RAMPE: Well, he won't have to wait, then,
13 'til next month, right, if she's saying that the review might
14 come back in two weeks?

15 ACTING CHAIRMAN FINDLEY: That's possible, yes.

16 BOARD MEMBER RAMPE: Yes.

17 ACTING CHAIRMAN FINDLEY: But then I think it puts us in
18 an awkward position. I really doubt the County would have an
19 issue with this, but --

20 BOARD MEMBER RAMPE: Right. Well, it's up to you.
21 You're the chair.

22 ACTING CHAIRMAN FINDLEY: Do you want to vote?

23 BOARD MEMBER RAMPE: Do you want to vote?

24 BOARD MEMBER MULHARE: I would rather wait.

25 BOARD MEMBER LEWIS: I'd rather vote. But if the County

1 - RE: JERRY & REBECCA WOODS -

2 were to come back and say no good, and then we voted ...

3 BOARD MEMBER RAMPE: Well, we would vote on approval
4 from the County.

5 ACTING CHAIRMAN FINDLEY: We would vote contingent on
6 the approval.

7 BOARD MEMBER RAMPE: Right.

8 BOARD MEMBER LEWIS: I vote we vote.

9 MR. WOODS: Could I?

10 ACTING CHAIRMAN FINDLEY: How do you feel?

11 BOARD MEMBER MULHARE: I would rather wait.

12 BOARD MEMBER RAMPE: It doesn't matter to me.

13 ALTERNATE BOARD MEMBER FOURNIER: I'll vote.

14 ACTING CHAIRMAN FINDLEY: All right. We have consensus
15 to vote so we'll hold our vote.

16 I will read the questions. I have them right here so I
17 don't mess them up.

18 All right. So we're going to vote on an area variance
19 that would allow the pool to be in what's considered the
20 front yard based on the map the Applicant had provided.

21 Is that an acceptable variance?

22 MR. MOGEL: Yes.

23 ACTING CHAIRMAN FINDLEY: Okay. All right. So we'll
24 ask the questions here, first.

25 Whether an undesirable change will be produced in the

1 - RE: JERRY & REBECCA WOODS -
2 character of the neighborhood or a detriment to nearby
3 properties will be created by the granting of the area
4 variance.

5 Georgia.

6 MEMBER RAMPE: No.

7 ACTING CHAIRMAN FINDLEY: Kent says no.
8 Genevieve.

9 BOARD MEMBER MULHARE: No.

10 ACTING CHAIRMAN FINDLEY: Jon

11 ALTERNATE BOARD MEMBER FOURNIER. No.

12 ACTING CHAIRMAN FINDLEY: Dave.

13 BOARD MEMBER LEWIS: No.

14 ACTING CHAIRMAN FINDLEY: Whether the benefit sought by
15 the Applicant can be achieved by some other method feasible
16 for the Applicant to pursue other than an area variance.

17 Genevieve.

18 BOARD MEMBER MULHARE: No.

19 ACTING CHAIRMAN FINDLEY: Georgia.

20 BOARD MEMBER RAMPE: Yes.

21 ACTING CHAIRMAN FINDLEY: I'll say yes.

22 Jon.

23 ALTERNATE BOARD MEMBER FOURNIER: No.

24 ACTING CHAIRMAN FINDLEY: Dave.

25 BOARD MEMBER LEWIS: No.

1 - RE: JERRY & REBECCA WOODS -

2 ACTING CHAIRMAN FINDLEY: Whether the requested area
3 variance is substantial.

4 Georgia.

5 BOARD MEMBER RAMPE: Yes.

6 ACTING CHAIRMAN FINDLEY: I'll say yes.

7 Genevieve.

8 BOARD MEMBER MULHARE: Yes.

9 ACTING CHAIRMAN FINDLEY: Jon.

10 ALTERNATE BOARD MEMBER FOURNIER: No.

11 ACTING CHAIRMAN FINDLEY: Dave.

12 BOARD MEMBER LEWIS: No.

13 ACTING CHAIRMAN FINDLEY: Whether the proposed variance
14 will have an adverse effect or impact on the physical or
15 environmental conditions in the neighborhood or district.

16 Dave.

17 BOARD MEMBER LEWIS: No

18 ACTING CHAIRMAN FINDLEY: Jon.

19 ALTERNATE BOARD MEMBER FOURNIER: No.

20 ACTING CHAIRMAN FINDLEY: Genevieve.

21 BOARD MEMBER MULHARE: No.

22 ACTING CHAIRMAN FINDLEY: I'll say no.

23 Georgia.

24 BOARD MEMBER RAMPE: No.

25 ACTING CHAIRMAN FINDLEY: That's the last question. I

1 - RE: JERRY & REBECCA WOODS -

2 have one more question to read.

3 MS. PLATT: Do you need it?

4 MR. MOGEL: It's the self-created one.

5 ACTING CHAIRMAN FINDLEY: Yes. No, I know. I was just
6 getting the exact verbiage we have.

7 MR. MOGEL: Yes.

8 ACTING CHAIRMAN FINDLEY: I misplaced it.

9 Whether the alleged difficulty was self-created which
10 consideration shall be relevant to the decision of the ZBA,
11 but shall not necessarily preclude granting of the area
12 variance.

13 Georgia.

14 BOARD MEMBER RAMPE: Yes.

15 ACTING CHAIRMAN FINDLEY: I'll say yes.

16 Genevieve.

17 BOARD MEMBER MULHARE: Yes.

18 ACTING CHAIRMAN FINDLEY: Jon

19 ALTERNATE BOARD MEMBER FOURNIER: Yes.

20 ACTING CHAIRMAN FINDLEY: Dave.

21 BOARD MEMBER LEWIS: Yes.

22 ACTING CHAIRMAN FINDLEY: Okay. Based on the variances
23 I spoke of before, do I have a motion to approve the
24 variance?

25 MR. MOGEL: With the condition upon --

1 - RE: JERRY & REBECCA WOODS -

2 BOARD MEMBER RAMPE: Contingent upon --

3 ACTING CHAIRMAN FINDLEY: Yes, with the condition upon a
4 239-m review.

5 MR. MOGEL: A 239-m review that comes back with a local
6 determination, only qualification. Anything else would not
7 meet that condition.

8 ALTERNATE BOARD MEMBER FOURNIER: I'll make the motion.

9 ACTING CHAIRMAN FINDLEY: Do we have a second?

10 BOARD MEMBER LEWIS: I'll second it.

11 ACTING CHAIRMAN FINDLEY: All in favor?

12 BOARD MEMBER RAMPE: Aye.

13 BOARD MEMBER MULHARE: Aye.

14 BOARD MEMBER LEWIS: Aye.

15 ALTERNATE BOARD MEMBER FOURNIER: Aye.

16 ACTING CHAIRMAN FINDLEY: Aye.

17 (The variance was approved.)

18 ACTING CHAIRMAN FINDLEY: Unanimous. You just have to
19 wait for the review, the 239, and your pool will be approved.

20 MR. WOODS: All right. Then I'll be notified or I have
21 to come back again next month or ...

22 MS. PLATT: You won't have to come back before the Board
23 unless, Steve, correct me if I'm wrong, unless we receive a
24 negative determination from the County.

25 MR. MOGEL: That's correct.

1 - RE: JERRY & REBECCA WOODS -

2 The only potential issue would be how quickly the County
3 comes back with its determination and does have, I believe 60
4 days to do that. So I guess my only thought, just as a
5 pragmatic thing, is if we are getting close to the next
6 meeting, Kyra, would you be able to give a ring over to the
7 county?

8 MS. PLATT: Yes, of course.

9 MR. MOGEL: Okay. Very good.

10 ACTING CHAIRMAN FINDLEY: Thank you, and good luck with
11 your project.

12 MR. WOODS: Thank you.

13 (Time noted: 7:19 p.m.)

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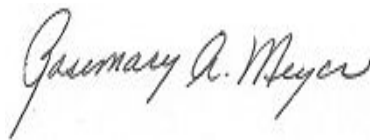
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REPORTER'S CERTIFICATION

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

That the foregoing transcript is an accurate record he the proceedings the matter of Jerry & Rebecca Woods, 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 he the parties to this action and that I have no personal interest whatsoever in the outcome thereof.



ROSEMARY A. MEYER

Date Transcribed: June 17, 2023

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
ZONING BOARD OF APPEALS

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Diego Pineda
Other, Area Variance, Relief From 199-54
and Appeal of Building Inspector's Determination
Tax Map Section 34; Block 18; Lot 3
Neighborhood Residential Zone

- - - - - X

Town Hall
Town of Mamakating
April 27, 2023
7:19 P.M.

ZONING BOARD MEMBERS :

- KENT FINDLEY, Acting Chairman
- GEORGIA RAMPE, Board Member
- GENEVIEVE MULHARE, Board Member
- DAVID LEWIS, Board Member
- JON FOURNIER, Alternate Board Member
- KYRA PLATT, Building Department
- STEVEN MOGEL, ESQ., Attorney (via Zoom)

Also Present: Steven Green,
On Behalf of Applicant
(via Zoom)

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

Reported By: Rosemary A. Meyer

1 - RE: DIEGO PINEDA -

2 ACTING CHAIRMAN FINDLEY: The next is a public hearing
3 for Diego Pineda. Diego.

4 Are they present?

5 MS. PLATT: Oh, yes.

6 BOARD MEMBER RAMPE: Pineda.

7 MS. PLATT: Steve Green is here. Apologies.

8 Can you hear, Steve?

9 MR. GREEN: Can you hear me?

10 MS. PLATT: Yes.

11 MR. GREEN: I am here.

12 ACTING CHAIRMAN FINDLEY: Okay. Could you just
13 introduce yourself?

14 MR. GREEN: Good evening. I'm Steven Green. I'm doing
15 the work for Diego Pineda. I'm the surveyor doing the
16 project.

17 ACTING CHAIRMAN FINDLEY: Can you give a recap of the
18 project that's before us and what you're requesting from the
19 Board?

20 MR. GREEN: Certainly.

21 What we had was a fire in the house, I believe last
22 January, and they were given a permit. The project's up on
23 Elm Street up in Wurtsboro Hills. It's 43 Elm Street. And
24 we had a fire and the fire took the house out. So the intent
25 is to replace the structure with a new one, more current, of

1 - RE: DIEGO PINEDA -

2 course. And there were a couple side yard setbacks that we
3 didn't meet and that's what we're here for.

4 BOARD MEMBER RAMPE: Is the proposed section larger than
5 the other, than the one that was damaged?

6 MR. GREEN: Square footage wise? I'm not sure that the
7 old house was. The new structure is 50 by 36, 1800 square
8 feet. I don't know if Kyra might have the numbers on the old
9 one.

10 MS. PLATT: Give me one second.

11 MR. GREEN: We've squared the house off considerably.
12 If you look at the map, you see it was sprawled out across
13 the yard.

14 ACTING CHAIRMAN FINDLEY: That will tell you a lot, that
15 map.

16 BOARD MEMBER RAMPE: This one?

17 ACTING CHAIRMAN FINDLEY: Yes.

18 BOARD MEMBER RAMPE: What about a tax file?

19 MS. PLATT: What?

20 BOARD MEMBER RAMPE: A tax file. I was looking for the
21 town one.

22 ACTING CHAIRMAN FINDLEY: I don't see it.

23 MS. PLATT: I don't think there is one.

24 MR. GREEN: What are you looking for, Kyra?

25 MS. PLATT: A property card. I'm going to pull it up on

1 - RE: DIEGO PINEDA -

2 our end here.

3 MR. GREEN: I can give you a rough area.

4 MS. PLATT: That's all right. I've got the system up.

5 MR. GREEN: The old one was about 1700 square feet.

6 Sound about right?

7 MS. PLATT: They had about a square footage of 1564.

8 That was first story, 1276, and finished attic was 288 of the
9 previous structure as per the assessor's records. Acreage,
10 .23 acres. Crawl space, basement.

11 What were you looking for specifically, Georgia? I'm
12 sorry.

13 BOARD MEMBER RAMPE: Nothing. That was good.

14 MS. PLATT: Okay.

15 BOARD MEMBER RAMPE: Thank you.

16 ACTING CHAIRMAN FINDLEY: This is on the street. I
17 would think, if you look at the agenda ...

18 BOARD MEMBER RAMPE: Oh, thank you.

19 ACTING CHAIRMAN FINDLEY: And I guess there's an appeal.
20 The Building Inspector also, in a determination, that the
21 accessory garage should be removed due to waiting over 11
22 months to apply for permits.

23 BOARD MEMBER RAMPE: I'm sorry. Due to what?

24 ACTING CHAIRMAN FINDLEY: Waiting over 11 months to
25 apply for permits to build dwelling.

1 - RE: DIEGO PINEDA -

2 BOARD MEMBER RAMPE: What's the deadline for that?

3 MS. PLATT: Sorry.

4 BOARD MEMBER RAMPE: To apply.

5 MS. PLATT: So the house burned down. They got a demo
6 to remove it and then it was just an accessory structure on a
7 property without a primary structure. So there was about an
8 11 month gap between applying, the house coming down and then
9 applying to rebuild it.

10 MR. MOGEL: And ordinarily, does the code provide six
11 months?

12 MR. GREEN: I thought it was longer.

13 MR. MOGEL: I thought it was a year, as well. I might
14 be mistaken.

15 ACTING CHAIRMAN FINDLEY: Well, a year is still longer
16 than 11 months.

17 I'm curious. If we approve the variance for the side
18 yard, which is what we need to do for your structure; is that
19 correct?

20 MR. GREEN: Correct.

21 ACTING CHAIRMAN FINDLEY: Does that satisfy the Building
22 Department?

23 MR. GREEN: As far as putting the house back, that would
24 eliminate the accessory structure, yes, because it would
25 become part of the main structure --

1 - RE: DIEGO PINEDA -

2 ACTING CHAIRMAN FINDLEY: Okay.

3 MR. GREEN: -- which is what it was originally.

4 ACTING CHAIRMAN FINDLEY: All right. Kyra is nodding
5 yes, also.

6 MR. PLATT: Yes. So approving the side yard setbacks,
7 and I think there's --

8 MR. MOGEL: There's a front yard setback, as well;
9 correct?

10 MS. PLATT: I think so, yes; 16 feet.

11 ACTING CHAIRMAN FINDLEY: Okay. We can get that.

12 MS. PLATT: Approving the setbacks will allow them to
13 move forward with the rest of the building permit process in
14 order to actually construct the house. So then it'll be part
15 of the house, it won't just be accessory anymore.

16 ACTING CHAIRMAN FINDLEY: Right. If we take care of the
17 variances, the interpretation goes away.

18 MR. MOGEL: It's an attached garage?

19 MS. PLATT: It will be, yes.

20 MR. MOGEL: Okay.

21 MR. GREEN: It was originally, as well.

22 MR. MOGEL: Okay.

23 ACTING CHAIRMAN FINDLEY: And if we go to nonconforming,
24 minimum side yard, total yards, rear yard, front yard. Front
25 yard -- how wide is this property?

1 - RE: DIEGO PINEDA -

2 BOARD MEMBER RAMPE: A hundred feet.

3 ACTING CHAIRMAN FINDLEY: A hundred feet?

4 MR. GREEN: Yes.

5 ACTING CHAIRMAN FINDLEY: So I think, anyways, it should
6 be 30 percent of the average lot depth but no greater than
7 required in a zone. So 30 percent of the average lot depth,
8 the depth is ...

9 BOARD MEMBER RAMPE: A hundred feet.

10 ACTING CHAIRMAN FINDLEY: A hundred feet. So you would
11 need a 30 foot front yard.

12 BOARD MEMBER RAMPE: Right.

13 MR. GREEN: Right.

14 MS. PLATT: They're in the NR Zone. What's the --

15 MR. GREEN: Yes.

16 ACTING CHAIRMAN FINDLEY: We'd have to go look at that
17 now. It's probably greater than 30 feet; correct?

18 BOARD MEMBER RAMPE: I thought he said this was in the
19 Hills. No?

20 MS. PLATT: Yes; Mountain Lake Camps.

21 BOARD MEMBER RAMPE: Oh, okay.

22 ACTING CHAIRMAN FINDLEY: And what is the front yard
23 setback there?

24 MS. PLATT: That is ...

25 ACTING CHAIRMAN FINDLEY: I can go to the bulk tables,

1 - RE: DIEGO PINEDA -

2 too. Mountain Lakes Camp, you said?

3 MS. PLATT: Twenty-five feet in the front, so you can't
4 ask for more than greater than that.

5 ACTING CHAIRMAN FINDLEY: So we'd have to approve
6 anything less than 25 feet for front yard.

7 MS. PLATT: Yes. And they're proposing 16.6.

8 ACTING CHAIRMAN FINDLEY: Does the Board have any
9 questions?

10 BOARD MEMBER RAMPE: Yes. It can't be moved? Is the
11 reason why you're building it there, is there a reason you
12 need that amount and you can't push the house?

13 MR. GREEN: The original house was 16.8 feet.

14 BOARD MEMBER RAMPE: Right.

15 MR. GREEN: I'm two-tenths closer.

16 I can move it back to two-tenths, to what the old house
17 was, but there's a septic field in the back. We're just not
18 sure where it is, so we have to do some exploration.

19 ACTING CHAIRMAN FINDLEY: I actually think that
20 two-tenths would help because you're not making the --

21 MR. GREEN: That's fine. I don't mind moving it back.
22 I don't think two-tenths is going to make a difference on the
23 septic field.

24 ACTING CHAIRMAN FINDLEY: I don't think so either.

25 MS. PLATT: How far would the deck be to the property

1 - RE: DIEGO PINEDA -

2 line, the proposed deck?

3 MR. GREEN: With the two-tenths? 38.9 feet.

4 MS. PLATT: Thank you.

5 ACTING CHAIRMAN FINDLEY: And if we go to non --

6 MR. GREEN: You're welcome.

7 ACTING CHAIRMAN FINDLEY: If we go to nonconforming
8 again, 20 percent of the average lot depth, no greater than
9 required in a zone.

10 MS. PLATT: Forty.

11 ACTING CHAIRMAN FINDLEY: Forty required in a zone?

12 MS. PLATT: Yes.

13 ACTING CHAIRMAN FINDLEY: Twenty percent would be 20
14 feet. So you said 30 something?

15 BOARD MEMBER RAMPE: 8.9.

16 ACTING CHAIRMAN FINDLEY: Okay. So that would be fine.
17 And the garage is good, too, except for the side yard.

18 MS. PLATT: Right.

19 MR. GREEN: Preexisting. We didn't move that.

20 ACTING CHAIRMAN FINDLEY: All right. Does the Board
21 have any more questions?

22 BOARD MEMBER MULHARE: Yes. Because the existing garage
23 is there do we have to do --

24 MS. PLATT: Into the microphone if you want anyone
25 else --

1 - RE: DIEGO PINEDA -

2 BOARD MEMBER MULHARE: Sorry, everyone.

3 Because the garage is existing and it was there before
4 is that side yard variance still in effect or would we have
5 to revote on the side yard, as well?

6 MS. PLATT: I would say yes because it was originally
7 attached to a house and then it became it's own structure.
8 Now there's a new house going back in which will be attached
9 to the garage. But the one side yard and total side yard I
10 don't think meet for the combined structure.

11 ACTING CHAIRMAN FINDLEY: That's what I was going to
12 say. Because you're building a new structure attached, with
13 these nonconforming lots you have a minimum side yard for one
14 side and then a combined side yard requirement. Minimum side
15 yard is 20 feet, but both side yards need to be 50 feet.

16 BOARD MEMBER RAMPE: And that's not 50 feet.

17 ACTING CHAIRMAN FINDLEY: So I think we need to just
18 take care of the variance for the side yards and then the
19 Applicant would be fine. So we're looking at two variances,
20 front yard and side yard. I believe that's --

21 Is there anything else you're requesting?

22 MR. GREEN: No, that would be all. I think that's all
23 Kyra wanted; right?

24 ACTING CHAIRMAN FINDLEY: I'm sorry. I didn't hear what
25 you said last.

1 - RE: DIEGO PINEDA -

2 MR. GREEN: I think that's all that the Building
3 Department and Kyra had requested.

4 MS. PLATT: The total lot coverage isn't referenced on
5 the denial or anything. I don't know ...

6 ACTING CHAIRMAN FINDLEY: I think we looked at that the
7 last time.

8 MS. PLATT: Last time, right?

9 MR. GREEN: Yes.

10 ACTING CHAIRMAN FINDLEY: And I believe maximum
11 development coverage permitted on a nonconforming lot shall
12 be 35 percent. I think we did a rough calculation. We
13 weren't anywhere close.

14 MS. PLATT: Okay, all right. So then yes, it's just the
15 front yard, one side yard and total side yard.

16 ACTING CHAIRMAN FINDLEY: Does anyone object to opening
17 the public hearing?

18 (No verbal response.)

19 ACTING CHAIRMAN FINDLEY: Someone want to make a motion?

20 BOARD MEMBER RAMPE: I'll make a motion to open the
21 public hearing.

22 ALTERNATE BOARD MEMBER FOURNIER: I'll second it.

23 ACTING CHAIRMAN FINDLEY: All in favor?

24 BOARD MEMBER RAMPE: Aye.

25 BOARD MEMBER MULHARE: Aye.

1 - RE: DIEGO PINEDA -

2 BOARD MEMBER LEWIS: Aye.

3 ALTERNATE BOARD MEMBER FOURNIER: Aye.

4 ACTING CHAIRMAN FINDLEY: Aye.

5 (The motion was approved and carried.)

6 ACTING CHAIRMAN FINDLEY: Do we have anyone that wants
7 to comment on this project?

8 MS. PLATT: Again, I apologize. I couldn't read the
9 name on the list. And nobody on Zoom has reached out yet.

10 ACTING CHAIRMAN FINDLEY: I feel insulted.

11 MR. REDZIMSKI: I would actually like to say something.

12 ACTING CHAIRMAN FINDLEY: Come on up.

13 MS. PLATT: Please state your name, please.

14 MR. REDZIMSKI: Eugene. I just want to say --

15 ACTING CHAIRMAN FINDLEY: You've got to come up.

16 MR. REDZIMSKI: Eugene Redzimski. I'm a neighbor,
17 that's why I'm just here.

18 ACTING CHAIRMAN FINDLEY: Okay.

19 MR. REDZIMSKI: I say let him build it. You know, the
20 property's been vacant for a little bit, so, you know, just
21 let him rebuild, and that's it.

22 ACTING CHAIRMAN FINDLEY: Okay.

23 MR. REDZIMSKI: You know, I got no problem with the
24 building being there, with the garage. Everything's fine.

25 BOARD MEMBER RAMPE: Great. Thank you.

1 - RE: DIEGO PINEDA -

2 So on the side yard, the 8.9, what is allowed?

3 ACTING CHAIRMAN FINDLEY: I'm sorry. What was that?

4 BOARD MEMBER RAMPE: On this 8.9 side yard what should
5 it be?

6 ACTING CHAIRMAN FINDLEY: Minimum side yard of each side
7 has to be 20, but both side yards combined need to be 50.

8 MS. PLATT: He has that referenced on his map, too.

9 BOARD MEMBER RAMPE: They have that part.

10 ACTING CHAIRMAN FINDLEY: Well, they don't have a
11 combined of 50.

12 BOARD MEMBER RAMPE: Yes; 45 on one side yard -- no, no,
13 no.

14 ACTING CHAIRMAN FINDLEY: That's the rear yard.

15 BOARD MEMBER RAMPE: Twenty-five.

16 ACTING CHAIRMAN FINDLEY: Yes, 25.2 and 8.9.

17 BOARD MEMBER RAMPE: Oh, I see.

18 ACTING CHAIRMAN FINDLEY: So they make the 20 for the
19 one yard, but they don't have a combined of 50.

20 BOARD MEMBER RAMPE: Right.

21 ACTING CHAIRMAN FINDLEY: It's hard to do on a
22 hundred ...

23 BOARD MEMBER RAMPE: Foot lot.

24 ACTING CHAIRMAN FINDLEY: Yes.

25 BOARD MEMBER RAMPE: Yes.

1 - RE: DIEGO PINEDA -

2 MR. GREEN: Pretty close.

3 ACTING CHAIRMAN FINDLEY: The only thing I would ask is
4 in G of 199.54, letter G, and you mentioned you're not really
5 sure about the septic system: In addition to these
6 requirements, the Applicant must demonstrate that the lot is
7 suitable for residential construction, including water
8 availability, quality, there's a spec listed, and suitable
9 sewage disposal.

10 MS. PLATT: Are you using the existing well and septic?

11 MR. GREEN: Yes. It was functioning before the fire so
12 everything was working fine.

13 MS. PLATT: They would just need to provide an engineer,
14 like a sign off letter certifying that the separation is --

15 BOARD MEMBER RAMPE: Adequate.

16 MS. PLATT: -- adequate because it's an existing
17 system, and that the system in place is suitable for the
18 house that they're building.

19 BOARD MEMBER RAMPE: Right.

20 ACTING CHAIRMAN FINDLEY: And we can tag that on, too.

21 BOARD MEMBER RAMPE: Well, that's standard procedure.

22 ACTING CHAIRMAN FINDLEY: They are providing that? They
23 will be?

24 MR. GREEN: Yes. I'll figure something out.

25 How many bedrooms was the original house, Kyra?

1 - RE: DIEGO PINEDA -

2 MS. PLATT: The original house was -- the assessors are
3 listing four, four bedrooms.

4 MR. GREEN: Okay.

5 ACTING CHAIRMAN FINDLEY: Four bedrooms, uh?

6 MS. PLATT: That's what they're listing.

7 ACTING CHAIRMAN FINDLEY: On a hundred by hundred?

8 Well, I think --

9 MR. GREEN: Yeah.

10 ACTING CHAIRMAN FINDLEY: First, shall we close the
11 public hearing? Does anyone object to closing the public
12 hearing?

13 BOARD MEMBER RAMPE: Well, don't -- oh, you had this all
14 sent out already. That's right.

15 ACTING CHAIRMAN FINDLEY: I didn't ask if the mailing
16 were done.

17 MS. PLATT: The mailings were provided and the newspaper
18 was notified.

19 ACTING CHAIRMAN FINDLEY: And this doesn't have a 293?

20 MS. PLATT: No. They're right outside the buffer.

21 ACTING CHAIRMAN FINDLEY: Perfect.

22 MR. C. LESER: (Inaudible.)

23 ACTING CHAIRMAN FINDLEY: Yes. We didn't close the
24 public hearing. Go ahead.

25 MR. C. LESER: Chris Leser.

1 - RE: DIEGO PINEDA -

2 Were there any people returning their cards that had
3 some objections?

4 MS. PLATT: Nobody's reached out to us in regards to
5 this project so I don't know if they were for it or against
6 it.

7 MR. C. LESER: Thank you.

8 Also, it was a good idea, you come up with it. One of
9 the last meetings there, to have a personal inspection of
10 some of these public hearing people, applicants. How did you
11 fulfill that? Did you still do that or just ...

12 ACTING CHAIRMAN FINDLEY: We asked if we could visit.
13 We were obliged. I'm not sure that anybody did.

14 MR. C. LESER: Oh, okay. I thought --

15 ACTING CHAIRMAN FINDLEY: But we're beyond that. This
16 is the public hearing. We can either vote or not vote. But
17 we did ask to go; we were permitted to go. I'm not sure who
18 attended or not.

19 MR. C. LESER: Well, that's what my question was because
20 if you found something, your view, when you went there, I was
21 just requesting if that was found, something to your
22 disapproval, to bring that up. But I guess not.

23 ACTING CHAIRMAN FINDLEY: I've noticed nothing.

24 MR. C. LESER: All right. Very good. Thank you.

25 MS. PLATT: Motion to close?

1 - RE: DIEGO PINEDA -

2 ACTING CHAIRMAN FINDLEY: That's what I was ...

3 BOARD MEMBER RAMPE: Yes, motion to close.

4 BOARD MEMBER MULHARE: I'll second.

5 ACTING CHAIRMAN FINDLEY: All in favor?

6 BOARD MEMBER RAMPE: Aye.

7 BOARD MEMBER MULHARE: Aye.

8 BOARD MEMBER LEWIS: Aye.

9 ALTERNATE BOARD MEMBER FOURNIER: Aye.

10 ACTING CHAIRMAN FINDLEY: Aye.

11 (The motion was approved and carried.)

12 ACTING CHAIRMAN FINDLEY: We could add onto a proposed
13 variance that letter G is addressed; correct?

14 MS. PLATT: It is a Building Department requirement
15 regardless if the Board --

16 ACTING CHAIRMAN FINDLEY: Okay. So that will be done no
17 matter what.

18 MS. PLATT: Right.

19 ACTING CHAIRMAN FINDLEY: Okay. I won't worry about it,
20 then.

21 MR. MOGEL: I don't know if the Board wants to consider
22 putting any time constraints given that part of the issue
23 here was a lengthy period of time waiting. I don't know if
24 the Board is interested in that.

25 ACTING CHAIRMAN FINDLEY: I would entertain that. I

1 - RE: DIEGO PINEDA -

2 don't think that's a horrible idea. I'm not sure who was
3 speaking that. It's not the Applicant, it's --

4 MS. PLATT: Steven Green, the surveyor.

5 MR. GREEN: Are you talking about to put in the ground?
6 They're ready to put it in the ground tomorrow. So ...

7 ACTING CHAIRMAN FINDLEY: So a time constraint would not
8 adversely affect your client.

9 MR. GREEN: No. Depends on -- if you give them a day,
10 yes. If you give them six months --

11 ACTING CHAIRMAN FINDLEY: No, it wouldn't be --

12 MR. GREEN: -- yes, it would be fine.

13 ACTING CHAIRMAN FINDLEY: -- a day.

14 How does the Board feel about the time constraint?

15 BOARD MEMBER RAMPE: Well, when you get a building
16 permit, Kyra, isn't there a time constraint on that?

17 MS. PLATT: To build a new home it's generally two
18 years. However, you had had, with previous applicants, they
19 received a variance and chose not to move forward for quite
20 some time --

21 BOARD MEMBER RAMPE: Oh.

22 MS. PLATT: -- which is why sometimes a time limit,
23 constraint --

24 BOARD MEMBER RAMPE: Yes.

25 MS. PLATT: -- is beneficial.

1 - RE: DIEGO PINEDA -

2 BOARD MEMBER RAMPE: Okay. Thank you.

3 MS. PLATT: That way, if they don't move forward they'd
4 have to come because the variance would be void.

5 ACTING CHAIRMAN FINDLEY: In the past it's been about a
6 year; correct?

7 MS. PLATT: I want to say yes.

8 Steve, does that sound about right?

9 MR. MOGEL: Sounds about right, yes.

10 ACTING CHAIRMAN FINDLEY: Okay. Then is everyone okay
11 with a year time frame for the variance?

12 Do we want to vote individually on the variances or can
13 we lump them together?

14 BOARD MEMBER RAMPE: I'd say lump them.

15 MR. GREEN: Honestly, I think under normal circumstances
16 variances only last a year.

17 MR. MOGEL: No. Variances go with the land. They
18 would --

19 MR. GREEN: Okay. Because ...

20 ACTING CHAIRMAN FINDLEY: I mean if that's how you feel,
21 we're only giving you a year so we should be --

22 MR. GREEN: Yeah, I'm fine.

23 ACTING CHAIRMAN FINDLEY: Okay. So back to do we want
24 to lump the variances together?

25 BOARD MEMBER RAMPE: Yes.

1 - RE: DIEGO PINEDA -

2 BOARD MEMBER LEWIS: Yes.

3 ACTING CHAIRMAN FINDLEY: Okay. So the variances will
4 be, let's get the exact numbers.

5 The front yard is required to be 30 feet and we have
6 16.8 we're going with; is that correct?

7 BOARD MEMBER RAMPE: Yes.

8 ACTING CHAIRMAN FINDLEY: So 16 --

9 BOARD MEMBER RAMPE: You need 13.2.

10 ACTING CHAIRMAN FINDLEY: 13.2 for a front yard variance.

11 I just want to write this down. Give me a second. I
12 apologize.

13 MR. MOGEL: Just so the Board is aware, as you go
14 through the criteria, if you were to feel, for example, that
15 one variance is substantial while another is not, you just
16 certainly could specify that on the record. That's fine.

17 MS. PLATT: Thank you, Steve.

18 MR. MOGEL: Sure.

19 ACTING CHAIRMAN FINDLEY: And then the second variance
20 would be a side yard which would permit a combined side yard
21 of -- 8.9 and 25.2 is --

22 BOARD MEMBER RAMPE: I think they only need --

23 ACTING CHAIRMAN FINDLEY: -- 34.1, combined.

24 BOARD MEMBER RAMPE: Yes. So you really need 15.9.

25 ACTING CHAIRMAN FINDLEY: 15.9 combined, total.

1 - RE: DIEGO PINEDA -

2 BOARD MEMBER RAMPE: Right. .

3 ACTING CHAIRMAN FINDLEY: And the minimum side yard is
4 20 so you also need one that reduces 20 to 8.9; correct?

5 BOARD MEMBER RAMPE: Yes.

6 ACTING CHAIRMAN FINDLEY: Which is what?

7 BOARD MEMBER RAMPE: Well, let me just ask you
8 something. So that's both of them.

9 ACTING CHAIRMAN FINDLEY: Yes.

10 BOARD MEMBER RAMPE: Okay. Minus 8.9 comes to 11.1.

11 ACTING CHAIRMAN FINDLEY: Steve, do we need two
12 variances for the side yards?

13 MR. MOGEL: Yes, because you have one of them is less
14 than 20 foot and then the second one is that together,
15 they're not 50 feet.

16 ACTING CHAIRMAN FINDLEY: Okay. I agree. I just want
17 to make sure.

18 BOARD MEMBER RAMPE: Okay.

19 ACTING CHAIRMAN FINDLEY: So there's three variances
20 we're going to vote as a lump sum. One, it reduces the front
21 side yard from 30 down to 16.8 which is a variance of 13.2.

22 BOARD MEMBER RAMPE: Yes.

23 ACTING CHAIRMAN FINDLEY: The side yard for combined,
24 we're going from 50 down to 34.1 which is a variance of 15.9.

25 And then the one side yard is less than 20 feet so

1 - RE: DIEGO PINEDA -

2 that's a variance of 11.2 --

3 BOARD MEMBER RAMPE: Right.

4 ACTING CHAIRMAN FINDLEY: -- for a minimum side yard.

5 We're going to add in 12 months --

6 BOARD MEMBER RAMPE: Build

7 ACTING CHAIRMAN FINDLEY: -- to get the building permit;
8 is that correct? Because they're not going to complete it in
9 necessarily 12 months. They have to apply and get the
10 building permit within 12 months.

11 MS. PLATT: I think that seems reasonable.

12 Steve, you're --

13 MR. GREEN: Yes, yes.

14 MS. PLATT: Oh, sorry. Steve Mogel.

15 MR. GREEN: I'm sorry.

16 MR. MOGEL: Yes.

17 ACTING CHAIRMAN FINDLEY: Twelve months to have an
18 approved building permit.

19 Are we ready to read the criteria?

20 BOARD MEMBER MULHARE: Yes.

21 ACTING CHAIRMAN FINDLEY: Question 1: Whether an
22 undesirable change will be produced in the character of the
23 neighborhood or a detriment to nearby properties will be
24 created by granting the variance.

25 Georgia.

1 - RE: DIEGO PINEDA -

2 BOARD MEMBER RAMPE: No.

3 ACTING CHAIRMAN FINDLEY: I'll say no.

4 Genevieve.

5 BOARD MEMBER MULHARE: No.

6 ACTING CHAIRMAN FINDLEY: Jon.

7 ALTERNATE BOARD MEMBER FOURNIER: No.

8 ACTING CHAIRMAN FINDLEY: Dave.

9 BOARD MEMBER LEWIS: No

10 ACTING CHAIRMAN FINDLEY: Whether the benefit sought by
11 the Applicant can be achieved by some method feasible for the
12 Applicant to pursue other than an area variance.

13 Georgia.

14 BOARD MEMBER RAMPE: No. Unless they want to make the
15 house 25 square feet, I guess no.

16 ACTING CHAIRMAN FINDLEY: Okay. No.

17 I'll say no.

18 Genevieve.

19 BOARD MEMBER MULHARE: No.

20 ACTING CHAIRMAN FINDLEY: Jon.

21 ALTERNATE BOARD MEMBER FOURNIER: No.

22 ACTING CHAIRMAN FINDLEY: Dave.

23 BOARD MEMBER LEWIS: No.

24 ACTING CHAIRMAN FINDLEY: Whether the requested area
25 variance is substantial.

1 - RE: DIEGO PINEDA -

2 Dave.

3 BOARD MEMBER LEWIS: No.

4 ACTING CHAIRMAN FINDLEY: Jon.

5 ALTERNATE BOARD MEMBER FOURNIER: No.

6 ACTING CHAIRMAN FINDLEY: Genevieve

7 BOARD MEMBER MULHARE: Yes.

8 ACTING CHAIRMAN FINDLEY: I'll say yes.

9 Georgia.

10 BOARD MEMBER RAMPE: Yes.

11 ACTING CHAIRMAN FINDLEY: Whether the proposed variance
12 will have an adverse effect or impact on the physical or
13 environmental conditions in the neighborhood or district.

14 Georgia.

15 BOARD MEMBER RAMPE: No.

16 ACTING CHAIRMAN FINDLEY: I'll say no.

17 Genevieve.

18 BOARD MEMBER MULHARE: No.

19 ACTING CHAIRMAN FINDLEY: Jon.

20 ALTERNATE BOARD MEMBER FOURNIER: No.

21 ACTING CHAIRMAN FINDLEY: Dave

22 BOARD MEMBER LEWIS: No.

23 ACTING CHAIRMAN FINDLEY: Last question: Whether the
24 alleged difficulty was self-created which consideration shall
25 be relevant to the decision of the ZBA but shall not

1 - RE: DIEGO PINEDA -

2 necessarily preclude the granting of the area variance.

3 You're missing the C in here.

4 MS. PLATT: Sorry.

5 ACTING CHAIRMAN FINDLEY: Georgia

6 BOARD MEMBER RAMPE: No.

7 ACTING CHAIRMAN FINDLEY: I'll say on.

8 Genevieve.

9 BOARD MEMBER MULHARE: No.

10 ACTING CHAIRMAN FINDLEY: Jon.

11 ALTERNATE BOARD MEMBER FOURNIER: No.

12 ACTING CHAIRMAN FINDLEY: Dave.

13 BOARD MEMBER LEWIS: No.

14 ACTING CHAIRMAN FINDLEY: The combined area variances as
15 one variance, a yes is to approve the variances. Do I have a
16 motion?

17 BOARD MEMBER RAMPE: To make a vote or to vote?

18 ACTING CHAIRMAN FINDLEY: To vote.

19 BOARD MEMBER RAMPE: Okay.

20 ACTING CHAIRMAN FINDLEY: Yes is approving.

21 BOARD MEMBER RAMPE: I would say yes and the only reason
22 why I'm doing this is because this was a house fire, it was
23 previously a home there, and so to me, it's kind of
24 grandfathered in. It's not like putting a house on a new
25 lot --

1 - RE: DIEGO PINEDA -

2 ACTING CHAIRMAN FINDLEY: I would agree with you.

3 BOARD MEMBER RAMPE: -- that is small. So I say yes,
4 grant the variance.

5 ACTING CHAIRMAN FINDLEY: I would agree with you. And
6 many of the nonconformities are less.

7 BOARD MEMBER RAMPE: Right.

8 ACTING CHAIRMAN FINDLEY: So you're making --

9 BOARD MEMBER RAMPE: I'm saying yes.

10 ACTING CHAIRMAN FINDLEY: Well, we have to make a
11 motion. You make a motion to vote?

12 BOARD MEMBER RAMPE: Yes.

13 ACTING CHAIRMAN FINDLEY: Do I have a second?

14 BOARD MEMBER LEWIS: Yes.

15 ALTERNATE BOARD MEMBER FOURNIER: Yes.

16 ACTING CHAIRMAN FINDLEY: All in favor.

17 BOARD MEMBER RAMPE: Aye.

18 BOARD MEMBER MULHARE: Aye.

19 BOARD MEMBER LEWIS: Aye.

20 ALTERNATE BOARD MEMBER FOURNIER: Aye.

21 ACTING CHAIRMAN FINDLEY: Aye.

22 (The variances were approved.)

23 ACTING CHAIRMAN FINDLEY: Unanimous, and your variances
24 are approved.

25 MR. GREEN: Thank you.

1 - RE: DIEGO PINEDA -

2 MR. MOGEL: Is that correct, it was unanimous?
3 Everybody's voting in favor of the variances?

4 BOARD MEMBER RAMPE: Yes.

5 BOARD MEMBER MULHARE: Yes.

6 BOARD MEMBER LEWIS: Yes.

7 ALTERNATE BOARD MEMBER FOURNIER: Yes.

8 ACTING CHAIRMAN FINDLEY: Yes.

9 MR. MOGEL: Okay. I just wanted to be clear.

10 ACTING CHAIRMAN FINDLEY: Everybody said aye.

11 MR. MOGEL: Very good.

12 MS. PLATT: Jon, did you say aye?

13 ALTERNATE BOARD MEMBER FOURNIER: I did.

14 MS. PLATT: All right.

15 ACTING CHAIRMAN FINDLEY: Not making it up.

16 All right. The next applicant --

17 MR. GREEN: Thank you.

18 ACTING CHAIRMAN FINDLEY: Thank you. And good luck with
19 your project.

20 MR. GREEN: Appreciate it. Have a great night.

21 (Time noted: 7:47 p.m.)

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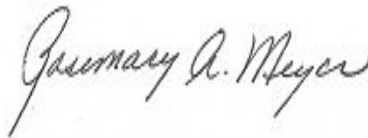
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REPORTER'S CERTIFICATION

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 Diego Pineda, 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: June 17, 2023

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
ZONING BOARD OF APPEALS

----- X

Victoria Puig
Area Variance for Proposed Two-story Addition's
Side Yard Setbacks
Tax Map Section 54; Block 5; Lot 3
Lake Neighborhood Residential Zone

----- X

Town Hall
Town of Mamakating
April 27, 2023
7:19 P.M.

ZONING BOARD MEMBERS :

- KENT FINDLEY, Acting Chairman
- GEORGIA RAMPE, Board Member
- GENEVIEVE MULHARE , Board Member
- DAVID LEWIS, Board Member
- JON FOURNIER, Alternate Board Member
- KYRA PLATT, Building Department
- STEVEN MOGEL, ESQ., Attorney (via Zoom)

Also Present: Jim Diana, AIA
On Behalf of Applicant
(via Zoom)

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

Reported By: Rosemary A. Meyer

1 - RE: VICTORIA PUIG -

2 ACTING CHAIRMAN FINDLEY: All right. The next applicant
3 is Victoria ...

4 MR. DIANA: Puig.

5 ACTING CHAIRMAN FINDLEY: Puig?

6 MR. DIANA: Yes.

7 ACTING CHAIRMAN FINDLEY: Okay. Thank you.

8 MR. DIANA: Good evening, Board. James Diana, architect
9 with LAN Associates. Also present is Vicky Puig, the owner.

10 I'd like to submit the certified mailings for record.

11 (Mr. Diana presented the certified mailings.)

12 MR. DIANA: I'm here to present the application and
13 request approval for an area variance for side yard setbacks
14 and lot area. We'd like to construct a 1400 square foot
15 two-story addition which includes a one-car attached garage
16 with a bedroom above, and support spaces, to the existing
17 single-family dwelling. The existing home is three bedroom,
18 one-and-a-half bath. The total completed project will be
19 three bedrooms, two baths. We're also proposing a new septic
20 system and stormwater management system with a seepage pit.

21 Revised drawings have been issued which includes the
22 dimensions that the Board had asked for at the last meeting,
23 from the deck. This is shown on the existing and the
24 proposed site plans. There's no increase in nonconformance
25 with the side yard setback for the deck.

1 - RE: VICTORIA PUIG -

2 In addition, the Board had requested to visit the site
3 to see the property.

4 BOARD MEMBER RAMPE: So ...

5 ACTING CHAIRMAN FINDLEY: This is --

6 BOARD MEMBER RAMPE: The existing?

7 ACTING CHAIRMAN FINDLEY: I think it's existing. And
8 then this is, I think the proposed.

9 (Board members examining documents.)

10 ACTING CHAIRMAN FINDLEY: So you're adding a new septic,
11 which is very good in that area.

12 You're reducing your lot coverage; is that correct?

13 MR. DIANA: Impervious surface.

14 ACTING CHAIRMAN FINDLEY: Yes, impervious surface.

15 MR. DIANA: Correct.

16 ACTING CHAIRMAN FINDLEY: So your offset to your deck is
17 exactly the same?

18 MR. DIANA: Correct.

19 BOARD MEMBER RAMPE: No, it's another side. It's 52.8.

20 Where is the second side yard? I don't see the ...

21 MS. PLATT: It's not highlighted, but -- oh, it's on the
22 deck, though.

23 If you go directly across from the highlighted four, on
24 the deck it's 52.1.

25 BOARD MEMBER RAMPE: Yes.

1 - RE: VICTORIA PUIG -

2 MS. PLATT: And then above that -- oh, are you talking
3 about the larger side or the smaller side? I'm sorry.

4 BOARD MEMBER RAMPE: I'm talking about the side up.

5 ACTING CHAIRMAN FINDLEY: This 34.7 to --

6 MR. DIANA: The north side.

7 ACTING CHAIRMAN FINDLEY: -- the north side and it's
8 21.9 on the other side.

9 BOARD MEMBER RAMPE: But I don't see the 34.7.

10 ACTING CHAIRMAN FINDLEY: It's at the front of the
11 driveway and the building.

12 BOARD MEMBER MULHARE: Hold on, Georgia. It's on this
13 one.

14 BOARD MEMBER RAMPE: Oh.

15 ACTING CHAIRMAN FINDLEY: This is the proposed.

16 BOARD MEMBER MULHARE: This is the proposed one.

17 BOARD MEMBER RAMPE: Oh, okay.

18 ACTING CHAIRMAN FINDLEY: The other page is preexisting.

19 As a refresher, is this lot conforming or nonconforming?

20 MR. DIANA: Meaning?

21 ACTING CHAIRMAN FINDLEY: Size.

22 MR. DIANA: Size, it's undersized. It's a small lot.

23 ACTING CHAIRMAN FINDLEY: So that means we're going to
24 our ...

25 The lot width is?

1 - RE: VICTORIA PUIG -

2 MS. PLATT: 115.

3 ACTING CHAIRMAN FINDLEY: All right. So we need --

4 MS. PLATT: 115 is the lot width.

5 ACTING CHAIRMAN FINDLEY: Minimum side yard is 20 feet,
6 which I think we accomplish on both sides.

7 BOARD MEMBER MULHARE: Yes.

8 ACTING CHAIRMAN FINDLEY: Total is 50. Do we reach
9 that? Yes, we do.

10 ACTING CHAIRMAN FINDLEY: That's not a problem.
11 Required front yard is 30 percent of the average depth.

12 BOARD MEMBER RAMPE: The front yard is the lake side?

13 MS. PLATT: No, the road.

14 ACTING CHAIRMAN FINDLEY: Not technically.

15 MR. DIANA: North Shore Drive is the front yard.

16 ACTING CHAIRMAN FINDLEY: North Shore Drive.

17 BOARD MEMBER RAMPE: 78.7 on a slight angle.

18 ACTING CHAIRMAN FINDLEY: Okay. To the property line is
19 78.7.

20 What's the depth?

21 BOARD MEMBER MULHARE: Two fifty.

22 ACTING CHAIRMAN FINDLEY: Two fifty?

23 BOARD MEMBER RAMPE: Is this the number that's the depth
24 here?

25 ACTING CHAIRMAN FINDLEY: Yes.

1 - RE: VICTORIA PUIG -

2 BOARD MEMBER RAMPE: Yes.

3 ACTING CHAIRMAN FINDLEY: What's this on the other side?

4 BOARD MEMBER RAMPE: 215.5.

5 ACTING CHAIRMAN FINDLEY: So we'll call 230 something.

6 235 times -- it meets that, I think.

7 Do you know the front yard required in that zone?

8 MS. PLATT: It's 20 percent of the average lot depth but
9 no greater than what's required in the zone. They exceed
10 that because they've got the 78.7.

11 ACTING CHAIRMAN FINDLEY: Okay.

12 MS. PLATT: And then the rear yard will be 30 percent.
13 They have 58.3 which I think 50 is required in the zone.

14 BOARD MEMBER RAMPE: Yes. It's not really 70 because
15 there's a, looks like a deck.

16 BOARD MEMBER MULHARE: Yes, 58.

17 BOARD MEMBER RAMPE: -- 61.3.

18 ACTING CHAIRMAN FINDLEY: It says we're here for side
19 yard setbacks.

20 MS. PLATT: That is what the denial says.

21 ACTING CHAIRMAN FINDLEY: Based on what we just read, I
22 think the side yards are good.

23 MS. PLATT: In accordance with Section 199-54 they do
24 appear to meet those.

25 ACTING CHAIRMAN FINDLEY: And that's the only thing

1 - RE: VICTORIA PUIG -

2 we're here for, is side yards.

3 MR. DIANA: Lot area, as well.

4 ACTING CHAIRMAN FINDLEY: Lot area?

5 MR. DIANA: Yes.

6 MS. PLATT: Not necessarily. So in the Town of
7 Mamakating, if you don't meet the acreage requirement for the
8 zone that you're in we have Section 199-54 for a
9 nonconforming lot. So the minimum lot size for that is 8,000
10 square feet.

11 MR. DIANA: Okay.

12 ACTING CHAIRMAN FINDLEY: I mean I didn't do the math,
13 but just looking at the property, you're bigger than 8,000
14 square feet.

15 MS. PLATT: As long as you've got .1847 you do, and you
16 do.

17 MR. DIANA: The denial from the Building Inspector
18 required us to go to Zoning.

19 ACTING CHAIRMAN FINDLEY: I don't disagree with that,
20 but I'm struggling. And I'm going to ask Steve now, if I
21 have to do a variance to get you through, what do I do a
22 variance for because it's --

23 MR. DIANA: If it's not needed; correct

24 ACTING CHAIRMAN FINDLEY: We're here for a side yard
25 setback. When I read this in 199-54, which is where I fully

1 - RE: VICTORIA PUIG -

2 believe we need to be, we need a total, both yards 50, and a
3 minimum of 20 and we have that. We have a 21.9 and 34
4 something.

5 BOARD MEMBER RAMPE: .7.

6 MS. PLATT: 34.7.

7 ACTING CHAIRMAN FINDLEY: So ...

8 MR. MOGEL: The denial says the new addition doesn't
9 meet either side yard setbacks so I believe that's already
10 been determined by the Board that that's not accurate.

11 And it says the new deck is closer to the side yard than
12 required. I imagine that means than permitted. What's that
13 circumstance?

14 ACTING CHAIRMAN FINDLEY: I didn't quite hear what you
15 said, Steve. I apologize.

16 MR. MOGEL: Okay. So the reason for denial that's set
17 forth on the February 23rd denial says: The new addition
18 does not meet either side yard setback, which I guess it
19 appears that the Board has determined that that's not
20 accurate. But it also says: And the new deck is closer to
21 the side yard than required, which I believe probably than
22 permitted. That's probably what that means. So I don't know
23 if the Board has taken a look at the issue with the deck.

24 ACTING CHAIRMAN FINDLEY: The deck is 21.9, exactly what
25 it was before. I'm going by the drawings as presented. And

1 - RE: VICTORIA PUIG -

2 even at that, that's within the side yard setback.

3 MR. MOGEL: That's within the permissible setback.

4 ACTING CHAIRMAN FINDLEY: Yes, yes. We need a minimum,
5 for a hundred feet or greater, which this is, we need a
6 minimum side yard of 20 feet, which we have on both side
7 yards, and so total both side yards have to be 50 feet, which
8 we have 34.7 and 21.9 which makes 55.

9 BOARD MEMBER RAMPE: Fifty-five?

10 ACTING CHAIRMAN FINDLEY: Fifty-five and change.

11 BOARD MEMBER RAMPE: Oh, yes. I have to do my math.

12 ACTING CHAIRMAN FINDLEY: Maybe 56 and change; right?

13 MR. DIANA: Yes.

14 ACTING CHAIRMAN FINDLEY: So I mean other than us saying
15 that we disagree with the Building Inspector's determination
16 --

17 MR. MOGEL: What I would say is that the Board should
18 take a vote to overturn the Building Inspector's denial.

19 ACTING CHAIRMAN FINDLEY: Okay. I mean we're not to
20 that point yet because we haven't had the public hearing yet.

21 MR. MOGEL: Well, yes, if that's the case. But that's
22 the way you would effect it. But of course, you should open
23 it to the public, as well.

24 ACTING CHAIRMAN FINDLEY: Okay. Does anyone have any
25 other questions before we open the public hearing?

1 - RE: VICTORIA PUIG -

2 BOARD MEMBER RAMPE: Yes, I do.

3 I believe in the existing house the deck goes alongside
4 the house?

5 MR. DIANA: On the north side, correct. That's where
6 the building entrance is.

7 BOARD MEMBER RAMPE: Okay.

8 And then that is going to be there for the new house?

9 MR. DIANA: No. It's removed.

10 BOARD MEMBER RAMPE: It's removed.

11 MR. DIANA: Correct.

12 BOARD MEMBER RAMPE: Okay.

13 ACTING CHAIRMAN FINDLEY: I mean in all honesty, there
14 could still be a deck there and it wouldn't affect their
15 setback.

16 BOARD MEMBER RAMPE: Right.

17 And then I see this is the proposed septic back here.

18 ACTING CHAIRMAN FINDLEY: I think it's up front,
19 actually. I think this is just stormwater. I could be
20 wrong.

21 BOARD MEMBER MULHARE: No, she's looking at the septic;
22 yes.

23 BOARD MEMBER RAMPE: Yes.

24 ACTING CHAIRMAN FINDLEY: Oh. When you said back there,
25 I thought you meant the back.

1 - RE: VICTORIA PUIG -

2 BOARD MEMBER RAMPE: I apologize.

3 ACTING CHAIRMAN FINDLEY: That's fine.

4 BOARD MEMBER RAMPE: I have a problem.

5 The well is there. And your neighbor's garage is on
6 your lot?

7 MS. PUIG: It's been removed.

8 BOARD MEMBER RAMPE: Oh, it has.

9 MS. PUIG: Yes.

10 BOARD MEMBER RAMPE: Okay, I don't have any further
11 questions.

12 ACTING CHAIRMAN FINDLEY. Anybody else?

13 BOARD MEMBER MULHARE: No.

14 ACTING CHAIRMAN FINDLEY: Can I have a motion to open
15 the public hearing?

16 BOARD MEMBER LEWIS: I'll make that motion.

17 BOARD MEMBER MULHARE: I'll second.

18 ACTING CHAIRMAN FINDLEY: All in favor?

19 BOARD MEMBER RAMPE: Aye.

20 BOARD MEMBER MULHARE: Aye.

21 BOARD MEMBER LEWIS: Aye.

22 ALTERNATE BOARD MEMBER FOURNIER: Aye.

23 ACTING CHAIRMAN FINDLEY: Aye.

24 (The motion was approved and carried.)

25 ACTING CHAIRMAN FINDLEY: Is anyone here who would like

1 - RE: VICTORIA PUIG -

2 to speak on this project?

3 (No verbal response.)

4 ACTING CHAIRMAN FINDLEY: Anybody on Zoom?

5 MS. PLATT: Nobody has responded on Zoom yet, but you
6 did just open it. I just clicked send. We'll give them a
7 moment.

8 ACTING CHAIRMAN FINDLEY: Shut it down.

9 I'll just comment that I think it's a great improvement
10 to the property with the new septic and the stormwater. I
11 think that's excellent and needed in that area.

12 MS. PLATT: Nobody's responded on Zoom.

13 ACTING CHAIRMAN FINDLEY: Would the Board like to close
14 the public hearing?

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

16 ALTERNATE BOARD MEMBER FOURNIER: I'll second it.

17 ACTING CHAIRMAN FINDLEY: All in favor?

18 BOARD MEMBER RAMPE: Aye.

19 BOARD MEMBER MULHARE: Aye.

20 BOARD MEMBER LEWIS: Aye.

21 ALTERNATE BOARD MEMBER FOURNIER: Aye.

22 ACTING CHAIRMAN FINDLEY: Aye.

23 (The motion was approved and carried.)

24 ACTING CHAIRMAN FINDLEY: Okay. I'm going to ask your
25 wording, Steve, again. I think you said we need to state

1 - RE: VICTORIA PUIG -

2 ACTING CHAIRMAN FINDLEY: It's unanimous.

3 Good luck with your project.

4 MR. DIANA: Thank you, Board.

5 (Time noted: 8:02 p.m.)

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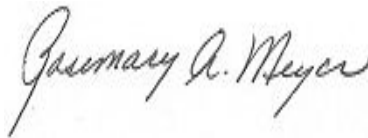
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REPORTER'S CERTIFICATION

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 Victoria Puig, 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: June 17, 2023

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
ZONING BOARD OF APPEALS

----- X

Dino & Morelli
Area Variance for Proposed Addition
On Existing Single Family Dwelling
Tax Map Section 49; Block 1; Lot 5
Interchange Commercial Zone

----- X

Town Hall
Town of Mamakating
April 27, 2023
8:03 P.M.

ZONING BOARD MEMBERS :

- KENT FINDLEY, Acting Chairman
- GEORGIA RAMPE, Board Member
- GENEVIEVE MULHARE , Board Member
- DAVID LEWIS, Board Member
- JON FOURNIER, Alternate Board Member
- KYRA PLATT, Building Department
- STEVEN MOGEL, ESQ., Attorney (via Zoom)

Also Present: Dino Morelli, Applicant

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

Reported By: Rosemary A. Meyer

1 - RE: DINO & MORELLI -

2 ACTING CHAIRMAN FINDLEY: Now we turn to the new
3 applicants.

4 We're done with the public hearings; right?

5 MS. PLATT: Yes.

6 ACTING CHAIRMAN FINDLEY: Okay.

7 All right. Next on the agenda is -- I've got to get to
8 my agenda. Oh, right here it is. Dino and Morelli. Are
9 they present on Zoom? Right here. Great.

10 MR. MORELLI: Good evening, folks. I'm Dino Morelli.
11 This is Christina Morelli.

12 We are applying for a small 13.6 by 18 foot bump out to
13 the house to accommodate our, it's a great room, to
14 accommodate visitors and such because the house is so small
15 for visitors.

16 ACTING CHAIRMAN FINDLEY: I'm just looking for your ...

17 MS. PLATT: I don't know if, on the hand-drawn site
18 plans you guys have, if you've to the circled approximate
19 distances. I don't know if I have them on all of them.

20 ACTING CHAIRMAN FINDLEY: I see it.

21 MS. PLATT: Are they noted there?

22 ACTING CHAIRMAN FINDLEY: All right. So you're looking
23 to extend, I presume that's the back of your house?

24 MR. MORELLI: If you're on 209, it's the right side,
25 yes.

1 - RE: DINO & MORELLI -

2 ACTING CHAIRMAN FINDLEY: Okay.

3 MR. MORELLI: I'm still confused what my front and back
4 door is. She keeps reminding me.

5 MS. MORELLI: I think it's the front of the house
6 because it's facing the road.

7 MR. MORELLI: It's facing the road, so it would be the
8 right side.

9 ACTING CHAIRMAN FINDLEY: If you could tell me, I can't
10 tell on this little map, where 209 is.

11 MS. PLATT: Which map are you looking at, Kent?

12 (No verbal response.)

13 MS. PLATT: This is --

14 ACTING CHAIRMAN FINDLEY: That line is 209?

15 MS. PLATT: Yes, 209 is here.

16 ACTING CHAIRMAN FINDLEY: Okay. All right. So it's to
17 the side. So that's a side yard.

18 MR. MORELLI: Yes, sir.

19 MS. MORELLI: Right.

20 MS. PLATT: So the hand-drawn plot plan that they have
21 for you, if you hold it upside down then 209 is the bottom
22 part. Oops.

23 ACTING CHAIRMAN FINDLEY: 209 is the bottom. Okay.

24 I didn't look. What's the required lot size there?

25 MS. PLATT: They're in the Interchange Commercial Zone.

1 - RE: DINO & MORELLI -

2 BOARD MEMBER RAMPE: That's what the denial is. See the
3 denial?

4 ACTING CHAIRMAN FINDLEY: Well, let me look at my
5 Interchange. I've got to look up Interchange.

6 MS. PLATT: No houses are allowed in that zone.

7 BOARD MEMBER RAMPE: Oh.

8 ACTING CHAIRMAN FINDLEY: That's what it says.

9 MS. PLATT: Yes. So there's not actually a setback
10 requirement.

11 ACTING CHAIRMAN FINDLEY: So this is a nonconforming
12 use, a preexisting nonconforming.

13 MS. PLATT: A preexisting nonconforming use, yes.

14 ACTING CHAIRMAN FINDLEY: Our favorite topic.

15 MS. PLATT: Yes. Steve's nodding. He agrees.

16 MR. MOGEL: That's correct.

17 ACTING CHAIRMAN FINDLEY: Nonconforming uses.
18 Nonresidential, nonconforming residential uses.

19 ALTERNATE BOARD MEMBER FOURNIER: Are you building this
20 yourself?

21 MR. MORELLI: No. We're having a contractor come in.

22 ALTERNATE BOARD MEMBER FOURNIER: Having a contractor?

23 MR. MORELLI: He's the gentleman that actually drew up
24 the actual little plan that we submitted.

25 ALTERNATE BOARD MEMBER FOURNIER: I have a question.

1 - RE: DINO & MORELLI -

2 The flooring framing is two-by-eight and the span is going to
3 12 foot, six inches?

4 MR. MORELLI: Yes.

5 ALTERNATE BOARD MEMBER FOURNIER: Is that sufficient?

6 MR. MORELLI: I believe so. That's the contractor, what
7 he told us that he would need to do. It's a very small great
8 room. It's only, I think it's eight foot high from floor to
9 ceiling with ...

10 And the existing house is actually, it's not even on a
11 foundation. It's on columns with the ...

12 ALTERNATE BOARD MEMBER FOURNIER: Right.

13 MR. MORELLI: Yeah.

14 BOARD MEMBER RAMPE: I'm very confused with the drawings
15 and all.

16 ACTING CHAIRMAN FINDLEY: Well, we can ask other
17 questions. But I think it's important we read B on page 116
18 and 199-51.

19 BOARD MEMBER RAMPE: Can you read them?

20 ACTING CHAIRMAN FINDLEY: B: Nonconforming residential
21 uses: Any residential use located in a district in which
22 such use is nonconforming shall be exempt from the provisions
23 of 199-51(a). So 51(a) is out.

24 Such use may continue as a use permitted by right
25 provided that it shall comply with the bulk and lot area

1 - RE: DINO & MORELLI -

2 regulations of the most restrictive district in Schedule 1 in
3 which the use would be conforming as to bulk on the effective
4 date of this chapter.

5 A building containing nonconforming residential use may
6 be altered in any way to improve interior livability.

7 However, no structure alterations shall be made that would
8 increase the number of bedrooms or dwelling units.

9 Refer to 199-54 for dwellings on nonconforming
10 residential lots.

11 They are allowed to make alterations.

12 BOARD MEMBER RAMPE: Yes.

13 ACTING CHAIRMAN FINDLEY: You're not adding a bedroom;
14 correct?

15 MR. MORELLI: Correct.

16 MS. PLATT: So the MG, PRO and RVP zones are the most
17 restrictive when it comes to single-family dwellings,
18 requiring 10 acres of land, 200 feet of road frontage, 300
19 feet of lot depth, 50 feet from a front, rear and side, with
20 five percent lot coverage, two-and-a-half stories at 30 feet
21 tall. They're all the same in that regard.

22 ACTING CHAIRMAN FINDLEY: So basically, that puts us
23 back to 199-54.

24 MS. PLATT: Hold on.

25 MR. MOGEL: Yes. The question here, I'm not a hundred

1 - RE: DINO & MORELLI -

2 percent clear, but if we're just talking about you already
3 have a -- B is talking about nonconforming residential uses.
4 The third sentence there says: A building containing a
5 nonconforming residential use may be altered in any way to
6 improve interior livability as long as you're not adding
7 dwelling units or bedrooms.

8 I'm not so sure in this particular circumstances in
9 which there's simply an alteration to improve interior
10 livability, I'm not so sure you have to look at the bulk
11 tables and Schedule 1.

12 MS. PLATT: How would they come up with the setback?

13 ACTING CHAIRMAN FINDLEY: Right. That's ...

14 MR. MOGEL: 199-54.

15 MR. PLATT: Fifty-four?

16 ACTING CHAIRMAN FINDLEY: Right, which is where we have
17 to go because the property wouldn't conform to the most
18 restrictive.

19 I'm sorry. It takes a second to get through all this.

20 MS. PLATT: Even though it says that permit residential
21 uses?

22 BOARD MEMBER MULHARE: Well, wouldn't 199-54 actually
23 fit because it's on nonconforming lots within districts that
24 permit residential uses?

25 ACTING CHAIRMAN FINDLEY: But this one tells you to go

1 - RE: DINO & MORELLI -

2 to it. I agree with what you're saying, but ...

3 BOARD MEMBER MULHARE: Because it's in a commercial zone
4 that doesn't permit residential uses.

5 ACTING CHAIRMAN FINDLEY: Preexisting, yes.

6 BOARD MEMBER MULHARE: Okay.

7 ACTING CHAIRMAN FINDLEY: You couldn't build a new house
8 there.

9 BOARD MEMBER MULHARE: Okay.

10 ALTERNATE BOARD MEMBER FOURNIER: And how wide is this
11 property?

12 BOARD MEMBER RAMPE: It's hard for me to read these.

13 ACTING CHAIRMAN FINDLEY: Yes.

14 ALTERNATE BOARD MEMBER FOURNIER: What year was your
15 house built?

16 MS. MORELLI: Oh, that's a good question.

17 MS. PLATT: Actually, we do have a --

18 ACTING CHAIRMAN FINDLEY: Do you have a survey?

19 MS. PLATT: Not a survey, but we do have the property
20 card. The house was built in --

21 BOARD MEMBER RAMPE: '85.

22 MS. PLATT: Thank you.

23 BOARD MEMBER RAMPE: You're welcome.

24 ACTING CHAIRMAN FINDLEY: I thought we were looking for
25 width of the property.

1 - RE: DINO & MORELLI -

2 BOARD MEMBER RAMPE: We are.

3 ACTING CHAIRMAN FINDLEY: Okay.

4 MS. MORELLI: That was actually an addition in 1985.

5 BOARD MEMBER RAMPE: Yes, the width isn't coming up
6 anywhere here.

7 MS. MORELLI: The original dwelling was actually just a
8 cabin.

9 ACTING CHAIRMAN FINDLEY: Would you have an old property
10 survey?

11 MR. MORELLI: No. We never ...

12 BOARD MEMBER RAMPE: Do you have the width of the lot,
13 Kyra?

14 MS. PLATT: I do not at this moment.

15 MS. MORELLI: I think you said it is 114.

16 MS. PLATT: I can get an approximation.

17 BOARD MEMBER RAMPE: Yes, this is the same. Is it the
18 same thing? Yes. It's not legible, this.

19 ACTING CHAIRMAN FINDLEY: Well, that's part of it.

20 This was photographed off something. Do you have what
21 it was photographed off of? Because this does look like it
22 was a survey just by the way it's drawn. You can tell that
23 there's coordinates.

24 MR. MORELLI: That says 175.32. Can she approach to
25 show you?

1 - RE: DINO & MORELLI -

2 ACTING CHAIRMAN FINDLEY: Sure, sure.

3 MS. MORELLI: I don't know if it's any better than what
4 you have.

5 MR. MORELLI: Try to talk into the microphone.

6 ACTING CHAIRMAN FINDLEY: I would like to see the whole
7 property somehow. Would you have an image of that? Because
8 we're having a tough time determining. See, we have to --
9 this table here tell us what we have to conform to. Like if
10 it's greater, if the width of the property is greater than a
11 hundred feet, this tells us what the minimum side yard is,
12 what the total yards, what the required rear yard, front
13 yard.

14 MS. MORELLI: Yes. Well, we were told it is greater
15 than a hundred. That, I know.

16 ACTING CHAIRMAN FINDLEY: All right.

17 MS. PLATT: It's definitely over a hundred just looking
18 at a Connect Explore for the county with the GIS mapping.
19 There is room for error, so much error. But it's definitely
20 at least 162 feet width.

21 ACTING CHAIRMAN FINDLEY: So we need a minimum side yard
22 of 20, total both side yards 50.

23 And what's the acreage? 1.5 I think I saw?

24 MS. PLATT: 1.50, yes.

25 ACTING CHAIRMAN FINDLEY: Does the Board have questions?

1 - RE: DINO & MORELLI -

2 (No verbal response.)

3 ACTING CHAIRMAN FINDLEY: Is there anything we'd like to
4 particularly see the next go round?

5 BOARD MEMBER RAMPE: Well, Kyra, did you say the circle
6 things are approximations or not known or ...

7 MS. PLATT: So on the site plans or on the plot plans
8 that were provided, I don't recall if your copies have
9 circles where the proposed addition is going with the number
10 next to it, or I don't know if I just put it on mine.

11 BOARD MEMBER MULHARE: It's approximately 10 feet,
12 approximately.

13 MS. PLATT: That's approximately how far it will be to
14 the property line, yes.

15 BOARD MEMBER RAMPE: Wait. I don't have eight. Oh, 5.6

16 MS. PLATT: So there's 5.6 towards the front part.

17 BOARD MEMBER RAMPE: Yes, I have that.

18 MS. PLATT: And then approximately 10 feet to the side.

19 BOARD MEMBER RAMPE: Okay.

20 MS. PLATT: The rear. Sorry.

21 BOARD MEMBER RAMPE. But 5.6 six and it used to be what?

22 ACTING CHAIRMAN FINDLEY: I think it's written there.

23 MS. PLATT: 19.3.

24 BOARD MEMBER RAMPE: Oh, okay.

25 ACTING CHAIRMAN FINDLEY: Yes, 19.3 and 27 on the other

1 - RE: DINO & MORELLI -

2 corner.

3 What is this other property to your, I guess I'll say
4 the right, to the right?

5 MR. MORELLI: I'm sorry.

6 MS. MORELLI: Our neighbors, our neighbor's property.

7 MR. MORELLI: Oh, that land right opposite the addition
8 would be?

9 ACTING CHAIRMAN FINDLEY: Yes.

10 MR. MORELLI: That is the gentleman right across the
11 street, our neighbor.

12 ACTING CHAIRMAN FINDLEY: Is he sitting there? Is what
13 why you're --

14 MR. MORELLI: No. I'm pointing at my house. It's right
15 there. We can all go outside and see my house.

16 ALTERNATE BOARD MEMBER FOURNIER: That is true.

17 MR. MORELLI: Yes. He's a new gentleman that just moved
18 in. His name is Ariel and he just moved in next door in the
19 blue house across the street.

20 MS. MORELLI: Yes.

21 MS. PLATT: He purchased it in '21 and then the property
22 on the other side is the park and ride.

23 ACTING CHAIRMAN FINDLEY: Oh, really, the park and ride?

24 MS. PLATT: The park and ride.

25 ACTING CHAIRMAN FINDLEY: So the park and ride is to the

1 - RE: DINO & MORELLI -

2 left.

3 MS. PLATT: Yep.

4 ACTING CHAIRMAN FINDLEY: What I would like to see for
5 the next board meeting is possibly if you could help them
6 with a GIS map that kind of draws this on that. And I
7 realize it won't be perfect, but I can't really see the
8 property in this.

9 MS. PLATT: That's fine. If it helps the Board at all,
10 his property and then the property next to him circles around
11 another property so there's actually no house there, the
12 property with the house and then the rest of the property
13 next to him. But we can help them provide that for the next
14 meeting.

15 BOARD MEMBER RAMPE: What are the roads on here?

16 ACTING CHAIRMAN FINDLEY: Well, 209 is right here.
17 That's why I requested.

18 BOARD MEMBER MULHARE: 209 is here.

19 BOARD MEMBER RAMPE: Oh. Well, he's saying it's there.

20 ACTING CHAIRMAN FINDLEY: I believe it's here. This is
21 209 here.

22 BOARD MEMBER RAMPE: Oh.

23 MR. MORELLI: Would you mind if I approach real quick?

24 ACTING CHAIRMAN FINDLEY: Yes, sure.

25 MR. MORELLI: Thank you so much.

1 - RE: DINO & MORELLI -

2 This is just to give you an idea with the Google maps.
3 That's the house right there. This is 209 and the property
4 line goes right -- here's my shed. It goes right down here.
5 So it comes up. And the surveyor had it linked off.

6 You can only see the indentation, the square.

7 ACTING CHAIRMAN FINDLEY: You are right there. There's
8 the park and ride.

9 MR. MORELLI: Yeah, there's the park and ride, right
10 here.

11 ACTING CHAIRMAN FINDLEY: Yes, okay.

12 Kyra will help you get the GIS, which you can get in an
13 aerial view.

14 MS. PLATT: Yes, that's what it is.

15 ACTING CHAIRMAN FINDLEY: Yes. Just kind of put these
16 numbers on there for next meeting.

17 MR. MORELLI: Okay.

18 ACTING CHAIRMAN FINDLEY: For this meeting it's just
19 informational. We go through everything, what we're looking
20 at. Right now I think we're talking side yard setbacks.
21 That's the only thing we're really talking about right now;
22 right?

23 MS. PLATT: Possibly front yard setbacks, possibly. We
24 don't know what any of the setbacks are so I'm not sure.

25 ACTING CHAIRMAN FINDLEY: Okay. All right. So possibly

1 - RE: DINO & MORELLI -

2 side yard and front yard setbacks.

3 MS. PLATT: Definitely side yard, possibly a front yard.

4 ACTING CHAIRMAN FINDLEY: Okay.

5 We always ask are we allowed to visit the property
6 between now and --

7 MR. MORELLI: Oh, yes. We would need notification just
8 because that area you'd need to look at is fenced in for the
9 dogs.

10 ACTING CHAIRMAN FINDLEY: Okay.

11 MR. MORELLI: So you might be met with a friendly boxer,
12 but he's ...

13 ACTING CHAIRMAN FINDLEY: Friendly boxer.

14 MR. MORELLI: Friendly boxer.

15 ACTING CHAIRMAN FINDLEY: Kyra has your phone number?
16 We can contact you, if necessary?

17 MR. MORELLI: Yes.

18 ACTING CHAIRMAN FINDLEY: Okay.

19 Does the Board have any more questions of the Applicant?

20 BOARD MEMBER RAMPE: No. It would just be nice to get a
21 view.

22 ACTING CHAIRMAN FINDLEY: Right, just so we get a better
23 view, a better feeling of how everything's laid out.

24 BOARD MEMBER RAMPE: Yes, sounds good.

25 ACTING CHAIRMAN FINDLEY: Anybody else?

1 - RE: DINO & MORELLI -

2 (No verbal response.)

3 ACTING CHAIRMAN FINDLEY: So do I have a motion to set
4 up a --

5 And just so you know, the next step is a public hearing
6 like we did for the previous ones where we go through it
7 again and the public has a chance to speak.

8 Do I have a motion to set up a public hearing?

9 ALTERNATE BOARD MEMBER FOURNIER: I'll make the motion.

10 BOARD MEMBER LEWIS: Second.

11 ACTING CHAIRMAN FINDLEY: All in favor?

12 BOARD MEMBER RAMPE: Aye.

13 BOARD MEMBER MULHARE: Aye.

14 BOARD MEMBER LEWIS: Aye.

15 ALTERNATE BOARD MEMBER FOURNIER: Aye.

16 ACTING CHAIRMAN FINDLEY: Aye.

17 (The motion was approved and carried.)

18 ACTING CHAIRMAN FINDLEY: Unless you have anything
19 further to say, you're done until next month. But we are
20 requesting, Kyra will help you, the GIS map that shows how
21 everything is laid out.

22 MR. MORELLI: And you also want the measurements, too,
23 the numbers she said, on that aerial map?

24 ACTING CHAIRMAN FINDLEY: As best you can yes.

25 BOARD MEMBER RAMPE: Yes.

1 - RE: DINO & MORELLI -

2 MR. MORELLI: Okay. Thank you so much, everybody.

3 Thank you.

4 ACTING CHAIRMAN FINDLEY: See you next month.

5 The date is?

6 MS. PLATT: Yes. I apologize. It's not on the bottom.

7 So our next submission deadline is May 12th and the meeting
8 is going to be May 25th.

9 ACTING CHAIRMAN FINDLEY: And Kyra will give you all the
10 mailings that are required.

11 MS. PLATT: Yes. I'll provide the list to you. We're
12 going to measure all the properties 500 feet from your
13 property. You also are going to be a 239-m review but we
14 send that out to the County. If the County owns any property
15 literally around you, you'll have to send them a mailing.
16 But we'll prepare that list for you. It's \$100. I'll call
17 you as soon as that's ready. It needs to be sent out no
18 later than 10 days before the meeting, certified return
19 receipt. We need those white slips that we know that you
20 sent them. And then any green cards or returned mail that
21 you get back you can just bring to the meeting. And that's
22 all. I'll talk to you tomorrow. I'll give you a call.

23 MS. MORELLI: Great.

24 MR. MORELLI: Thank you so much.

25 MS. PLATT: Thank you.

1 - RE: DINO & MORELLI -

2 So again, our submission deadline is May 12th and the
3 next meeting will be May 25th. I apologize it's not on the
4 bottom there.

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

6 * * * * *

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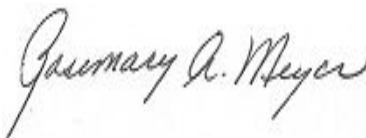
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REPORTER'S CERTIFICATION

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 Dino Morelli, 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: June 17, 2023

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COUNTY OF SULLIVAN : TOWN OF MAMAKATING
ZONING BOARD OF APPEALS

----- X
Hardscrapers @ Hudson Valley LLC
c/o Maykol Sanchez & Elizabeth Diaz
Interpretation and Appeal of Building Inspector's
Tax Map Section 12; Block 1; Lot 39 Burlingham Residential
Zone
----- X

Town Hall
Town of Mamakating
April 27, 2023
8:21 P.M.

ZONING BOARD MEMBERS :

- KENT FINDLEY, Acting Chairman
- GEORGIA RAMPE, Board Member
- GENEVIEVE MULHARE , Board Member
- DAVID LEWIS, Board Member
- JON FOURNIER, Alternate Board Member
- KYRA PLATT, Building Department
- STEVEN MOGEL, ESQ., Attorney (via Zoom)

Also Present: Maykol Sanchez, Applicant

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

Reported By: Rosemary A. Meyer

1 - RE: HARDSCRAPERS @ HUDSON VALLEY LLC -

2 ACTING CHAIRMAN FINDLEY: The next applicant is
3 Hardscrapers @ Hudson Valley LLC, care of Maykol Sanchez and
4 Elizabeth Diaz.

5 You guys have the fortunate to be last.

6 MR. SANCHEZ: Thank you, guys. Thank you for your hard
7 work here.

8 ACTING CHAIRMAN FINDLEY: So if you could tell us about
9 your project.

10 MR. SANCHEZ: Michael Sanchez.

11 MS. DIAZ: And Elizabeth Diaz.

12 MR. SANCHEZ: So our project is 68 and 70 Walker Valley
13 Road. We purchased this property a few months back.

14 MS. DIAZ: A year ago.

15 MR. SANCHEZ: A year ago. A year ago. It has, like,
16 two little homes, bungalows, one for 484 feet, one for 672.
17 We were proposing to put a second story. We submitted the
18 plans. And they told us, we kind of are trying to see the
19 interpretation of that the bungalows are not, we can't use
20 them any longer because the previous owner gutted them
21 inside. The outside is still good. The foundation is there.
22 Everything is there. What we're trying to do is keep
23 everything the same on the outside, just obviously fixing it
24 up and putting a second story, as you can see in the plans.
25 And basically, we're trying to see if you guys can help us

1 - RE: HARDSCRAPERS @ HUDSON VALLEY LLC -
2 out with that interpretation that we do have to tear the
3 bungalows down. And now we are going to no longer be able to
4 use the grandfather status from many years ago.

5 MS. PLATT: I'm trying to pull it up. Mary's got her
6 denial in here, but we didn't copy the violation.

7 There were two preexisting nonconforming dwellings on
8 the property. They were both gutted to the studs, losing
9 their use as dwellings, without permits or approvals. And
10 then they were purchased without realizing that that was a
11 violation. I'm just trying to pull up when we first issued
12 it.

13 ACTING CHAIRMAN FINDLEY: How long ago was the original
14 violation?

15 MS. PLATT: That's what I'm just trying to pull that up.

16 BOARD MEMBER RAMPE: There was an original violation?

17 ACTING CHAIRMAN FINDLEY: Well, that's what I think Kyra
18 is saying, is prior to them purchasing the property --

19 BOARD MEMBER RAMPE: The previous owner had a --

20 ACTING CHAIRMAN FINDLEY: A violation.

21 BOARD MEMBER RAMPE: Okay.

22 MR. MOGEL: Was this property purchased at an action?

23 MR. SANCHEZ: No. It was through a realtor, Cheryl
24 Wolfe and --

25 MR. MOGEL: Did you have --

1 - RE: HARDSCRAPERS @ HUDSON VALLEY LLC -

2 MR. SANCHEZ: Go ahead, sir. Sorry.

3 MR. MOGEL: Did you have a title run? Did you get a
4 title report?

5 MR. SANCHEZ: We did run a title. It came back with,
6 obviously, they gutted things without coming to you guys and
7 asking for permission. So basically, we were aware of that.

8 MR. MOGEL: Okay.

9 MR. SANCHEZ: We weren't aware that it was to the extent
10 of losing the two structures and completely having to abandon
11 that, tear them down. To that extent, we were not aware.

12 MR. MOGEL: Oh.

13 MR. SANCHEZ: We just said: Well, they tore it down
14 inside without permits. We'll comply with the permits, get
15 engineering plans. That's what we did. We got engineering
16 plans and to submit it to you guys for approval and comply
17 with whatever else you guys would like us to do with it.

18 MS. PLATT: So April of 2022 the violation was first
19 issued.

20 ACTING CHAIRMAN FINDLEY: 2022?

21 MS. PLATT: Yes.

22 BOARD MEMBER RAMPE: Do you have a date?

23 MS. PLATT: April 25th.

24 BOARD MEMBER RAMPE: April 25th.

25 MS. PLATT: And then they had applied for their permit.

1 - RE: HARDSCRAPERS @ HUDSON VALLEY LLC -

2 They received their denial April of this year.

3 BOARD MEMBER RAMPE: And you purchased this in June of
4 '22.

5 MR. SANCHEZ: Correct.

6 BOARD MEMBER RAMPE: So they had a violation in April.
7 They sold it to you in June and here you are.

8 MR. SANCHEZ: Yes.

9 BOARD MEMBER RAMPE: Nice people; right?

10 MR. MOGEL: So Kyra, is the use not permissible? What
11 is --

12 MS. PLATT: You can only have one dwelling --

13 MR. MOGEL: Right.

14 MS. PLATT: -- one home. Both of the structures were
15 gutted, discontinuing the use. So they're applying to have
16 both of them as houses.

17 ACTING CHAIRMAN FINDLEY: Do we know --

18 MR. MOGEL: I see. So the nature of the nonconformity
19 is having two dwellings on a single lot.

20 MS. PLATT: Yes.

21 MR. MOGEL: Gotcha.

22 ACTING CHAIRMAN FINDLEY: Which this is probably a
23 nonconforming lot, in general.

24 MS. PLATT: It's a two acre lot in the BR Zone which I
25 believe is also two acre zoning.

1 - RE: HARDSCRAPERS @ HUDSON VALLEY LLC -

2 ACTING CHAIRMAN FINDLEY: Okay. So that's good.

3 BOARD MEMBER RAMPE: And 1.84 acres it is.

4 ACTING CHAIRMAN FINDLEY: So do we know when they were
5 gutted?

6 MS. PLATT: We picked up the violation in April. I
7 don't know when they were gutted. I saw we had a violation
8 in 2015, but that was just for garbage, and another previous
9 owner, so I'm not sure when in that time frame. We had
10 issued a stop work order in April of '22 so it was still in
11 the process of being gutted. Again, the previous owners had
12 done that.

13 But yes, they're in the BR Zone which is two acre
14 zoning. Technically, the lot size is conforming, it's just
15 the use that they're proposing. Yes, the use that they'd
16 like to continue.

17 BOARD MEMBER RAMPE: Yes.

18 ACTING CHAIRMAN FINDLEY: But if I understand correctly,
19 the violation was issued while they were gutting it.

20 MS. PLATT: A stop work order was issued --

21 ACTING CHAIRMAN FINDLEY: When was that issued?

22 MS. PLATT: -- in April of 2022, April 25th of 2002. So
23 I would assume they were still in the process of removing
24 things and that there was a dumpster still on site.

25 ACTING CHAIRMAN FINDLEY: Is that when the Building

1 - RE: HARDSCRAPERS @ HUDSON VALLEY LLC -

2 Department would consider the use as stopped?

3 MS. PLATT: It was gutted to the studs so I would say
4 yes.

5 ACTING CHAIRMAN FINDLEY: At that time.

6 MS. PLATT: At that time.

7 Steve.

8 MR. MOGEL: Well, I'm just looking at 199-52. So the
9 discontinuous of nonconforming use for a period of two
10 years --

11 ACTING CHAIRMAN FINDLEY: That's what I'm --

12 MR. MOGEL: -- shall be consider an abandonment thereof.
13 That would be a -- yes, that's a nonconforming use.

14 ACTING CHAIRMAN FINDLEY: And the residences would be a
15 nonconforming use; is that correct?

16 MS. PLATT: Yes.

17 BOARD MEMBER RAMPE: Yes, that's the whole problem here.

18 ACTING CHAIRMAN FINDLEY: Right. I'm just talking. If
19 they were caught, I'll say caught in the act of the
20 demolition, and a stop work order was issued, is that when
21 you would consider the use stopped? And if that's in 2022 --

22 MS. PLATT: Mary references 2020 on her denial. I don't
23 know if -- if the Board wouldn't mind, I'd like to go grab
24 our SBL.

25 ACTING CHAIRMAN FINDLEY: I think that's important.

1 - RE: HARDSCRAPERS @ HUDSON VALLEY LLC -

2 MS. PLATT: Yes. All right. I'll be right back.

3 (Ms. Platt was excused from the meeting room
4 at 8:29 p.m.)

5 ACTING CHAIRMAN FINDLEY: I mean we're not getting a
6 resolution here tonight either, but just checking.

7 MR. SANCHEZ: No worries.

8 And basically, our intentions are long-term rentals with
9 these two units. If we get it to make it happen, we will
10 move into one and the one we'll rent to a family.

11 ACTING CHAIRMAN FINDLEY: You're aware the Town's in --
12 I'm just talking now. The Town is going through a short-term
13 rental law. I know you said long-term.

14 MR. SANCHEZ: No, there would be no Airbnb.

15 ACTING CHAIRMAN FINDLEY: Okay.

16 MR. SANCHEZ: Yes. We spoke to the inspector and she
17 told us that since the beginning.

18 (Ms. Platt entered the meeting room at
19 8:30 p.m.)

20 ACTING CHAIRMAN FINDLEY: Does anyone have any other
21 questions while we're waiting?

22 BOARD MEMBER RAMPE: No. It's harsh.

23 ACTING CHAIRMAN FINDLEY: I think the time frame is very
24 important.

25 BOARD MEMBER MULHARE: So do I, which is why we have no

1 - RE: HARDSCRAPERS @ HUDSON VALLEY LLC -

2 questions because she figures out --

3 ACTING CHAIRMAN FINDLEY: Right. If it is 2022, I think
4 they're in good standing.

5 (The stenographer asked for clarification.)

6 ACTING CHAIRMAN FINDLEY: Sure. I was just saying if
7 the violation was issued in 2022 they're probably in good
8 standing.

9 MS. PLATT: The violation was issued in 2022. It was
10 based off of a discussion and then inspection done by the
11 Inspector. She had discussed with Carol Scully, a realtor,
12 in regards to the structure being gutted. I don't see a date
13 as to when that happened, just that we picked it up in '22.

14 MR. MOGEL: So there's nothing in the file that's
15 showing that it was evidenced that prior to that the
16 nonconforming use had been discontinued.

17 MS. PLATT: Correct. This is the only date I have.

18 MR. MOGEL: Gotcha.

19 MS. PLATT: The earliest date I have.

20 MR. MOGEL: Gotcha.

21 ACTING CHAIRMAN FINDLEY: Well, I don't think I have any
22 other questions. Does anybody else?

23 ALTERNATE BOARD MEMBER FOURNIER: Do these two houses
24 share the same well?

25 BOARD MEMBER RAMPE: Yes.

1 - RE: HARDSCRAPERS @ HUDSON VALLEY LLC -

2 ALTERNATE BOARD MEMBER FOURNIER: And the same septic?

3 MR. SANCHEZ: Let me see.

4 BOARD MEMBER RAMPE: Yes.

5 MR. SANCHEZ: Share well. New pump and water tank, yes.

6 I'm reading off the notes of the realtor. And they do share

7 -- they do share the same septic.

8 ALTERNATE BOARD MEMBER FOURNIER: Obviously share a
9 driveway.

10 ACTING CHAIRMAN FINDLEY: How --

11 ALTERNATE BOARD MEMBER: How many square feet are they?

12 MR. SANCHEZ: What was that?

13 ALTERNATE BOARD MEMBER FOURNIER: How many square feet?

14 Are they identical square feet? They look the same.

15 MR. SANCHEZ: 480 and 672.

16 ALTERNATE BOARD MEMBER FOURNIER: 480 and 672.

17 MR. SANCHEZ: And I have a survey here that I can give
18 you guys --

19 ALTERNATE BOARD MEMBER FOURNIER: Yes. No, I see it.

20 MR. SANCHEZ: -- if you want to see it.

21 ACTING CHAIRMAN FINDLEY: How many bedrooms, total, will
22 there be?

23 MR. SANCHEZ: One bedroom. It's one bedroom each and
24 one bath each is what was existing.

25 ACTING CHAIRMAN FINDLEY: What is your plan?

1 - RE: HARDSCRAPERS @ HUDSON VALLEY LLC -

2 MR. SANCHEZ: My plan is two bedroom on each and two and
3 a half bath on each.

4 BOARD MEMBER RAMPE: And you'll need new septic, also.

5 MR. SANCHEZ: Correct.

6 ACTING CHAIRMAN FINDLEY: Is that part of your plan?

7 MR. SANCHEZ: I will have to see what the septic is. I
8 did not put it into the drawings that I submitted to the town
9 yet because I want to see what they --

10 BOARD MEMBER RAMPE: Well, in order to get a building
11 permit --

12 MR. SANCHEZ: I want to see what the Building Department
13 tells me back and then I can go from there.

14 ACTING CHAIRMAN FINDLEY: Is this a 239 issue, this
15 property?

16 MS. PLATT: I will have to pull up the map and
17 double-check that. I didn't have it pulled up at the
18 beginning of the meeting. I apologize.

19 ACTING CHAIRMAN FINDLEY: That's fine.

20 Does anyone have any questions, further questions?

21 BOARD MEMBER LEWIS: No.

22 ACTING CHAIRMAN FINDLEY: Do I have a motion to set up a
23 public hearing?

24 BOARD MEMBER LEWIS: I'll make the motion.

25 ALTERNATE BOARD MEMBER LEWIS: Second.

1 - RE: HARDSCRAPERS @ HUDSON VALLEY LLC -

2 ACTING CHAIRMAN FINDLEY: All in favor?

3 BOARD MEMBER RAMPE: Aye.

4 BOARD MEMBER MULHARE: Aye.

5 BOARD MEMBER LEWIS: Aye.

6 ALTERNATE BOARD MEMBER FOURNIER: Aye.

7 ACTING CHAIRMAN FINDLEY: Aye.

8 (The motion was approved and carried.)

9 (The stenographer inquired as to permission to
10 Visit the property.)

11 ACTING CHAIRMAN FINDLEY: Oh, I didn't ask that. Thank
12 you.

13 We ask every applicant if we can visit the property.

14 MR. SANCHEZ: Any time.

15 ACTING CHAIRMAN FINDLEY: Is it okay if we just go or do
16 you want us to make an appointment?

17 MR. SANCHEZ: If you guys prefer me to be there for
18 whatever reason, fine. But if not, you guys can go. I can
19 put a lock box in the front so if you need to enter, whatever
20 it is.

21 ACTING CHAIRMAN FINDLEY: I don't think we need to go.

22 MS. SANCHEZ: Well, you could see it from the windows,
23 inside.

24 MS. PLATT: So the Board -- sorry. Was there any
25 further discussion when I stepped out about the date of the

1 - RE: HARDSCRAPERS @ HUDSON VALLEY LLC -

2 violation, the 51 or the 52?

3 ACTING CHAIRMAN FINDLEY: I just think that's very
4 important, that's all.

5 MS. PLATT: Okay.

6 ACTING CHAIRMAN FINDLEY: I mean that's the key to the
7 whole shooting match as far as I'm concerned.

8 MS. PLATT: All right. So yes, the earliest date we
9 have in there in regard to the violation is 2022.

10 MR. MOGEL: I would just ask the Board to carefully
11 consider 199-51(b) and 199-52.

12 ACTING CHAIRMAN FINDLEY: Yes, that's ...

13 Do you have any other questions? You'll have to meet
14 with Kyra to do mailings. Possibly a 239, but we don't know.

15 MS. PLATT: Possibly. I can't find the map.

16 ACTING CHAIRMAN FINDLEY: All right. So you'll check
17 that tomorrow?

18 MS. PLATT: I'll check it when I get back to the office,
19 yes.

20 ACTING CHAIRMAN FINDLEY: Do you have any other
21 questions?

22 MR. SANCHEZ: Do you have any?

23 MS. DIAZ: No.

24 ACTING CHAIRMAN FINDLEY: So you have to do these
25 mailings 10 days before the hearing.

1 - RE: HARDSCRAPERS @ HUDSON VALLEY LLC -

2 MS. PLATT: Yes.

3 ACTING CHAIRMAN FINDLEY: She'll give you the rundown.

4 MS. PLATT: I'll call you guys tomorrow. I'll do the
5 same rundown. We prepare a list, all the properties 500 feet
6 from your property. If it is a 239 we'll send that to the
7 County. We notify the newspaper. It's a \$100 public hearing
8 fee. Certified return receipt 10 days prior to the meeting
9 which is the 25th, no later than the 15th. And the Board
10 will see you again at that meeting.

11 MR. SANCHEZ: Okay. Thank you, guys.

12 ACTING CHAIRMAN FINDLEY: Can I have a motion to close
13 the meeting?

14 BOARD MEMBER MULHARE: I'll make a motion to close the
15 meeting.

16 BOARD MEMBER LEWIS: I'll second it.

17 ACTING CHAIRMAN FINDLEY: All in favor?

18 BOARD MEMBER RAMPE: Aye.

19 BOARD MEMBER MULHARE: Aye.

20 BOARD MEMBER LEWIS: Aye.

21 ALTERNATE BOARD MEMBER FOURNIER: Aye.

22 ACTING CHAIRMAN FINDLEY: Aye.

23 (The motion was approved and carried.)

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

25

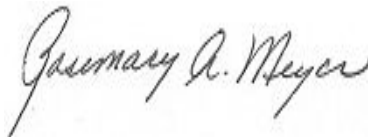
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REPORTER'S CERTIFICATION

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 Hardscrapers @ Hudson Valley 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: June 19, 2023

	22;37:5.7,10,15,19, 21,23;38:12,15,23; 39:2,5,10,12,16,19, 25;40:7,11,13;41:5, 10,20,23;42:3,8,10, 19,23,25;43:3,6,9,11, 16,19,23;44:4,7,17, 21;45:3,6,8,10,16,20, 22,24;46:4,6,8,11,16, 19,21,23;47:5,7,10, 12,14,18,20;48:2,5,8, 10,13,16,21,23;49:8, 10,15,18;52:2,5,7; 53:5,7,10,14,16;54:5, 7,10,15,18,21,23; 55:3,5,8,10,14,16,18, 22,25;56:3,5,11,18, 21,25;57:4,12,19,24; 58:7,14,24;59:4,10, 12,14,19,24;60:13, 18,24;61:3,12,14,18, 23,25;62:4,8,13,17, 22,24;63:7,10,12,15, 19,24;64:2;71:13,22; 72:13,16,25;73:5,7, 13,18,24;74:3,9,19; 75:2,6,16,21,25;76:3, 22,25;77:9,12,23,25; 78:4,16,20,24;79:7, 11,15,18,25;80:4,10, 13,15,18,22,25;81:3, 11,16,18,24;82:4,9	agree (6) 9:2;13:22;43:16; 48:2,5;73:2 ahead (1) 37:24 alleged (2) 19:9;46:24 Allegiance (3) 5:6,18,19 allow (2) 16:19;28:12 allowed (3) 35:2;71:11;80:5 alongside (1) 60:3 alteration (1) 72:9 alterations (2) 71:7,11 altered (2) 71:6;72:5 ALTERNATE (34) 5:13;6:16;10:24; 15:6;16:13;17:11,23; 18:10,19;19:19;20:8, 15;33:22;34:3;39:9; 45:7,21;46:5,20; 47:11;48:15,20;49:7, 13;61:22;62:16,21; 63:18,23;73:10,14; 77:16;81:9,15 always (1) 80:5 amount (1) 30:12 angle (2) 9:5;55:17 anymore (1) 28:15 anyways (1) 29:5 Apologies (1) 24:7 apologize (7) 11:10;34:8;42:12; 58:15;61:2;82:6;83:3 appeal (1) 26:19 appear (1) 56:24 appears (1) 58:19 applicant (14) 5:21;10:13;13:20; 16:20;17:15,16; 32:19;36:6;40:3; 45:11,12;49:16;52:2; 80:19 applicants (2) 38:10;40:18 application (2) 6:23;52:12 apply (4)	26:22,25;27:4;44:9 applying (2) 27:8,9 appoint (2) 4:16,23 appointed (1) 4:14 appreciate (2) 7:5;49:20 approach (2) 74:24;78:23 approval (3) 16:3,6;52:13 approve (7) 5:23;6:4,9;19:23; 27:17;30:5;47:15 approved (15) 4:10;6:18;11:2; 15:8;20:17,19;34:5; 39:11;44:18;48:22, 24;61:24;62:23; 63:25;81:17 approving (3) 28:6,12;47:20 approximately (4) 76:11,12,13,18 approximation (1) 74:16 approximations (1) 76:6 architect (1) 52:8 area (21) 7:17;9:18,19; 12:24;16:18;17:3,16; 18:2;19:11;26:3; 45:12,24;47:2,14; 52:13,14;53:11;57:3, 4;62:11;80:8 Ariel (1) 77:18 around (2) 78:10;82:15 assessors (1) 37:2 assessor's (1) 26:9 Associates (1) 52:9 assuming (1) 7:25 attached (5) 28:18;32:7,8,12; 52:15 attendance (2) 4:25;5:5 attended (1) 38:18 attic (1) 26:8 availability (1) 36:8 average (5)	29:6,7;31:8;55:11; 56:8 aware (1) 42:13 away (1) 28:17 awkward (1) 15:18 Aye (60) 4:7,8,9;6:13,14,15, 16,17;10:21,22,23, 24,25;15:3,4,5,6,7; 20:12,13,14,15,16; 33:24,25;34:2,3,4; 39:6,7,8,9,10;48:17, 18,19,20,21;49:10, 12;61:19,20,21,22, 23;62:18,19,20,21, 22;63:20,21,22,23, 24;81:12,13,14,15,16
			B	
	ably (5) 10:3,5,8;13:4;21:6 above (2) 52:16;54:2 above-ground (1) 7:18 absent (1) 5:7 accept (2) 4:4;6:2 acceptable (1) 16:21 accessory (4) 26:21;27:6,24; 28:15 accomplish (1) 55:6 accordance (1) 56:23 accurate (2) 58:10,20 achieved (2) 17:15;45:11 Acreage (3) 26:9;57:7;75:23 acres (2) 26:10;71:18 across (4) 25:12;53:23;77:10, 19 ACTING (330) 4:2,6,9,21,24;5:3, 10,12,14,16,20,25; 6:4,7,10,12,17,19; 7:9,15,20,22;8:3,19; 9:2,8,13,22,24;10:2, 12,15,19,25;11:3,18; 12:3;13:6,9,22;14:9, 13,15,18,22;15:2,7,9, 15,17,22;16:5,10,14, 23;17:7,10,12,14,19, 21,24;18:2,6,9,11,13, 18,20,22,25;19:5,8, 15,18,20,22;20:3,9, 11,16,18;21:10,24;2, 12,17;25:14,17,22; 26:16,19,24;27:15, 21;28:2,4,11,16,23; 29:3,5,10,16,22,25; 30:5,8,19,24;31:5,7, 11,13,16,20;32:11, 17,24;33:6,10,16,19, 23;34:4,6,10,12,15, 18,22;35:3,6,10,14, 16,18,21,24;36:3,20,	actually (9) 28:14;30:19;34:11; 60:19;72:22;73:17; 74:4,7,78:11 add (2) 39:12;44:5 adding (3) 53:10;71:13;72:6 addition (8) 36:5;52:15;53:2; 58:8,17;74:4;76:9; 77:7 addressed (1) 39:13 Adequate (2) 36:15,16 adverse (2) 18:14;46:12 adversely (1) 40:8 aerial (2) 79:13;81:23 affect (2) 40:8;60:14 again (6) 20:21;31:8;34:8; 62:25;81:7;83:2 against (1) 38:5 agenda (2) 5:21;26:17	agreed (1) 9:2;13:22;43:16; 48:2,5;73:2 ahead (1) 37:24 alleged (2) 19:9;46:24 Allegiance (3) 5:6,18,19 allow (2) 16:19;28:12 allowed (3) 35:2;71:11;80:5 alongside (1) 60:3 alteration (1) 72:9 alterations (2) 71:7,11 altered (2) 71:6;72:5 ALTERNATE (34) 5:13;6:16;10:24; 15:6;16:13;17:11,23; 18:10,19;19:19;20:8, 15;33:22;34:3;39:9; 45:7,21;46:5,20; 47:11;48:15,20;49:7, 13;61:22;62:16,21; 63:18,23;73:10,14; 77:16;81:9,15 always (1) 80:5 amount (1) 30:12 angle (2) 9:5;55:17 anymore (1) 28:15 anyways (1) 29:5 Apologies (1) 24:7 apologize (7) 11:10;34:8;42:12; 58:15;61:2;82:6;83:3 appeal (1) 26:19 appear (1) 56:24 appears (1) 58:19 applicant (14) 5:21;10:13;13:20; 16:20;17:15,16; 32:19;36:6;40:3; 45:11,12;49:16;52:2; 80:19 applicants (2) 38:10;40:18 application (2) 6:23;52:12 apply (4)	29:6,7;31:8;55:11; 56:8 aware (1) 42:13 away (1) 28:17 awkward (1) 15:18 Aye (60) 4:7,8,9;6:13,14,15, 16,17;10:21,22,23, 24,25;15:3,4,5,6,7; 20:12,13,14,15,16; 33:24,25;34:2,3,4; 39:6,7,8,9,10;48:17, 18,19,20,21;49:10, 12;61:19,20,21,22, 23;62:18,19,20,21, 22;63:20,21,22,23, 24;81:12,13,14,15,16

<p>bit (1) 34:20</p> <p>blue (1) 77:19</p> <p>BOARD (308) 4:4,5,7,8,13;5:9,11, 13,15;6:3,6,8,11,13, 14,15,16;8:7,12,13, 14,15,16,17,18,19,21, 24;9:6,11,15,23;10:9, 14,17,18,21,22,23,24; 11:20,25;12:20;13:3, 8,13;14:24,25;15:3,4, 5,6,9,12,16,20,23,24, 25;16:3,7,8,11,12,13; 17:9,11,13,18,20,23, 25;18:5,8,10,12,17, 19,21,24;19:14,17, 19,21;20:2,8,10,12, 13,14,15,22;24:6,19; 25:4,16,18,20;26:13, 15,18,23;27:2,4;29:2, 9,12,18,21;30:8,10, 14;31:15,20,22;32:2, 16;33:20,22,24,25; 34:2,3,25;35:4,9,12, 15,17,20,23,25; 36:15,19,21;37:13; 39:3,4,6,7,8,9,15,21, 24;40:14,15,21,24; 41:2,14,25;42:2,7,9, 13,22,24;43:2,5,7,10, 18,22;44:3,6,20;45:2, 5,7,9,14,19,21,23; 46:3,5,7,10,15,18,20, 22;47:6,9,11,13,17, 19,21;48:3,7,9,12,14, 15,17,18,19,20;49:4, 5,6,7,13;52:8,22; 53:2,4,6,9,19,25; 54:4,9,12,14,16,17; 55:7,12,17,21,23; 56:2,4,14,16,17;58:5, 10,19,23;59:9,11,17; 60:2,7,10,12,16,21, 23;61:2,4,8,10,13,16, 17,19,20,21,22; 62:13,15,16,18,19,20, 21;63:14,17,18,20, 21,22,23;64:4;71:12; 72:22;73:3,6,9,10,12, 14,21,23;74:2,5,12, 17;75:25;76:5,11,15, 17,19,21,24;77:16; 78:5,9,15,18,19,22; 80:19,20,24;81:9,10, 12,13,14,15,25</p> <p>Board's (1) 13:17</p> <p>both (8) 32:15;35:7;43:8; 55:6;58:2;59:6,7; 75:22</p>	<p>bottom (2) 82:6;83:4</p> <p>boundaries (1) 12:10</p> <p>boundary (2) 12:8,19</p> <p>boxer (3) 80:11,13,14</p> <p>bring (2) 38:22;82:21</p> <p>buffer (1) 37:20</p> <p>build (5) 26:25;34:19;40:17; 44:6;73:7</p> <p>Building (24) 7:18;26:20;27:21; 28:13;30:11;32:12; 33:2;34:24;36:18; 39:14;40:15;44:7,10, 18;54:11;57:17; 59:15,18;60:6;63:2,5, 15;71:5;72:4</p> <p>built (2) 73:15,20</p> <p>bulk (3) 29:25;71:3;72:10</p> <p>burned (1) 27:5</p> <p style="text-align: center;">C</p> <p>cabin (1) 74:8</p> <p>calculation (1) 33:12</p> <p>call (4) 4:3;56:5;82:16,22</p> <p>Camp (1) 30:2</p> <p>Camps (1) 29:20</p> <p>Can (28) 4:15,23;13:10,19; 17:15;24:8,9,17; 26:3;28:11;29:25; 30:16;36:20;38:16; 41:12;45:11;61:14; 63:4;74:16,22,24; 77:15;78:13;79:6,12; 80:16;81:24;82:21</p> <p>card (2) 25:25;73:20</p> <p>cards (2) 38:2;82:20</p> <p>care (4) 4:25;28:16;32:18; 63:12</p> <p>carried (10) 4:10;6:18;11:2; 15:8;34:5;39:11; 61:24;62:23;63:25; 81:17</p>	<p>case (1) 59:21</p> <p>certain (1) 12:11</p> <p>certainly (3) 13:10;24:20;42:16</p> <p>certified (3) 52:10,11;82:18</p> <p>certifying (1) 36:14</p> <p>Chair (2) 5:23;15:21</p> <p>CHAIRMAN (331) 4:2,6,9,15,21,24; 5:3,10,12,14,16,20, 25;6:4,7,10,12,17,19; 7:9,15,20,22;8:3,19; 9:2,8,13,22,24;10:2, 12,15,19,25;11:3,18; 12:3;13:6,9,22;14:9, 13,15,18,22;15:2,7,9, 15,17,22;16:5,10,14, 23;17:7,10,12,14,19, 21,24;18:2,6,9,11,13, 18,20,22,25;19:5,8, 15,18,20,22;20:3,9, 11,16,18;21:10;24:2, 12,17;25:14,17,22; 26:16,19,24;27:15, 21;28:2,4,11,16,23; 29:3,5,10,16,22,25; 30:5,8,19,24;31:5,7, 11,13,16,20;32:11, 17,24;33:6,10,16,19, 23;34:4,6,10,12,15, 18,22;35:3,6,10,14, 16,18,21,24;36:3,20, 22;37:5,7,10,15,19, 21,23;38:12,15,23; 39:2,5,10,12,16,19, 25;40:7,11,13;41:5, 10,20,23;42:3,8,10, 19,23,25;43:3,6,9,11, 16,19,23;44:4,7,17, 21;45:3,6,8,10,16,20, 22,24;46:4,6,8,11,16, 19,21,23;47:5,7,10, 12,14,18,20;48:2,5,8, 10,13,16,21,23;49:8, 10,15,18;52:2,5,7; 53:5,7,10,14,16;54:5, 7,10,15,18,21,23; 55:3,5,8,10,14,16,18, 22,25;56:3,5,11,18, 21,25;57:4,12,19,24; 58:7,14,24;59:4,10, 12,14,19,24;60:13, 18,24;61:3,12,14,18, 23,25;62:4,8,13,17, 22,24;63:7,10,12,15, 19,24;64:2;71:13,22; 72:13,16,25;73:5,7, 13,18,24;74:3,9,19;</p>	<p>75:2,6,16,21,25;76:3, 22,25;77:9,12,23,25; 78:4,16,20,24;79:7, 11,15,18,25;80:4,10, 13,15,18,22,25;81:3, 11,16,18,24;82:4,9</p> <p>chance (1) 81:7</p> <p>change (4) 16:25;44:22;59:10, 12</p> <p>chapter (1) 71:4</p> <p>character (2) 17:2;44:22</p> <p>chooses (1) 13:13</p> <p>chose (1) 40:19</p> <p>Chris (2) 11:8;37:25</p> <p>Chris' (1) 11:6</p> <p>circle (1) 76:5</p> <p>circles (2) 76:9;78:10</p> <p>circumstance (1) 58:13</p> <p>circumstances (3) 13:15;41:15;72:8</p> <p>clear (2) 49:9;72:2</p> <p>Clerk (2) 6:25;7:4</p> <p>clicked (1) 62:6</p> <p>client (1) 40:8</p> <p>close (11) 13:7;14:2,22;21:5; 33:13;36:2;37:10,23; 38:25;39:3;62:13</p> <p>closer (3) 30:15;58:11,20</p> <p>closing (1) 37:11</p> <p>code (1) 27:10</p> <p>combined (10) 32:10,14;35:7,11, 19;42:20,23,25; 43:23;47:14</p> <p>coming (2) 27:8;74:5</p> <p>comment (6) 11:14,17,19;14:5; 34:7;62:9</p> <p>comments (1) 12:17</p> <p>commercial (1) 73:3</p> <p>competed (1)</p>	<p>52:18</p> <p>complete (2) 13:17;44:8</p> <p>completed (1) 7:4</p> <p>condition (3) 19:25;20:3,7</p> <p>conditions (2) 18:15;46:13</p> <p>conform (2) 72:17;75:9</p> <p>conforming (2) 54:19;71:3</p> <p>Connect (1) 75:18</p> <p>consensus (1) 16:14</p> <p>consider (1) 39:21</p> <p>considerably (1) 25:11</p> <p>consideration (2) 19:10;46:24</p> <p>considered (2) 7:19;16:19</p> <p>constraint (4) 40:7,14,16,23</p> <p>constraints (1) 39:22</p> <p>construct (2) 28:14;52:14</p> <p>construction (1) 36:7</p> <p>contact (1) 80:16</p> <p>containing (2) 71:5;72:4</p> <p>contingent (4) 13:13;15:10;16:5; 20:2</p> <p>coordinates (1) 74:23</p> <p>copies (1) 76:8</p> <p>copy (1) 7:3</p> <p>corner (3) 9:10,19;77:2</p> <p>County (14) 12:10,11,12;13:5, 14;15:18,25;16:4; 20:24;21:2,7;75:18; 82:14,14</p> <p>county's (1) 12:8</p> <p>couple (2) 7:11;25:2</p> <p>course (3) 21:8;25:2;59:22</p> <p>coverage (4) 33:4,11;53:12; 71:20</p> <p>Crawl (1)</p>
--	---	---	---	---

<p>26:10 created (2) 17:3;44:24 criteria (5) 42:14;44:19;63:9, 10,11 curious (1) 27:17 current (1) 24:25</p>	<p>determining (1) 75:8 detriment (2) 17:2;44:23 development (1) 33:11 DIANA (23) 52:4,6,8,8,11,12; 53:13,15,18;54:6,20, 22;55:15;57:3,5,11, 17,23;59:13;60:5,9, 11;64:4 DIEGO (29) 24:1,3,3,15;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; 38:1;39:1;40:1;41:1; 42:1;43:1;44:1;45:1; 46:1;47:1;48:1;49:1 difference (1) 30:22 difficulty (2) 19:9;46:24 dimensions (1) 52:22 DINO (13) 71:1;72:1;73:1; 74:1;75:1;76:1;77:1; 78:1;79:1;80:1;81:1; 82:1;83:1 directly (1) 53:23 disagree (3) 57:19;59:15;63:2 disapproval (1) 38:22 discussed (1) 12:7 disposal (1) 36:9 distance (1) 12:11 district (3) 18:15;46:13;71:2 districts (1) 72:23 documents (1) 53:9 dogs (1) 80:9 done (4) 13:12;37:16;39:16; 81:19 door (1) 77:18 doubt (1) 15:18 down (7) 27:5,8;42:11; 43:21,24;62:8;79:4 drawings (2) 52:21;58:25</p>	<p>drawn (1) 74:22 draws (1) 78:6 drive (4) 8:3,5;55:15,16 driveway (5) 7:25;8:5,8;10:7; 54:11 driving (1) 8:4 drove (1) 7:24 due (3) 4:25;26:21,23 dwelling (6) 8:25;26:25;52:17; 71:8;72:7;74:7 dwelling (2) 71:9,17</p>	<p>59:2;72:20 evening (3) 4:2;24:14;52:8 event (2) 13:15,19 everybody (3) 4:12;49:10;82:2 Everybody's (1) 49:3 everyone (3) 4:2;32:2;41:10 Everything's (2) 34:24;80:23 exact (2) 19:6;42:4 exactly (2) 53:17;58:24 examining (1) 53:9 example (1) 42:14 excavation (1) 9:21 exceed (1) 56:9 excellent (1) 62:11 except (1) 31:17 excess (1) 14:19 existing (10) 31:22;32:3;36:10, 16;52:16,17,23;53:6, 7;60:3 exploration (1) 30:18 Explore (1) 75:18</p>	<p>feeling (1) 80:23 feet (41) 8:10;10:10;11:24; 14:11,13,16;25:8; 26:5;28:10;29:2,3,9, 10,17;30:3,6,13;31:3, 14;32:15,15,16;42:5; 43:15,25;45:15;55:5; 57:10,14;59:5,6,7; 71:18,19,19,20; 75:11,20;76:11,18; 82:12 fenced (1) 80:8 few (1) 4:25 field (2) 30:17,23 fifty (2) 55:21,22 Fifty-five (2) 59:9,10 Fifty-four (1) 72:15 figure (1) 36:24 file (2) 25:18,20 filed (3) 6:25;7:4,6 FINDLEY (330) 4:2,6,9,15,21,24; 5:10,12,14,16,20,25; 6:4,7,10,12,17,19; 7:9,15,20,22;8:3,19; 9:2,8,13,22,24;10:2, 12,15,19,25;11:3,18; 12:3;13:6,9,22;14:9, 13,15,18,22;15:2,7,9, 15,17,22;16:5,10,14, 23;17:7,10,12,14,19, 21,24;18:2,6,9,11,13, 18,20,22,25;19:5,8, 15,18,20,22;20:3,9, 11,16,18;21:10;24:2, 12,17;25:14,17,22; 26:16,19,24;27:15, 21;28:2,4,11,16,23; 29:3,5,10,16,22,25; 30:5,8,19,24;31:5,7, 11,13,16,20;32:11, 17,24;33:6,10,16,19, 23;34:4,6,10,12,15, 18,22;35:3,6,10,14, 16,18,21,24;36:3,20, 22;37:5,7,10,15,19, 21,23;38:12,15,23; 39:2,5,10,12,16,19, 25;40:7,11,13;41:5, 10,20,23;42:3,8,10, 19,23,25;43:3,6,9,11, 16,19,23;44:4,7,17,</p>
<p style="text-align: center;">D</p>				
<p>damaged (1) 25:5 date (2) 71:4;82:5 Dave (12) 4:16;5:14;17:12, 24;18:11,16;19:20; 45:8,22;46:2,21; 47:12 day (2) 40:9,13 days (2) 21:4;82:18 deadline (3) 27:2;82:7;83:2 decision (4) 6:24;13:14;19:10; 46:25 deck (14) 30:25;31:2;52:23, 25;53:16,22,24; 56:15;58:11,20,23, 24;60:3,14 definitely (3) 75:17,19;80:3 demo (1) 27:5 demonstrate (1) 36:6 denial (9) 33:5;56:20;57:17; 58:8,16,17;59:18; 63:5,15 Department (6) 7:18;27:22;33:3; 39:14;63:6,16 Department's (1) 63:2 Depends (1) 40:9 depth (9) 29:6,7,8;31:8; 55:11,20,23;56:8; 71:19 determination (9) 13:14,18,21;20:6, 24;21:3;26:20;59:15; 63:3 determined (2) 58:10,19</p>		<p style="text-align: center;">E</p>		
		<p>edge (1) 11:21 effect (4) 18:14;32:4;46:12; 59:22 effective (1) 71:3 eight (1) 76:15 either (7) 13:10,19,19;30:24; 38:16;58:9,18 eliminate (1) 27:24 Elm (2) 24:23,23 else (6) 7:20;20:6;31:25; 32:21;61:12;80:25 e-mail (1) 12:22 end (1) 26:2 engineer (1) 36:13 ensure (1) 7:3 entertain (1) 39:25 entrance (1) 60:6 environmental (2) 18:15;46:13 error (2) 75:19,19 especially (1) 13:24 Eugene (2) 34:14,16 even (2)</p>	<p style="text-align: center;">F</p>	
			<p>facing (1) 8:22 far (5) 9:10;11:21;27:23; 30:25;76:13 farther (1) 8:11 favor (13) 4:6;6:12;10:19; 15:2;20:11;33:23; 39:5;48:16;49:3; 61:18;62:17;63:19; 81:11 feasible (2) 17:15;45:11 February (5) 6:2,4,22;58:17; 63:5 feel (6) 15:9;16:10;34:10; 40:14;41:20;42:14</p>	

<p>21;45:3,6,8,10,16,20, 22,24;46:4,6,8,11,16, 19,21,23;47:5,7,10, 12,14,18,20;48:2,5,8, 10,13,16,21,23;49:8, 10,15,18;52:2,5,7; 53:5,7,10,14,16;54:5, 7,10,15,18,21,23; 55:3,5,8,10,14,16,18, 22,25;56:3,5,11,18, 21,25;57:4,12,19,24; 58:7,14,24;59:4,10, 12,14,19,24;60:13, 18,24;61:3,12,14,18, 23,25;62:4,8,13,17, 22,24;63:7,10,12,15, 19,24;64:2,71:13,22; 72:13,16,25;73:5,7, 13,18,24;74:3,9,19; 75:2,6,16,21,25;76:3, 22,25;77:9,12,23,25; 78:4,16,20,24;79:7, 11,15,18,25;80:4,10, 13,15,18,22,25;81:3, 11,16,18,24;82:4,9</p> <p>fine (12) 7:22;12:4;30:21; 31:16;32:19;34:24; 36:12;40:12;41:22; 42:16;61:3;78:9</p> <p>finished (1) 26:8</p> <p>fire (5) 24:21,24,24;36:11; 47:22</p> <p>first (4) 5:20;16:24;26:8; 37:10</p> <p>fit (1) 72:23</p> <p>five (3) 5:16,16;71:20</p> <p>flat (1) 9:19</p> <p>foot (4) 29:11;35:23;43:14; 52:14</p> <p>footage (2) 25:6;26:7</p> <p>forth (1) 58:17</p> <p>Forty (2) 31:10,11</p> <p>forward (3) 28:13;40:19;41:3</p> <p>found (2) 38:20,21</p> <p>four (4) 37:3,3,5;53:23</p> <p>Fournier (37) 4:14;5:2,12,13; 6:16;10:24;15:6; 16:13;17:11,23;</p>	<p>18:10,19;19:19;20:8, 15;33:22;34:3;39:9; 45:7,21;46:5,20; 47:11;48:15,20;49:7, 13;61:22;62:16,21; 63:18,23;73:10,14; 77:16;81:9,15</p> <p>frame (1) 41:11</p> <p>friendly (3) 80:11,13,14</p> <p>front (29) 7:19;8:22;9:4; 10:3;16:20;28:8,24, 24;29:11,22;30:3,6; 32:20;33:15;42:5,10; 43:20;54:10;55:11, 12,15;56:7;60:18; 71:19;75:12;76:16; 79:23;80:2,3</p> <p>frontage (1) 71:18</p> <p>fulfill (1) 38:11</p> <p>fully (1) 57:25</p> <p>functioning (1) 36:11</p> <p>further (3) 10:12;61:10;81:19</p>	<p>24:14;26:13;31:17; 38:8,24;49:11,18; 52:8;53:11;56:22; 64:3;73:16;80:24</p> <p>Google (2) 9:24;79:2</p> <p>grandfathered (1) 47:24</p> <p>grant (1) 48:4</p> <p>granting (4) 17:3;19:11;44:24; 47:2</p> <p>Great (4) 34:25;49:20;62:9; 82:23</p> <p>greater (9) 29:6,17;30:4;31:8; 56:9;59:5;75:10,10, 14</p> <p>Green (46) 24:7,9,11,14,14,20; 25:6,11,24;26:3,5; 27:12,20,23;28:3,21; 29:4,13,15;30:13,15, 21;31:3,6,19;32:22; 33:2,9;36:2,11,24; 37:4,9;40:4,5,9,12; 41:15,19,22;44:13, 15;48:25;49:17,20; 82:20</p> <p>ground (2) 40:5,6</p> <p>guess (6) 21:4;26:19;38:22; 45:15;58:18;77:3</p> <p>guys (1) 7:24</p>	<p>highly (1) 13:14</p> <p>Hills (2) 24:23;29:19</p> <p>hit (1) 12:8</p> <p>hold (3) 16:15;54:12;71:24</p> <p>home (3) 40:17;47:23;52:17</p> <p>Honestly (1) 41:15</p> <p>honesty (1) 60:13</p> <p>horrible (1) 40:2</p> <p>house (37) 7:25;8:2,8,22;9:5; 24:21,24;25:7,11; 27:5,8,23;28:14,15; 30:12,13,16;32:7,8; 36:18,25;37:2,45;15; 47:22,24;60:3,4,8; 73:7,15,20;77:14,15, 19;78:11,12;79:3</p> <p>hundred (12) 29:2,3,9,10;35:22; 37:7,7;59:5;71:25; 75:11,15,17</p>	<p>41:12</p> <p>informational (1) 79:19</p> <p>inquired (1) 4:13</p> <p>inspection (1) 38:9</p> <p>Inspector (2) 26:20;57:17</p> <p>Inspector's (2) 59:15,18</p> <p>insulted (1) 34:10</p> <p>intent (1) 24:24</p> <p>interested (1) 39:24</p> <p>interior (3) 71:6;72:6,9</p> <p>interpretation (2) 9:3;28:17</p> <p>into (3) 4:11;31:24;75:5</p> <p>introduce (1) 24:13</p> <p>issue (6) 14:3,4;15:19;21:2; 39:22;58:23</p> <p>issued (2) 52:21;63:5</p> <p>issues (1) 4:25</p>	
	G		I	J	
	<p>gap (1) 27:8</p> <p>garage (9) 26:21;28:18;31:17, 22;32:3,9;34:24; 52:15;61:5</p> <p>generally (1) 40:17</p> <p>Genevieve (11) 5:10;17:8,17;18:7, 20;19:16;45:4,18; 46:6,17;47:8</p> <p>gentleman (2) 77:10,17</p> <p>Georgia (13) 5:8;17:5,19;18:4, 23;19:13;26:11; 44:25;45:13;46:9,14; 47:5;54:12</p> <p>GIS (4) 75:18;78:6;79:12; 81:20</p> <p>given (3) 6:22;24:22;39:22</p> <p>giving (1) 41:21</p> <p>goes (4) 28:17;60:3;79:4,4</p> <p>Good (17) 4:2;16:2;21:9,10;</p>	H	<p>hard (3) 11:25;35:21;73:12</p> <p>hear (4) 24:8,9;32:24;58:14</p> <p>hearing (21) 5:21;7:10;10:16, 20;13:7;14:2,23; 24:2;33:17,21;37:11, 12,24;38:10,16; 59:20,25;61:15; 62:14;81:5,8</p> <p>help (5) 30:20;78:5,13; 79:12;81:20</p> <p>helps (1) 78:9</p> <p>here's (1) 79:4</p> <p>higher (1) 10:11</p> <p>highlighted (2) 53:21,23</p>	<p>idea (3) 38:8;40:2;79:2</p> <p>image (2) 10:2;75:7</p> <p>imaginary (1) 8:25</p> <p>imagine (1) 58:12</p> <p>impact (2) 18:14;46:12</p> <p>Impervious (2) 53:13,14</p> <p>improve (3) 71:6;72:6,9</p> <p>improvement (1) 62:9</p> <p>Inaudible (1) 37:22</p> <p>includes (2) 52:15,21</p> <p>including (1) 36:7</p> <p>increase (2) 52:24;71:8</p> <p>indentation (1) 79:6</p> <p>indicating (2) 8:7,8</p> <p>indication (1) 14:15</p> <p>individually (1)</p>	<p>James (1) 52:8</p> <p>January (1) 24:22</p> <p>JERRY (20) 4:1;5:1,21;6:1;7:1, 10;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</p> <p>Jon (15) 4:16;5:2,12,17; 17:10,22;18:9,18; 19:18;45:6,20;46:4, 19;47:10;49:12</p>
			K		
			<p>Kent (1) 17:7</p> <p>kind (3) 47:23;78:6;79:15</p> <p>known (1) 76:6</p> <p>Kyra (17) 7:3,11;12:6;21:6; 25:8,24;28:4;32:23; 33:3;36:25;40:16;</p>		

74:13;76:5;79:12; 80:15;81:20;82:9	linked (1) 79:5	30:20;48:8;49:15	17,18,21,22,23,24; 11:20,25;13:8;14:24, 25;15:3,4,5,6,12,16, 20,23,24,25;16:3,7,8, 11,12,13;17:6,9,11, 13,18,20,23,25;18:5, 8,10,12,17,19,21,24; 19:14,17,19,21;20:2, 8,10,12,13,14,15; 24:6;25:4,16,18,20; 26:13,15,18,23;27:2, 4;29:2,9,12,18,21; 30:10,14;31:15,22; 32:2,16;33:20,22,24, 25;34:2,3,25;35:4,9, 12,15,17,20,23,25; 36:15,19,21;37:13; 39:3,4,6,7,8,9;40:15, 21,24;41:2,14,25; 42:2,7,9,22,24;43:2, 5,7,10,18,22;44:3,6, 20;45:2,5,7,9,14,19, 21,23;46:3,5,7,10,15, 18,20,22;47:6,9,11, 13,17,19,21;48:3,7,9, 12,14,15,17,18,19,20; 49:4,5,6,7,13;53:4,6, 19,25;54:4,9,12,14, 16,17;55:7,12,17,21, 23;56:2,4,14,16,17; 58:5;59:9,11;60:2,7, 10,12,16,21,23;61:2, 4,8,10,13,16,17,19, 20,21,22;62:15,16, 18,19,20,21;63:14, 17,18,20,21,22,23; 71:12;72:22;73:3,6,9, 10,12,14,21,23;74:2, 5,12,17;76:5,11,15, 17,19,21,24;77:16; 78:15,18,19,22; 80:20,24;81:9,10,12, 13,14,15,25	27:13;80:11
L	list (3) 34:9;82:11,16	Mamakating (1) 57:7	mind (2) 30:21;78:23	
laid (2) 80:23;81:21	listed (1) 36:8	management (1) 52:20	mine (1) 76:10	
Lake (2) 29:20;55:12	listing (2) 37:3,6	many (2) 36:25;48:6	minimum (15) 14:17,18;28:24; 32:13,14;35:6;43:3; 44:4;55:5;57:9;58:3; 59:4,6;75:11,21	
Lakes (1) 30:2	literally (1) 82:15	map (8) 12:9;16:20;25:12, 15;35:8;78:6;81:20, 23	Minus (1) 43:10	
LAN (1) 52:9	little (1) 34:20	mapping (1) 75:18	minutes (8) 5:24;6:2,5,19,22, 25;7:4;11:4	
land (3) 41:17;71:18;77:7	livability (3) 71:6;72:6,10	maps (1) 79:2	misplaced (1) 19:8	
larger (2) 25:4;54:3	local (2) 13:14;20:5	March (1) 6:19	missing (1) 47:3	
last (11) 6:5;11:12;18:25; 24:21;32:25;33:7,8; 38:9;41:16;46:23; 52:22	location (1) 9:17	marking (1) 11:22	mistaken (1) 27:14	
later (1) 82:18	long (2) 57:15;72:6	math (2) 57:12;59:11	MOGEL (40) 4:23;5:23;6:22; 7:8;13:10;14:4; 16:22;19:4,7,25;20:5, 25;21:9;27:10,13; 28:8,18,20,22;39:21; 41:9,17;42:13,18; 43:13;44:14,16;49:2, 9,11;58:8,16;59:3,17, 21;63:4,9,11;71:25; 72:14	
least (1) 75:20	longer (2) 27:12,15	Matt (4) 4:18,19;5:3,7	moment (2) 62:7;74:14	
left (1) 78:2	look (8) 10:7;25:12;26:17; 29:16;58:23;72:10; 74:21;80:8	matter (2) 16:12;39:17	month (8) 11:12;13:21;15:11, 13;20:21;27:8;81:19; 82:4	
legal (1) 13:18	looked (1) 33:6	maximum (1) 33:10	months (9) 26:22,24;27:11,16; 40:10;44:5,9,10,17	
legible (1) 74:18	looking (10) 7:17;25:20,24; 26:11;32:19;57:13; 60:21;73:24;75:17; 79:19	may (6) 71:5;72:5;82:7,8; 83:2,3	more (5) 19:2;24:25;30:4; 31:21;80:19	
lengthy (1) 39:23	looks (1) 56:15	Maybe (1) 59:12	MORELLI (42) 71:1,15;72:1;73:1, 16;74:1,4,7,11,15,24; 75:1,3,5,14;76:1; 77:1,5,6,7,10,14,17, 20;78:1,23,25;79:1,9, 17;80:1,7,11,14,17; 81:1,22;82:1,2,23,24; 83:1	
LESER (9) 11:9,12;37:22,25, 25;38:7,14,19,24	lot (25) 9:21;25:14;29:6,7; 31:8;33:4,11;35:23; 36:6;47:25;52:14; 53:12;54:19,22,25; 55:4;56:8;57:3,4,9,9; 61:6;71:19,20;74:12	mean (6) 13:11;41:20;57:12; 59:14,19;60:13	members (2) 5:17;53:9	
less (4) 30:6;43:13,25;48:6	lots (3) 32:13;71:10;72:23	Meaning (1) 54:20	mentioned (1) 36:4	
letter (3) 36:4,14;39:13	luck (3) 21:10;49:18;64:3	means (3) 54:23;58:12,22	mess (1) 16:17	
level (1) 9:19	lump (4) 41:13,14,24;43:20	meant (1) 60:25	messaged (1) 11:16	
Lewis (34) 5:14,15;6:11,15; 10:23;14:25;15:5,25; 16:8;17:13,25;18:12, 17;19:21;20:10,14; 34:2;39:8;42:2;45:9, 23;46:3,22;47:13; 48:14,19;49:6;61:16, 21;62:15,20;63:22; 81:10,14	M	measure (1) 82:12	met (1) 80:11	
likely (2) 12:25;13:15	mail (1) 82:20	measurements (1) 81:22	method (2) 17:15;45:11	
limit (1) 40:22	mailing (2) 37:15;82:15	meet (7) 20:7;25:3;32:10; 56:24;57:7;58:9,18	MG (1) 71:16	
line (9) 8:25;11:22,24; 13:25;14:10;31:2; 55:18;76:14;79:4	mailings (5) 7:12;37:17;52:10, 11;82:10	meeting (14) 4:3;6:5,19,24;21:6; 52:22;78:5,14;79:16, 18;82:7,18,21;83:3	microphone (2) 31:24;75:5	
lines (2) 9:5;12:12	main (1) 27:25	meetings (1) 38:9	microphones (1) 4:12	
	makes (2) 14:5;59:8	meets (1) 56:6	might (5) 10:7;15:13;25:8;	
	making (3)	MEMBER (286) 4:4,5,7,8,13,14,16; 5:2,9,11,13,15,17; 6:3,6,8,11,13,14,15, 16;8:7,12,13,14,15, 16,17,18,19,21,24; 9:6,11,15,23;10:9,14,		

24;15:8;19:23;20:8; 33:19;20:34:5;38:25; 39:3,11;47:16;48:11, 11;61:14,16,24; 62:15,23;63:4,13,17, 25;81:3,8,9,17 Mountain (2) 29:20;30:2 move (6) 7:9;28:13;30:16; 31:19;40:19;41:3 moved (3) 30:10;77:17,18 moving (1) 30:21 much (4) 75:19;78:25;82:2, 24 MULHARE (51) 4:5,8;5:10,11;6:14; 8:7,13,15,17;10:18, 22;15:4,24;16:11; 17:9,18;18:8,21; 19:17;20:13;31:22; 32:2;33:25;39:4,7; 44:20;45:5,19;46:7, 18;47:9;48:18;49:5; 54:12,16;55:7,21; 56:16;60:21;61:13, 17,20;62:19;63:21; 72:22;73:3,6,9; 76:11;78:18;81:13 municipal (1) 12:8 must (1) 36:6	neighborhood (4) 17:2;18:15;44:23; 46:13 neighbors (1) 77:6 neighbor's (2) 61:5;77:6 new (16) 24:25;25:7;32:8, 12;40:17;47:24; 52:19;53:10;58:8,11, 17,20;60:8;62:10; 73:7;77:17 newspaper (2) 7:14;37:17 next (21) 13:21;15:11,13; 20:21;21:5;24:2; 49:16;52:2;76:4,10; 77:18;78:5,10,13,13; 79:16;81:5,19;82:4, 7;83:3 nice (1) 80:20 night (1) 49:20 Nobody (4) 11:16;14:5;34:9; 62:5 Nobody's (2) 38:4;62:12 nodding (1) 28:4 non (1) 31:5 nonconformance (1) 52:24 nonconforming (11) 28:23;31:7;32:13; 33:11;54:19;57:9; 71:5,9;72:3,5,23 nonconformities (1) 48:6 normal (1) 41:15 north (5) 54:6,7;55:15,16; 60:5 noted (4) 21:13;49:21;64:5; 83:5 noticed (1) 38:23 notification (1) 80:7 notified (3) 7:14;20:20;37:18 NR (1) 29:14 number (5) 12:2;55:23;71:8; 76:9;80:15 numbers (4)	25:8;42:4;79:16; 81:23 O object (2) 33:16;37:11 objections (1) 38:3 obliged (1) 38:13 observing (1) 4:20 obviously (1) 13:11 off (7) 9:19;13:4;25:11; 36:14;74:20,21;79:5 offset (3) 13:24;14:10;53:16 old (5) 25:7,8;26:5;30:16; 74:9 one (29) 6:3;11:18,20;19:2, 4;24:25;25:5,9,10,16, 21,23;26:5;32:9,13; 33:15;35:12,19;38:8; 42:15;43:4,13,14,20, 25;47:15;54:13,16; 72:25 one-and-a-half (1) 52:18 one-car (1) 52:15 ones (1) 81:6 only (12) 10:6;20:6;21:2,4; 36:3;41:16,21;42:22; 47:21;56:25;79:6,21 onto (1) 39:12 open (7) 10:16;11:3;33:20; 59:22,25;61:14;62:6 opening (2) 10:19;33:16 operative (1) 13:16 opinion (1) 9:9 opportunity (1) 12:13 opposite (1) 77:7 order (2) 4:3;28:14 ordinarily (1) 27:10 original (4) 30:13;36:25;37:2; 74:7	originally (3) 28:3,21;32:6 out (14) 5:3;9:24;12:20,22; 24:24;25:12;34:9; 36:24;37:14;38:4; 80:23;81:21;82:14, 17 outside (2) 37:20;77:15 over (6) 7:15;14:16;21:6; 26:21,24;75:17 overturn (3) 59:18;63:5,14 own (1) 32:7 owner (1) 52:9 owns (1) 82:14 P page (1) 54:18 park (6) 77:22,23,24,25; 79:8,9 part (6) 27:25;28:14;35:9; 39:22;74:19;76:16 particular (1) 72:8 particularly (1) 76:4 past (1) 41:5 people (2) 38:2,10 per (1) 26:9 percent (10) 29:6,7;31:8,13; 33:12;55:11;56:8,12; 71:20;72:2 Perfect (2) 37:21;78:7 period (1) 39:23 permissible (1) 59:3 permit (10) 24:22;28:13;40:16; 42:20;44:7,10,18; 72:20,24;73:4 permits (2) 26:22,25 permitted (4) 33:11;38:17;58:12, 22 personal (1) 38:9	personally (1) 13:6 phone (1) 80:15 photographed (2) 74:20,21 physical (2) 18:14;46:12 PINEDA (29) 24:1,3,6,15,25:1; 26:1;27:1;28:1;29:1; 30:1;31:1;32:1;33:1; 34:1;35:1;36:1;37:1; 38:1;39:1;40:1;41:1; 42:1;43:1;44:1;45:1; 46:1;47:1;48:1;49:1 pit (1) 52:20 place (1) 36:17 plans (3) 52:24;76:7,7 PLATT (118) 4:11,19,22;7:6,13; 9:16;11:6,10,13,16; 12:7,16,19,22,24; 13:3;19:3;20:22; 21:8;24:5,7,10;25:10, 19,23,25;26:4,7,14; 27:3,5;28:6,10,12,19; 29:14,20,24;30:3,7, 25;31:4,10,12,18,24; 32:6;33:4,8,14;34:8, 13;35:8;36:10,13,16; 37:2,6,17,20;38:4,25; 39:14,18;40:4,17,22, 25;41:3,7;42:17; 44:11,14;47:4;49:12, 14;53:21;54:2;55:2, 4,13;56:8,12,20,23; 57:6,15;58:6;62:5, 12;71:16,24;72:12, 15,20;73:17,19,22; 74:14,16;75:17,24; 76:7,13,16,18,20,23; 77:21,24;78:3,9; 79:14,23;80:3;82:6, 11,25 Please (2) 34:13,13 pleasure (1) 13:18 Pledge (3) 5:5,18,19 plot (1) 76:7 pm (4) 21:13;49:21;64:5; 83:5 point (4) 6:23;7:2;13:23; 59:20 pointing (1)
N name (3) 34:9,13;77:18 nearby (2) 17:2;44:23 necessarily (5) 13:18;19:11;44:9; 47:2;57:6 necessary (2) 7:2;80:16 need (24) 12:6;19:3;27:18; 29:11;30:12;32:15, 17;35:7;36:13;42:9, 22,24;43:4,11;55:3; 58:2,2;59:4,5;62:25; 75:21;80:7,8;82:19 needed (2) 57:23;62:11 needs (2) 9:13;82:17 negative (1) 20:24 neighbor (2) 34:16;77:11				

77:14 pool (12) 7:18;8:10,16,24; 9:11,16,19;10:4; 11:21;12:24;16:19; 20:19 position (1) 15:18 positive (1) 11:7 possible (1) 15:15 possibly (5) 78:5;79:23,23,25; 80:3 potential (1) 21:2 pragmatic (1) 21:5 preclude (2) 19:11;47:2 Preexisting (3) 31:19;54:18;73:5 prefer (1) 13:6 prepare (1) 82:16 present (3) 24:4;52:9,12 presented (3) 6:23;52:11;58:25 Pretty (1) 36:2 previous (3) 26:9;40:18;81:6 previously (1) 47:23 primary (1) 27:7 printed (1) 9:24 PRO (1) 71:16 probably (7) 8:10;10:10;11:12; 13:20;29:17;58:21, 22 problem (3) 34:23;55:10;61:4 procedure (1) 36:21 process (1) 28:13 produced (2) 16:25;44:22 project (12) 7:16;11:14;12:11; 21:11;24:16,18;34:7; 38:5;49:19;52:18; 62:2;64:3 projects (2) 12:9,17 project's (1)	24:22 properties (3) 17:3;44:23;82:12 property (38) 9:5;10:2;11:21,24; 12:5,8,11;13:25; 14:10;25:25;27:7; 28:25;30:25;53:3; 55:18;57:13;62:10; 72:17;73:11,19,25; 74:9;75:7,10;76:14; 77:3,6,21;78:8,10,10, 11,12,12;79:3;80:5; 82:13,14 property's (1) 34:20 proposed (13) 11:21;18:13;25:4; 31:2;39:12;46:11; 52:24;53:8;54:15,16; 60:17;63:13;76:9 proposing (4) 9:16,18;30:7;52:19 provide (4) 27:10;36:13;78:13; 82:11 provided (4) 7:13;16:20;37:17; 76:8 providing (1) 36:22 public (24) 5:21;7:10;10:16, 20;11:4;13:7;14:2, 23;24:2;33:17,21; 37:11,11,24;38:10, 16;59:20,23,25; 61:15;62:14;81:5,7,8 PUIG (18) 52:1,4,5,9;53:1; 54:1;55:1;56:1;57:1; 58:1;59:1;60:1;61:1, 7,9;62:1;63:1;64:1 pull (1) 25:25 purchased (1) 77:21 pursue (2) 17:16;45:12 push (1) 30:12 put (5) 7:18;40:5,6;76:10; 79:15 puts (2) 15:17;71:22 putting (3) 27:23;39:22;47:24	quality (1) 36:8 quick (1) 78:23 quickly (1) 21:2 quite (2) 40:19;58:14	R	RAMPE (164) 4:4,7,5;8,9;6:3,6,8, 13;8:12,14,16,18,21, 24;9:6,11,15,23;10:9, 14,17,21;11:20,25; 13:8;14:24;15:3,12, 16,20,23;16:3,7,12; 17:6,20;18:5,24; 19:14;20:2,12;24:6; 25:4,16,18,20;26:13, 15,18,23;27:2,4;29:2, 9,12,18,21;30:10,14; 31:15;32:16;33:20, 24;34:25;35:4,9,12, 15,17,20,23,25; 36:15,19,21;37:13; 39:3,6;40:15,21,24; 41:2,14,25;42:7,9,22, 24;43:2,5,7,10,18,22; 44:3,6;45:2,14;46:10, 15;47:6,17,19,21; 48:3,7,9,12,17;49:4; 53:4,6,19,25;54:4,9, 14,17;55:12,17,23; 56:2,4,14,17;58:5; 59:9,11;60:2,7,10,12, 16,23;61:2,4,8,10,19; 62:18;63:14,17,20; 71:12;73:12,21,23; 74:2,5,12,17;76:5,15, 17,19,21,24;78:15, 19,22;80:20,24; 81:12,25 rather (3) 15:24,25;16:11 RE (70) 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;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; 38:1;39:1;40:1;41:1; 42:1;43:1;44:1;45:1; 46:1;47:1;48:1;49:1; 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;71:1;72:1;73:1; 74:1;75:1;76:1;77:1;	78:1;79:1;80:1;81:1; 82:1;83:1 reach (1) 55:8 reached (2) 34:9;38:4 read (12) 6:3,8,8;11:10; 16:16;19:2;34:8; 44:19;56:21;57:25; 63:7;73:12 ready (3) 40:6;44:19;82:17 real (1) 78:23 realize (1) 78:7 really (8) 15:18;36:4;42:24; 56:14;63:8;77:23; 78:7;79:21 rear (9) 9:4,7,9;28:24; 35:14;56:12;71:19; 75:12;76:20 reason (6) 9:11;13:12;30:11, 11;47:21;58:16 reasonable (1) 44:11 REBECCA (20) 4:1;5:1,22;6:1;7:1, 10;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 rebuild (2) 27:9;34:21 recall (1) 76:8 recap (1) 24:17 receipt (1) 82:19 receive (1) 20:23 received (1) 40:19 recited (1) 5:19 record (2) 42:16;52:10 records (1) 26:9 reduces (2) 43:4,20 reducing (1) 53:12 REDZIMSKI (6) 34:11,14,16,16,19, 23 Refer (1) 71:9	referenced (2) 33:4;35:8 referring (1) 9:20 refresher (1) 54:19 regard (2) 6:22;71:21 regardless (1) 39:15 regards (1) 38:4 regulations (1) 71:2 relevant (2) 19:10;46:25 remains (1) 5:17 reminder (1) 4:11 remove (1) 27:6 removed (4) 26:21;60:9,10;61:7 replace (1) 24:25 request (1) 52:13 requested (5) 18:2;33:3;45:24; 53:2;78:17 requesting (4) 24:18;32:21;38:21; 81:20 require (2) 9:21;12:12 required (13) 29:7;31:9,11;42:5; 55:11;56:7,9,13; 57:18;58:12,21; 75:12;82:10 requirement (5) 14:17,19;32:14; 39:14;57:7 requirements (1) 36:6 requiring (2) 12:10;71:18 residential (8) 36:7;71:5,10;72:3, 5,20,24;73:4 request (1) 12:16 responded (3) 13:17;62:5,12 response (6) 11:15;12:25;33:18; 62:3;76:2;81:2 responses (1) 13:5 rest (2) 28:13;78:12 restrictive (3)
	Q					
	qualification (1) 20:6					

71:2,17;72:18 return (1) 82:18 returned (1) 82:20 returning (1) 38:2 review (10) 12:10,13;13:12,17; 15:10,13;20:4,5,19; 82:13 Revised (1) 52:21 revote (1) 32:5 ride (6) 77:22,23,24,25; 79:8,9 right (65) 5:20;7:9,25;8:3,6, 7,9;9:6;12:18;15:13, 20;16:7,14,16,18,23; 20:20;26:4,6;28:4, 16;29:12,13;30:14; 31:18,20;32:23;33:8, 14;35:20;36:19; 37:14,20;38:24; 39:18;41:8,9;43:2; 44:3;48:7;49:14,16; 52:2;55:3;59:12; 60:16;72:13,16; 75:16;77:4,4,7,10,14; 78:16;79:3,4,4,7,9, 20,21,22,25;80:22 ring (1) 21:6 road (3) 10:11;55:13;71:18 roads (1) 78:15 roadways (1) 12:12 room (1) 75:19 rough (3) 9:9;26:3;33:12 roughly (1) 10:10 round (1) 76:4 Route (3) 8:22;12:5;13:19 RVP (1) 71:16	27:21 saw (1) 75:23 saying (5) 15:13;48:9;59:14; 73:2;78:19 Schedule (2) 71:2;72:11 scope (1) 14:7 second (21) 4:4,5;6:10,11; 10:18;14:25;20:9,10; 25:10;33:22;39:4; 42:11,19;43:14; 48:13;53:20;61:17; 62:16;63:18;72:19; 81:10 section (3) 25:4;56:23;57:8 seem (2) 14:6,7 seems (1) 44:11 seepage (1) 52:20 self-created (3) 19:4,9;46:24 send (4) 12:20;62:6;82:14, 15 sense (1) 14:5 sent (3) 37:14;82:17,20 sentence (1) 72:4 separation (1) 36:14 septic (11) 7:23,24;30:17,23; 36:5,10;52:19;53:10; 60:17,21;62:10 set (3) 58:16;81:3,8 setback (9) 28:8;29:23;52:25; 57:25;58:18;59:2,3; 60:15;72:12 setbacks (10) 25:2;28:6,12; 52:13;56:19;58:9; 79:20,23,24;80:2 sewage (1) 36:9 shall (7) 19:10,11;33:11; 37:10;46:24,25;71:7 shed (1) 79:4 Shore (2) 55:15,16 show (1)	74:25 shown (1) 52:23 shows (1) 81:20 Shut (1) 62:8 sick (1) 5:3 side (69) 7:25;8:3;25:2; 27:17;28:6,24;31:17; 32:4,5,9,9,13,14,14, 14,15,18,20;33:15, 15;35:2,4,6,6,7,12; 42:20,20;43:3,12,21, 23,25;44:4;52:13,25; 53:19,20;54:3,3,4,6, 7,8;55:5,12;56:3,18, 22;57:2,24;58:9,11, 18,21;59:2,6,6,7; 60:5;71:19;75:11,21, 22;76:18;77:22; 79:20;80:2,3 sides (1) 55:6 sign (2) 11:8;36:14 signature (1) 11:6 signed (1) 11:11 simply (1) 72:9 single-family (2) 52:17;71:17 site (3) 52:24;53:2;76:7 sitting (1) 77:12 six (3) 27:10;40:10;76:21 Size (3) 54:21,22;57:9 skipped (1) 5:25 slight (1) 55:17 slips (1) 82:19 small (2) 48:3;54:22 smaller (1) 54:3 somehow (1) 75:7 Someone (1) 33:19 sometimes (1) 40:22 soon (1) 82:17 Sorry (14)	12:9;26:12,23; 27:3;32:2,24;35:3; 44:14,15;47:4;54:3; 72:19;76:20;77:5 sort (1) 13:4 sought (2) 17:14;45:10 Sound (2) 26:6;41:8 Sounds (2) 41:9;80:24 space (1) 26:10 spaces (1) 52:16 speak (3) 4:11;62:2;81:7 speaking (1) 40:3 spec (1) 36:8 specifically (1) 26:11 specify (1) 42:16 spoke (1) 19:23 spot (1) 10:6 sprawled (1) 25:12 Square (9) 25:6,7;26:5,7; 45:15;52:14;57:10, 14;79:6 squared (1) 25:11 stand (1) 5:18 standard (2) 14:8;36:21 state (3) 12:11;34:13;62:25 statement (1) 63:13 steep (1) 9:21 stenographer (2) 4:13;6:21 step (1) 81:5 Steve (17) 4:22;13:3,8,23; 14:3;20:23;24:7,8; 41:8;42:17;43:11; 44:12,14;57:20; 58:15;62:25;63:13 Steven (2) 24:14;40:4 still (5) 5:17;27:15;32:4; 38:11;60:14	stipulated (1) 13:4 stories (1) 71:20 stormwater (3) 52:20;60:19;62:10 story (1) 26:8 Street (5) 24:23,23;26:16; 77:11,19 structure (12) 24:25;25:7;26:9; 27:6,7,18,24,25;32:7, 10,12;71:7 struggling (1) 57:20 submission (2) 82:7;83:2 submit (1) 52:10 substantial (3) 18:3;42:15;45:25 suitable (3) 36:7,8,17 sum (1) 43:20 support (1) 52:16 sure (16) 14:16,20;25:6; 30:18;36:5;38:13,17; 40:2;42:18;43:17; 72:8,10;75:2,2; 78:24;79:24 surface (2) 53:13,14 survey (4) 73:18,19;74:10,22 surveyor (3) 24:15;40:4;79:5 system (6) 26:4;36:5,17,17; 52:20,20
S				T
safest (1) 13:11 same (4) 53:17;71:21;74:17, 18 satisfy (1)	show (1)	Sorry (14)	still (5)	table (1) 75:9 tables (2) 29:25;72:11 tag (1) 36:20 talk (4) 11:8,11;75:5;82:22 talking (7) 40:5;54:2,4;72:2,3; 79:20,21 tall (1) 71:21 tax (2) 25:18,20 technically (1)

55:14 tells (2) 72:25;75:11 terms (1) 14:7 third (1) 72:4 though (2) 53:22;72:20 thought (7) 21:4;27:12,13; 29:18;38:14;60:25; 73:24 Three (4) 11:4;43:19;52:17, 19 til (3) 13:20;15:11,13 times (2) 12:16;56:6 today (1) 7:13 together (3) 41:13,24;43:14 told (1) 75:14 tomorrow (3) 12:22;40:6;82:22 tonight (5) 4:12,16,19;5:2,4 took (1) 24:24 total (11) 28:24;32:9;33:4, 15;42:25;52:18;55:8; 58:2;59:7;75:12,22 tough (1) 75:8 towards (2) 10:7;76:16 Town (4) 6:25;7:4;25:21; 57:6 true (1) 77:16 Try (1) 75:5 trying (1) 11:23 Twelve (1) 44:17 Twenty (1) 31:13 Twenty-five (2) 30:3;35:15 two (9) 12:3,25;15:14; 32:19;40:17;43:11; 52:19;55:21,22 two-and-a-half (1) 71:20 two-story (1) 52:15	two-tenths (5) 30:15,16,20,22; 31:3 type (1) 14:8 U uh (1) 37:5 Unanimous (4) 20:18;48:23;49:2; 64:2 under (2) 13:15;41:15 undersized (1) 54:22 undesirable (2) 16:25;44:22 Unfortunately (1) 12:5 units (2) 71:8;72:7 unless (4) 20:23,23;45:14; 81:18 unmuted (1) 4:22 up (24) 8:5,8;9:19;10:7; 11:8,11;15:20;16:17; 24:22,23;25:25;26:4; 34:12,15;38:8,22; 49:15;54:4;60:18; 72:12;74:5;79:5; 81:4,8 upon (4) 13:13;19:25;20:2,3 use (3) 71:3,5;72:5 used (1) 76:21 uses (4) 72:3,21,24;73:4 using (1) 36:10 V vacant (1) 34:20 variance (40) 7:17;9:14;12:24; 13:4,16;14:7,8;16:18, 21;17:4,16;18:3,13; 19:12,24;20:17; 27:17;32:4,18;39:13; 40:19;41:4,11;42:10, 15,19;43:21,24;44:2, 24;45:12,25;46:11; 47:2,15;48:4;52:13; 57:21,22;63:8 variances (15)	19:22;28:17;32:19; 41:12,16,17,24;42:3; 43:12,19;47:14,15; 48:22,23;49:3 verbal (5) 11:15;33:18;62:3; 76:2;81:2 verbiage (1) 19:6 Vicky (1) 52:9 VICTORIA (14) 52:1,3;53:1;54:1; 55:1;56:1;57:1;58:1; 59:1;60:1;61:1;62:1; 63:1;64:1 view (4) 38:20;79:13;80:21, 23 visit (3) 38:12;53:2;80:5 void (1) 41:4 vote (24) 4:18;13:11,13; 15:10,22,23,25;16:3, 5,8,8,13,15,15,18; 38:16,16;41:12; 43:20;47:17,17,18; 48:11;59:18 voted (1) 16:2 voting (8) 4:14,16,19;5:2,17, 17;13:24;49:3 W wait (9) 13:5,11,20;15:11, 12,24;16:11;20:19; 76:15 waiting (3) 26:21,24;39:23 wants (2) 34:6;39:21 water (1) 36:7 way (6) 13:10;41:3;59:22; 71:6;72:5;74:22 weeks (2) 12:25;15:14 welcome (2) 31:6;73:23 weren't (1) 33:13 what's (8) 16:19;27:2;29:14; 55:20;56:3,9;58:12; 75:23 white (1) 82:19	whole (1) 75:6 wide (2) 28:25;73:10 width (7) 54:25;55:4;73:25; 74:5,12;75:10,20 wise (1) 25:6 within (7) 12:9,11,19;44:10; 59:2,3;72:23 without (1) 27:7 wonky (1) 12:9 wooded (1) 9:20 WOODS (45) 4:1;5:1,22;6:1;7:1, 10,17,21,24;8:1,5,9, 23;9:1,16,18,25;10:1, 3,5,10;11:1,23;12:1, 15,18,21,23;13:1,2; 14:1,11,14,17,21; 15:1;16:1,9;17:1; 18:1;19:1;20:1,20; 21:1,12 wording (1) 62:25 work (1) 24:15 working (1) 36:12 worry (1) 39:19 write (1) 42:11 written (1) 76:22 wrong (2) 20:23;60:20 Wurtsboro (2) 10:7;24:23 Y yard (73) 7:19;9:4,4,7,9; 16:20;25:2,13;27:18; 28:6,8,24,24,24,25; 29:11,22;30:6;31:17; 32:4,5,9,9,13,14,15, 20,20;33:15,15,15; 35:2,4,6,12,14,19; 42:5,10,20,20;43:3, 21,23,25;44:4;52:13, 25;53:20;55:5,11,12, 15;56:7,12,19;57:24; 58:9,11,18,21;59:2,6; 75:11,12,13,21; 79:20,23;80:2,2,3,3 yards (12)	28:24;32:15,18; 35:7;43:12;56:22; 57:2;58:2;59:7,7; 75:12,22 year (7) 27:13,15;41:6,11, 16,21;73:14 years (1) 40:18 Yep (1) 78:3 Z ZBA (2) 19:10;46:25 zone (9) 29:7,14;31:9,11; 56:7,9,13;57:8;73:3 zones (1) 71:16 Zoning (1) 57:18 Zoom (7) 4:20;11:4,16;34:9; 62:4,5,12 1 1 (3) 44:21;71:2;72:11 1.5 (1) 75:23 1.50 (1) 75:24 10 (6) 14:15,19;71:18; 76:11,18;82:18 11 (4) 26:21,24;27:8,16 11.1 (1) 43:10 11.2 (1) 44:2 114 (1) 74:15 115 (2) 55:2,4 12 (3) 44:5,9,10 1276 (1) 26:8 12th (2) 82:7;83:2 13.2 (3) 42:9,10;43:21 1400 (1) 52:14 15.9 (3) 42:24,25;43:24 150 (1) 8:10 1564 (1)
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26:7 16 (2) 28:10;42:8 16.6 (1) 30:7 16.8 (3) 30:13;42:6;43:21 162 (1) 75:20 1700 (1) 26:5 175.32 (1) 74:24 1800 (1) 25:7 1847 (1) 57:15 19.3 (2) 76:23,25 1985 (1) 74:4 199.54 (1) 36:4 199-54 (7) 56:23;57:8,25; 71:9,23;72:14,22	25th (2) 82:8;83:3 27 (1) 76:25 288 (1) 26:8 293 (1) 37:19	60 (2) 10:10;21:3 61.3 (1) 56:17		
	3	7		
	30 (10) 29:6,7,11,17; 31:14;42:5;43:21; 55:11;56:12;71:20 300 (1) 71:18 34 (1) 58:3 34.1 (2) 42:23;43:24 34.7 (4) 54:5,9;58:6;59:8 35 (1) 33:12 36 (1) 25:7 38.9 (1) 31:3	7 (1) 58:5 7:19 (1) 21:13 7:47 (1) 49:21 70 (1) 56:14 78.7 (3) 55:17,19;56:10		
2		8		
20 (17) 11:23;14:11,13; 31:8,13;32:15;35:7, 18;43:4,4,14,25;55:5; 56:8;58:3;59:6;75:22 200 (2) 8:10;71:18 209 (8) 8:22;10:4,6;12:5; 78:16,18,21;79:3 21 (1) 77:21 21.9 (4) 54:8;58:3,24;59:8 215.5 (1) 56:4 23 (1) 26:10 230 (1) 56:5 235 (1) 56:6 239 (4) 13:12,17;15:10; 20:19 239-m (6) 12:6,10,13;20:4,5; 82:13 23rd (2) 58:17;63:5 25 (2) 30:6;45:15 25.2 (2) 35:16;42:21	43 (1) 24:23 45 (1) 35:12	8,000 (2) 57:9,13 8.9 (7) 31:15;35:2,4,16; 42:21;43:4,10 8:02 (1) 64:5 8:20 (1) 83:5 85 (1) 73:21		
	4			
	5			
	5.6 (3) 76:15,16,21 50 (14) 25:7;32:15,16; 35:7,11,19;43:15,24; 55:8;56:13;58:2; 59:7;71:19;75:22 500 (1) 82:12 52.1 (1) 53:24 52.8 (1) 53:19 55 (1) 59:8 56 (1) 59:12 58 (1) 56:16 58.3 (1) 56:13			
	6			