



– ATTORNEYS –

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March 4, 2026

Via Certified Mail

Zoning Board of Appeals
Town of Mina
2883 North Road
P.O. Box 38
Findley Lake, New York 14736

**Re: Appeal of Zoning Permit Denial and Request for Interpretation
Brown "Caplin Garage"; 2478 Shadyside Drive, Findley Lake, New York 14736**

Dear Members of the Zoning Board:

Please be advised that my office represents 2482A Shadyside Road, LLC ("Shadyside"), the owner of real property located at 2478 Shadyside Drive, Findley Lake, New York 14736 (the "Property"). I write pursuant to Section 903 of the Town of Mina Zoning Law (the "Zoning Law") and Section 267-a(4) of New York State Town Law to appeal the Town Code Enforcement Officer's February 13, 2026 denial of a building/zoning permit (the "Denial") and, separately, to request an interpretation of whether a zoning permit is even required pursuant to Section 703(A) of the Zoning Law. A true and accurate copy of the Denial is attached hereto as **Exhibit A**.

Background

Shadyside purchased the Property on or about September 29, 2025. In October of 2025, Shadyside engaged Mayshark Builders ("Mayshark") to perform certain renovations to an already existing 1800 square foot garage on the Property. Although extensive, the proposed renovations will not result in a change of the existing use, nor an addition or enlargement of the footprint of the existing building. On October 21, 2025, Shadyside applied for a building/zoning permit via its contractor Mayshark Builders. A true and accurate copy of Shadyside's October 21, 2025 application (the "Application") is attached hereto as **Exhibit B**.

Pursuant to Section 703(G)(1) of the Zoning Law, "[a]ll decisions by the Code Enforcement Officer to grant or deny a zoning permit shall be made in writing within 20 days from the time that the completed zoning permit form is submitted along with full payment of the required fee." The twenty

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(20) day deadline to respond to the Application passed on or about November 10, 2025 with the Town Code Enforcement Officer failing to grant or deny Shadyside's Application. Thereafter, despite Shadyside's repeated requests for approval of the Application, the Town Code Enforcement Officer failed to act on the Application.

Accordingly, Shadyside retained legal counsel. On or about January 27, 2026, counsel for Shadyside sent a letter to the Town Code Enforcement Officer, copying the Town Attorney, requesting a decision on the Application in accordance with Section 703(G)(1) of the Zoning Law. A true and accurate copy of Woods Oviatt Gilman LLP's January 27, 2026 letter (the "January Letter"), without its enclosures, is attached hereto as **Exhibit C**. Importantly, the January Letter advanced the argument, and reserved the right to assert, that the renovation work outlined by the Application does not require a zoning permit pursuant to Section 703(A) of the Zoning Law.

On February 13, 2026, the Town Code Enforcement Officer issued the Denial. The Denial cites three (3) purported bases for its decision. For ease of reference, those three (3) reasons are set forth below.

1. When the subdivisions were originally created, dedicated roads were established for subdivision use. While a land transfer did occur between the County and the property owner, and Chautauqua County relinquished its rights, the residents of the subdivision did not sign off on relinquishing their rights. Therefore, the original road remains in effect. As a result, the Town cannot approve work beyond repairs to the existing structure.
2. The drawings submitted indicate major structural modifications and therefore require review and approval by a licensed professional engineer, including an engineer's stamp.
3. No truss certification was provided for the 16" truss joists shown in the submitted plans.

A Zoning/Building Permit Is Not Required

First, Shadyside requests an interpretation of Section 703(A) of the Zoning Law as it applies to Shady's Application and scope of work. It is respectfully submitted that the renovation work outlined by the Application does not require a zoning permit since it falls into one or more of the Zoning Law's specific exceptions. Section 703(A) of the Zoning Law provides:

- A. Permit Required – No building, structure, accessory uses, or lot shall be erected, added to, structurally enlarged, or changed to another use until a zoning permit has been issued to the property owner by the Zoning Code Enforcement Officer. Excluded, however, from these permit requirements are:
 1. interior modification unless additional dwelling units or different types of uses are created, and

2. home repairs or improvements not involving additions or enlargements of floor space.
3. Refer to Article IV, District Regulations, for other exclusions.

Here, Shadyside's Application consists of renovation work fairly described as "interior modification" that does not create additional dwelling units or types of uses, and/or "home repairs or improvements not involving additions or enlargement of floor space." As stated previously, the renovations requested will not change the existing use, nor will they result in an addition or enlargement of the footprint of the building. Therefore, the exceptions provided by Section 703(A) of the Zoning Law are plainly applicable and Shadyside should not be required to obtain a zoning permit for the requested work.

Despite the fact that Shadyside noted the applicability of this exemption in its January Letter, the Town Code Enforcement Officer did not address this issue in the Denial. In fact, no reason has been provided by the Town Code Enforcement Officer, or any other officer of the Town, as to why a zoning permit is required for the Application's renovation work. Importantly, "[z]oning laws are to be given a strict construction because they are in derogation of common-law rights" (*FGL & L Prop. Corp. v. City of Rye*, 66 N.Y.2d 111, 115 (1985)) and "[a]mbiguities, if any, are to be resolved in favor of the property owner." *Inc. Vill. of Saltaire v. Feustel*, 40 A.D.3d 586, 587 (2d Dep't 2007).

Given the foregoing, Shadyside respectfully requests the Zoning Board issue a determination pursuant to Zoning Law Section 703(A) that no zoning permit is required for the work defined by the Application.

The Town Cannot Enforce Alleged Private Rights

Even assuming, *arguendo*, that a zoning permit *is* required for the work outlined by the Application, basis 1 of the Denial is improper as a matter of law. Specifically, the Town Code Enforcement Officer cannot deny the Application on the grounds of his subjective opinion that such work would interfere with the rights of private third persons.

It is well settled law from the State's highest Court that "the use that may be made of land under a zoning ordinance and the use of the same land under an easement or restrictive covenant are, as a general rule, separate and distinct matters" and, therefore, "the issuance of a permit for a use allowed by a zoning ordinance **may not be denied** because the proposed use would be in violation of a restrictive covenant [or easement]." *Friends of Shawangunks, Inc. v. Knowlton*, 64 N.Y.2d 387, 392 (1985) (emphasis added).

As the Appellate Division has explained, municipalities are only "required to determine whether the application for the building permit complied with the municipality's standards and conditions contained in the zoning ordinance," they are not required to and should not "determine whether any third parties might assert conflicting rights in the future." *Save Monroe Ave., Inc. v. Town of Brighton*, 217 A.D.3d 1389, 1391–92 (4th Dep't 2023) (internal citations omitted); *People ex rel.*

Rosevale Realty Co. v. Kleinert, 204 A.D. 883 (2d Dep't 1922) ("[T]he superintendent of the bureau of buildings has no power or discretion to refuse a permit on the ground that the proposed building violates a restrictive covenant, as this is not a matter for him to decide.").

Simply put, it is not the Town Code Enforcement Officer's prerogative to adjudicate or advance rights allegedly held by private third persons. It is unlawful for the Town to get involved in such neighbor disputes. The Code Enforcement Officer is required to follow the letter of the Town Zoning Law. As the Courts have explained:

T]he act of the building inspector in granting or denying the building permit is ministerial: it does not involve exercise of discretion. There is no provision in the building code that gives the building inspector a latitude of choice. In determining whether to grant or deny a building permit, he must adhere to the definite standards of the code and if the applicant meets these standards, he must issue the permit.

Filmways Commc'ns of Syracuse, Inc. v. Douglas, 106 A.D.2d 185, 186 (4th Dep't 1985), *aff'd*, 65 N.Y.2d 878 (1985).

Keep in mind that private third persons have a remedy: the "sole remedy for an alleged violation of the easement is a private action [] and not the denial of a use allowed by the Zoning Ordinance." *Gersten v. Cullen*, 203 A.D.2d 744, 747 (3d Dep't 1994). Thus, even assuming that the renovation work sought by the Application is a violation of the rights of these unidentified third persons, those persons must protect their rights through their own private action.

Given this well settled area of law, the Town Code Enforcement Officer clearly wrongly issued the Denial based upon his opinion of alleged private rights held by unidentified "residents of the subdivision."

The Private Residents Do Not Possess Easement Rights

Even if the Town could rely upon the private rights of unidentified third persons to deny the Application, which it certainly cannot, the rights the Town Code Enforcement Officer purports to be concerned with are non-existent.

The easement referenced by the Town Code Enforcement Officer is shown on a map from 1903. The intention over 120-years ago was for there to be a roadway where the garage is currently situated. As noted by the Denial, at some point those plans were abandoned and alternative roadways were constructed. Thus, by the time my client's extended family became aware of the Property in 1971, the garage had already been constructed in the abandoned right of way. In the early 1990's, the Town approved permits for substantial improvements to the garage – notwithstanding the Town Code Enforcement Officer's current unwillingness to allow further improvements to occur. This inconsistent treatment of the Property is particularly troubling.¹

¹ The Town previously represented that the Denial was necessary for "consistency" purposes. Therefore, Shadyside FOIL requested copies of the alleged denials that the Code Enforcement Officer apparently must be consistent with. To date, the

It is respectfully submitted that this purported concern is entirely a non-issue. Any rights that were held by neighboring landowners over 120-years ago have long since been abandoned. The Application only seeks to improve (and not enlarge) an existing garage that is *already* in the right of way that the Town Code Enforcement Officer is concerned with. And, the “residents of the subdivision” have no need for a roadway where the garage is situated since Shadyside Drive connects to Shadyside Road to the north of the Property.

The Remaining Bases Of Denial Will Be Resolved

Finally, the Town Code Enforcement Officer also denied the Application because he required the review and approval of a licensed professional engineer, including an engineer’s stamp, and a truss certification.

Upon information and belief, the Application is being treated differently by the Town Code Enforcement Officer than other similar applications. To wit, the Zoning Law lists in Section 703(B) the required contents of a Zoning Permit. The Application contained all of those contents. None of those requirements reference the need for a professional engineer’s stamp for certain applications, or a truss certification. It is respectfully submitted that the Town Code Enforcement Officer is exceeding his authority by requiring Shadyside to meet further additional requirements not contemplated by the Zoning Law.

Nonetheless, in good faith, Shadyside is in the process of hiring a licensed professional engineer who will address these purported deficiencies in the Application. By the time the ZBA hears this appeal, those issues will be resolved and the only matter before this Board will be the Denial’s first basis.

Given the foregoing, Shadyside respectfully requests that the ZBA reverse the Denial and require the Town Code Enforcement Officer to approve the Application.

Thank you for your time and attention to this matter. Please feel free to contact the undersigned with any questions or concerns.

[SIGNATURE PAGE TO FOLLOW]

Town has not produced those other denials, which is odd given that the Code Enforcement Officer said that he was worried about consistency with those other denials.

March 4, 2026
Page 6

Very truly yours,

WOODS OVIATT GILMAN LLP

A handwritten signature in blue ink, appearing to read "Bill Savino", with a horizontal line extending from the end.

William F. Savino

Partner

Please direct responses to Buffalo Office

WFS/rjm

Enclosures

cc: 2482A Shadyside Road, LLC
Joseph M. Calimeri, Esq.
Tom McNinch
Town Supervisor Rebecca Brumagin

EXHIBIT A

WRIGHT CALIMERI, PLLC
ATTORNEYS AT LAW
525 FAIRMOUNT AVENUE
JAMESTOWN, NEW YORK 14701

STEPHEN J. WRIGHT
WILLIAM L. WRIGHT, JR.
JOSEPH M. CALIMERI

(716) 483-1122
FAX 483-2060
general@wrightcalimeri.com

EDWARD P. "TAD" WRIGHT
OF COUNSEL

February 13, 2026

William F. Savino
Woods Oviatt Gillman
50 Fountain Plaza, Suite 320
Buffalo, New York 14202

***Re: Brown "Caplin Garage" Zoning Permit Application
2478 Shadyside Drive, Findley Lake, New York 14736***

Dear Bill:

Please allow this letter to acknowledge receipt of the Building and Zoning Permit filed with your letter of January 27, 2026. The Code Enforcement Officer has had an opportunity to review the permit application, and the Town's denial letter is attached hereto. The reasons for the denial are set forth in the denial letter. If you wish to seek an Interpretation or Appeal of this decision, please advise the Town in writing as set forth in the Town of Mina Zoning Law.

Furthermore, please allow this letter to serve as a response to the FOIL Application submitted by Robert Marks, Esq. dated February 10, 2026. The Town hereby acknowledges your request and will have the information available for review within thirty (30) days. Please advise if electronic documents would be acceptable or if you prefer paper copies. Thank you.

Very truly yours

WRIGHT CALIMERI, PLLC

By:  Joseph M. Calimeri

JMC/em
Enclosure

To:

Mayshark Builders and 2482A Shadyside LLC

Subject: Denial of Building Application – Received January 27, 2026

Dear Mayshark Builders and 2482A Shadyside LLC,

In response to the building application received on January 27, 2026, the application is hereby **denied** for the following reasons:

1. When the subdivisions were originally created, dedicated roads were established for subdivision use. While a land transfer did occur between the County and the property owner, and Chautauqua County relinquished its rights, the residents of the subdivision did not sign off on relinquishing their rights. Therefore, the original road remains in effect. As a result, the Town cannot approve work beyond repairs to the existing structure.
2. The drawings submitted indicate major structural modifications and therefore require review and approval by a licensed professional engineer, including an engineer's stamp.
3. No truss certification was provided for the 16" truss joists shown in the submitted plans.

If you have any questions regarding this determination or would like to discuss resubmission requirements, please contact my office.

Thank you,

Tom McNinch

Town of Mine Code Enforcement

EXHIBIT B

TOWN OF MINA

P.O. Box 38

2883 NORTH RD

FINDLEY LAKE, NEW YORK 14736

Information for Building and Zoning Permit

PERMIT # _____

*Fee to be determined by Building Inspector.

APPLICANT INFORMATION

Name: Mayshark Builders
Address: 5073 West Lake rd Mayville NY 14757
Approved: _____ Disapproved: _____
Permit #: _____ Date Issued: _____
Permit For: renovation
Location: 2478 Shadyside Dr, Findley Lake NY 14736
Tax Map Location: _____ Section: **359.14** Block: 3 Lot: 47

Applicant Name: Mayshark Builders
Address: 5073 West Lake rd
Mayville, NY 14757
Phone #: 716-386-6228 Email: mbi@mayshark.com
Application Date 10.21.2025 Application #: _____

ZONING INFORMATION

Variance Required? _____ Special Use Permit? _____
Site Plan Reviewed _____ Date: _____
Zoning Board Approval/(Disapproval): _____ Date: _____
Other Board Approval/(Disapproval): _____ Date: _____

Inspections Required for Certificate of Occupancy: (Signed by Inspector)

Foundation:	_____	Date:	_____
Framing:	_____	Date:	_____
Plumbing:	_____	Date:	_____
Electrical:	_____	Date:	_____
Well/Septic:	_____	Date:	_____
Site Plan Inspection:	_____	Date:	_____
Final:	_____	Date:	_____

Health Department Review Required? _____ Date Completed: _____

Certification of Occupancy # _____ Date: _____
Certification of Compliance # _____ Date: _____

Note - No permit for new construction will be issued unless this application is properly filled out.
At least 2 sets of plans, specifications, and a plot plan (see pg 4) must be submitted with this application.

INSTRUCTIONS

- 1 The application is to be filled out by typing or printing and must be submitted to the Building and Zoning Officer of the Town of Mina.
- 2 The work covered by this application shall not be commenced before issuance of a Building Permit by the Building and Zoning Officer.
- 3 Upon approval of this application, a Building Permit will be issued to the applicant by the Building and Zoning Officer. The Building Permit shall be posted upon the premises in a conspicuous place so as to be visible from the street throughout the period of construction.
- 4 No structure or use for which a Building Permit has been issued shall be occupied or used in whole or in part upon completion for any purpose until a Certificate of Occupancy has been granted by the Building and Zoning Officer.

Owner (if different from Applicant)

Name: 2482A Shadyside Road, LLC
Address: One Propeller Place
Piqua OH 45356
Phone: (937) 214-0024

Contractor Information

Name: Mayshark Builders
Address: 5073 West Lake rd
Mayville, NY 14757
Phone: 716-386-6228

Certificates Received:

General Liability: On file Worker's Compensation: on file Disability: On file
Note - Worker's Comp and Disability are not required for sole proprietorships without employees
Name of Insurance Co. _____ Policy # _____

Architect / Engineer Stamp Required: _____ Name: Mayshark Architecture P.C.
Electrician: _____ Plumber: _____

AFFIDAVIT

STATE OF NEW YORK

SS:

CHAUTAUQUA COUNTY

I swear that to the best of my knowledge and belief the statements contained in this application, together with the plans and specifications submitted, are a true and complete statement of all proposed work to be done on the described premises and that all provisions of the Building Codes and Zoning Codes and all other laws pertaining to the proposed work shall be complied with, whether specified or not, and that such work is authorized by the owner.

I acknowledge that zoning code information relating to the applicant's district has been received.

Signature of Owner [Signature] Date 10/21/2025
(Architect, Contractor, Owner)

Sworn before me this _____ day of _____, 20__

New Construction: _____ Addition: _____ Alteration: X
Other - (Please Explain) _____

Location: 2478 Shadyside Dr, Findley Lake NY 14736
(Street number and Name)

TAX MAP: Section: **359.14-3-28** Block: **3** Lot: **28**

Size of Lot: See drawing X Zoning District: R-2 lakeside residential

Cost of Project: \$400,000 Size: (Square Feet) 1800 # of Families 1

Date of Work to Start: fall 25 Date of Completion: (Approx) spring 26

Building Type: residence

Intended Use: residence

Foundation Type: Concrete Roof Size: 30x30

Exterior Walls: wood frame Interior Walls: wood frame

Heating Facilities: Gas Chimney Construction: NA

Water Source: Well: x Municipal: _____

Engineer's Stamp: _____ Fee Paid: _____

Sewage Disposal:
Public: _____ Private: x Perc: _____ Fee Paid: _____

Driveway Required: No Date: _____ Hwy Sup: _____

Parking Lot Permit: _____ Sign: _____ Flood Plain: _____

If Mobile/Double-Wide, HUD: _____ NYS: _____
Model #: _____ Serial #: _____

State Permits Required:
SEQRA: _____ Wetlands: _____ Stormwater Management: _____
Right of Way Permit: _____ Easement: _____ UFPO#: _____

UFPO - IT'S THE LAW!
CALL BEFORE YOU DIG - 1-800-962-7962

PLOT PLAN

- 1 This page shall be used for the drawing of a plot plan for all major construction and additions and in such other cases as the Building and Zoning Officer deems necessary.
- 2 The plot plan shall show the location and size of the lot, locations and sizes of buildings and structures upon the premises (both existing and proposed) and their relationship to adjoining premises and public streets.
- 3 Locate and label clearly and distinctly all buildings and structures, show widths and depths of all yards, show names of all streets and indicate north with an arrow.
- 4 Distance from the building to the street line: _____ feet. Distance to the nearest building at rear: _____ feet. Distance from the building to each side lot line: _____ feet.

SHOW DISTANCE FROM BUILDING TO SIDE, FRONT, AND REAR LOT LINES

Rear of Lot: _____ Ft.

Left side of the lot: _____ Ft.

See drawings

Right side depth of lot: _____ Ft.

Frontage of Lot: _____ Ft.

Street Name: _____

Check List for Documents Needed (Depending on Project)

Stamped Plans	☒	
Truss Certificate	☐	
County Septic Approval	☐	(716)753-4481
Worker's Comp Insurance	☒	
Liability	☐	
DOL CE200	☐	(If Worker's Comp is not required)

For any additional information or questions, please contact the Building/ Zoning Officer.

Tom McNinch
(716)456-1674 - cell
(716)769-7204 Ext 4 - Office

nilesandregsmine@gmail.com

Office Hours - Wednesdays 9am - 2pm/ Other times by Appointment

Brown "Caplin Garage"

2478 Shadyside Drive
Mina, NY 14736



1 West Perspective
CS-1 3/8" = 1'-0"



2 North Perspective
CS-1 3/8" = 1'-0"

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General Notes:

- All member conditions are noted steel and 1/2 GWB
- connections unless noted otherwise.
- All dimensions are from face of stud or face of existing
- connections unless noted otherwise
- Foundation and wall footings are to be constructed in accordance with local building
- code and all required fire separations when penetrating
- roof assemblies
- Do not cut or patch structural members in a manner
- that will compromise the steel capacity of any member.

Applicable Codes:

2020 International Code of Building Officials
Single Family Homes
2020 Fire Code of New York State
2020 Mechanical Code of New York State
2020 Plumbing Code of New York State
Town of Mina NY Zoning



5873 Third Line Road
Mina, NY 14736
Phone: (716) 364-6278
Fax: (716) 364-6100
Email: mayshark@mayshark.com

It is a condition of this plan that any
person who uses this plan for any
purpose other than that intended by
the engineer shall be liable for any
damages or injury.

Brown "Caplin Garage"
2478 Shadyside Dr
Mina, NY 14736

MEI
Date: 10.21.2026
No. Date

Cover Sheet

CS-1

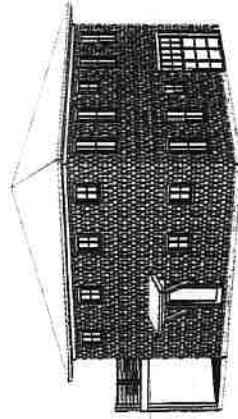
1/1/2025 10:21:26 AM RJC

Brown "Caplin Garage"

2478 Shadyside Drive
Mina, NY 14736



1 West Perspective
CS-2 3/8" = 1'-0"



2 North Perspective
CS-2 3/8" = 1'-0"

DRAWING INDEX

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PLUMBING	
P-1.1	Plumbing Plans

General Notes:

- All window partitions are wood and are 1/2 CWB.
- Construction means noted otherwise.
- Do not use materials or workmanship of inferior quality or materials of unsound character without the approval of the architect.
- Provide and install sound absorption ball installation in all noted partitions.
- Maintain all required fire separations when penetrating walls, floors, roofs, etc.
- Do not cut or patch structural members in a manner that will compromise the load capacity of any member.

Applicable Codes:

- 2021 Residential Code of New York State
- 2021 Fire Code of New York State
- 2021 Fire Code of New York State
- 2021 Plumbing Code of New York State
- 2021 Mechanical Code of New York State
- Village of Maryland NY Zoning



9073 Road 1, Mina, NY 14736
Phone: (716) 364-1338
Email: info@maysark.com

It is a condition of this plan for all work to be done in accordance with the provisions of the applicable codes and standards, to the extent that they are not inconsistent with the provisions of this plan.

Brown "Caplin Garage"
2478 Shadyside Dr
Mina, NY 14736

Scale: 1/8" = 1'-0"
Date: 10.17.2025

No. 10

Date: 10.17.2025

Cover Sheet

CS-2

© 2025 Mayshark Engineers, Inc.



2025 West Lakes Road
Mayville, NY 11757
Phone: (716) 386-4328
Fax: (716) 386-4180
E-mail: info@groupbark.com

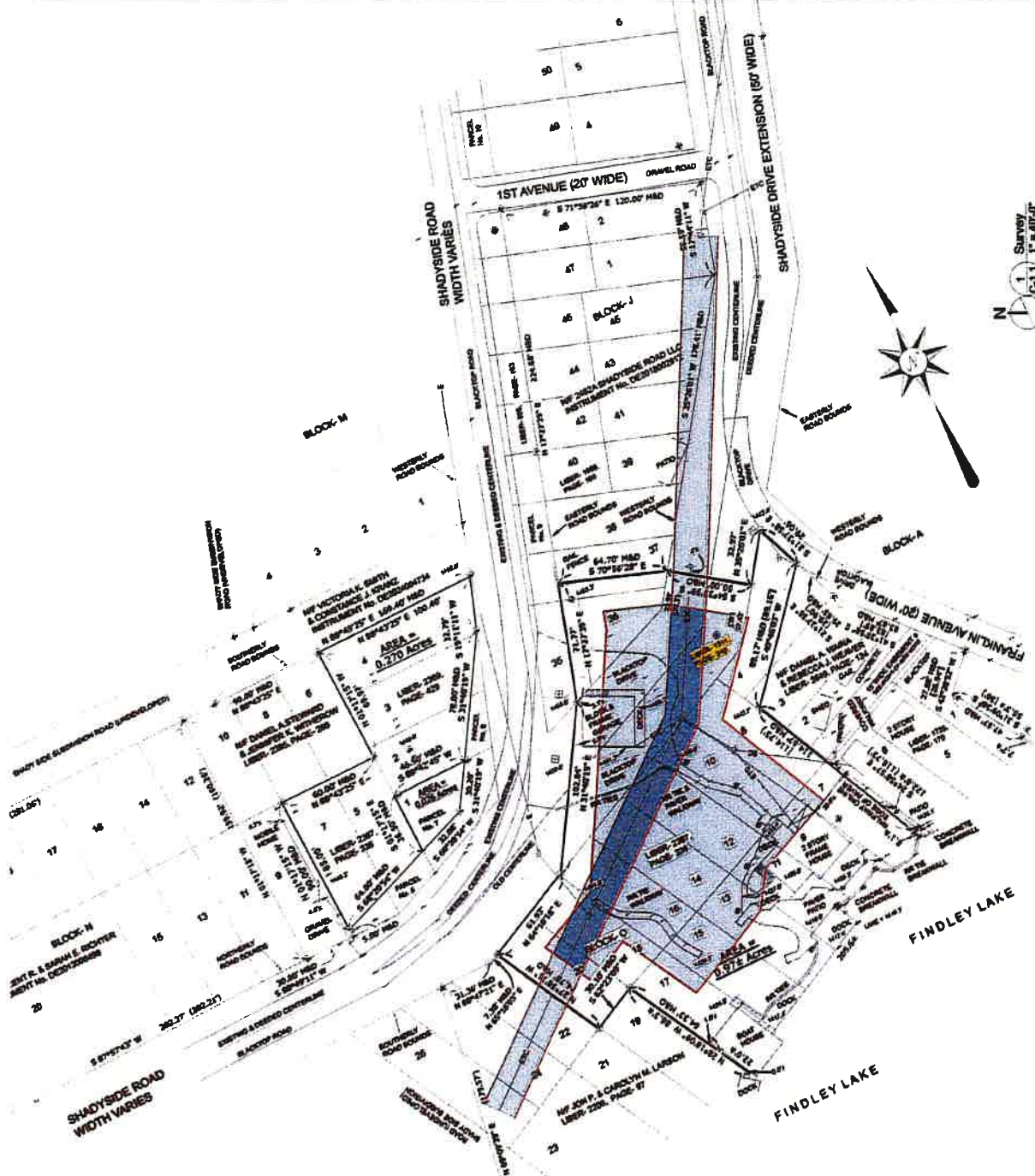
Brown "Caplin Garage"
2478 Shadyside Dr
Mina, NY 14736

Class By	MBI
Date	10.17.2023
No.	Order

Survey

C-1.1

© 2025 Maybank Architects



General Notes

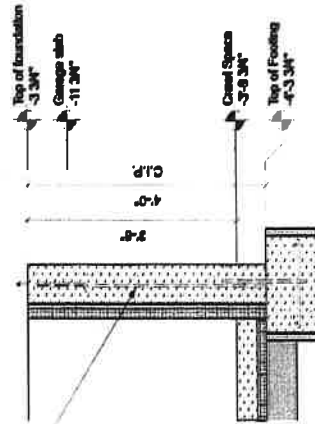
1. Continuous wall footings to be centered under wall
2. Foundations designed with an assumed allowable soil bearing pressure of 1,500 LBS/SF.
3. Footing elevations indicated are below the first floor benchmark elevation of 0'-0". All footings shall have minimum bearing of 4'-0" below adjacent finished grade.
4. All walls and footings shall be 12" thick.
5. All footings shall be 12" thick.
6. Foundations shall be normal wt. (150 LBS/CU FT) with a 28 day design strength of 3,000 P.S.I.
7. Coordinate all mechanical entrances and provide sleeves as necessary.
8. Exterior footing drain to daylight.
9. Form-Drain Foundation footing and drainage system

Footings Schedule

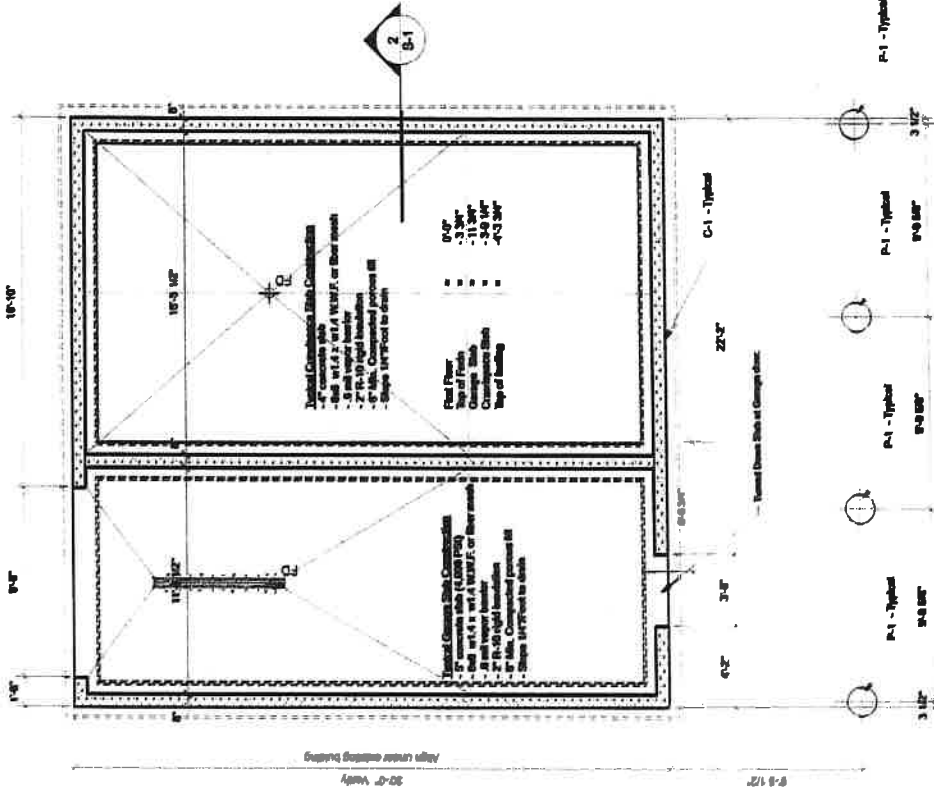
Mark **Size and Reinforcing**
 C-1 (Typical) Continuous Footing (unless noted otherwise)
 1'-0" x 16" Min. w/ (2) #4 bars continuous @ 8" O.C. @ 4" O.C.
 Form-D Drain, 12" min. and foundation drain system. C-1 (Typical)
 P-1 (Typical) Pad Footing (unless noted otherwise)
 2'-0" dia. min. w/ 16" Min. w/ (2) #4 each way

Typical Foundation Wall

Construction
 - 8" Cast in Place concrete C.I.P.
 w/ #4 rebar spaced @ 12" O.C.
 - 2" (Typical) Insulation (R-15)
 - Drainage Maintenance System



2 Foundation Detail
 S-1 3/8" = 1'-0"



Foundation Plan
 S-1 1/8" = 1'-0"



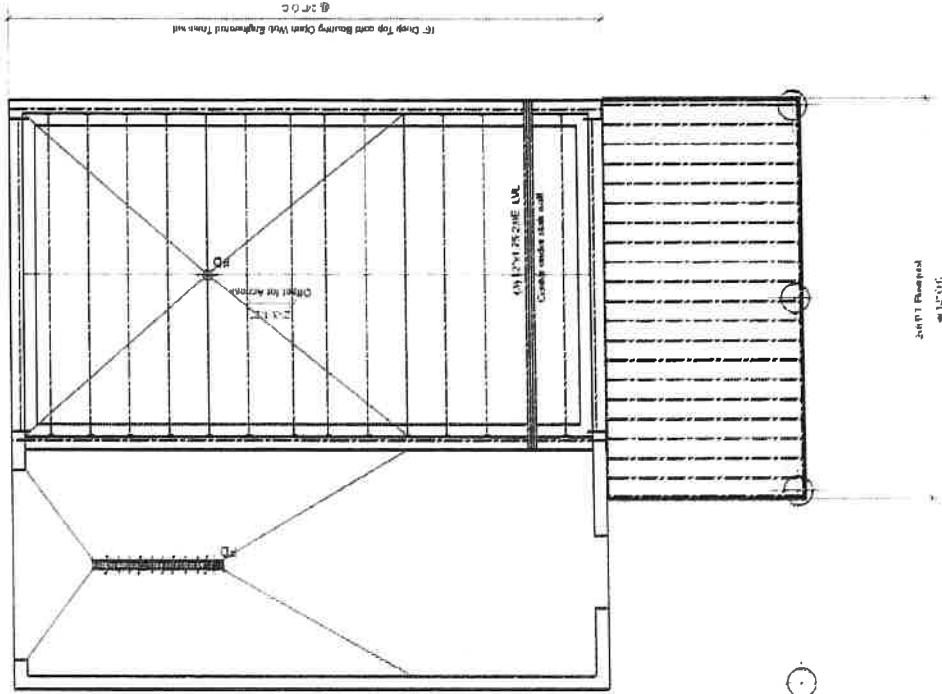
MAY SHARK
 1000 1st Ave. S.W.
 Atlanta, GA 30335
 Phone: (770) 260-1234
 Fax: (770) 260-1235
 Email: info@mayshark.com

It is a violation of the law for any person, who is not a duly licensed professional engineer, to seal any work done by him or her.

Brown "Caplin Garage"
 2478 Shadyside Dr
 Mina, NY 14736

10/1/2024
 10/17/2024
 No. Date

Foundation Plan
 S-1
 © 2024 May Shark Architecture



John T. Flanagan
 1911-1991

Foundation Plan
3/4" = 1'-0"

- General Notes:**
1. Floor fin finishing per NYS Building Code
 2. Riser fin band per NYS Building Code
 3. Provide design and engineering data including name and seal of the design professional for all standard engineered components
 4. Provide shop drawings for all custom built engineered products
 5. Provide all bracing and bolting as indicated in shop drawings

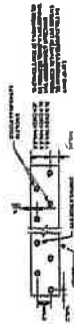
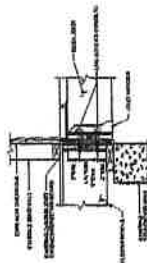


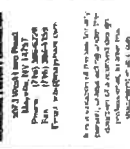
FIG. 2. (continued) (b) 1992-1993.

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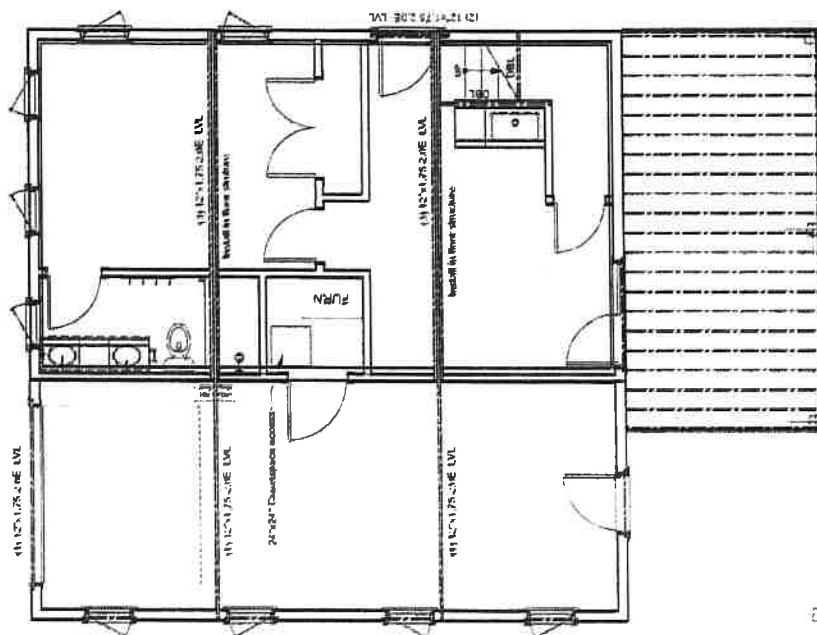


Flow 50: 1 bucket = 25.4 mm.

Abstract coming in fall 2009 from *Journal of the American Academy of Child & Adolescent Psychiatry*



**Second Floor
Framing Plan**

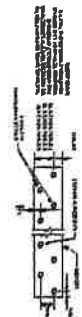
[illegible]

5

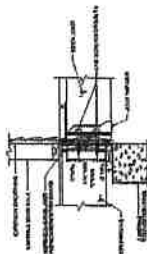


General Notes:

1. Floor tie loading per NYS Building Code
2. Roof tie load per NYS Building Code
3. Provide design and engineering data including name and seal of the design professional for all structural engineered components
4. Provide shop drawings for all custom built engineered products
5. Provide all bracing and blocking as indicated in shop drawings
6. 2x10 SPF members unless noted otherwise



Page 10 of 10



Page 10 of 10



MAYSHARK
ENGINEERING & DESIGN, INC.
503 West 14th Street
New York, NY 10011
Phone: (212) 261-4278
Fax: (212) 261-4279
www.mayshark.com

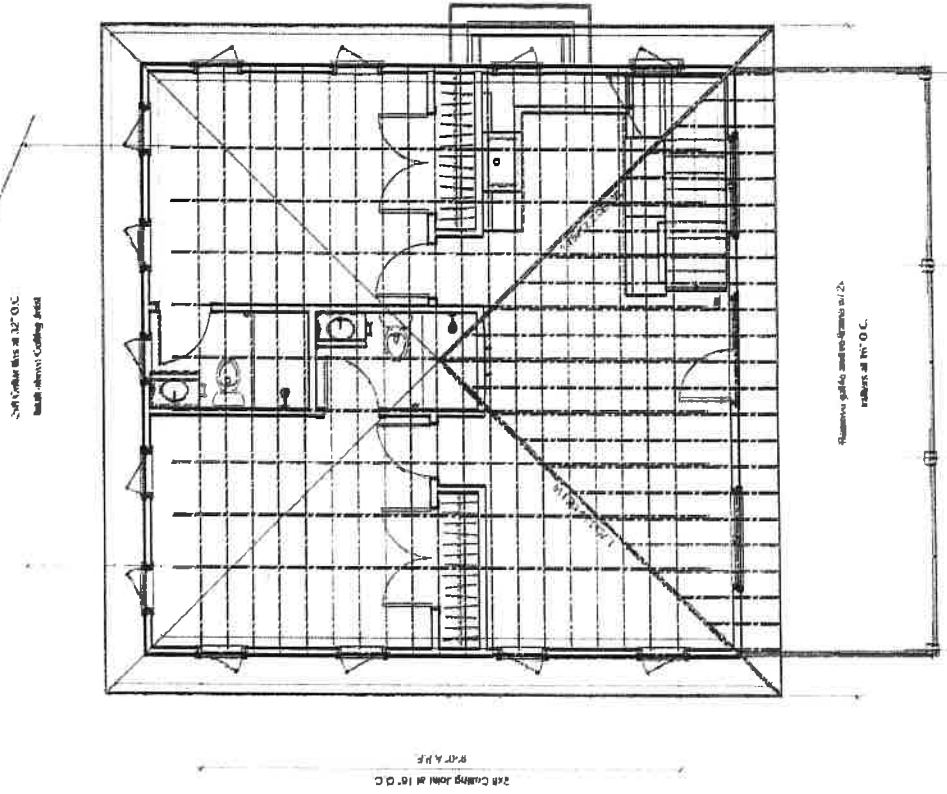
It is a condition of this seal that the holder thereof shall not engage in any business, profession, or occupation in which the holder is not duly licensed or registered in the State of New York.

Brown "Caplin Garage"
2478 Shadyside Dr
Mina, NY 14736

Project No.	Sheet No.	Date
1001	101 of 2005	

**Roof
Framing Plan**
S-4

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Foundation Plan
S-4 1/4" = 1'-0"



MAYSHARK
 2478 Shadyside Drive
 Mine, NY 14736
 Tel: 716.338-4100
 Fax: 716.338-4101
 Email: info@mayshark.com

It is a condition of this plan that the owner, contractor, architect, engineer, and all other parties involved in the construction of this building shall be bound by the terms and conditions of the contract documents and the specifications for this project.

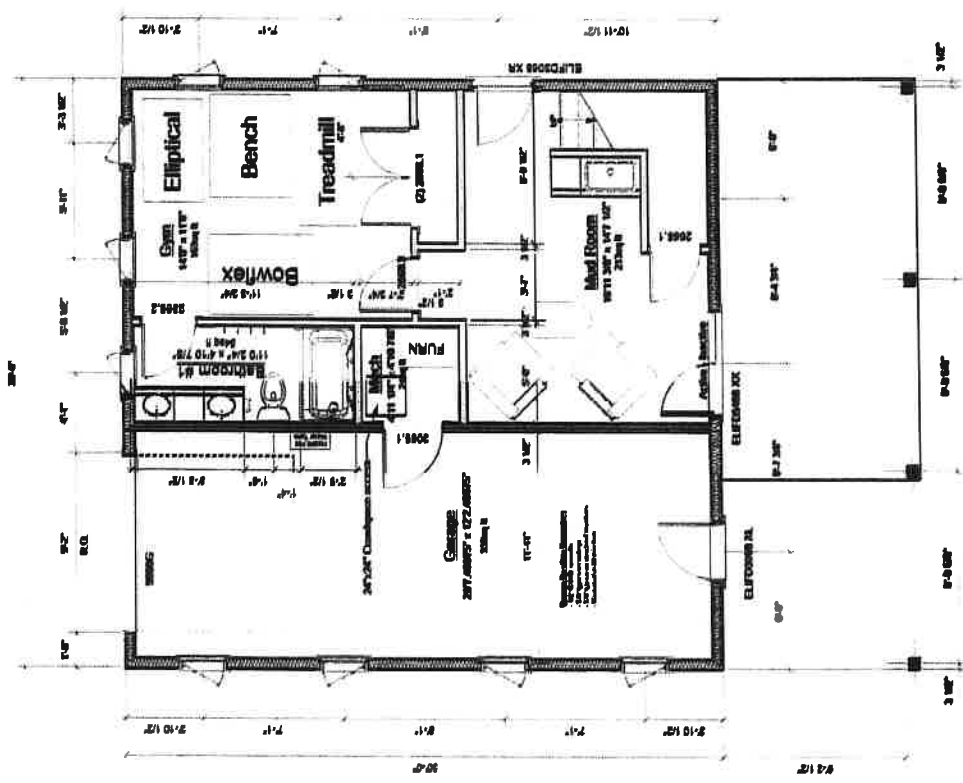
Brown "Caplin Garage"
 2478 Shadyside Dr
 Mine, NY 14736

Scale: 1/4" = 1'-0"
 Date: 10.17.2005

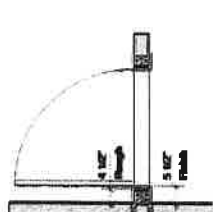
First Floor Plan

A-1.1

© 2005 Mayshark Architects



First Floor Plan	900 S.F.
Second Floor	900 S.F.
Total	1,800 S.F.



2 Door Offset
 A-1.1 1/2" = 1'-0"



MAYSHARK
Professional Engineer
No. 13172
Exp. 12/31/2015
Civil and Mechanical

It is the condition of this plan that the owner, contractor and subcontractors shall be responsible for obtaining all necessary permits, licenses and approvals from the appropriate authorities. The architect is not responsible for obtaining these permits, licenses and approvals.

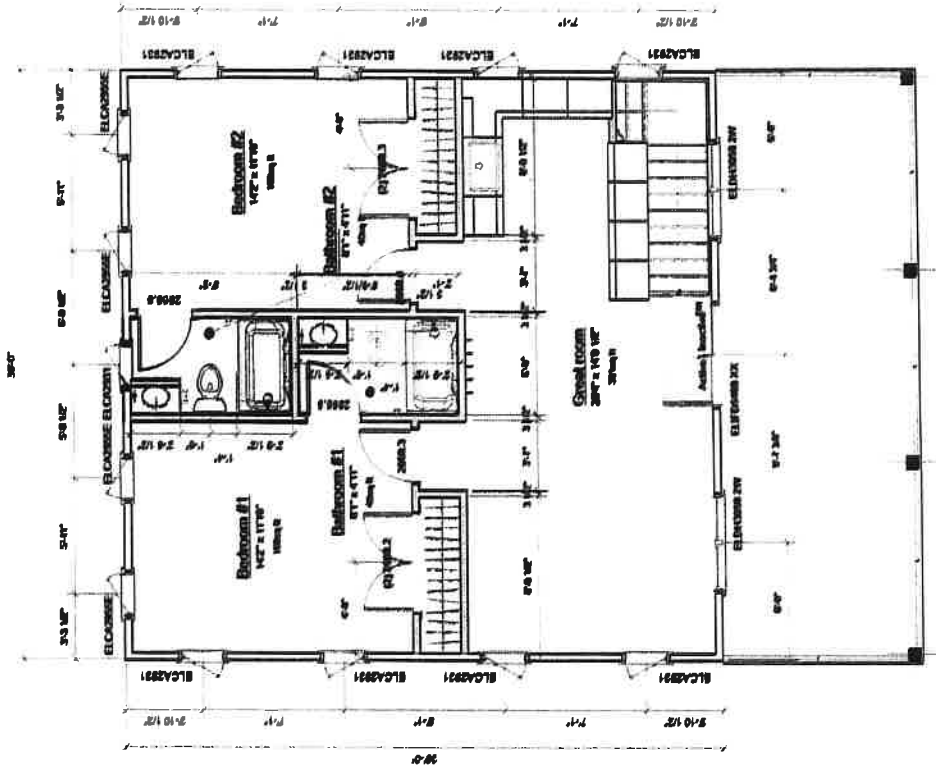
Brown "Caplin Garage"
2478 Shadyside Dr
Mina, NY 14736

13.17.2015
13.17.2015
13.17.2015

Second Floor Plan

A-1.2

© 2015 Mayshark Architecture





MAYSHARK
ARCHITECTS & INTERIORS

1992 Shady Side Drive
Mine, NY 14736
Phone: (716) 262-6100
Fax: (716) 262-6101
E-mail: mayshark@mayshark.com

It is a condition of this plan that any
person, or persons, using under the
provisions of this plan, shall be
responsible for obtaining the proper
permits and for obtaining the
necessary information to make the
structure in any way.

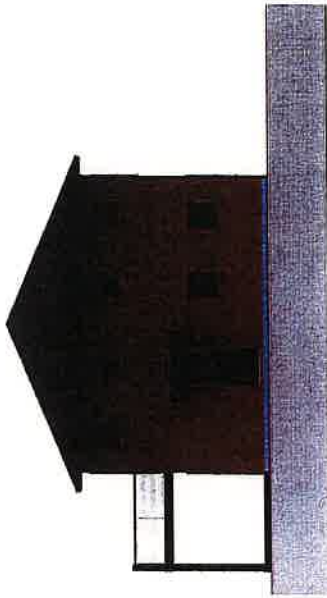
Brown "Caplin Garage"
2478 Shady Side Dr
Mine, NY 14736

Scale: 1/8" = 1'-0"
Date: 10.17.2005

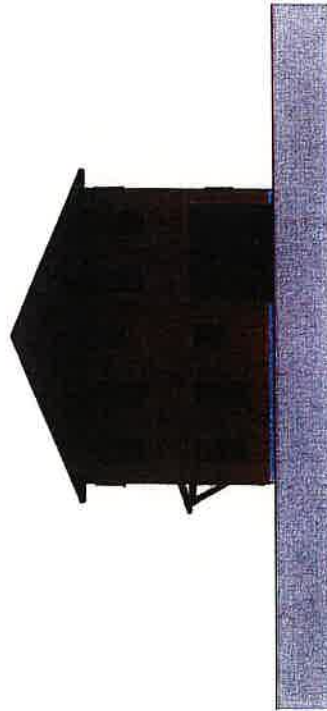
Elevations

A-2.1

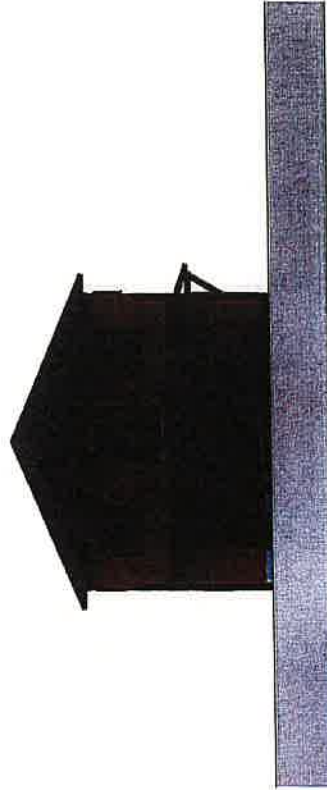
© 2005 Mayshark Architects



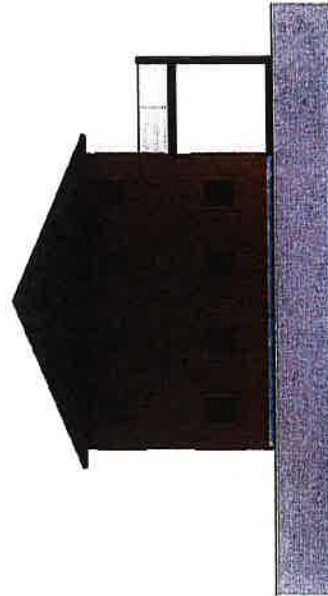
1 East Elevation
A-2.1 1/8" = 1'-0"



5 North Elevation
A-2.1 1/8" = 1'-0"



4 South Elevation
A-2.1 1/8" = 1'-0"



3 West Elevation
A-2.1 1/8" = 1'-0"



3073 Third Avenue
New York, NY 10017
Phone: (212) 312-1234
Fax: (212) 312-1234
Email: mayshark@ny.gov

It is the responsibility of the City of New York to ensure that all buildings are safe and sound. The City of New York is committed to the safety and soundness of its buildings and to the safety and soundness of its citizens.

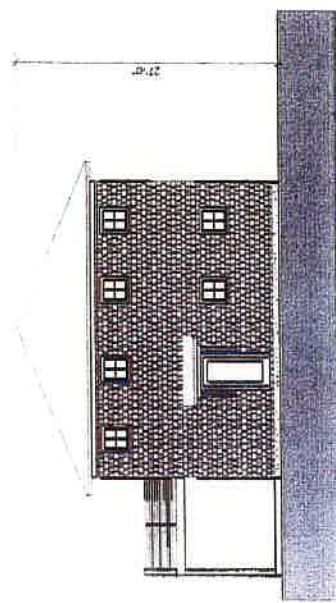
Brown "Caplin Garage"
2478 Shadyside Dr
Mina, NY 14736

Sheet No.	Scale	Date
101	1/8" = 1'-0"	10/11/2025

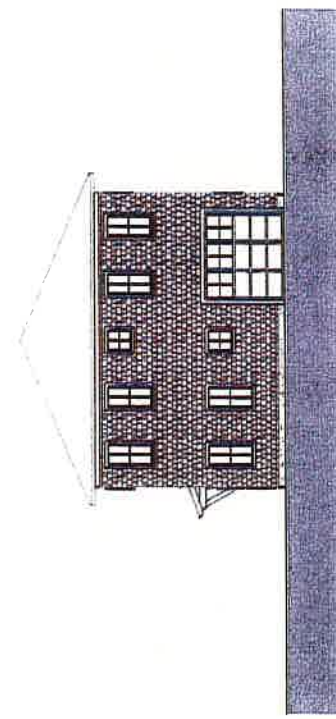
Elevations

A-2.2

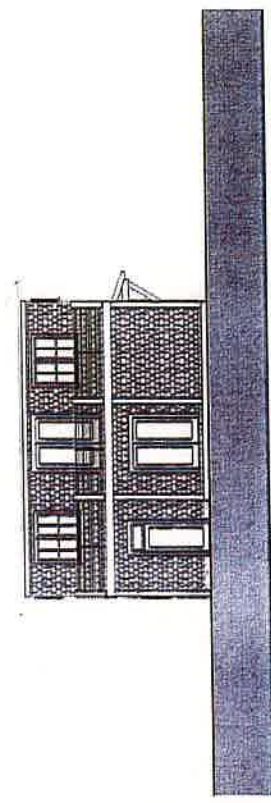
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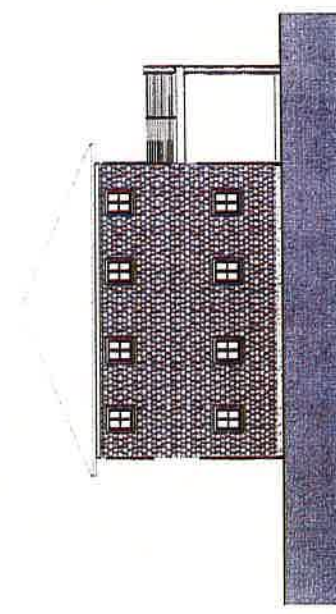
2. East Elevation
A-2.2 1/8" = 1'-0"



4. North Elevation
A-2.2 1/8" = 1'-0"



6. South Elevation
A-2.2 1/8" = 1'-0"



7. West Elevation
A-2.2 1/8" = 1'-0"



1000 Mayshark Lane
 Suite 100
 Mine, NY 14736
 Phone: (716) 833-1100
 Fax: (716) 833-1101
 Email: info@mayshark.com

It is the responsibility of the user of this drawing to verify the accuracy of the information provided and to ensure that the drawing is used in accordance with its intended purpose.

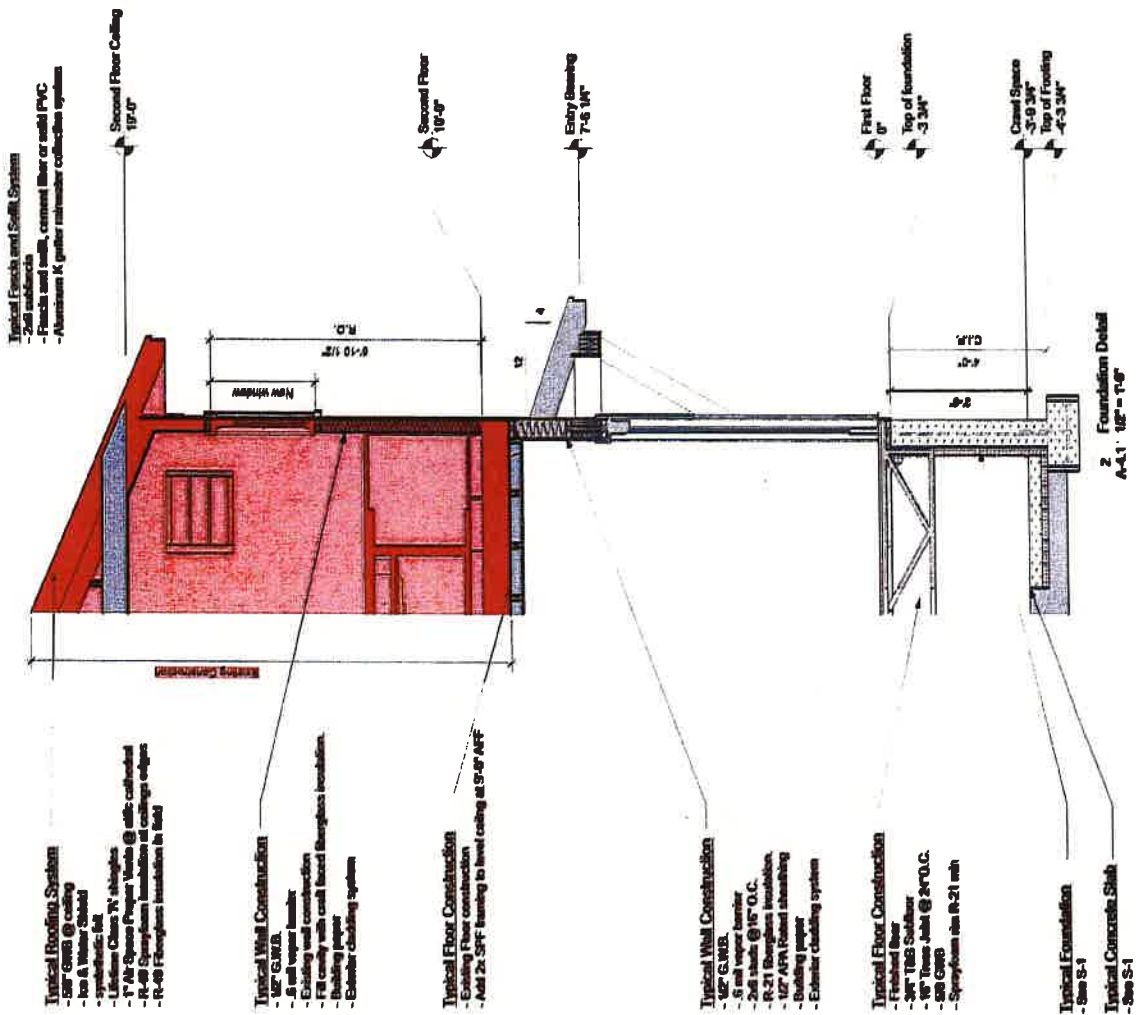
Brown "Caplin Garage"
 2478 Shadyside Dr
 Mine, NY 14736

1000
 10.17.2008
 No. Date

Wall Section

A-4.1

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MAYSHARK
 ARCHITECTURAL
 3025 Shady Side Dr.
 Mine, NY 14736
 Phone: (716) 386-6400
 Fax: (716) 386-6401
 Email: info@mayshark.com
 Web: www.mayshark.com

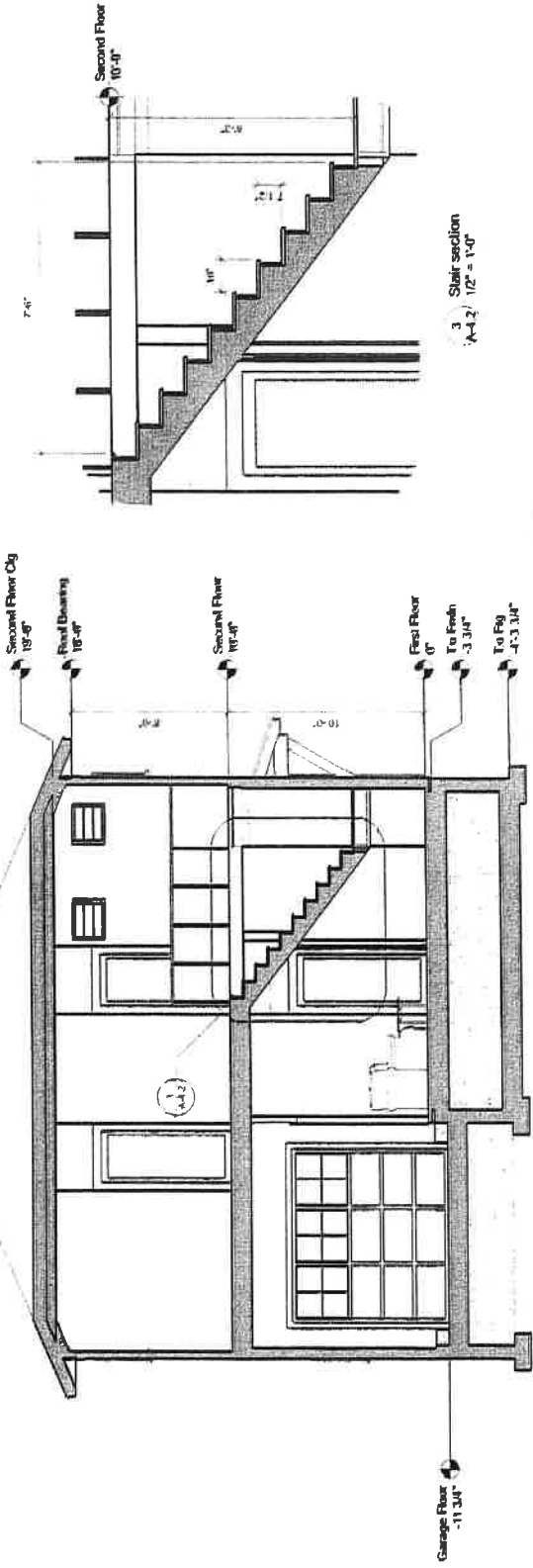
It is a condition of this plan that any
 person who uses or relies on the
 drawings, specifications, or other
 documents prepared by the
 architect is to be held
 responsible for any errors.

Brown "Caplin Garage"
 2478 Shady Side Dr
 Mine, NY 14736

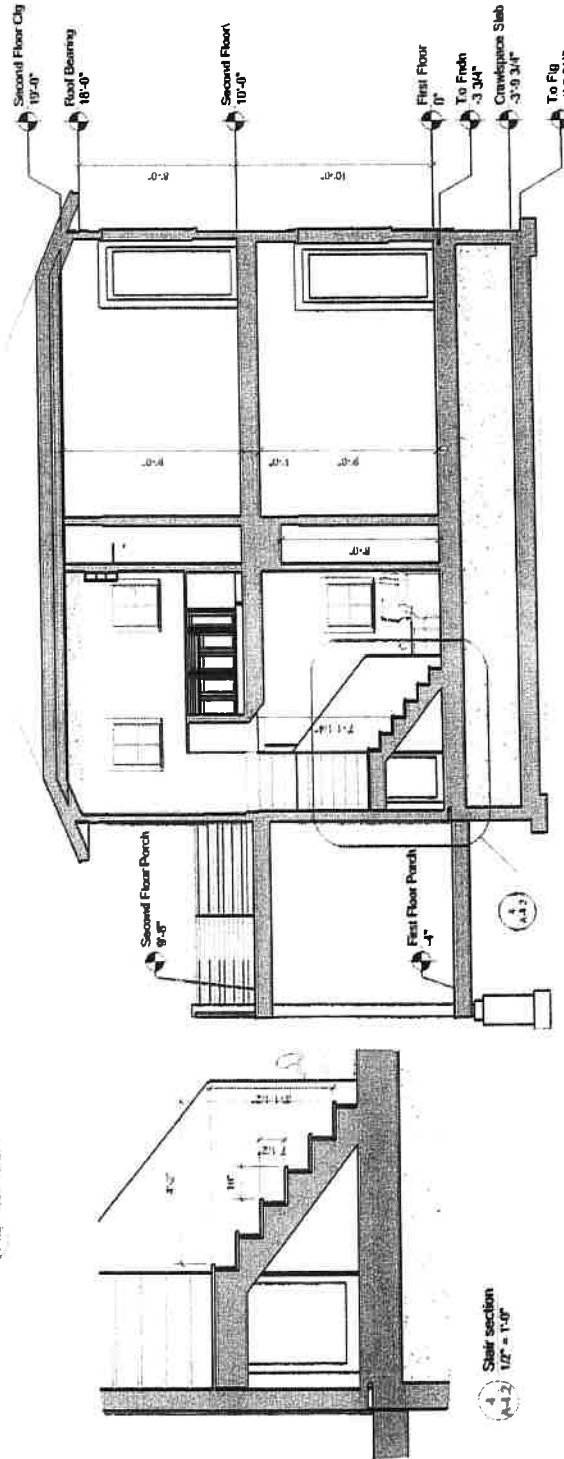
1801
 10/17/2005
 Date

Building Sections
A-4.2

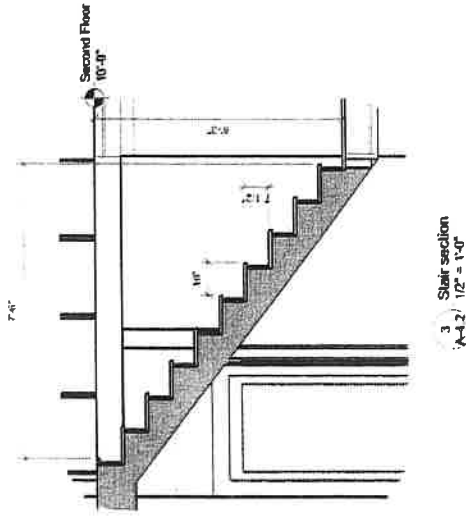
© 2005 May Shark Architect



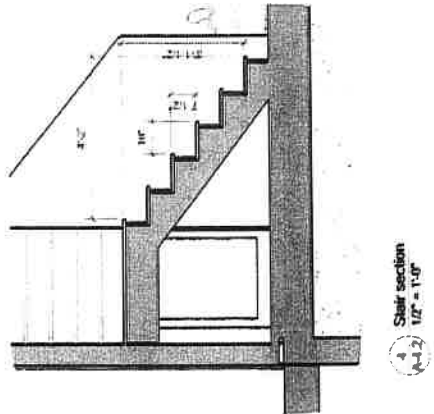
1 Building section
A-4.2 1/8" = 1'-0"



2 Building section
A-4.2 1/8" = 1'-0"



3 Stair section
A-4.2 1/2" = 1'-0"



4 Stair section
A-4.2 1/2" = 1'-0"

- Provides Ulcerosec (over 1000) @ 50 Pa. normal active <= 3 ACH

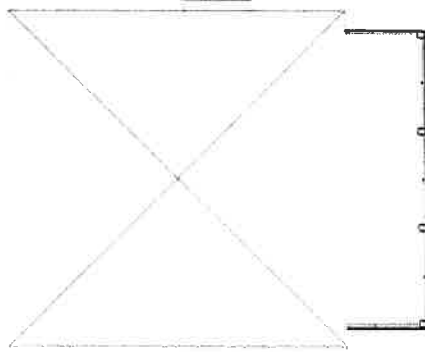
- Provides Ulcerosec (over 1000) @ 50 Pa. normal active <= 3 ACH

ROBERT WELSH HOLDS ANOTHER HISTORICAL LECTURE

[illegible]

GENERAL NOTES

- ### **GENERAL NOTES**
- 1 Provide GOF Linings: Roofing System or Equivalent approved by Manufacturer.
 - Overlap Corners Minimum 6" Seal
 - Seams: Lap Joints at Rafters and Eaves
 - Overlap Sides Minimum 18" Seal
 - Overlap Ridge Cap Shingles
 - Overlap Valley Shingles
 - Coast State Country Airtex Ventilation
 - Weather Watch Leak Barrier
 - Eaves
 - Penetrations
 - Valleys
 - Walls
 - Flashing Transitions
 - Deck/Venor Roof Deck Protection
 - 2 DS - Down Slope
 - 3 Aluminum rainwater collection system
 - Aluminum K Gutter
 - 1" Drain
 - 4 Flashings to be .019 Aluminum Titen Cad Shock
 - 5 Provide manufacturer roof boots for all penetrations
 - 6 Install all products per manufacturer recommendations



WPA Social Science Fund
 Magazine, Vol. 44, No. 3
 (1991) 306-313
 (1991) 306-313
 (1991) 306-313

It is a constant effort on the part of the writer, who is acting as a guide, to maintain a neutral enough position in the problem area. He is not to be

Brown "Caplin Garage"
22478 Shadyside Dr
Mina, NY 14736

Case No.	6181
Date	10.17.2025

A-5.1

172644 *Phragmites australis* (Cav.) Trin. ex Steud.

Window Schedule with Images

Image	Mark	Window Style	RO Width	RO Height	Head IC
	ELW0005	2W	51"	48 3/4"	6'0"
	ELW0055E		25"	48 1/4"	6'0"
	ELW0051		25"	28 1/4"	6'0"

Exterior Door Schedule with Images

Image	Mark	RO Height	RO Width
	ELFD0068 X	6'10 1/2"	32 7/16"
	ELFD0068 X	8'2 1/4"	3'1 5/16"
	ELFD0468 XX	6'10 1/2"	5'5"
	ELFD0468 XX	6'10 1/2"	5'5 5/8"

Window Notes:

Performance:
 Glazing - Low-E
 U Value - .27
 SHGC - .25
 Solar Heat Gain Coefficient
 Color -
 Finish - Painted White
 Hardware - 180°
 Headroom - Standard Headroom with Chained system
 Provides minimum required opening distance on all windows
 greater than 12" allows independent glazing
 Headroom - Standard Headroom with Chained system
 - In all cases, minimum 18" of headroom
 - In all cases, minimum 24" of clear opening
 All new and replacement windows are recommended

Exterior Door Notes:

Performance:
 Glazing - Low-E
 U Value - .25
 SHGC - .25
 Solar Heat Gain Coefficient
 Color -
 Finish - Painted White
 Hardware - 180°
 Headroom - Standard Headroom with Chained system
 Provides minimum required opening distance on all doors
 All new and replacement doors are recommended

Door Schedule with Images

Image	RO Width	RO Height	Fire Rating
	3008	1	6'10 1/2"
	2808	1	6'10 1/2"
	2808	2	6'10 1/2"
	2808	3	6'10 1/2"
	2808	4	6'10 1/2"
	2808	5	6'10 1/2"
	2808	6	6'10 1/2"
	2808	1	20"
	(2) 2808	1	52"
	(2) 2808	2	52"
	(2) 2808	3	52"



It is a condition of sale for any
 products, systems, or services that the
 customer agrees to hold the
 manufacturer harmless for any
 claims, damages, or losses
 resulting from the use of the
 products, systems, or services.

Brown "Caplin Garage"
 2478 Shadyside Dr
 Mina, NY 14736

10/17/2025
 Date

Window Schedule
 Door Schedule

A-6.1

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Brown "Caplin Gara
2478 Shadyside Dr
Mina, NY 14736

Minna, NY 14736

Drawn By	Initial
Date	18.17.2005
Mr.	Date

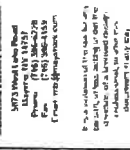
HVAC Plan

© 2025 Maybank Architects

2 Second Floor
1/8" = 1'-0"

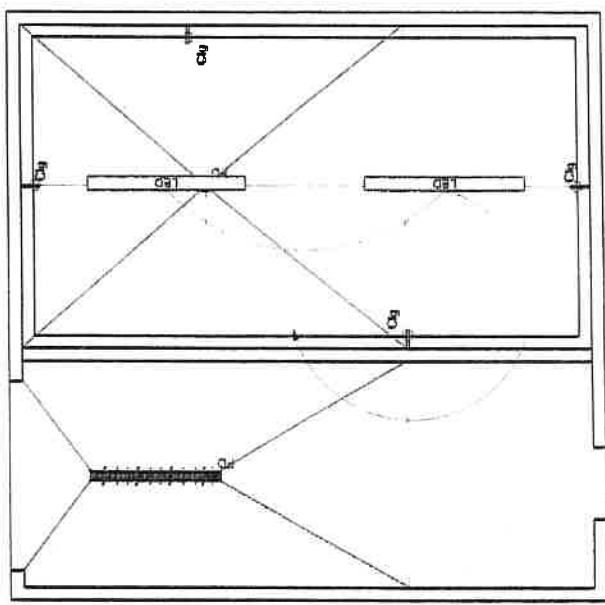
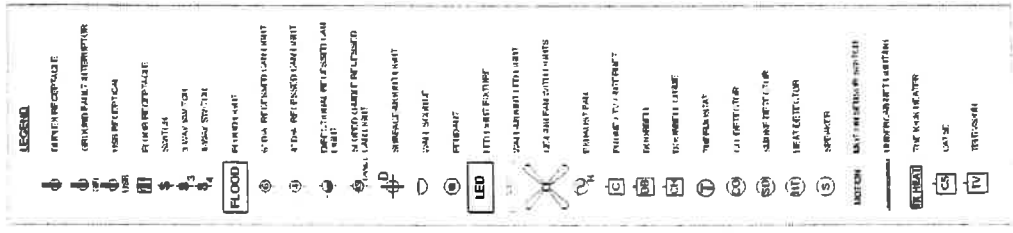
N
1
First Floor
10' = 1'-0"

- Fumace notes:**
- Fast - Natural Gas heating.
 - Electric cooling
 - 90% air-tight heating unit.
 - ERV ducted to furnace
 - all ductwork to be interior to thermal envelope
 - no ducts in exterior walls
 - no ducts in attic space.
 - Provide bases for condensing unit
 - Provide automatic, gravity dampers for all intake and exhaust
 - Possible preassemble furnace



Crawlspace
Electrical Plan
E-1.0

17. 2016's Policy Statement, the Institute's Survey

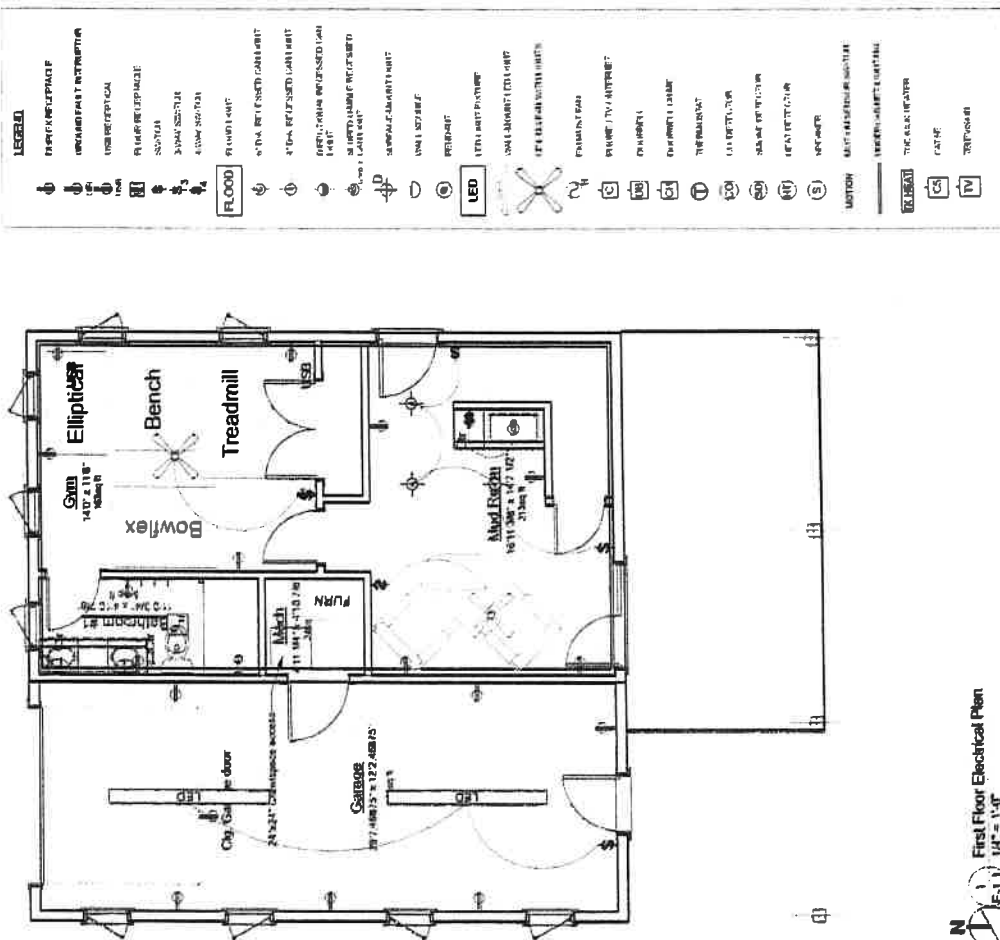


N
E-1.0
1.4" = 1'-0"

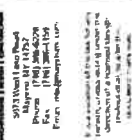


13 Year Reg	MB1
Date	10.17.2025

First Floor Lighting Electrical Plan

[illegible]

N
E-11
1/4" = 1'-0"
First Floor Electrical Plan



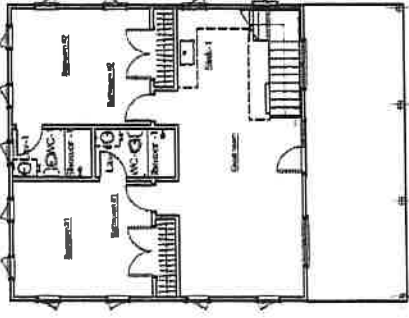
Dr. Zia Modywalla, At Jinnah Park

Second Floor Electrical Plan
1/4" = 1'-0"

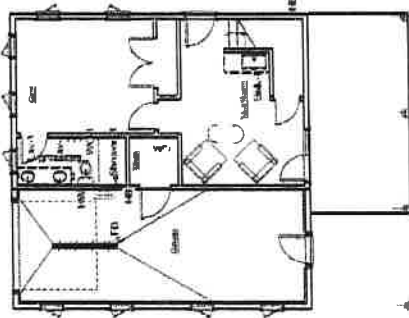


Contract No.	UBN
Date	10.17.2025

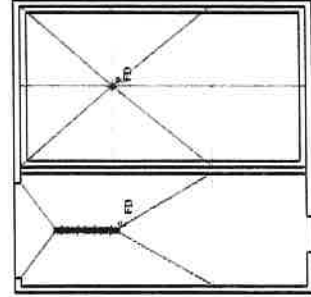
Basement
Plumbing Plan
P-1.1



Second Floor Plumbing
1/8" = 1'-0"



N
3
P.1.1
First Floor Plan
1/8" = 1'-0"



N  **Crawlspace Plumbing**
P-1.1 1/8" = 1'-0"

- All domestic supply water piping to PEX manifold system.
- Provide two hot water copper pipe terminations at all fixtures.
- Terminate all hot and cold water service pipes with standard water shut off valves, compression arrest fittings, ready for standard 3/8" flexible braided connectors.
- Provide standard brass proof hose bibs.
- Provide variable speed wet pump, in-well compression tank, and electronic controller. Reconnect main header.

FUNCTION	WASTE	WATER	WATER	WATER
PURIFIER	1 1/2"	1 1/2"	1 1/2"	1 1/2"
PROOF-PROOF HOSE (IN)	1 1/2"	1 1/2"	1 1/2"	1 1/2"
LAUNDRY	1 1/2"	1 1/2"	1 1/2"	1 1/2"
SPR.	1 1/2"	1 1/2"	1 1/2"	1 1/2"
WATER/DOSE	1 1/2"	1 1/2"	1 1/2"	1 1/2"
BATHUB / SHOWER	1 1/2"	1 1/2"	1 1/2"	1 1/2"
WATER/DOSE	1 1/2"	1 1/2"	1 1/2"	1 1/2"
FURNACE	1 1/2"	1 1/2"	1 1/2"	1 1/2"
WASHING MACHINE	1 1/2"	1 1/2"	1 1/2"	1 1/2"

Serial #	Problems	Remarks	Description	Station
(1)	1. $\frac{1}{2}$ lb	1. 2000/17	1. 2000/17	
(2)	2. 1 lb	2. 2000/17	2. 2000/17	
(3)	3. 1 lb	3. 2000/17	3. 2000/17	
(4)	4. 1 lb	4. 2000/17	4. 2000/17	
(5)	5. 1 lb	5. 2000/17	5. 2000/17	
(6)	6. 1 lb	6. 2000/17	6. 2000/17	
(7)	7. 1 lb	7. 2000/17	7. 2000/17	
(8)	8. 1 lb	8. 2000/17	8. 2000/17	
(9)	9. 1 lb	9. 2000/17	9. 2000/17	
(10)	10. 1 lb	10. 2000/17	10. 2000/17	
(11)	11. 1 lb	11. 2000/17	11. 2000/17	
(12)	12. 1 lb	12. 2000/17	12. 2000/17	
(13)	13. 1 lb	13. 2000/17	13. 2000/17	
(14)	14. 1 lb	14. 2000/17	14. 2000/17	
(15)	15. 1 lb	15. 2000/17	15. 2000/17	
(16)	16. 1 lb	16. 2000/17	16. 2000/17	
(17)	17. 1 lb	17. 2000/17	17. 2000/17	
(18)	18. 1 lb	18. 2000/17	18. 2000/17	
(19)	19. 1 lb	19. 2000/17	19. 2000/17	
(20)	20. 1 lb	20. 2000/17	20. 2000/17	
(21)	21. 1 lb	21. 2000/17	21. 2000/17	
(22)	22. 1 lb	22. 2000/17	22. 2000/17	
(23)	23. 1 lb	23. 2000/17	23. 2000/17	
(24)	24. 1 lb	24. 2000/17	24. 2000/17	
(25)	25. 1 lb	25. 2000/17	25. 2000/17	
(26)	26. 1 lb	26. 2000/17	26. 2000/17	
(27)	27. 1 lb	27. 2000/17	27. 2000/17	
(28)	28. 1 lb	28. 2000/17	28. 2000/17	
(29)	29. 1 lb	29. 2000/17	29. 2000/17	
(30)	30. 1 lb	30. 2000/17	30. 2000/17	
(31)	31. 1 lb	31. 2000/17	31. 2000/17	
(32)	32. 1 lb	32. 2000/17	32. 2000/17	
(33)	33. 1 lb	33. 2000/17	33. 2000/17	
(34)	34. 1 lb	34. 2000/17	34. 2000/17	
(35)	35. 1 lb	35. 2000/17	35. 2000/17	
(36)	36. 1 lb	36. 2000/17	36. 2000/17	
(37)	37. 1 lb	37. 2000/17	37. 2000/17	
(38)	38. 1 lb	38. 2000/17	38. 2000/17	
(39)	39. 1 lb	39. 2000/17	39. 2000/17	
(40)	40. 1 lb	40. 2000/17	40. 2000/17	
(41)	41. 1 lb	41. 2000/17	41. 2000/17	
(42)	42. 1 lb	42. 2000/17	42. 2000/17	
(43)	43. 1 lb	43. 2000/17	43. 2000/17	
(44)	44. 1 lb	44. 2000/17	44. 2000/17	
(45)	45. 1 lb	45. 2000/17	45. 2000/17	
(46)	46. 1 lb	46. 2000/17	46. 2000/17	
(47)	47. 1 lb	47. 2000/17	47. 2000/17	
(48)	48. 1 lb	48. 2000/17	48. 2000/17	
(49)	49. 1 lb	49. 2000/17	49. 2000/17	
(50)	50. 1 lb	50. 2000/17	50. 2000/17	
(51)	51. 1 lb	51. 2000/17	51. 2000/17	
(52)	52. 1 lb	52. 2000/17	52. 2000/17	
(53)	53. 1 lb	53. 2000/17	53. 2000/17	
(54)	54. 1 lb	54. 2000/17	54. 2000/17	
(55)	55. 1 lb	55. 2000/17	55. 2000/17	
(56)	56. 1 lb	56. 2000/17	56. 2000/17	
(57)	57. 1 lb	57. 2000/17	57. 2000/17	
(58)	58. 1 lb	58. 2000/17	58. 2000/17	
(59)	59. 1 lb	59. 2000/17	59. 2000/17	
(60)	60. 1 lb	60. 2000/17	60. 2000/17	
(61)	61. 1 lb	61. 2000/17	61. 2000/17	
(62)	62. 1 lb	62. 2000/17	62. 2000/17	

EXHIBIT C



— ATTORNEYS —

The art of representing people™

Writer's Direct Dial Number: 585.716.248.3210

Writer's Direct Fax Number: 585.716.248.3310

Email: wsavino@woodsoviatt.com

January 27, 2026

Via Regular Mail and Email

Tom McNinch
Town Building Inspector and Code Enforcement Officer
2883 North Road
P.O. Box 38
Findley Lake, New York 14736
rulesandregsmine@gmail.com

**Re: Brown "Caplin Garage" Zoning Permit Application
2478 Shadyside Drive, Findley Lake, New York 14736**

Dear Mr. McNinch:

Please be advised that my office has been retained by 2482A Shadyside Road, LLC ("Shadyside"), the owner of real property located at 2478 Shadyside Drive, Findley Lake, New York 14736 (the "Property"). I write in regards to Shadyside's pending application for a building and zoning permit with the Town of Mina.

As you know, on or about October 21, 2025, Shadyside applied for a building and zoning permit via its contractor Mayshark Builders. Specifically, Shadyside sought a zoning permit to renovate an already existing 1800 square foot garage on the Property. The renovations requested will not result in a change of the existing use, nor an addition or enlargement of the footprint of the building. A true and accurate copy of Shadyside's October 21, 2025 application is enclosed herein (the "Application").

Pursuant to Section 703(G)(1) the Town of Mina Zoning Law (the "Zoning Law"), "[a]ll decisions by the Code Enforcement Officer to grant or deny a zoning permit shall be made in writing within 20 days from the time that the completed zoning permit form is submitted along with full payment of the required fee." The twenty (20) day deadline to respond to the application passed on or about November 10, 2025. However, to date, the Town has failed to grant or deny Shadyside's Application.

Therefore, we hereby demand that the Town issue a formal written decision granting the Application by no later than February 2, 2026. Shadyside expressly reserves all rights and remedies

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and waives none, including its right to seek a writ of mandamus pursuant to Article 78 of the New York Civil Procedure Law and Rules.

In addition, notwithstanding Shadyside's Application, it is respectfully submitted that the renovation work outlined by the Application does not require a zoning permit since it falls into one or more of the Zoning Law's specific exceptions. To wit, as set forth by Section 703(A) of the Zoning Law, a zoning permit is required except where the work consists of: (1) "interior modification unless additional dwelling units or different types of uses are created;" and (2) "home repairs or improvements not involving additions or enlargements of floor space." Accordingly, if the Town does not grant the Application, we hereby further demand that the Town issue a formal interpretation that a zoning permit is not required under the Zoning Law for the work specified by the Application.

Thank you for your time and attention to this matter. Please feel free to contact the undersigned with any questions or concerns.

Very truly yours,

WOODS OVIATT GILMAN LLP

A handwritten signature in blue ink, appearing to read "Bill Savino", followed by a horizontal line.

William F. Savino

Partner

Please direct responses to Buffalo Office

WFS/rjm

Enclosure

cc: Edward P. Wright, Esq.
Town Supervisor Rebecca Brumagin