VILLAGE OF GREENPORT
COUNTY OF SUFFOLK : STATE OF NEW YORK
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ZONING BOARD OF APPEALS
REGULAR SESSION

Third Street Firehouse
Greenport, New York

January 19th, 2021
6:00 p.m.

Before:
JOHN SALADINO - Chairman
DAVID CORWIN - Member
DINNI GORDON - Member
JACK REARDON - Member

AMANDA AURICHIO - Clerk to the Board
ROBERT CONNOLLY - Zoning Board Attorney
PAUL J. PALLAS - Village Administrator


CHAIRPERSON SALADINO: Good evening, folks.

This is the regular meeting of the Village of Greenport Zoning Board of Appeals. It's 6:00.

Item No. 1 is to accept the minutes of the November 17, 2020, Zoning Board of Appeals meeting.

So moved.
MEMBER CORWIN: Second.
CHAIRPERSON SALADINO: All in
favor?
(Chorus of ayes).
CHAIRPERSON SALADINO: Item 2 is a motion to approve the minutes of the September 15, 2020, Zoning Board of Appeals meeting.

So moved.
MEMBER CORWIN: Second.
CHAIRPERSON SALADINO: All in

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    favor?
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(Chorus of ayes).
CHAIRPERSON SALADINO: And I'll vote on it.

Any abstentions?
(Negative response).

CHAIRPERSON SALADINO: Item No. 3
is a motion to schedule the next meeting for
February 16, 2021, at 6:00 PM, at Station 1,
Greenport Fire Department, Third and South Street, Greenport, New York, 11944.

So moved.
MEMBER CORWIN: Second.
CHAIRPERSON SALADINO: All in
favor?
MEMBER CORWIN: Aye.
MEMBER GORDON: Aye.
MEMBER REARDON: Aye.
MEMBER REARDON: Abstention.
That's the school vacation period. I may not be here that particular week.

CHAIRPERSON SALADINO: That's unacceptable.

MEMBER REARDON: Just bringing it up.

CHAIRPERSON SALADINO: We'll try to
muddle through.
CHAIRPERSON SALADINO: Okay. So
can we vote?
(Affirmative nods).
Item No. 4 is 25 Washington Avenue.

1 It's a motion to accept the application, schedule 2 a public hearing, and arrange a site visit for the 3 application of Margaret DeCruz, for the property

4 located at 25 Washington Avenue, Greenport, New 5 York, 11944. The property is located in the $R-1$ 6 one-family district, and is not located in a

7 historic district. This property requires an area 8 variance. And the Suffolk County Tax Map No. is 9 1001-2.-1-13.

Is the applicant here? Name and address for the stenographer.

MS. DeCRUZ: Margaret DeCruz. 25 Washington Avenue, Greenport, New York, 11944.

And I want to build a porch in front of half of my house. And if I kept within the variance, it would be six feet deep only and I would like to extend it two feet more. And it does not obstruct or change the character of the neighborhood.

And pretty much everybody else on my block and across the street doesn't even have that much depth in front of their house. So that's my request. It's for a $2^{\prime}--$ or a 3'5" area variance.

MEMBER GORDON: The notice of disapproval says 3'5", and your text says 2'. Can -- before we have a hearing, maybe you could --

MS. DeCRUZ: My builder --
MR. GORMAN: We will.

MS. DeCRUZ: I mean, it's a

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two-foot extension.
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MEMBER GORDON: Yes. It's just that the notice of disapproval and your document say slightly different things. It would just be good to conform.

MR. GORMAN: They need to agree.
MEMBER GORDON: Yes.
CHAIRPERSON SALADINO: Okay. And before you go -- before you go, anybody else? Any questions?
(Negative response).
I have a couple of questions, two questions, actually. On your -- I don't see a consent form for Mr. William Gorman (phonetic) to act as your agent. Usually there's a consent form.

MS. DeCRUZ: This is my builder.
MR. GORMAN: That's me. I'm

William Gorman.
CHAIRPERSON SALADINO: All right. We're not going to hold this application up for that, but when we schedule a public hearing we like to have that. At least I don't have it.

Does any of the members have it?
MEMBER GORDON: I'm just looking. I don't think so.

CHAIRPERSON SALADINO: Just a notarized form that says he's your agent and he's making this application for you.

MS. DeCRUZ: Okay. I have a Notary Public, an affidavit. That's not what you're talking about?

CHAIRPERSON SALADINO: No. MS. DeCRUZ: Okay. All right. CHAIRPERSON SALADINO: And one more -- just wait. Another thing, on your EAF, you -- it's hard to believe that we read this stuff, but we do. On the EAF it says:

Question No. 10, it says: "Will
the proposed action connect to an existing public/private water supply?"

And you answered -- if no, describe the method for providing potable water for the

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property.
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waterline.

CHAIRPERSON SALADINO: You have village water?

MS. DeCRUZ: Yes.
CHAIRPERSON SALADINO: All right. So maybe you can just change that also.

MS. DeCRUZ: Okay. Number 10, right?

MR. GORDON: That's the short form -- the short Environmental Action Form, right?

## ADMINISTRATOR PALLAS:

Mr. Chairman, just a question for staff purposes, the consent form, is that required even if the applicant is representing themselves?

CHAIRPERSON SALADINO: Well, I'm looking. The contact person is different from the owner.

ADMINISTRATOR PALLAS: Okay. Thank you.

CHAIRPERSON SALADINO: Well, I
mean, it's your form. Plus we always have it, you

1 know, if there's a change of policy in the
2 village, we'll go with that, you know. So I'm
3 thinking we're going to need that.

MS. DeCRUZ: Consent form --
CHAIRPERSON SALADINO: We're going to correct it, okay?

MS. DeCRUZ: Yeah. Okay I think I understand. Is that all?

CHAIRPERSON SALADINO: Well, we want you to understand. We don't want you to think you understand.

MS. DeCRUZ: Well, Mr. Gorman, do you understand?

MR. GORMAN: That we need a consent form?

CHAIRPERSON SALADINO: Just correct the form, that's all.

MR. GORMAN: Yeah, that's it.
MEMBER CORWIN: Another question, Mr. Chairman. I don't think either one of these applications have a survey. Is that something new or what is the status of that?

ADMINISTRATOR PALLAS: I'll have to review the file, Mr. Corwin. I thought there was information in here. The deed, the site plan.

1 Normally, they're based -- if they're noted by the

MS. DeCRUZ: All right. So now
what? We have to wait for that?
MR. GORMAN: I don't think so.
MEMBER CORWIN: There must have been a survey some place if the architect -MS. DeCRUZ: Yes.

MEMBER CORWIN: -- or the engineer stamped it.

MS. DeCRUZ: Yes, we did that.
MR. GORMAN: Yeah, we have a site
plan. We have a site plan that's not a survey.
MEMBER CORWIN: I think if you're

1 an engineer, you'll acknowledge that.

MR. GORMAN: Right.
CHAIRPERSON SALADINO: Do you want that?

MEMBER CORWIN: I don't want to hold it up.

CHAIRPERSON SALADINO: No, we're not going to hold it up. Do you consent to them having to provide it --

MEMBER CORWIN: Yes.
CHAIRPERSON SALADINO: -- for the public hearing?

MS. DeCRUZ: That means I have to get a new survey?

CHAIRPERSON SALADINO: No. No. No.

MS. DeCRUZ: Okay. Because this has been taken me forever to get this so for. So I don't need --

CHAIRPERSON SALADINO: This application took you forever to get?

MS. DeCRUZ: It has. Not from you, but it has.

CHAIRPERSON SALADINO: Okay. We're willing to accept -- I believe we're willing to

1 accept, I think the members are willing to accept,

MS. DeCRUZ: I thought we did that already.

MR. GORMAN: We have it.
MS. DeCRUZ: Okay.
CHAIRPERSON SALADINO: If you have
it, that's fine.
MS. DeCRUZ: That's all?
CHAIRPERSON SALADINO: Okay. Well,
okay.

I make a motion to accept this
application?
MEMBER CORWIN: Second.
CHAIRPERSON SALADINO: So moved.
All in favor?
MEMBER CORWIN: Aye.
MEMBER GORDON: Aye.
MEMBER REARDON: Aye
CHAIRPERSON SALADINO: And we'll
schedule the public hearing for February 16, at 6:00 PM. Set them all for 6:00 PM. We're going to do a site visit.

MEMBER CORWIN: Yes.
CHAIRPERSON SALADINO: We're all
okay with that? What time?
MEMBER GORDON: 5:30.
CHAIRPERSON SALADINO: 5:30 is good.

MEMBER CORWIN: Sunset is at 5:24 on February 15, so we might want to take that into consideration.

CHAIRPERSON SALADINO: So why don't we schedule it for, like, 5:15 so we can all watch the subset.

MEMBER GORDON: Sounds good.

CHAIRPERSON SALADINO: We're going to make the site visit at 5:15 on February 16. And we would ask the contractor if you would just -- this is a relatively simple thing, just stake out where you're going go.

MR. GORMAN: Sure, absolutely.
CHAIRPERSON SALADINO: All right?
MR. GORMAN: I'll do that at 5:10.
CHAIRPERSON SALADINO: You could do it at your convenience, so long as it's there when we show up.

MR. GORDON: Okay.
CHAIRPERSON SALADINO: So that's
it. We'll see you. Take care of those three things we asked for on the stake out, and we'll see you at 5:15 on the -- February 16.

MR. GORMAN: So we're going to get -- we're going to get something from the -- in the mail or something? Or we pick it up? Or what?

CHAIRPERSON SALADINO: For what?
MR. GORMAN: Don't we have a notice for the hearing?

MEMBER CORWIN: Yes, you do. And you get that -- you get your placard and you get
the list of neighbors. We're not asking for an expanded mailing, just adjacent and immediate neighbors. You get that from the village. And then you would provide us with proof of the mailings at the public hearing. But that you get from the Building Department, the Village Hall.

MS. DeCRUZ: You understand?
MR. GORMAN: Yeah.
MS. DeCRUZ: Okay.
MR. GORMAN: Okay.
CHAIRPERSON SALADINO: Thank you.
Item No. 5 is 449 Sixth Street. It's a motion to accept the application, schedule a public hearing, and arrange a site visit for the application of Jennifer and James Kennedy for the property located at 429 Sixth Street, Greenport, New York, 11944. The property is located in the R-2, one- and two-family district. It is not located in a historic district. And this property requires an area variance.

The Suffolk County Tax Map Number is 1001-6.-3-5.

Is the applicant here?
MR. KENNEDY: Yeah.
CHAIRPERSON SALADINO: Okay.

MR. KENNEDY: How are you? James Kennedy, 429 Sixth Street, Greenport.

I brought some elevations here, if they're of interest, and photographs of the existing structure. I don't know if you'd like to see them.

CHAIRPERSON SALADINO: Well, maybe you could give them to the village, or -- if you want to do it now you can.

MEMBER REARDON: I'll take a look right now. I'd like to.

CHAIRPERSON SALADINO: Okay. We'll
probably want to look at them at the public hearing.

MR. KENNEDY: Yeah, I can bring them back.

CHAIRPERSON SALADINO: You want to tell us a little bit about your project and then if the members have any questions?

MR. KENNEDY: Yeah. So we have been in Greenport for many years. Grew up going out to Orient, but you know. We bought a home adjacent to this property.

CHAIRPERSON SALADINO: Didn't you have the property --

MR. KENNEDY: Yeah, at the end of Corwin.

CHAIRPERSON SALADINO: -- at the end of Corwin.

MR. KENNEDY: Yeah, the old Tilly house, they call it, yeah.

So I've been there for about eleven years, living next to this home. It was rented for a long time. And then the gentleman that $I$ bought it from, he had started a project, he gutted the home and started to try to do many things, as you probably know.

And then we talked with him from time to time, and eventually, we came to an agreement with him in June and we bought the home.

So then we have been working with an architect to come up with what you have in front of you now. We went through eleven different revisions trying to get this right because we want this to be our permanent home. You know, eventually sell the home that we have.

So, you know, in order to bring it to compliance, there was some work that needed to be done on the rear part of the structure, whicb you can see in one of the photos there. The head

1 room is a little too low. It's got a six-foot 2 doorway when you got go to the back area. So, you 3 know, it's one of those, well, while you're at it, 4 you know.

So, you know, we feel that we have something that's in keeping with, you know, the character of the neighborhood. You know, our plan is to, you know, make it as charming as we can. And, you know, just like Sixth Street is up and down, you know.

So that's the history. We're hoping to, you know, start construction in the spring and move through it as quickly as we can.

CHAIRPERSON SALADINO: Sounds good.
MR. KENNEDY: I have an updated survey which, you know, that was done probably about two months ago. I don't know if you have a standalone copy of that or if it's just on the architect's cover sheet.

CHAIRPERSON SALADINO: I don't have a survey. Do you have a survey?

MEMBER CORWIN: There's no survey with this application.

CHAIRPERSON SALADINO: So maybe a copy of that.

MR. KENNEDY: Yeah, I picked up on that from your previous conversation. So a survey.

CHAIRPERSON SALADINO: Do any of the members have any questions?

MEMBER GORDON: I saw it noted that -- isn't there a question about coming before this board in the past?

CHAIRPERSON SALADINO: It came before this board for a subdivision.

MEMBER GORDON: For a subdivision, yes.

MR. KENNEDY: Yes. So he wanted to subdivide the property. I spoke in opposition of that, you know, being the neighbor to the rear. But, you know, all the while maintaining a good relationship with Wolfgang. And I think eventually he just sort of, kind of, gave up on the project. It's a good fit for us.

MEMBER GORDON: You realize you're moving from Southold into Greenport.

MR. KENNEDY: Yes, that's by design.

CHAIRPERSON SALADINO: Two people who live on Sixth Street --

MEMBER GORDON: We know that house, we walk and drive by it all the time. I was taught English in the kitchen.

MR. KENNEDY: What's that?
MEMBER GORDON: I was taught English in the kitchen.

MR. KENNEDY: Wow. It's -- we're real excited about it. I did get a letter from our neighbor immediately to the north, Debra. Known her for many years, you know, being a neighbor behind her, you know, and she's very pleased, you know, that we're going to be there, my wife and I and the family.

CHAIRPERSON SALADINO: We have that letter, yes.

Okay. Do any members have any
questions? I have one question.
Again, with the EAF. You filled out both portions of it. You get to fill out one
portion and the lead agency gets to fill out one portion. You filled out their portion for them. MR. KENNEDY: Oh, I see. Okay. CHAIRPERSON SALADINO: So maybe -MEMBER GORDON: Yeah, I noticed that, too.

CHAIRPERSON SALADINO: So maybe just --

MR. KENNEDY: So the lead agency, is that who puts together the HERS Report. CHAIRPERSON SALADINO: On the SEQRA, which -- the Zoning Board will probably declare itself the lead agency for the purposes of SEQRA.

MR. KENNEDY: Oh, I see. CHAIRPERSON SALADINO: But I have to be honest with you, I don't fill this out. The Building department fills it out or our attorney fills it out. So since you've already done it, I'm sure the answers are correct, but you have to get them the opportunity to do it.

MR. KENNEDY: I see.
CHAIRPERSON SALADINO: So if you
could just supply a new EAF?
MR. KENNEDY: Okay.

CHAIRPERSON SALADINO: We're not going to hold the application up tonight, just supply a new EAF and hand leave Part 2 blank so they can do that.

MR. KENNEDY: Okay.
CHAIRPERSON SALADINO: Anything

## else? Any questions for the applicant?

MEMBER REARDON: James, you're not doing any work on the north side of the house? A majority -- not a majority, all the addition is happening on the south side?

MR. KENNEDY: Yeah, there will
probably be some window changes. Simply, the north side is, you know, off the property line (indicating), you know, not much to see there. So in order to make the interior of the home, we will probably change the location of some of the windows. But no, everything is going to happen to the south.

MEMBER REARDON: Okay. Thank you.
MR. KENNEDY: You know, and I think that -- yeah, to the south.

CHAIRPERSON SALADINO: Well,
according to to the notice of disapproval, everything that's happening is happening to the
south.
MR. KENNEDY: Yeah. I think it's a setback off the street where we're going to do a little porch.

CHAIRPERSON SALADINO: It's
actually a setback off the north side, but we could address that.

MR. KENNEDY: It's not going to
encroach the property line any differently than it already does.

CHAIRPERSON SALADINO: Okay.
Anybody?
(Negative response).
Okay. I'm going to make a motion to accept this application.

So moved.
MEMBER REARDON: Second.
CHAIRPERSON SALADINO: All in favor?

MEMBER CORWIN: Aye.
MEMBER GORDON: Aye.
MEMBER REARDON: Aye
And I'll vote Aye.
As you heard before, we said we're going to schedule a public hearing for

February 16, at 6:00. And we'll make the site visit before or after the other project?

MEMBER CORWIN: It's going to be dark after.

CHAIRPERSON SALADINO: All right. How about 5:00? So we'll do it before.

MR. KENNEDY: So I should be there, of course, I'm sure, right?

CHAIRPERSON SALADINO: Well, we're going to show up. It's a public hearing. Since there's going to be a quorum of the Zoning Board there, it's going to be a public meeting. So you could have whoever you want there.

But we'll be there at 5:00. Again, maybe a contractor could kind of stake out the extension in the back.

MR. KENNEDY: Right now we have an architect. We haven't selected a contractor yet, we just got an architect and we're soliciting pricing, but --

CHAIRPERSON SALADINO: Well, you could do it.

MR. KENNEDY: Yeah. I'm in
construction, and $I$ know the deal, yeah.
CHAIRPERSON SALADINO: So we'll be
there at 5:00 on February 16.
MR. KENNEDY: Terrific.

CHAIRPERSON SALADINO: See you then.

Anything you would like us to see, any additional drawings -- and the same applies to the last applicant, you know, you go to the Building Department and get a list of names of people that have to be notified, buy a placard, and put that up.

MR. KENNEDY: Okay. That's once we get the permit? Or is that prior to the permit?

ADMINISTRATOR PALLAS: That's for the hearing.

MR. KENNEDY: So I'll have to do that public outreach to let people know?

CHAIRPERSON SALADINO: The village will supply you with a list of -- we're not asking for an extended mailings here?

MEMBER GORDON: No.
CHAIRPERSON SALADINO: No. So the village -- and especially, you're next to the Long Island Rail Road right-of-way, so your neighbors are kind of limited. One to the north --

MEMBER GORDON: Does he have to --

1 just as a matter of formal notice, does he have to 2 tell Long Island Rail Road?

MR. KENNEDY: Yeah.
CHAIRPERSON SALADINO: Mr. Pallas is the head of the Building Department. Talk to him and he'll tell you the names of the neighbors. You'll send them notice, and you got to buy a placard, the Village will print it, and you have to display it --

MR. KENNEDY: Okay. I'll reach
out.
CHAIRPERSON SALADINO: -- ten days
prior to the public hearing.
MR. KENNEDY: I see. Okay.
CHAIRPERSON SALADINO: That's it.
Easy peasy.
MR. KENNEDY: Thank you so much.
Have a good night.
CHAIRPERSON SALADINO: Item Number
6 is any Zoning Board of Appeals business that might properly come before this board.

Anybody in the audience have a question?

Any members have anything?
(Negative response).
MEMBER REARDON: I sort of have a
question about the group meeting, that discussion.
CHAIRPERSON SALADINO: What
happened?
MEMBER REARDON: That multiple meeting, the Planning Board MEMBER CORWIN: 123 Sterling. MEMBER REARDON: -- the Village Board --

1 going to schedule -- what $I$ believe is going to
2 happen is that the applicant will make an
3 application to the village for a building permit,
4 and what he's asking for will probably be denied.
5 There will be a notice of disapproval, he'll make
6 application to the Zoning Board. It will come
7 before the Zoning Board. And if the application
8 is complete and correct, we'll schedule a public
9 hearing.

MEMBER REARDON: So it's going to be a traditional application? There's not going to be any --

CHAIRPERSON SALADINO: I just know
it was always of the opinion -- it was the only way it could get in front of the Zoning Board.

So we might have seen on
television, somebody's opinion might have been that it didn't have to follow that route. I'm still under the impression that's the way it gets in front of the Zoning Board.

MEMBER GORDON: Two functions this
board has: That kind of review and
interpretation. And as I understand it, we're not being asked to interpret.

CHAIRPERSON SALADINO: No. No.

1 This will be -- this will be -- let's maybe hear
2 from Mr. Pallas. Maybe he has an explanation.

ADMINISTRATOR PALLAS: Me? Well, I just had more of a clarification. What Chairman Saladino said is accurate. That's the process that will be followed. The only variation, really, is that at the time that you all will see the application, you all will be, at least tentatively right now, at a joint meeting of the boards. That's how it's been proposed.

Each board, in turn, will have to schedule their next steps. In your case, it's a public hearing, Planning Board, site plan review. Not sure what Historic is going to do. And then the Village Board will have to schedule a hearing for a modification for the stipulation.

So in your case it would be for a variance and a modification for the stipulation concurrently. But the trigger is the -- whatever variances the applicant applies for.

CHAIRPERSON SALADINO: Would it be -- and maybe this is for Rob. Would it be for us for one vote? Would it be just to get past getting in front of the Zoning Board? When it does get in front of the Zoning Board, will it be

1 for one vote, to vote on the variance? Does that 2 take care of the modification that he's asking 3 for.

ADMINISTRATOR PALLAS: I will also defer to counsel.

MR. CONNOLLY: You have to have a vote on modifying the stipulation of settlement. So you'd be voting on the variance and also to modify the stipulation from, I think, 2000- and --

CHAIRPERSON SALADINO: Is this
going to happen with -- because I have to be honest with you, I'm kind of -- I understand the premise. I'm totally familiar with what happened, and I've read the stipulation. For the Zoning Board to issue a variance to offer relief, you know, we have certain obligations, certain questions to answer, and certain reasoning to apply to grant that variance. What do you do with a modification? Is that just our opinion?

MR. CONNELLY: Well --
CHAIRPERSON SALADINO: Do we have to go through the five questions? Are there nine questions?

MR. CONNELLY: No, it wasn't -- the variances weren't -- from my understanding of how

1 it was processed back then, it was a settlement.
2 So there was actually no vote by the $Z B A$ granted.

CHAIRPERSON SALADINO: I know.
MR. CONNELLY: Right? So the ZBAw as a party to that stipulation of settlement. Stipulation to settlement can be modified by any of the parties to the stipulation so that the Zoning Board would have to agree to modify that stipulation. But there would be no -- you know, you wouldn't do the five-part test.

CHAIRPERSON SALADINO: So is it --
MR. CONNELLY: The variances that were granted through that settlement are standing. Now they're asking for additional relief.

CHAIRPERSON SALADINO: No, I understand that part. I understand that part. I understand what our obligation is when it comes to a variance or an interpretation. I'm not sure what happens with a modification. Does -- we both have a variance -- assuming -- let's assume that the variance is granted. Then there's a vote on the modification.

MR. CONNELLY: Right.
CHAIRPERSON SALADINO: And that's strictly opinion based? It's how you feel in the

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moment?
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MR. CONNELLY: You discuss it among the board, to amending the stipulation to benefit the community as a whole --

CHAIRPERSON SALADINO: Is it that the variance?

MR. CONNELLY: Well, yeah. You wouldn't do the five-part test.

CHAIRPERSON SALADINO: Okay. And the other question $I$ would have, perhaps for Mr. Pallas, is: Do the proponents of this, do the people that thought this system up, as far as this joint meeting, did they have an idea of how much time the members would have to review the application, the notice of disapproval? Are we going to get it that night and expect to vote on it that night to accept it, and schedule a public hearing that night? Is that what we're thinking?

ADMINISTRATOR PALLAS: There -CHAIRPERSON SALADINO: I don't want to put you on the spot.

ADMINISTRATOR PALLAS: No, that level detail was not discussed. It wouldn't be something that -- as a matter, of course, we would get it to you in advance of any such meeting,

1 just like we did for these two application, you 2 had them in advance. And the meeting would be 3 scheduled subsequent to distributing of that to 4 yourselves and all the other boards, in fact.

The plans, as far as $I$ know, have not been changed from what is currently posted on the village website. So the plans and the application and the request have not changed. They all are still the same.

So that -- well, you would -- the additional information you would get is the notice of disapproval and their variance application.

CHAIRPERSON SALADINO: Well, isn't that his passport to the Zoning Board?

ADMINISTRATOR PALLAS: Correct. Yes, yes.

CHAIRPERSON SALADINO: So without seeing the notice of disapproval, you know, I'm sure we have all seen the plans. We have all seen what he's asking for.

But what do we think? And we would need a quorum that night to vote. And the motivation behind this, just so it's clear to our members, is -- of this joint meeting is to save time?

ADMINISTRATOR PALLAS: That's as it was explained in a -- at the last public Board of Trustees meeting.

CHAIRPERSON SALADINO: Now is the time. If you have a question, now is the time. We have the attorney, so now is the time to ask the question. Amanda is here, maybe she can answer a couple of questions?

MEMBER GORDON: It seems to me that the modification and the variance at the same time is going to be kind of difficult, but I --

CHAIRPERSON SALADINO: Well --
MEMBER GORDON: Assume that we're rubber stamping the modification, let's be honest.

CHAIRPERSON SALADINO: I'm not making that assumption.

MEMBER GORDON: No, I'm not asking about your intention, I'm asking about the intention of the group that's been working on this process.

CHAIRPERSON SALADINO: You honestly
think they it would answer that for the television?
I don't think any of we're talking
about --

MEMBER GORDON: I ask the question because it isn't going to be answered right away. I sort of want to know what I'm getting into, if I'm supposed to do these two important things in one meeting without much notice. Now, maybe we're going to get -- I don't quite understand what documents I'm going to get to base our decision on.

ADMINISTRATOR PALLAS: If I may, Mr. Chairman, maybe I was not 100 percent clear. So this joint -- this proposed joint meeting of all the Boards is no different than the actions than you took tonight. You will have the documents in advance, in plenty of time, prior to that group meeting. The action you'll take is merely to accept the application, if you so chose. And again, if you so chose, to schedule a public hearing on the application itself.

Then, the next meeting would not be a joint meeting, it would just be your normal, regular meeting --

MEMBER GORDON: Hearing. ADMINISTRATOR PALLAS: -- hearing to consider the application. And the application is two parts. It's a variance request and a

1 modification to a previously entered stipulation.

Counsel, if I'm --
MR. CONNELLY: That's correct.
CHAIRPERSON SALADINO: So if -- if the stars aligned and the applicant had gotten his application to us tonight, we could have taken care of scheduling the public hearing and he would have been on our agenda for February 16. But apparently, the stars didn't align, and there was no notice of disapproval prior to this meeting tonight.

So we're going to hold a meeting -there's going to be a meeting of three -- four statutory boards. And at that meeting, to save time, this board is going to be asked to vote on accepting that application at that meeting. Is that --

ADMINISTRATOR PALLAS: That's -yes.

CHAIRPERSON SALADINO: And just off the top of my head, do you think that's a good idea?

ADMINISTRATOR PALLAS: I'll answer
the same way I answered the last question.
CHAIRPERSON SALADINO: I'm a

1 process guy. I think if you follow a path that's

So I'm not sure the "save time" aspect of it, how that makes us go out of process. MEMBER REARDON: I think you may be thinking about it from your perspective, saving time and being more efficient for their presentation. Instead of making four presentations, or potentially four presentations,

1 they're going to make one. It's more efficient 2 from their perspective. They're hoping that we 3 will --

CHAIRPERSON SALADINO: You don't think it will be redundant? You don't think we'll we'll hear the same thing from them at the public hearing?

MEMBER REARDON: I do.
MR. CONNELLY: I think the issue is
that for the stipulation of settlement to be modified, every party needs to agree to it. If the ZBA doesn't agree to modify, then the stipulation of settlement stands as it is. So I think they're trying to get a feeling or a sense of if all the parties of the stipulation are going to agree to modify.

CHAIRPERSON SALADINO: And they would expect an answer that night?

MR. CONNELLY: Well, I think they might want, you know, maybe a straw vote or something like that just to get some kind of sense.

CHAIRPERSON SALADINO: I'm not prepared to do that. I'm not prepared to ask my members do that.

MEMBER REARDON: Rob, does the decision need to be unanimous or just majority? CHAIRPERSON SALADINO: Majority. I wouldn't ask these members to do that, to offer an opinion before the public hearing. We would have to recuse ourselves. If we offered an opinion before the public hearing about how we would vote. We would all have to recuse ourselves. I mean, that's just -- what do you think, Dinni? MEMBER GORDON: It's why I asked if we were really expected to just, you know, pass it along.

CHAIRPERSON SALADINO: I think sometimes -- all $I$ can say is that you tell us when the meeting is. If it's convenient for the members to show up -- is attendance mandatory? If it's

MEMBER GORDON: If you're going to vote, we should all be there. Because the board is going to take action.

CHAIRPERSON SALADINO: The only way we vote is if there's a quorum. If there's no quorum, we don't vote.

MEMBER GORDON: It's an important project.

CHAIRPERSON SALADINO: I agree with you.

MEMBER GORDON: We should make it mandatory for ourselves.

Is there a date yet?
ADMINISTRATOR PALLAS: A date has not been established. We are in the process -we're still in the process of getting notice of disapproval out, receiving a response to that. We may -- in fact, we may have received something today. I would have to check tomorrow. So it may be imminent that a date will be scheduled. Within the next two or three days, you may see an e-mail regarding that.

MEMBER GORDON: Okay.
CHAIRPERSON SALADINO: While I have you, and since you would be part of the Planning -- not statutory board planning, logistic planning. So there will be plenty members of the village, statutory board members, I assume two attorneys, a stenographer, you, I'm sure Amanda will be there. Is the public going to be -- and the applicant.

MEMBER GORDON: Aren't we limited to 25 people in this room during that period?

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that's the number. I'll have to check. I believe
``` that's the number, correct. So there would be limited availability for anybody in the public to attend. I can't --

MEMBER GORDON: Subject to the public meeting -- is this subject to the public meeting law?

ADMINISTRATOR PALLAS: It would be, of course. I mean, I don't know -- again, we're still in the planning stages of the meeting. I can't even say that it won't be a virtual meeting. I don't know that yet. So there is a potential that we would go in that direction.

I haven't discussed that with the mayor or respectively with the other chairs, as well.

CHAIRPERSON SALADINO: Well, taking that -- if it's a virtual meeting, then you could have unlimited participation. Does the village board -- do the trustees that -- that -- I'll say it. Do the trustees that look at this as a good idea expect that the -- for the public to comment at this meeting?

ADMINISTRATOR PALLAS: I don't have

1 an answer to that question either. I mean, I've
2 discussed it, but \(I\) don't believe a decision -- as
3 far as I know, there's been no specific decision
4 as to public comment at this -- given that there's 5 going to be opportunity at each individual board's 6 hearing and/or meeting for public comment for

7 their particular piece of this, then the option
8 would be to not have public comment at this stage, 9 so yeah.
                    Since its not a hearing, it's -- so there's no requirement, as far as \(I\) know, for public comment.

MR. CONNELLY: It's not a public hearing, it's not a requirement.
CHAIRPERSON SALADINO: Okay. I would have thought -- if I happen to be at that meeting that night, I'm sure \(I\) would have voiced my opinion. I'm semi-uncomfortable voicing my opinion now because the members that suggested it and thought it was a good idea aren't here to get the response. If \(I\) was at that meeting that night, I would have voiced my opinion then. And only because everybody that knows me, knows I'm a process guy and I don't think you should go out of process on a whim to save a month for someone

1 that -- that any delay is only -- everybody here 2 is familiar with zoning, and in zoning, this would 3 be a self-created hardship. If it was a variance

4 in front of us, this would be a self-created
5 hardship. Any delay that this project is
6 suffering is -- and I'm not speaking pro or con as
7 far as the project, the merits of the project,
8 just an observation. Any delay that this project
9 has suffered hasn't been from a statutory board.
10 It wasn't -- it wasn't the Village Board, us,
11 Planning, or HPC.

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So did that answer your question?
MEMBER REARDON: I probably have more questions now because of the answer to that question. Yes, thank you.

CHAIRPERSON SALADINO: So we'll hear from the village, and if it's convenient for the members and there's no personal conflicts that night and the members can show up and we have a quorum, we'll vote. If they can't, we'll go through the normal process. We'll -- we'll get a notice of disapproval and then an application, and then we'll schedule the public hearing. Okay?
(Affirmative nods).
David, anything? You've been very

1 quiet. You're making me nervous.

MEMBER CORWIN: You know how I feel about joint meetings, Mr. Chairman.

CHAIRPERSON SALADINO: I've never been to a joint meeting that worked out. So I tend to agree with you on this. But since we don't call the shots --

MEMBER CORWIN: And we don't get paid.

CHAIRPERSON SALADINO: I don't know if getting paid has anything to do with it. But again, if \(I\) was at that meeting that night, \(I\) may have made an argument against this. But since I wasn't, and now it's a day late and I'm a dollar short, we'll wait for the e-mail from the village about the meeting.

And again, the members -- if we have a quorum, we'll vote to schedule a public hearing. If we don't, we'll make no apologies to the applicant. Okay? Is that how we see things?
(Affirmative nod).
CHAIRPERSON SALADINO: Anything
else? Anybody want to ask anything else?
(Negative response).
Item 7 is a motion to an adjourn.

4 favor?

9 coming. Thank you.
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I, SARA GALANTE, a Notary Public in and for the State of New York, do hereby certify:

THAT the within transcript is a true record of the proceedings taken on January 19th, 2021.

I further certify that I am not related either by blood or marriage, to any of the parties in this action; and THAT I am in no way interested in the outcome of this matter.
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