

1 VILLAGE OF GREENPORT
2 COUNTY OF SUFFOLK STATE OF NEW YORK
3 -----x

4 ZONING BOARD OF APPEALS
5 REGULAR MEETING
6 -----x

7
8 Third Street Firehouse
9 Greenport, New York

10 October 21, 2015
11 5:00 P.M.

12
13 B E F O R E :

14
15 ELLEN NEFF - MEMBER - CHAIRPERSON

16 DAVID CORWIN - MEMBER

17 JOHN SALADINO - MEMBER

18 DINNI GORDON - MEMBER

19 DOUG MOORE - CHAIRMAN (Excused)

20
21 EILEEN WINGATE - VILLAGE BUILDING INSPECTOR

22 JOSEPH PROKOP - VILLAGE ATTORNEY

23
24
25

1 CHAIRPERSON NEFF: Okay. I would
2 like to open the meeting of the Zoning
3 Board of Appeals and with the fellow
4 Board members. David Corwin, John
5 Saladino, Dinni Moore --

6 MEMBER GORDON: Doug Moore is
7 not here. Dinni Gordon is.

8 CHAIRPERSON NEFF: Okay.
9 Doug Moore is not here and I am Ellen
10 Neff and I am substituting. So cut
11 me some slack. It's our regular
12 meeting. Our first is a public
13 hearing and we're continuing one that
14 has been opened from our last meeting
15 concerning the Holy Trinity Church
16 appeal for a use variance at the
17 house at 718 Main Street. And the
18 applicant proposes to construct a
19 second residential unit in an
20 existing one family house in the R-1
21 District. And I do I have to read --

22 MEMBER GORDON: Yes.

23 CHAIRPERSON NEFF: Section
24 150-7A(1) does not permit any
25 building to be used , in whole or in

1 part, for any use except one family
2 detached building. Not to exceed one
3 dwelling per lot. The application
4 requires a coordinated review for the
5 purposes of SEQRA, and is classified
6 as a Type I action due to its
7 location in the Historic District.
8 This action has been publicly noticed
9 and comments regarding this
10 application must be received within
11 30 days. The public hearing for the
12 use variance will remain open pending
13 resolution of the SEQRA review. The
14 30 day notice will October 18th and
15 this is the 21st. We have received
16 several responses. I will tell you
17 what they are. The Historic
18 Preservation Commission took no
19 action but if we approve this use
20 variance, we will refer the matter
21 back to them. The Suffolk Count
22 Department of Planning had no
23 interest in the matter and considers
24 it a local jurisdiction. The
25 Planning Board had no comments. Have

1 I covered them all? The Board of
2 Trustees?

3 MR. PROKOP: I don't know.

4 CHAIRPERSON NEFF: None
5 received. So we have completed the
6 matter. That completes that part.
7 And I don't mind being interrupted by
8 any of these people at the table if I
9 am going off in a direction too soon.
10 But I think if there is anybody to
11 speak on behalf of this application
12 at this time, they can take the
13 podium.

14 MS. WELLS: Yes. My name is
15 Lydia Wells. I am one of the wardens
16 at Trinity Church. We have submitted
17 everything that we needed to submit
18 and site visits. As a church, we're
19 moving on. We do have a pastor
20 coming in January, who will be
21 part-time. He lives in the
22 community. He will be joining us
23 again. So we're looking forward to
24 moving on and we hope that this will
25 help us do that.

1 CHAIRPERSON NEFF: I have one
2 question. The person that you will
3 now be -- the part-time minister.
4 When you say living in the
5 community --

6 MS. WELLS: He has a house in
7 the community.

8 CHAIRPERSON NEFF: Okay.
9 This renovation and you gave us many
10 details about the financial situation
11 with the parish and it's part with
12 the Diocese. It's for the long range
13 use of the building as two
14 apartments. So that it could be used
15 by a member that is serving the
16 church in some capacity or not. Is
17 that correct?

18 MS. WELLS: That's correct.
19 Any questions?

20 CHAIRPERSON NEFF: Any
21 questions from the Board? Comments
22 from the --

23 MR. CLARKE: Hi, I am Peter
24 Clarke. I live on Sixteenth Street.
25 I was at the August meeting where I

1 made a few preliminary comments about
2 the application. And subsequent to
3 that, I believe the Board not only
4 requested financial information but a
5 survey of the number of grandfathered
6 two-family properties in our
7 neighborhood versus the
8 single-families. Mr. Corwin and
9 Mr. Saladino are the ones who
10 requested it and I thought it was a
11 good idea. So --

12 CHAIRPERSON NEFF: Excuse me
13 for one moment.

14 MR. CLARKE: Yes.

15 CHAIRPERSON NEFF: Have you
16 seen -- there was such an analysis
17 done. Have you seen it?

18 MR. CLARKE: No.

19 CHAIRPERSON NEFF: Would you
20 like to look at it?

21 MR. CLARKE: Sure.

22 CHAIRPERSON NEFF: I should
23 have mentioned it. You can take it
24 back over there and bring it back to
25 me, please.

1 MR. CLARKE: Okay. Great.

2 So as I can see here, in addition to

3 the commercial properties that were

4 mentioned in the immediate vicinity,

5 there are another two families that I

6 am not able to index it at a glance.

7 It's substantial. So based on that

8 and in keeping the character of the

9 neighborhood, I would request again

10 that the Board consider denying the

11 variance in an endeavor to keep that

12 area of the neighborhood a little

13 less intensively developed. It's

14 fairly intensively developed in use

15 already as in evidence surrounding by

16 the other two-families and the amount

17 of commercial activity in the area.

18 We're very sensitive to the needs of

19 the church and certainly do not want

20 to send any other message to them,

21 other than we want to respect the

22 zoning in the area. Certainly if the

23 needed to financially, they could

24 sell it as a single-family house and

25 take those proceeds to help them or

1 to rent it as a single family house
2 on which it would also not require a
3 variance and help them financially.
4 I understand the minister housing
5 issues that they brought before the
6 Board but I believe they have other
7 recourses to resolve their financial
8 challenges, which I respect without
9 continuing to change the zoning in
10 this immediate neighborhood of
11 Greenport. I thank you for your
12 time.

13 CHAIRPERSON NEFF: Thank
14 you.

15 MS. SHAPIRO: Hi. I am Linda
16 Shapiro. I do live right across the
17 street from the church. I also spoke
18 last time at the first meeting. I
19 agree basically everything that Peter
20 has said. The neighborhood is quite
21 busy because of the hospital and the
22 medical center. We have a B&B across
23 the street and a B&B down the block.
24 And it's right on the corner. Like
25 last time, I said I don't have a

1 problem with it being a single
2 family. I understand the church has
3 financial difficulties. At the
4 beginning they wanted to have the
5 minister and the person who takes
6 care of the ground live there. Those
7 people have separate residences
8 within the Town. They don't need an
9 apartment anymore. There are many
10 houses for sale. That house would
11 probably sell for a lot of money,
12 if they're really in dire straights
13 for money. So I don't see any
14 reason to change it into a two-family
15 home.

16 CHAIRPERSON NEFF: Thank you.

17 MS. SHAPIRO: Thank you.

18 CHAIRPERSON NEFF: Yes.

19 MR. SWISKEY: William
20 Swiskey, 184 Fifth Street. I mean,
21 this is a big house. It's a big
22 piece of property and they're
23 dividing it into two apartments is
24 not going to hurt anything. I know
25 the neighborhood. There is quite a

1 few of two-family houses. I mean,
2 and we're losing churches like crazy.
3 I mean, this church is trying to
4 survive. So you can at least give
5 the variance to the church and have a
6 two-family and then you can put a
7 corticale on it, if they sell it, it
8 can revert to one family. But
9 basically you're stepping on the
10 churches throat here and it doesn't
11 make any sense to me. I live in a
12 supposedly one of the better
13 neighborhoods. We got lots of two
14 families. It doesn't hurt anybody.
15 I don't understand it. I am a native
16 of Greenport all my life. And now
17 we're trying to exclude.

18 CHAIRPERSON NEFF:
19 Mr. Swiskey, I would just like to add
20 to the stepping on the throat of the
21 churches. I have been here a long
22 time. Not as long as you have. The
23 number of churches that we're seeing
24 on the North Fork, in this community
25 as well, that disappear have already

1 thrown in the towel. The sign is up.
2 The purchase is made and how much
3 they mean to the community for
4 meetings, events are noted.

5 MR. SWISKEY: Thank you.

6 MS. MILLER: My name is
7 Lorraine Miller. I am also a warden
8 at Holy Trinity Church. People have
9 made remarks about us selling the
10 property. It's not ours to sell. It
11 belongs to the Diocese. If it sold,
12 it goes to the Diocese and not to us.
13 So we can maintain it but we cannot
14 sell it.

15 MS. SHAPIRO: Maybe I can
16 make sense to it, if you are getting
17 rent for two family home, where does
18 that Money go to? If it's going to
19 Diocese then how is it helping the
20 church?

21 CHAIRPERSON NEFF: Please use
22 the podium.

23 MEMBER CORWIN: One person at
24 a time.

25 MS. SHAPIRO: The Diocese

1 supports the churches. That is where
2 they get their money from. If they
3 can't afford to keep the church than
4 they should sell the church and talk
5 to the Diocese about whatever
6 they're lacking. It's a very busy
7 area. They practice for plays.
8 There is a lot going on there
9 constantly. So I don't see it
10 becoming a two-family house. I think
11 it's a very busy property as it is.
12 Thank you.

13 MR. POLLEO: Fred Polleo. I
14 am a member of Holy Trinity Church.
15 The way that the guidelines are set up
16 is that any assets of the churches are
17 held in the trust for the Diocese.
18 Of there is a piece of property and
19 there is an asset that is -- it's held
20 in trust for the Diocese as a whole.
21 The Diocese does not support the
22 church. The church is supposed to
23 support the Diocese. We have not made
24 contributions for a while. So if the
25 property were to be sold, it would

1 have to be approved by the Diocese.

2 CHAIRPERSON NEFF: Thank
3 you, sir. I should mention and it
4 was read at previous hearing, Arthur
5 Task's letter objecting to -- he
6 talked about understaffing the
7 financial burden but felt that it --
8 opposed to being two dwelling units
9 at the rectory, partly fearing a
10 flood of potential applications. And
11 consider the example of spot zoning.
12 I wanted to say, that in past
13 decisions, we have added a rider and
14 maybe this time, this is from the
15 last time we did this was in July
16 2013, when we approved two units in
17 the rectory, which incidentally all
18 on one property. The entrance for
19 off street parking of which there is
20 ample for the residents of that house
21 is on the side street and there is
22 ample space there. But we are
23 findings and determinations added,
24 the variance is terminated and a
25 second dwelling must be removed if

1 the parcel of property is ever
2 separated from the church property
3 and sold for private use. And the
4 use of the premises would revert to
5 the compliance of the requirements
6 with the Village Zoning Code, which
7 of course would make it a one family
8 house. So we made that part of the
9 original use variance that we gave to
10 the church. And to again clarify, it
11 was for the church to use one unit
12 for an employee and another unit at a
13 market rental. To help defray the
14 expenses of ownership and renovation
15 of that house. So are there any
16 other questions from the Board?
17 Yes?

18 MEMBER SALADINO: I have a
19 question for one of wardens. A
20 financial question. I am reading in
21 your statement that the second rental
22 unit would annually generate revenues
23 of \$12,000.00. And with the one
24 rental scenario keeping it as a one
25 family house it would -- there would

1 be none.

2 MS. WELLS: Yes. That would
3 pay off -- that would cover the
4 renovations.

5 MEMBER SALADINO: I
6 understand that. I am also looking
7 at your financial records here you
8 would -- it looks like according to
9 this that the church would absorb
10 heat for the house and a single
11 family cost scenario, it would absorb
12 the cost of the electric for the
13 house. And you also project almost a
14 \$5900.00 increase in taxes if it were
15 progressed as a single family
16 dwelling.

17 CHAIRPERSON NEFF: You mean
18 as a two family dwelling?

19 MEMBER SALADINO: As a single
20 family dwelling.

21 CHAIRPERSON NEFF: Okay.

22 MEMBER SALADINO: So my
23 question would be just to cost of
24 heat and lights is \$5200.00. I don't
25 know why, as a landlord myself at

1 times, I didn't pay that. I can
2 understand as a two rental unit but
3 as a single rental unit, I don't
4 understand why the church would be
5 responsible for that and not the
6 tenant. To heat and provide
7 electricity for their rental unit. I
8 am curious --

9 MS. WELLS: I am going to ask
10 Fred to come up. He knows. He
11 helped with the paperwork.

12 MEMBER SALADINO: I am also
13 curious as to where you came to the
14 figure of an additional \$5800.00 on
15 property tax. And one last thing, if
16 you do those numbers, I mean, it's
17 not \$12,000.00. It's \$7,000.00 in
18 revenue and if you raise the rent to
19 \$2400.00. It's \$8,000.00. Now it's
20 only a \$4,000.00 difference. You
21 know, \$4,000.00 is hard to justify.

22 MR. POLLEO: Basically what we
23 had done with respect to the property
24 taxes is, we had taken a random sample
25 of homes. We didn't draw at the

1 lowest value ones. And that is based
2 upon a random sample of ten properties
3 in the surrounding area. We just took
4 an average. That's basically how we
5 had come out with the tax lot. With
6 respect to the apportionment and with
7 respect to what the estimated rental
8 cost was, we had gone through with a
9 real estate agent prior to even
10 doing the proposal. It's a very large
11 house and according to the real estate
12 agent, you get to a certain point on a
13 large house where more limited group
14 of individuals -- unless you're going
15 to be moving in a large family or
16 something of that sort. So this was a
17 number that was informed to us by the
18 real estate agent. So we used that.
19 With respect to the utilities, part of
20 the reason we didn't break out the
21 utilities is heat is also shared with
22 the churches. It's a common propane
23 tank. So heat is going to be shared.
24 It heats the churches hall as well as
25 a portion of the churches property.

1 So what I had done, is I assumed it
2 would be included as well, it's on a
3 separate meter. We could break it
4 out. It would change it to a slight
5 benefit as opposed to apportionment.
6 It's just more or less for a
7 short-hand of the analysis. So we
8 would be covering utilities.

9 MEMBER SALADINO: But you do
10 understand --

11 MR. POLLEO: Yes, we do.

12 MEMBER SALADINO: You're
13 asking for the variance because of
14 the perceived financial hardship.
15 And now, if you can come up with a
16 few extra five, six or seven thousand
17 dollars to reduce -- to come down
18 from that \$12,000.00 --

19 MR. POLLEO: You know, as much
20 as we tried to be complete as possible
21 in the analysis, we did not factor in
22 a group of expenses, which would be
23 associated with the property.
24 Insurance requirements. So on and so
25 forth. When we did the analysis, we

1 tried to -- as much as possible, to
2 compress enough into just two pages.
3 So we didn't throw in a lot of lines
4 to make it look like a tax form or
5 anything of that sort. So we used
6 short-hand with respect to the utility
7 cost, but part of the numbers were
8 when we spoke with the real estate
9 agent. He had said if you include the
10 utilities on the two unit, you could
11 use the same assumption on the one as
12 well.

13 MEMBER SALADINO: I am sure
14 -- thank you for that. Even for
15 someone like me who has no actuary
16 background. Just the idea that two
17 units as far as everything involved
18 has to be more costly than as a
19 single unit when it comes to whatever
20 you're doing, construction,
21 insurance.

22 MR. POLLEO: Well, we had done
23 that as well. We did construction
24 costs. We assume -- obviously we
25 wouldn't be putting in a second

1 kitchen. So we reduced both the
2 contingency and the construction
3 costs associated with not needing to
4 put in a kitchen upstairs. So we
5 tried to be as accurate as possible.
6 That is part of the reason the total
7 costs of \$150 on renovations for the
8 two unit, down to \$138.

9 CHAIRPERSON NEFF: Can I just
10 make one point. One thing from your
11 current application that you gained
12 that you don't have in the first use
13 variance is flexibility. The
14 flexibility that at some time, it can
15 be a church employee. And it's not
16 the expenses that is tied into the
17 renovation. It's ongoing year after
18 year after year. And I think --
19 thank you for all the numbers that
20 you presented but when you think of
21 it as ongoing, I can see how it gives
22 you greater flexibility.

23 MR. POLLEO: It's not just the
24 flexibility for the church itself, the
25 Dioceses has a number of programs.

1 That is part of the reason. And they
2 had recently hired a priest to cover
3 the east-end, it could be -- that the
4 Diocese would want to use one of the
5 units. So it's not just the church.
6 It's the church as a whole.

7 CHAIRPERSON NEFF: I
8 understand. Thank you.

9 MR. SWISKEY: Actually, I
10 don't know who did this financial
11 analysis but just looking at it from
12 an outsider, you have \$150,000. Your
13 mortgage basically over 30 years is
14 going to cost you about \$1200.00 a
15 month. You're going to have two
16 units, which you could probably rent
17 for \$1500.00 a piece. So the church
18 is going to make out. The property
19 -- you know, there will be a
20 financial benefit to church. You
21 would have to be the worst
22 businessman in the world not to see
23 it.

24 CHAIRPERSON NEFF: Okay. I
25 believe at this point it would be

1 appropriate to make a motion to close
2 the public hearing.

3 MEMBER GORDON: So moved.

4 CHAIRPERSON NEFF: I was
5 going to ask --

6 MR. PROKOP: I have a couple
7 of comments. They don't have to be
8 during the public hearing. They
9 could be after.

10 CHAIRPERSON NEFF: Okay. We
11 could close the public hearing. If
12 someone would make a motion?

13 MEMBER GORDON: So moved.

14 CHAIRPERSON NEFF: Second?

15 MEMBER SALADINO: I second.

16 CHAIRPERSON NEFF: Any
17 discussion?

18 MEMBER GORDON: I would like
19 to add something. I understand the
20 arguments on both sides and I am very
21 sympathetic with the church and
22 sympathetic with the neighbors, but
23 one sort of outside issue which may
24 seem to people very small is that
25 Greenport is not nearly as bad as

1 many places but Long Island as a
2 whole has a real housing crisis
3 particularly. And Greenport still
4 retains a lot of rental units as it
5 should. And I -- you know, the
6 prospect of increasing one rental
7 unit which will also provide a
8 substantial benefit to the church
9 seems to me, at least as important as
10 for that benefit as the detriment to
11 having another household across the
12 street, which doesn't seem to me to
13 be a very big detriment. So I am
14 inclined we should consider that as
15 we're looking at this.

16 CHAIRPERSON NEFF: Okay. So
17 all those in favor of closing the
18 public hearing?

19 MEMBER SALADINO: Aye.

20 MEMBER GORDON: Aye.

21 MEMBER CORWIN: Aye.

22 CHAIRPERSON NEFF: Aye.

23 Motion carries.

24 MEMBER GORDON: My comment
25 was intended to be part of the

1 discussion that followed the closing
2 of the hearing. I'm sorry.

3 CHAIRPERSON NEFF: That's
4 because the substitute chair seems to
5 have trouble distinguishing between
6 the hearing part and the meeting part
7 and I will work harder at that.

8 Second, there is a public
9 hearing -- open a public hearing
10 No. 2 for Marta Thomas, 211 Bridge
11 Street, Section 1001-2-2-10.1. The
12 applicant seeks a building permit for
13 a new detached accessory building for
14 a structure which has already been
15 partially constructed. The property
16 is located within a R1 District. The
17 accessory building is located 2 feet
18 from the south property line
19 requiring an area variance of 3 feet
20 for a rear yard setback. Section
21 150-13A1B. The code requires a 5 yard
22 setback from the rear or side yard
23 lot lines. Any presentation by the
24 owner?

25 MEMBER CORWIN: Correction?

1 CHAIRPERSON NEFF: Yes.

2 MEMBER CORWIN: You said the
3 applicant seeks a building permit for
4 newly detached accessory structure
5 which has already been partially
6 constructed.

7 CHAIRPERSON NEFF: I added
8 partially because it was in fact in
9 my view at the site visit partially
10 constructed.

11 MEMBER CORWIN: You did make
12 the correction.

13 CHAIRPERSON NEFF: Okay. Do
14 you want to make a presentation, the
15 owners? It's a public hearing so you
16 can speak about it if you want or
17 not?

18 MR. CORNELL: How are you
19 doing. Tom Cornell, 11 Bridge
20 Street. You saw it earlier. It's
21 pretty much self explanatory. Nobody
22 -- we talked to our neighbors.
23 They're happy with it. I guess
24 that's it.

25 CHAIRPERSON NEFF: Okay.

1 Thank you.

2 MS. SCOTT: Arden Scott. I
3 live at 404 Atlantic Avenue. Right
4 there on Bridge Street and my studio
5 is probably abuts their property and I
6 spend all my hours there. I have no
7 problem with it whatsoever.
8 Additionally, I think we should
9 support young people coming into
10 Greenport. And a lot of people's
11 property they can't afford. They're
12 building an accessory building just
13 for lawnmowers and nothing else. So
14 what my understanding is, they need
15 another foot?

16 CHAIRPERSON NEFF: It's
17 actually 2 feet, I believe. 3 feet.
18 Sorry. It's within 2 feet but it's
19 supposed to be within 5 feet.

20 MS. SCOTT: I see. So they
21 need an additional 5 feet.

22 CHAIRPERSON NEFF: Correct.

23 MS. SCOTT: So if it's a real
24 problem they can move the fence and
25 they can have 3 feet. It's my

1 property but it's easier to draw a
2 line on a map than this. I have no
3 problem with that, if that becomes
4 the case, which then they will not
5 need a variance. Thank you.

6 CHAIRPERSON NEFF: Thank you.

7 MEMBER SALADINO: Just one
8 question. That is not your primary
9 residence?

10 MS. SCOTT: No. My primary
11 residence is just across the street.
12 We're all within a short distance of
13 each other.

14 CHAIRPERSON NEFF: Okay. Any
15 other comments from the public?

16 MR. PROKOP: Can I just add?

17 CHAIRPERSON NEFF: Yes.

18 MR. PROKOP: I wanted to just
19 make the Board aware that there is a
20 violation that has been issued
21 against the -- Ms. Thomas that is
22 pending in the Justice Court. The
23 status for the -- building without a
24 permit is what I believe it's for.

25 CHAIRPERSON NEFF: What

1 court?

2 MR. PROKOP: The Southold
3 Justice Court. The Town Court. At the
4 first time it was on, which was just
5 before the first hearing on this
6 matter, it was adjourned until
7 November to give her time to try and
8 get -- to come before the Board and
9 have a hearing. So that violation is
10 still pending and will be dealt with
11 -- it's my intention, and unless the
12 Board feels or the Village feels
13 otherwise, it would be dealt with
14 after the decision on the
15 application. Can I ask a question?

16 CHAIRPERSON NEFF: Yes.

17 MR. PROKOP: Mr. Cornell,
18 you're the builder?

19 MR. CORNELL: Yes.

20 MR. PROKOP: What is the
21 height of the structure?

22 MR. CORNELL: It's 15 feet.

23 MR. PROKOP: Okay. And the
24 Board -- is the Board now in
25 agreement that it's partially

1 completed as compared to fully --

2 MEMBER SALADINO: That's my
3 opinion.

4 MEMBER CORWIN: That's my
5 opinion.

6 MR. PROKOP: Partially
7 completed.

8 MEMBER CORWIN: And I would
9 also note that certain structural
10 pieces are missing, such as
11 tie-down's for 120 mile an hour
12 winds.

13 MR. CORNELL: When we get the
14 building permit then we will go ahead
15 and make everything up to code,
16 strapping.

17 MEMBER SALADINO: The plan
18 that you gave us doesn't reflect what
19 is at the property now. This plan
20 that you gave us doesn't reflect what
21 is there now. I mean, none of the
22 things that are on this plan --

23 MS. THOMAS: Well, the
24 architect drew that up and assuming
25 that our -- this is approved, then

1 Eileen will be coming and before we
2 got our building permit, they will be
3 double checking to make sure that the
4 shed is built as per the plans.

5 MEMBER SALADINO: For this --
6 in my opinion, for this Board to
7 consider this, the plan has to be
8 complete and correct before we get
9 it. The building is not complete and
10 the plan is not correct. So how --

11 MR. CORNELL: So what, the
12 plans aren't --

13 MEMBER SALADINO: The
14 application says for a completed
15 building and we have decided that
16 that is not the reality. The plans
17 says this is what you're going to do
18 there. The building, there is stud
19 walls up. There is a roof on. There
20 is roof rafters on. There is a ridge
21 beam and not of that reflects what is
22 in this building plan. I don't know
23 your intention, if it was somebody
24 that was, not you, but perhaps -- we
25 would almost have to assume that

1 those things that aren't on this plan
2 weren't going to be incorporated into
3 this building, unless the Building
4 Inspector --

5 MS. THOMAS: Well, it's our
6 intention to have the shed built as
7 the plans -- as they were drew and
8 stamped. And I was under the
9 impression that the Board was just
10 deciding on the setback from the
11 property line, not on whether or not
12 the building is constructed properly.
13 That would be the Building
14 Department.

15 MEMBER SALADINO: That wasn't
16 my understanding.

17 CHAIRPERSON NEFF: Could we
18 get some guidance here? We certainly
19 -- the issue that is brought before
20 us is the property line. Is it -- I
21 mean, there have been other times
22 where we have strayed off on some
23 part of the question that is not
24 really our province. Could I ask for
25 some input?

1 MR. PROKOP: Okay. So
2 normally what the Board has
3 jurisdiction over is appeals and
4 interpretations. So an appeal would
5 be a denial of an application that
6 has been submitted. So there would
7 need to be an application to be filed
8 for a building permit. It could be
9 after or during construction and that
10 would be a violation of the law, but
11 to build -- but however the
12 application for a building permit
13 which would be denied by the Building
14 Inspector could be filed
15 mid-construction. The application
16 for the building permit would require
17 some type of plans to be filed. And
18 it would be -- I do think since we're
19 looking at something that would be
20 constructed would be -- then be the
21 purview of this Board to comment on
22 whether or not the structure that is
23 there meets something -- meets the
24 plans that have been presented to the
25 Board. The reason for that, although

1 you're not the agency that normally
2 reviews the plans, you're required by
3 law to determine what the impact of
4 the structure will be on the
5 neighboring properties in the
6 community. So looking at the sizing
7 and massing of the structure and how
8 close it is to the property line,
9 based on what it's going to look like
10 then I think it's within your proper
11 review.

12 CHAIRPERSON NEFF: If I could
13 say -- one second. I understand what
14 you're saying but what we're also
15 looking at here is the details that
16 the building inspector would beyond
17 what -- we can't see what was built
18 actually because some things have
19 been covered in such a way that you
20 can't see them. But they're about
21 the safety of the building. The
22 tie-down's and proper -- but the
23 issue of the use -- excuse me. The
24 area variance and how close to the
25 line or not, they're two separate

1 issues or am I wrong?

2 MR. PROKOP: The area
3 variance and what else?

4 CHAIRPERSON NEFF: The area
5 variance and the building -- to build
6 it to certain specifications whether
7 or not it's to code or is it safe --

8 MR. PROKOP: No, because the
9 problem is -- the problem is that --
10 the applicant has already told us
11 that she doesn't intend to build what
12 is there. She intends to build what
13 is on the plans. So now there is a
14 question -- the Board had a
15 pre-hearing meeting at the site where
16 this came up. Now it's on the record
17 because the applicant's testimony
18 that she intends to do construction
19 that is not on the plans. What she
20 really needs to do is decide -- she
21 needs to give the Board plans that
22 meet what she intends to do --

23 MS. THOMAS: I think you
24 might have heard me wrong. I said
25 we're building it based on the plans

1 that are submitted. Not, not based
2 on them.

3 MR. PROKOP: What is there is
4 not what is in the plans?

5 MS. THOMAS: No, that is not
6 true.

7 CHAIRPERSON NEFF: I said it
8 can't be determined because certain
9 things have been covered with
10 sheathing. You can't see all the
11 parts and the details.

12 MS. THOMAS: There are things
13 that are not on the plans yet because
14 we stopped building when we got the
15 notice from the Town to stop
16 building. Nothing has been done. So
17 the Board is now saying, "Oh, we
18 don't have the strap-down's or the
19 gutters." I am not sure of the terms.
20 And I am saying that those things
21 will be checked on by the code
22 enforcer and the Building Department
23 and the Village. I am not sure why
24 the Board is worrying about the
25 inside of the shed besides just how

1 it look. Does it fit the neighborhood
2 and how far it is off the line.

3 MEMBER SALADINO: Because
4 you're asking this Board to give you
5 a variance for a substandard building
6 as it stands. If you came before this
7 Board before the building was built
8 and asked for that variance we would
9 have that plan in front of us and we
10 would assume that the building would
11 be built with inspection, with
12 oversight the way it is written on
13 the plan.

14 MS. THOMAS: Right. Why can't
15 they assume that case now?

16 MEMBER SALADINO: Because we
17 made an inspection. We know that is
18 not the case. Now the building is
19 substandard.

20 MR. CORNELL: But it will be
21 code.

22 MS. THOMAS: But we're not
23 finished. I guess that is what I am
24 saying.

25 MEMBER SALADINO: That is what

1 kind of happens, I think, when you
2 build a building that before you have
3 permission to build the building.
4 That is one of the repercussions that
5 happens. Now, we're looking at a
6 substandard building and you want us
7 to give you a variance on it.

8 MS. SCOTT: May I speak as a
9 neighbor? Directly in terms of the
10 neighborhood, which was mentioned
11 that the purpose of the Board is to
12 make sure it fits the neighborhood
13 and the neighbors are not upset about
14 anything. This is an accessory
15 building for storing bicycles and
16 tools. It's -- we're not talking
17 about the Taj Mahal. I have been
18 watching it. It's better built than
19 most accessory sheds. I can tell you
20 that. Especially those ones that they
21 sell down North Road. I have no
22 problem with it. Like I said, I am
23 willing to give them three feet of
24 the property line there. That is how
25 little really I don't mind that

1 building being there. So I would
2 think that since the neighborhood
3 doesn't mind it. If they're granted
4 the variance they actually finish it.
5 So that it's no longer substandard.

6 MEMBER SALADINO: Well, if
7 you're willing to give them the three
8 feet and move your property line.

9 CHAIRPERSON NEFF: Let me
10 point out something --

11 MS. SCOTT: Then if we do
12 that, then there is no problem.

13 CHAIRPERSON NEFF: Let me
14 point out something. The actual
15 giving someone three feet is a --
16 yes, you can say the words but
17 actually doing it in deeds and the
18 rest of it takes time and legal
19 usually expense, unless somebody here
20 is an attorney. But the part about
21 -- to separate to code from three
22 feet, I think -- I think that the
23 Board is asking for assurances that
24 it will be built to code. And the
25 question of the three feet is also --

1 it's hard for us to talk about that
2 when we're not seeing in place
3 something that meets the code.
4 That's the problem.

5 MEMBER GORDON: It is also
6 true that we sometimes grant an area
7 variance with a condition or two
8 attached to it. For instance water
9 issues. So I don't see how we
10 couldn't grant the area variance if
11 we decided that was appropriate
12 condition on a rebuilding of the
13 structure so that it conforms to code
14 and passes the inspection of a
15 Village Inspector.

16 MR. PROKOP: Everybody is
17 right. There is no problem with what
18 anybody said. The problem is already
19 something there that doesn't meet the
20 code. So that's the stumbling block.

21 MR. SWISKEY: William
22 Swiskey, 184 Fifth Street. Eileen,
23 the plan that they submitted, it has
24 an architects stamp? You looked at
25 it. Is the plan proper? And if they

1 were to say started building tomorrow
2 or whatever they got, you do periodic
3 inspections; right?

4 MS. WINGATE: There are a few
5 changes from the plan from what I
6 have seen.

7 MR. SWISKEY: But that, you
8 would go there as the Building
9 Inspector and say that is not right.
10 It has to change. That is the way it
11 works.

12 MS. WINGATE: After I issue
13 the building permit.

14 MR. SWISKEY: So the plans are
15 okay --

16 MS. WINGATE: Yes, the plan
17 meets the code.

18 MR. SWISKEY: So on the first
19 inspection of what he got doesn't
20 meet the code, you tell them the
21 strapping, you have to do this. There
22 is sheathing on the building and not
23 siding, I assume.

24 MEMBER SALADINO: It's 2/11 on
25 the outside. There is nothing on the

1 inside.

2 MR. SWISKEY: So the building
3 is opened structurally basically. So
4 if it's going to require strapping
5 he's going to have to put the
6 strapping on.

7 MS. WINGATE: Yes.

8 MR. SWISKEY: So I think this
9 Board is getting way out of hand and
10 looking at building details. That's
11 up to the Building Department. You
12 either issue the variance or you
13 don't. You either allow them to do it
14 or not. If you allow them to do it,
15 then Eileen takes the plans and says
16 it has to meet code. If you look at
17 the foundation, does it meet code?
18 That is the way it is supposed to
19 work.

20 MS. WINGATE: I haven't seen
21 the foundation. So I can't judge.

22 MR. SWISKEY: But you would go
23 there and say this foundation is not
24 right?

25 MS. WINGATE: Yes.

1 MR. SWISKEY: And if it's not,
2 they can't continue to build because
3 they wouldn't get a CO. And the
4 building would be in violation and
5 they would be in court. So this is
6 no rocket science here. Anyway,
7 thank you.

8 CHAIRPERSON NEFF: Any other
9 comments from the public? Is there
10 any objection to closing the public
11 hearing? Then we can hit this
12 discussion when we get to the next
13 part of the meeting? Can anybody
14 make a motion to close the public
15 hearing?

16 MEMBER SALADINO: Make a
17 motion to close the public hearing.

18 CHAIRPERSON NEFF: Second?

19 MEMBER GORDON: Second.

20 CHAIRPERSON NEFF: Okay. All
21 in favor?

22 MEMBER CORWIN: Aye.

23 MEMBER SALADINO: Aye.

24 MEMBER GORDON: Aye.

25 CHAIRPERSON NEFF: Aye.

1 The public hearing is closed.
2 We will move onto the next matter.
3 Thank you. And that is a public
4 hearing about Rosa, but I think we
5 received a notice that we want to
6 delay it -- actually I have a
7 question about it. Item No. 3,
8 public hearing for Jack and Jeffrey
9 Rosa, 506 Main Street, 1001-4-3-33.
10 The applicant proposes to construct a
11 new second floor roof deck over a
12 reconstructed nonconforming mud-room
13 powder room at the premises. Located
14 at 506 Main Street. The premises is
15 located in the R2 District and within
16 the Historic District. The proposed
17 side yard setback is .6 feet required
18 a 9.4 side yard variance for the
19 proposed second floor deck. Yes?

20 MEMBER CORWIN: Before you go
21 on, the side yard setback is 0.6
22 feet.

23 CHAIRPERSON NEFF: And I
24 said, .6 --

25 MEMBER CORWIN: No, you said,

1 6.

2 CHAIRPERSON NEFF: Thank you.
3 0.6 requiring 9.4 side yard variance
4 for the proposed second floor deck.
5 Section 150-12A of the Village of
6 Greenport Code requires a 10 foot
7 rear setback in the R2 District. I
8 think --

9 MEMBER CORWIN: 10 foot rear
10 yard setback but we're talking about
11 the side yard.

12 CHAIRPERSON NEFF: Side yard.
13 Should say side yard.

14 MEMBER CORWIN: That is a
15 mistake in the agenda.

16 CHAIRPERSON NEFF: Yes. It
17 should say, side yard.

18 MEMBER SALADINO: Before we
19 open this public hearing, I think I
20 would like to make a motion to
21 rescind the motion that the ZBA -- I
22 would like to make a motion to
23 rescind the motion of the application
24 from Jack and Joan Rosa.

25 CHAIRPERSON NEFF: It's Jack

1 and Jeffrey.

2 MEMBER SALADINO: Then if
3 there is a sufficient and it passes,
4 I would like to make a motion to
5 return the Notice of Disapproval to
6 the Building Inspector, Section
7 150-21A is clear in my opinion.
8 There is a previous interpretation by
9 the ZBA on the same portion and it's
10 only from February 2014. I think
11 this -- I think we're forcing an
12 applicant to apply for a variance
13 when no variance is needed.

14 CHAIRPERSON NEFF: Okay. If
15 we go back to your motion. If we
16 vote on the motion then we can
17 discuss it.

18 MEMBER SALADINO: Well,
19 actually, it would be two motions.
20 One would be to rescind the motion
21 that we passed last month to accept
22 the application. And then the second
23 motion would be, that I would
24 propose, would be to return the
25 application -- the Notice of

1 Disapproval back to the building
2 inspector.

3 CHAIRPERSON NEFF: Okay. Is
4 there any comment from the public on
5 this matter?

6 MEMBER SALADINO: Well, if
7 you open the public hearing then
8 we're in the process.

9 CHAIRPERSON NEFF: I think we
10 have a motion -- excuse me, I don't
11 know where we are on the motion. Can
12 someone help me.

13 MEMBER SALADINO: I am going
14 to make a motion to rescind the
15 motion to accept the application for
16 a side yard variance made by Jack and
17 Jeffrey Rosa that the ZBA accepted
18 last month.

19 MR. PROKOP: Does anybody have
20 the public notice for tonight?

21 CHAIRPERSON NEFF: Yes. You
22 mean the one that was posted?

23 MR. PROKOP: Yes.

24 CHAIRPERSON NEFF: I do not
25 have it in front of me. While we're

1 going through the file, the question
2 that we're really talking about is
3 whether a variance is even needed at
4 all. And the contention of your
5 motion that it's not. And our
6 previous accepting of this
7 application we voted to accept it
8 when we in fact should have sent it
9 to the building inspector; is that
10 correct? Is that what you're
11 saying?

12 MEMBER SALADINO: Well, the
13 Board voted it's conscious. There
14 was one member missing. The Board
15 voted its conscious. The Building
16 Inspector's opinion was that six
17 inches from the property line
18 increases nonconformity. That is
19 contrary to what the code says. The
20 attorney had expressed that there was
21 New York State code or case law that
22 didn't support the Village Code,
23 which we have not been able to find
24 or get. So it's really not about the
25 applicant. It's the process. I just

1 don't think that this Board should be
2 accepting applications for variances
3 when no variance is needed. I think
4 it sets a bad preference.

5 CHAIRPERSON NEFF: So if I
6 could, again, just for myself. We're
7 talking about yes, the structure is
8 nonconforming because it was built
9 where it was built. It was 9 feet
10 away from the property line. There is
11 the reconstruction of a building that
12 on inspection was needed to be
13 replaced is in the same footprint and
14 therefore it does not need a variance
15 is what we're saying.

16 MEMBER SALADINO: The code is
17 specific, we don't increase
18 nonconformity by side yard, rear yard
19 height. It's allowable.

20 MR. PROKOP: That is not what
21 the code says here.

22 MEMBER SALADINO: I'm sorry,
23 Joe?

24 MR. PROKOP: The code doesn't
25 say what you said.

1 MEMBER SALADINO: Why don't I
2 read the code for the record.

3 MR. SWISKEY: Yeah, read the
4 code.

5 MEMBER SALADINO: A
6 nonconforming building with
7 conforming uses does not contain a
8 use permitted in the district in
9 which it is located and does not
10 conform to the district regulations
11 for lot area, width, depth from side
12 yard, rear yards maximum height or
13 lot coverage. For minimum relief
14 floor area per dwelling unit. Such
15 building shall be legally existing
16 prior to the effective date of this
17 chapter hearing. Nothing in this
18 article shall be deemed to prevent
19 normal maintenance, repairs,
20 structural alterations, moving,
21 reconstruction or enlargement of a
22 nonconforming building, provided that
23 such action does not increase the
24 degree of or create any new
25 noncompliance with regards to the

1 regulations pertaining to such
2 building. Having said that, the
3 problems --

4 CHAIRPERSON NEFF: Thank you.

5 MEMBER SALADINO: -- off
6 street parking for minimum floor
7 areas. In addition to that, there is
8 an interpretation by the ZBA in
9 February of 2013 that supported this.
10 And if no one has objection, I will
11 read that into the record? The
12 district regulations --

13 MEMBER CORWIN: I object to
14 reading that into the record,

15 MEMBER SALADINO: This is
16 part of the official record.

17 MEMBER CORWIN: You asked if
18 anyone had an objection, I have an
19 objection. The clock is running.

20 CHAIRPERSON NEFF: Could you
21 read a section of what you believe
22 applies to that or do we need the
23 whole thing? That is a question.

24 MEMBER SALADINO: No, it's
25 one paragraph. He's read it. I've

1 read it.

2 MR. SWISKEY: Can you read it
3 to the public please?

4 MEMBER SALADINO: Does it
5 suit the Chair?

6 CHAIRPERSON NEFF: Yes, read
7 it.

8 MEMBER SALADINO: The
9 district regulations specifically
10 addresses lot area, width or depth,
11 side or rear yard, maximum height or
12 lot coverage, minimum livable floor
13 areas of dwelling. The proposed
14 improvement -- this was for an
15 application for a dormer on Sandy
16 Beach, but the interpretation varies
17 through year because Section 150-21A.
18 The proposed improvement does not
19 expand beyond the existing side or
20 front yard of the building does not
21 cause any increase in roof elevation
22 of the structure over the allowed
23 height and does not increase lot
24 coverage. It goes on to say nothing
25 in the yard shall be deemed to

1 prevent normal maintenance and the
2 structure above was preexisting
3 nonconforming regarding regulations.
4 If the owner proposed to expand the
5 building beyond the existing
6 footprint of the building into a new
7 restricted front or side yard areas
8 proposed to expand the building
9 beyond the allowable lot coverage or
10 to elevate the building of the
11 allowable height of the structure the
12 variance would be warranted.

13 CHAIRPERSON NEFF: Thank you.

14 MEMBER SALADINO: That would
15 be the basis of my motion.

16 CHAIRPERSON NEFF: Okay. To
17 proceed, I believe that -- the motion
18 that you're making if I understand it
19 correctly, is that we close the
20 public hearing and return the
21 application to the Building
22 Department, saying in our view does
23 not require a variance?

24 MEMBER SALADINO: Almost. The
25 motion that I am making is to rescind

1 a determination to accept the
2 application last month. If that
3 passes, then to make a motion to
4 return it to the Building Department.

5 CHAIRPERSON NEFF: Okay.

6 MEMBER SALADINO: If we open
7 the public hearing, then we have
8 accepted the application.

9 CHAIRPERSON NEFF: Then I
10 propose closing the public hearing
11 on --

12 MEMBER SALADINO: No.

13 CHAIRPERSON NEFF: It's not
14 open. Okay.

15 MEMBER GORDON: So have you
16 made this motion?

17 MEMBER SALADINO: Well, I
18 would do it with the permission of
19 the Chair.

20 MEMBER GORDON: Okay.

21 CHAIRPERSON NEFF: Let me
22 finish the public hearing section --

23 (Whereupon, tone alarms
24 sounded.)

25 CHAIRPERSON NEFF: What I am

1 proposing --

2 MR. PROKOP: Can I ask the
3 Chair a procedural question? Does
4 anybody in the room have a public
5 notice of this meeting? Do we have it
6 in the file?

7 MS. WINGATE: I don't have the
8 whole file. I only have parts of it.

9 MR. PROKOP: Would the site
10 meeting notice the public notice,

11 MS. WINGATE: I have a Notice
12 of Disapproval. I can go back and get
13 the rest of the file. I am sure that
14 one of the legal notices is part of
15 your package, I believe.

16 MEMBER CORWIN: Let me ask
17 another question --

18 MS. WINGATE: Do you have any
19 green slips.

20 CHAIRPERSON NEFF: Excuse me,
21 one at a time. I didn't hear what is
22 going on.

23 MS. WINGATE: Do you have any
24 green slips?

25 MS. ROSA: I don't have

1 anything.

2 MS. WINGATE: Well, that's a
3 problem.

4 CHAIRPERSON NEFF: Are we
5 talking about the Notice of
6 Disapproval?

7 MS. WINGATE: No. He wants the
8 legal notice. I don't have it in the
9 file.

10 MR. SWISKEY: It's up to the
11 Board. You can't punish these people
12 because you didn't do your job.

13 MS. WINGATE: Did you do your
14 mailings?

15 MS. ROSA: No, it was
16 scheduled for next month.

17 MS. WINGATE: No.

18 MEMBER GORDON: Then that
19 makes it easy.

20 MEMBER CORWIN: The whole
21 thing is a do-over.

22 CHAIRPERSON NEFF: Do we know
23 that that is accurate?

24 MS. WINGATE: Well, I just
25 asked her if she did her mailings.

1 She didn't do her mailings then
2 that's a problem.

3 CHAIRPERSON NEFF: Is it
4 possible that Jeffrey or Jack did the
5 mailings?

6 MS. ROSA: It's possible.

7 CHAIRPERSON NEFF: Okay.

8 MS. WINGATE: I don't have
9 them.

10 CHAIRPERSON NEFF: To the
11 best of my knowledge, we don't have
12 them,

13 MR. SWISKEY: Does anyone
14 care to acknowledge Mr. Saladino's
15 motion?

16 MEMBER SALADINO: Wait,
17 Billy. I would ask the Building
18 Inspector, if this first motion
19 passes, if the first motion passes to
20 rescind our determination from last
21 month and the second motion passes,
22 doesn't the notification for the
23 neighbors become moot?

24 CHAIRPERSON NEFF: Right.

25 MR. PROKOP: I would just

1 object -- I mean, with all do respect
2 for the Building Inspector, I object
3 to the Building Inspector being asked
4 -- what I would consider to be legal
5 advice.

6 MEMBER SALADINO: It's a
7 process question. Not a legal
8 question. I am just asking the --

9 MS. WINGATE: And I defer to
10 the Village Attorney.

11 MEMBER SALADINO: Then I will
12 ask the attorney.

13 MR. PROKOP: What is the
14 question again? I'm sorry.

15 CHAIRPERSON NEFF: Can I just
16 say that after our second site visit,
17 looking at what we have in the file,
18 what Mr. Saladino is stating that
19 accepting this application to rescind
20 that in the -- and the sense of the
21 members of the Board present is that
22 it's not needed.

23 MEMBER SALADINO: That would
24 be determined by a vote. I would
25 just like to make a motion and let it

1 be voted up or down.

2 MR. PROKOP: Please don't
3 think in any way -- I am the attorney
4 for the Board. Whatever you decide
5 to do, I will help you through it.
6 Legally as best as I can. I would --
7 however, I was made aware today that
8 there was a site visit earlier where
9 this was discussed and I have been
10 asking to see what the public notice
11 said about a meeting, and because
12 normally --

13 MS. WINGATE: It's in here,
14 Joe.

15 MR. PROKOP: And I was told
16 that we don't have it but now we
17 apparently have it.

18 MS. WINGATE: I will look
19 through all of these papers one more
20 time, Joe.

21 CHAIRPERSON NEFF: Joe, could
22 you tell me what it is that you --

23 MR. PROKOP: I just wanted to
24 see what was noticed for tonight.

25 CHAIRPERSON NEFF: Is it

1 what's posted at the house?

2 MS. WINGATE: It's what
3 posted at the house. Apparently --
4 it's a very big file. Let me go
5 slowly through the whole file.

6 CHAIRPERSON NEFF: Well, I am
7 thinking to go and get it.

8 MR. SWISKEY: I will go get
9 it for you.

10 CHAIRPERSON NEFF: Okay.
11 Thank you, Mr. Swiskey.

12 MS. WINGATE: Thank you.
13 It's the one that was in the
14 newspaper.

15 MR. PROKOP: Okay. So it
16 says that you're going to have a site
17 inspection. Normally, a site
18 inspection is to take a look at the
19 site.

20 MEMBER GORDON: That is what
21 we did. It doesn't have to be
22 pursuant to a hearing.

23 MR. PROKOP: It has to be
24 pursuant to a public notice because
25 there is a quorum of the Board. But

1 there is a public notice. The thing
2 is, the Board put on the record that
3 you had a discussion about the site.
4 So I just wanted to make sure that
5 there was something in the public
6 notice about prior meeting, which
7 there is. Normally, a site
8 inspection you don't have such a
9 discussion but you had it. So it is
10 -- and it is in the public notice.

11 MEMBER SALADINO: Just one
12 more question, Joe before we go
13 through the motions and find out that
14 we weren't allowed to do it. If this
15 motion is progressed, I understand in
16 an interpretation you need a
17 unanimous by the Board --

18 MR. PROKOP: To change a prior
19 decision, I think you need an
20 unanimous --

21 MEMBER SALADINO: A prior
22 interpretation --

23 MR. PROKOP: I think that is
24 correct.

25 MEMBER SALADINO: To rescind a

1 motion it's just the majority of the
2 Board?

3 MR. PROKOP: I am not sure,
4 whether it effects relief that it was
5 going to granted or denied. I am not
6 sure of that.

7 MEMBER SALADINO: I had just
8 read here, a ZBA in another
9 jurisdiction went back and corrected
10 their decision. They corrected their
11 decision by a simple majority of the
12 Board. I am not being an attorney,
13 and suffer the consequences if I am
14 wrong, but I am willing to take a
15 chance and make a motion. And if it's
16 voted up or down -- so I am going to
17 make that motion to rescind the
18 motion to accept the application for
19 a side yard variance accepted last
20 month by the ZBA for Jeffrey and Jack
21 Rosa.

22 MEMBER GORDON: Second.

23 CHAIRPERSON NEFF: Okay. We
24 have a motion. Is there any
25 discussion? Further discussion?

1 MEMBER GORDON: I have heard a
2 great deal of discussion. I think
3 it's a health thing to recognize that
4 we may have made a mistake.

5 CHAIRPERSON NEFF: Okay. Let's
6 vote on the motion?

7 MEMBER CORWIN: Roll call
8 vote?

9 CHAIRPERSON NEFF: Mr. Corwin?

10 MEMBER CORWIN: No.

11 CHAIRPERSON NEFF: Mr.
12 Saladino?

13 MEMBER CORWIN: I am going to
14 vote, yes.

15 CHAIRPERSON NEFF: Ms. Moore?
16 This is not Ms. Moore. Ms. Gordon?

17 MEMBER GORDON: Yes.

18 CHAIRPERSON NEFF: Ms. Neff,
19 yes. Yes. The motion carries, 3-1.
20 So --

21 MEMBER SALADINO: I would
22 like to make a second motion to
23 return to the Building Inspector, the
24 Notice of Disapproval for the second
25 floor roof deck for Jack and Jeffrey

1 Rosa.

2 MEMBER GORDON: Second.

3 CHAIRPERSON NEFF: Okay.

4 MEMBER GORDON: Do we really
5 need it? Wouldn't it go back to you
6 anyway?

7 MEMBER SALADINO: No, because
8 just to leave it out there, there is
9 still a Notice of Disapproval by the
10 Building Inspector.

11 CHAIRPERSON NEFF: Again, the
12 motion is to --

13 MEMBER SALADINO: To send
14 back to the Building Inspector the
15 Notice of Disapproval for a second
16 floor roof deck for Jack and Jeffrey
17 Rosa as per section 150-21A of the
18 Village of Greenport Code, previous
19 determination of the ZBA on that
20 portion.

21 CHAIRPERSON NEFF: Okay. Would
22 you word that that it does not
23 increase the nonconformance and
24 therefore it's not a matter for this
25 Board?

1 MEMBER SALADINO: I am --
2 sure.

3 CHAIRPERSON NEFF: Any
4 discussion?

5 MEMBER CORWIN: I didn't hear
6 Mr. Saladino re-word his motion.

7 MEMBER SALADINO: I will try.
8 I would like to make a motion to
9 return to the Building Inspector the
10 Notice of Disapproval for a second
11 floor roof deck for Jeffrey and Jack
12 Rosa as per Section 150-21A of the
13 Village of Greenport Code and it's
14 returned on the following grounds
15 that the second floor roof deck does
16 not increase the level of
17 nonconformance, therefore does not
18 need a variance.

19 CHAIRPERSON NEFF: Second?

20 MEMBER GORDON: Second.

21 CHAIRPERSON NEFF: All in
22 favor of the motion?

23 MEMBER CORWIN: Roll call
24 vote.

25 CHAIRPERSON NEFF: Roll call

1 vote. Mr. Corwin?

2 MEMBER CORWIN: No,

3 CHAIRPERSON NEFF: Mr.

4 Saladino?

5 MEMBER SALADINO: Yes.

6 CHAIRPERSON NEFF: Ms. Neff?

7 Yes. Ms. Gordon?

8 MEMBER GORDON: Gordon. Yes.

9 CHAIRPERSON NEFF: The motion
10 carries, 3-1.

11 And so, we have dealt with
12 Item No. 3 on the agenda. Let's move
13 to Item No. 1 on the agenda.
14 Discussion and possible action for
15 the appeal of a use variance for
16 Lydia Wells, do I need to read this
17 all again?

18 MR. PROKOP: No.

19 CHAIRPERSON NEFF: And we're
20 talking about a use variance. And we
21 need a motion -- I believe we need a
22 motion; is that correct?

23 MR. PROKOP: For what?

24 CHAIRPERSON NEFF: For our
25 agenda item about the church.

1 MR. PROKOP: A motion to do
2 what?

3 CHAIRPERSON NEFF: A motion to
4 issue them a variance.

5 MR. PROKOP: No. My
6 recommendation is that we discuss it
7 before we issue a variance.

8 CHAIRPERSON NEFF: Okay. A
9 discussion on the application for two
10 units on a one family house to create
11 two apartments for the use of the
12 church. Not transferable to other
13 owners, should that happen.

14 MR. PROKOP: Excuse me, I
15 apologize. Can I ask a couple of
16 questions?

17 CHAIRPERSON NEFF: Yes.

18 MR. PROKOP: Legal questions.
19 Do we know who is in the other unit?

20 CHAIRPERSON NEFF: There is no
21 one in the unit. They're in the
22 process of being renovated.

23 MR. PROKOP: And the intention
24 is that they will both be rented out?

25 CHAIRPERSON NEFF: Yes.

1 MR. PROKOP: One of the
2 problems -- I would just like to say
3 that there is a threshold question
4 about this application is that
5 normally with a use variance, it's my
6 understanding that you cannot apply
7 for a use variance or to change a
8 zoning restriction that was in effect
9 when you acquired the property. So I
10 am assuming that the church acquired
11 the property a long time ago.

12 CHAIRPERSON NEFF: Before
13 zoning even existed.

14 MR. PROKOP: It's my job to
15 tell you that normally -- the
16 hardship for a use variance can not
17 be claimed where the zoning
18 restriction to be a variance from was
19 in effect from when the property was
20 acquired. The second thing is that we
21 have to deal with, this is actually
22 the churches second pass through the
23 Board.

24 CHAIRPERSON NEFF: Repeat what
25 you just said?

1 MR. PROKOP: The second
2 request for relief from the Board.
3 The first of which was 2013, which as
4 I understand it, the granting of a
5 use variance at that time for the -
6 basically the relief that is
7 requested here, if I am not mistaken
8 here, a second dwelling unit in that
9 building provided that it was used by
10 an employee by that church.

11 CHAIRPERSON NEFF: I believe
12 that is correct. Let's make sure
13 we're about it.

14 MEMBER SALADINO: From reading
15 this, it's my understanding that it
16 would be one member and then it would
17 be open market. Now the church would
18 like to put both apartments on the
19 open market.

20 MR. PROKOP: So one of the
21 questions with this application --
22 normally and I am sorry, I don't have
23 case law for you tonight. One of the
24 questions about use variances with
25 regards to residential properties is

1 also some compensation involved. You
2 know, we give you this for that. You
3 know, that reduction for something --
4 so I am not sure that is entirely the
5 case.

6 MEMBER SALADINO: Joe, you
7 just mentioned that two units, it's
8 almost taken for granted but two
9 units will probably generate a few
10 dollars more than one unit and that
11 wouldn't be considered a hardship, if
12 I heard you right.

13 MR. PROKOP: It's a test that
14 is not applied to residential
15 properties because you can come in at
16 any time and say --

17 MEMBER SALADINO: So just
18 reading reasons for a use variance,
19 the applicant for a use variance must
20 -- must demonstrate a hardship and
21 yes, to satisfy all of the following.
22 And that is one of the questions. So
23 if we were to consider that, this
24 would fail just on that.

25 MR. PROKOP: So the point is

1 then, you have to demonstrate in its
2 current use, it does not generate a
3 reasonable return but a residential
4 property is not supposed to generate
5 any return really. So I agree with
6 you and that is the point that I was
7 trying to make. I think it would be
8 -- to consider this, which -- would
9 be a precedent that the Board may not
10 want to set because for the reasons
11 what I said. We still have to figure
12 out what to do with this prior
13 variance. If this is an amendment of
14 that or a revision of that. It stands
15 the way it is.

16 MEMBER SALADINO: Didn't it
17 expire?

18 CHAIRPERSON NEFF: No. No.

19 MR. PROKOP: They could use
20 the property for two employees.

21 MEMBER CORWIN: 12 months.

22 CHAIRPERSON NEFF: Why does it
23 have a timeline on it?

24 MEMBER CORWIN: That is the
25 condition that we had made at the

1 time. Am I not correct?

2 MR. PROKOP: You know what,
3 that's correct.

4 CHAIRPERSON NEFF: If I give
5 them an opportunity to have two units
6 and the renovations aren't complete,
7 they're still -- the renovation is
8 for two units, how does it expire if
9 it's rented for two units?

10 MR. PROKOP: We have had that
11 happened.

12 CHAIRPERSON NEFF: But what
13 exactly expires?

14 MEMBER CORWIN: The last -- is
15 it still valid or was it 12 months
16 ago, whatever the time period was,
17 that no action was taken and it
18 expired. And that is the question
19 that I ask.

20 CHAIRPERSON NEFF: Then there
21 is the last part of this. We said
22 that the variance is terminated then
23 the second parcel must be removed
24 from the property if it's ever
25 separated from the church property.

1 It seems to me that you're talking
2 about a very long line. I don't
3 understand the part where if I say to
4 the church, July 17, 2013, can have
5 two units for people connected to the
6 church, a warden, a this or that,
7 then if they don't do that, one year
8 from that date, I see no where where
9 it says that they can no longer do
10 it. Where at the same time, we're
11 giving it a very long life and saying
12 but if it reverts to private
13 ownership, we're taking this away.

14 MEMBER SALADINO: They --

15 CHAIRPERSON NEFF: Excuse me,
16 please. One at a time. I can learn
17 from you but I can't hear you.

18 MEMBER CORWIN: We have in the
19 passed many variances where we say
20 you have to put gutters and leaders
21 up on a house. So you're saying after
22 12 months you can take a ride down --
23 it doesn't count.

24 CHAIRPERSON NEFF: You have
25 now introduced something else.

1 Apples, oranges and tangerines,
2 because they are not all comparable.
3 Not at all comparable. We're talking
4 about a building.

5 MEMBER SALADINO: It was
6 always my understanding that a
7 variance has to be complied with and
8 that if it's not complied with over a
9 certain amount of time, it reverts
10 back to the condition before. I
11 can't quote the section of the code.

12 CHAIRPERSON NEFF: Certainly
13 if I say that you must build a
14 certain fence around the pool. This
15 is very different. This is my
16 tangerine. It's not the same as
17 saying you could have two units for
18 church employees but if you sell the
19 property at any time in the future,
20 you no longer have two units. That is
21 one house and that is something that
22 lives until there is a change and
23 it's no longer part of the church.

24 MEMBER SALADINO: I think it's
25 the same. I am guessing. I think it's

1 the same as a nonconforming building
2 with a conforming use. Certain
3 circumstances you may lose that. You
4 can lose that nonconforming status if
5 it -- if it -- well, 50% of the
6 value. I don't think -- this has to
7 be complied with.

8 CHAIRPERSON NEFF: If I have,
9 if I can remember, it's a rooming
10 house. It has 5 units. It burns
11 down. The nonconforming use lives
12 but not forever and they don't ever
13 do anything with it and it's no
14 longer able to be rebuilt. I
15 understand that. We're talking about
16 a building that exist. The ownership
17 has not changed. See, those are
18 different things. If I have it, but
19 I haven't gotten the tenant yet to
20 build the right type of door for the
21 exit, that if you say someone can do
22 that, I don't think you must have it
23 done in a year. Different from fence
24 around pool. My children drowning in
25 the pool.

1 MEMBER SALADINO: Would it
2 compare to a building permit
3 expiring?

4 CHAIRPERSON NEFF: No. It
5 exist. If I have a building permit
6 and I don't build a building and only
7 lives so long, then I have to get a
8 new building permit. This is
9 different.

10 MR. PROKOP: With a different
11 application about a year ago, we sent
12 a notice to a person saying that
13 there variance had expired -- was
14 expiring and that they had to make an
15 application to the Board for an
16 extension, which basically would have
17 been a new variance.

18 CHAIRPERSON NEFF: Could I
19 ask about the particulars?

20 MR. PROKOP: Yes, it was a
21 use of a second floor as a -- I think
22 a second floor as an accessory
23 building for a residence or studio.

24 MS. WINGATE: A studio.
25 There is a specific code within the

1 book that ties it into the
2 construction. That is really not
3 applicable to a gut rehab on the
4 building. I am going to find this --
5 a minute. So yes, variances expire
6 but our code ties it into
7 construction and whether the
8 construction has commenced.

9 CHAIRPERSON NEFF: I just
10 want to point out that we did issue
11 the findings and determinations in a
12 decision with what I read, that it
13 must be removed if the parcel or
14 property is ever separated from the
15 church. That tells me that you can
16 go on having two units of this
17 version of it or church employee.
18 And it's not about whether it's
19 occupied or not.

20 MR. PROKOP: I think
21 separated from the church --

22 CHAIRPERSON NEFF: Can you
23 explain how you're thinking?

24 MEMBER CORWIN: My
25 understanding was, that you have to

1 -- there are sanctions on a project
2 for six months or one year. The real
3 question is, do we have to rescind
4 that from 2013 or did it expire on
5 its own. If it didn't expire on it's
6 own then lets rescind the 2013 to
7 move this along.

8 CHAIRPERSON NEFF: I'm sorry,
9 I don't understand what you just
10 said. I have to try and find things.
11 They're scattered around.

12 MEMBER CORWIN: You can't do
13 things under pressure, to find what
14 the code --

15 MS. WINGATE: Thank you,
16 David. It's very hard.

17 CHAIRPERSON NEFF: It says it
18 in four places.

19 MEMBER SALADINO: Well, is it
20 possible that we can do some more
21 research and adjourn this?

22 MR. PROKOP: Well, my
23 recommendation was going to be that
24 you don't make a decision on this
25 tonight because there is a number of

1 legal issues with this application.
2 When you got to that point, I was
3 going to make a recommendation that
4 you table the discussion till the
5 next meeting.

6 MEMBER SALADINO: Eileen, do
7 you think if we table this now, it
8 will give you time?

9 MS. WINGATE: Then I can do my
10 research applicably. Yes, thank you.

11 CHAIRPERSON NEFF: I would
12 just like to point out because I have
13 seen the applicants here on numerous
14 occasions. That they're not going to
15 complete the renovations -- not that
16 there is like 90% of the work to be
17 done. I would estimate, not being the
18 builder, like 20% of work remains to
19 be done. And they're not going to do
20 it and certainly having the Diocese
21 looking over their situation, legal
22 right to do what they want to do and
23 go forward with the property. So I am
24 not going to oppose a motion to table
25 but I think that if there are other

1 things that you think are relevant to
2 think about, think and state them
3 now. So that we don't come a month
4 from now and to another point in time
5 in which we are tabling this. I think
6 we have been there and looked at it
7 and we have to do our jobs. And I
8 want to do that. I want the applicant
9 timely comes to mind here.

10 MR. PROKOP: I think it's
11 pretty much what I said before about
12 the reasons whether -- whether or not
13 the reasonable return test could be
14 applied to a residential property,
15 and this -- now that it's on the
16 record that we had to do something
17 with the first variance and now that
18 it's on the record that the first
19 variance was never completed, there
20 is that question. And I -- the
21 idea --

22 CHAIRPERSON NEFF: Can I just
23 -- the wording that you're saying
24 that it wasn't completed. Would
25 completed look like a rented sign

1 lease. Is that what I have to have?
2 We did give you permission to do it
3 and they changed -- they presented a
4 new application where they realized
5 that we don't have two employees of
6 the Diocese or congregation.

7 MR. PROKOP: So what the code
8 says, Section K of 150-27 says unless
9 construction is commenced and
10 diligently pursued within six months
11 of the date of the granting of a
12 variance, such variance shall become
13 null and void.

14 CHAIRPERSON NEFF: Again, I
15 would like to point out that the kind
16 of variance that we're talking about
17 with this paragraph that is in our
18 findings and determinations, it just
19 doesn't -- this is talking about
20 something that lives beyond. Whether
21 it was vacant for five months or --
22 you know, this use variance of this
23 particular property, it seems at odds
24 with that.

25 MR. PROKOP: I'm sorry --

1 CHAIRPERSON NEFF: You're
2 saying for sure that this was to have
3 been done in six months?

4 MR. PROKOP: Yes. The problem
5 is and we did do this to a prior
6 applicant just about a year ago. We
7 actually told somebody that their
8 variance was expired because they
9 didn't complete what the -- the use
10 that they got approval for. So it
11 has come before the Board before.

12 CHAIRPERSON NEFF: I would
13 ask that we know the particulars
14 about that and determine whether they
15 are in any way comparable. I think
16 that an abstraction fits all the
17 occasions. In this case, Item No. 1
18 does.

19 MEMBER SALADINO: What would
20 be the problem to separate this from
21 the current application? I am not
22 sure --

23 CHAIRPERSON NEFF: This is
24 what -- we did determine this and the
25 new application is asking us to

1 change one part of it from two
2 employees or somehow relay it to the
3 church in some way, to two people who
4 live there with a legal lease and
5 it's not -- they don't have to be
6 somebody who serves the church in
7 Southampton and Riverhead and
8 something else that has to do with
9 the Diocese. That is what this is
10 about.

11 MR. PROKOP: Only because you
12 asked me. The only comment that I
13 want to say and I am not looking to
14 start a big debate but it is my
15 comment, we have language that if the
16 residential unit was separated from
17 the church that the -- that the
18 variance would be rescinded. I think
19 the spirit of that was the use of the
20 property. So the basis of the
21 original variance in 2013 was that we
22 were going to help the church by
23 letting employees reside in that
24 building. So to now separate that use
25 and turn it into an income generating

1 rental property, I think it might go
2 to that language of separated by the
3 church. But I would ask for time to
4 consider that and make a
5 recommendation to the Board.

6 CHAIRPERSON NEFF: I would
7 like to hear again your motion or
8 anyone from the Board, to table this
9 matter till the next meeting?

10 MEMBER CORWIN: I make a
11 motion that the application of Lydia
12 Wells for Episcopal Church be tabled
13 and once that --

14 CHAIRPERSON NEFF: A second
15 please?

16 MEMBER SALADINO: Second.

17 MEMBER CORWIN: I would like
18 to ask Ms. Wells, if she would accept
19 that?

20 MS. WELLS: Consent to table?

21 MEMBER CORWIN: Yes.

22 MS. WELLS: I mean, I will
23 consent to it. I am going to be out
24 of town next month but if someone
25 else can be here.

1 CHAIRPERSON NEFF: We have a
2 vote on the motion.

3 MEMBER CORWIN: Aye.

4 MEMBER SALADINO: Aye.

5 MEMBER GORDON: Aye.

6 CHAIRPERSON NEFF: Aye.

7 The motion carries.

8 MR. POLLEO: Is there any
9 additional data that needs to be
10 supplied to you or --

11 CHAIRPERSON NEFF: None that
12 I know of but let me ask others
13 present? Anybody?

14 MEMBER SALADINO: I think
15 it's this Board waiting on the
16 opinion of the attorney.

17 MS. MILLER: So this will
18 happen at the next meeting?

19 CHAIRPERSON NEFF: Yes.

20 MS. MILLER: Because I have to
21 get out of work early. I work in
22 Riverhead. So I had to leave out of
23 work early to get here by 5:00. So I
24 don't want to waste time. So there
25 will be a decision next time?

1 CHAIRPERSON NEFF: Yes.

2 MR. PROKOP: You can just
3 tell her to come at 5:30 and we will
4 move it down further on the agenda.
5 We will notice it on the public
6 notice that it won't start till 5:30.

7 MS. WINGATE: We closed the
8 public hearing.

9 CHAIRPERSON NEFF: So it will
10 be 5:30 at late.

11 MS. MILLER: Okay.

12 CHAIRPERSON NEFF: Moving to
13 Item No. 2, discussion and possible
14 action on an appeal for Marta Thomas
15 #1001-2-10.1. The applicant seeks a
16 building permit for a new detached
17 accessory building for a structure
18 that has been partially constructed.
19 My opinion of partially. The
20 property is located in the R-1. Two
21 feet from the property line requiring
22 an area variance of 3 feet for the
23 rear yard setback. Section
24 150-13A-1B of the Village Code
25 requires a 5 foot setback for the

1 rear or side yard lot lines. Now we
2 have discussed this. Is there any
3 further discussion at this time? And
4 I think of someone who had a better
5 retained memory can say exactly where
6 we are? Can you help me out members?

7 MEMBER SALADINO: I think now
8 is the time to either --

9 MR. PROKOP: When you said
10 members, I apologize.

11 CHAIRPERSON NEFF: Go ahead.

12 MR. PROKOP: There was a
13 comment made during the hearing and
14 with all respect to the building
15 inspector, I think that you are
16 voting on these plans and then that's
17 it. There should not be an
18 adjustment on the plans. And that's
19 it. If they decide something else or
20 they do something else, I think they
21 will have to come back. And that
22 would be a condition of anything that
23 is done.

24 CHAIRPERSON NEFF: For an
25 application for an area variance

1 based on the plans that we have is
2 what we're going o go through the
3 questions unless there is any further
4 discussion?

5 MEMBER CORWIN: The only thing
6 that I wanted to talk about is, the
7 existing survey they had shows a
8 shed. The shed is an 8 foot shed. It
9 doesn't say proposed shed. So in
10 actuality, do we know really where
11 that shed is on that property? It
12 just shows a fence on .4 feet.

13 MEMBER SALADINO: It shows
14 the fence. It shows the shed 2 feet
15 from the property line.

16 MEMBER CORWIN: I just wanted
17 that noted to the Board. Do we need
18 any further information about exactly
19 where that partially constructed shed
20 stands now? My understand would be
21 that when its completed, there would
22 have to be a survey showing exactly
23 where it is. So I throw that to the
24 Board to see if you need any
25 additional information.

1 CHAIRPERSON NEFF: Thank you.
2 We have heard from the adjoining lot
3 owner to the -- closest to the shed.
4 I think the exact location of the
5 fence being shown on a new survey
6 when the project is complete; is that
7 correct?

8 MS. WINGATE: In order to get
9 a certificate of occupancy, yes. I
10 would need a new current survey.

11 CHAIRPERSON NEFF: And that
12 matter is about once -- I agree that
13 it should be provided but since we
14 have heard from Arden Scott, we do
15 not, I think, have to determine its
16 exact location and it's possible for
17 me, I don't know about the rest of
18 you to decide this matter. Any other
19 comment?

20 MR. PROKOP: The shed that is
21 shown -- are your eyes good enough --

22 MS. WINGATE: 2 feet.

23 CHAIRPERSON NEFF: It's 2
24 feet.

25 MR. PROKOP: Okay.

1 MEMBER GORDON: Do we want to
2 attach a condition about the survey
3 or not or do we assume? I think we
4 can assume it because it wouldn't be
5 possible to get the C of O without
6 it.

7 CHAIRPERSON NEFF: Exactly.

8 MR. PROKOP: You can put that
9 in the condition.

10 MS. WINGATE: You should.

11 MEMBER CORWIN: The deck is
12 not shown on the survey.

13 CHAIRPERSON NEFF: Correct.

14 MEMBER CORWIN: So I don't
15 think we can accept it.

16 MEMBER GORDON: We're not
17 accepting it.

18 MEMBER CORWIN: We're
19 supposed to have an accurate survey.

20 CHAIRPERSON NEFF: The sense
21 of the Board is to proceed. We
22 either ask a -- are you asking for an
23 updated survey but it doesn't -- it
24 seems to me that you get an updated
25 survey when you complete this whole

1 thing. Is that also going to be one
2 of the actions that is pending in
3 Southold Justice Court?

4 MR. PROKOP: Her completion
5 -- what is going to come up in the
6 Justice Court is whether or not she
7 constructed without a permit, which
8 is what the charge is.

9 CHAIRPERSON NEFF: So it may
10 not have anything to do with the
11 survey?

12 MR. PROKOP: It has nothing
13 to do with the survey.

14 CHAIRPERSON NEFF: Okay. I
15 would like to have someone on the
16 Board to make a motion on this about
17 an area variance and noted that you
18 suggested that we should have a more
19 accurate survey?

20 MR. PROKOP: The first motion
21 would be to adopt Lead Agency status
22 and determine that the area variance
23 is a Type II action.

24 CHAIRPERSON NEFF: Can someone
25 make that motion?

1 MEMBER SALADINO: I make a
2 motion that the Zoning Board of
3 Appeals acts as lead agency and this
4 is a Type II action as it pertains to
5 SEQRA.

6 CHAIRPERSON NEFF: Second?

7 MEMBER GORDON: Second.

8 CHAIRPERSON NEFF: All those
9 in favor?

10 MEMBER CORWIN: Aye.

11 MEMBER SALADINO: Aye.

12 MEMBER GORDON: Aye.

13 CHAIRPERSON NEFF: Aye.

14 Okay. Excuse me. Do we need a
15 motion about --

16 MR. PROKOP: The questions are
17 first.

18 CHAIRPERSON NEFF: The
19 questions are first. Thank you.

20 MEMBER GORDON: And you have
21 to record the votes.

22 CHAIRPERSON NEFF: Of course.
23 The area variance reasons. No. 1,
24 whether an undesirable change will be
25 produced in the character of the

1 neighborhood or a detriment to the
2 nearby properties by the granting of
3 this area variance? Mr. Corwin?

4 MEMBER CORWIN: No.

5 CHAIRPERSON NEFF: Mr.
6 Saladino?

7 MEMBER SALADINO: I vote,
8 yes.

9 CHAIRPERSON NEFF: Ms.
10 Gordon?

11 MEMBER GORDON: No.

12 CHAIRPERSON NEFF: Ms. Neff,
13 no.

14 No. 2, whether the benefit
15 sought by the applicant can be
16 achieved by some method feasible for
17 the applicant to pursue other than an
18 area variance?

19 Mr. Corwin?

20 MEMBER CORWIN: Yes.

21 CHAIRPERSON NEFF: Mr.
22 Saladino?

23 MEMBER SALADINO: Yes.

24 CHAIRPERSON NEFF: Ms.
25 Gordon?

1 MEMBER GORDON: No.

2 CHAIRPERSON NEFF: Ms. Neff,
3 yes.

4 Whether the requested
5 variance is substantial?

6 Mr. Corwin?

7 MEMBER CORWIN: Yes.

8 CHAIRPERSON NEFF: Mr.
9 Saladino?

10 MEMBER SALADINO: No.

11 CHAIRPERSON NEFF: Ms.
12 Gordon?

13 MEMBER GORDON: No.

14 CHAIRPERSON NEFF: Ms. Neff,
15 yes. No, I am going to say, no. I'm
16 sorry.

17 No. 4, whether the requested
18 variance will have an adverse effect
19 or an impact on the physical or
20 environmental condition in the
21 neighborhood or district?

22 Mr. Corwin?

23 MEMBER CORWIN: No.

24 CHAIRPERSON NEFF: Mr.
25 Saladino?

1 MEMBER SALADINO: No.

2 CHAIRPERSON NEFF: Ms.

3 Gordon?

4 MEMBER GORDON: No.

5 CHAIRPERSON NEFF: Ms. Neff,

6 no.

7 No. 5, whether alleged

8 difficulty was self created whether

9 considerations shall not be relevant

10 to the decision to the Zoning Board

11 of Appeals but shall not necessary

12 preclude the granting of the area

13 variance?

14 Mr. Corwin?

15 MEMBER CORWIN: Yes.

16 CHAIRPERSON NEFF: Mr.

17 Saladino?

18 MEMBER SALADINO: Yes.

19 CHAIRPERSON NEFF: Ms.

20 Gordon?

21 MEMBER GORDON: Yes.

22 CHAIRPERSON NEFF: Ms. Neff?

23 Yes.

24 Okay. Now, I am not sure how

25 I determined whether it passed or

1 not.

2 MR. PROKOP: There has to be
3 a motion.

4 CHAIRPERSON NEFF: Excuse me,
5 I apologize. So we did the questions
6 and now we need a motion.

7 I guess I can propose it to
8 grant the applicant, Ms. Thomas an
9 area variance for the construction of
10 an accessory building on her property
11 at 212 Bridge Street as proposed.

12 MR. PROKOP: Can I make a
13 recommendation?

14 CHAIRPERSON NEFF: Yes.

15 MR. PROKOP: I was going to
16 make a recommendation as far as
17 conditions. So that the accessory
18 building not be used for habitation
19 or residence purposes. That a --
20 before the commencement of work, that
21 a proper set of plans be filed
22 indicating the structure as its to be
23 built. If there is any change in the
24 structure as -- anything varies from
25 the plans that what are now, the

1 applicant be required to come back
2 before the Board. And that's --
3 those are the only recommendations
4 that I have.

5 CHAIRPERSON NEFF: Any
6 recommendations or additions from the
7 Board?

8 Okay. So I amend the motion
9 to grant the area variance for the
10 property at 211 Bridge Street for Ms.
11 Thomas, granting the area variance as
12 proposed but with subject to the
13 conditions that it not be used for
14 habitation, that proper plans be
15 filed with the Building Inspector and
16 that any change in the ones that have
17 been presented to us would warrant
18 returning to the Zoning Board of
19 Appeals. May I have a second?

20 MEMBER GORDON: Second.

21 CHAIRPERSON NEFF: All in
22 favor?

23 Mr. Corwin?

24 MEMBER SALADINO: Excuse me,
25 are we voting to grant the variance?

1 CHAIRPERSON NEFF: Yes.

2 MR. PROKOP: It's a motion to
3 grant with the conditions.

4 CHAIRPERSON NEFF: Yes. Any
5 discussion?

6 Mr. Corwin?

7 MEMBER CORWIN: Yes.

8 CHAIRPERSON NEFF: Mr.
9 Saladino?

10 MEMBER SALADINO: No.

11 CHAIRPERSON NEFF: Ms. Gordon?

12 MEMBER GORDON: Yes.

13 CHAIRPERSON NEFF: Ms. Neff?
14 Yes.

15 So the variance with the
16 conditions is granted.

17 Moving on to the other agenda
18 items. Item No. 4, motion to accept
19 the ZBA Meeting Minutes from the
20 September 16, 2015 meeting. So moved.

21 MEMBER GORDON: Second.

22 CHAIRPERSON NEFF: All in
23 favor?

24 MEMBER CORWIN: Aye.

25 MEMBER SALADINO: Aye.

1 MEMBER GORDON: Aye.

2 CHAIRPERSON NEFF: Aye.

3 Item No. 5. Motion to approve
4 the ZBA Minutes for the
5 August 19, 2015 meeting. So moved.

6 All in favor?

7 MEMBER CORWIN: You need a
8 second?

9 CHAIRPERSON NEFF: Second,
10 please?

11 MEMBER SALADINO: Second.

12 CHAIRPERSON NEFF: All in
13 favor?

14 MEMBER SALADINO: Aye.

15 MEMBER GORDON: Aye.

16 CHAIRPERSON NEFF: Aye.

17 MEMBER CORWIN: Abstained.

18 CHAIRPERSON NEFF: Item No. 4,
19 the Aye's were 4. None opposed. Item
20 No. 5, the Aye's were 4, none
21 opposed?

22 MEMBER CORWIN: No, because I
23 am abstaining.

24 CHAIRPERSON NEFF: Item No.
25 5, motion to approve the minutes for

1 August 19th meeting --

2 MEMBER CORWIN: I abstain.

3 CHAIRPERSON NEFF: 1

4 abstention and 3 Aye's.

5 Motion to schedule the next

6 regular ZBA meeting for

7 November 18th.

8 MEMBER SALADINO: Second.

9 CHAIRPERSON NEFF: So moved.

10 MEMBER SALADINO: Second.

11 CHAIRPERSON NEFF: Before we

12 take a vote on this, do we have any

13 applications pending?

14 MS. WINGATE: At this moment

15 there are none.

16 CHAIRPERSON NEFF: Okay. So

17 that the meeting would be scheduled

18 at 5:00 here at the firehouse.

19 All in favor?

20 MEMBER CORWIN: Aye.

21 MEMBER SALADINO: Aye.

22 MEMBER GORDON: Aye.

23 CHAIRPERSON NEFF: Aye.

24 CHAIRPERSON NEFF: 4 Aye's.

25 No Nay's.

1 Motion to adjourn.
2 MEMBER SALADINO: Second.
3 CHAIRPERSON NEFF: So moved.
4 MEMBER SALADINO: So moved.
5 MEMBER CORWIN: Aye.
6 MEMBER SALADINO: Aye.
7 MEMBER GORDON: Aye.
8 CHAIRPERSON NEFF: Aye.
9 4 Aye's. No Nay's.

10

11 (Whereupon, the meeting
12 concluded.)

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C E R T I F I C A T I O N

I, Jessica DiLallo, a Notary
Public for and within the State of
New York, do hereby certify:

THAT, the witness(es) whose
testimony is herein before set forth,
was duly sworn by me, and,

THAT, the within transcript is a
true record of the testimony given by
said witness(es).

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

IN WITNESS WHEREOF, I have
hereunto set my hand this day,
November 1, 2015.

Jessica DiLallo

(Jessica DiLallo)

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