VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

----------------------------------------X.

ZONING BOARD OF APPEALS
REGULAR MEETING

----------------------------------------X

November 15, 2016
6:00 P.M.

Third Street Fire Station
Greenport, New York

BEFORE:

JOHN SALADINO - Chairman
DAVID CORWIN - Member
DINNI GORDON - Member
ELLEN NEFF - Member
ARTHUR TASKER - Member

EILEEN WINGATE - Village Building Inspector
JOSEPH PROKOP - Village Attorney
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CHAIRMAN SALADINO: Folks, this is the November meeting of the Zoning Board of Appeals. Tonight here is David Corwin, Diana Gordon, Ellen Neff, our newest member, Arthur Tasker, and myself, John Saladino. We want to welcome Arthur. I don't know what else to say about that.

Item 1 is to accept the -- I'm going to make a motion to accept the Zoning Board of Appeals minutes for the meeting held on October 18th. So moved.

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Abstain.

CHAIRMAN SALADINO: Item 2 is a motion to approve the Zoning Board of Appeals minutes for the meeting held on September 20, 2016. So moved.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?
MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Abstain.

CHAIRMAN SALADINO: And one abstention.

MR. CORWIN: I abstain.

CHAIRMAN SALADINO: Two abstentions. So that passes 3-2.

Motion to schedule the next Zoning Board of Appeals meeting for December 20, 2016 at 6:00 p.m. at the Third Street Firehouse. So moved.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: I'm going to go out of turn here and do just two bookkeeping things here. We have -- the building inspector was nice enough to make up a calendar for the Zoning Board of Appeals so we don't have to schedule a meeting every month, it will
be on the calendar, so I'm going to
make a motion for item number 8, go out
of turn, motion to approve the attached
Zoning Board of Appeals calendar for
the year 2017. So moved.

MS. NEFF: Mr. Chairman, could you
distribute that, if you have extra
copies, so we can all look?

CHAIRMAN SALADINO: You have it.

MS. NEFF: I printed this, but I
didn't see that. Could you give us
just a moment? Sometimes amazingly
conflicts appear to five pairs of eyes
that don't appear to two or three.

CHAIRMAN SALADINO: Was this
attached for the public, did the public
get this?

AUDIENCE MEMBER: Yes.

MS. NEFF: Thank you.

CHAIRMAN SALADINO: Are you guys
okay with it? There's a motion on the
table, Dinni, did you second it?

MS. GORDON: Yes.

CHAIRMAN SALADINO: It was
seconded. All in favor?
MR. CORWIN: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: And the last thing I think we're going to take out of turn is I'm going to read these -- I'm going to make a motion to accept the findings and the determinations for the three previously decided applications. I'll make a motion to accept the findings and determinations for the applications of Walter and Diane Foote for variance approval, 126 Center Street, Suffolk County Tax Map Number 1001-4-3-2.5. So moved.

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MS. NEFF: Aye.

MS. GORDON: Aye.

MR. TASKER: Abstain.

MR. CORWIN: Abstain.

CHAIRMAN SALADINO: I'll vote aye.

The second one we have is I'm going to make a motion to accept the findings
and determinations for an application
for a variance for Brian Nicholson, 217
Monsell Place, Suffolk County Tax Map
Number 1001-2-2-2.9. So moved.

MR. CORWIN: Second.

CHAIRMAN SALADINO: All in favor?

MS. NEFF: Aye.

MS. GORDON: Aye.

MR. TASKER: Abstain.

MR. CORWIN: Abstain.

CHAIRMAN SALADINO: I'll vote aye.

That's 3-2, motion carries. The third
one is a motion to accept the findings
and determinations for an application
for an area variance for the estate of
Elmer Tuthill, 129 Bay Avenue, Suffolk
County Tax Map Number 1001-5-3-1.4. So
moved.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MS. NEFF: Aye.

MS. GORDON: Aye.

MR. TASKER: Abstain.

MR. CORWIN: Abstain.

CHAIRMAN SALADINO: I'll vote aye.
3-2 for it.

All right. We can move on to discussion and possible action for the application of SAKD Holdings LLC. For the benefit of the public, we have an e-mail from the applicant -- for the benefit of the public and the Board, we have an e-mail from the applicant that is requesting -- the applicant requests that the -- in furtherance of your voicemail, please let this serve as the applicant's request to adjourn the proposed vote concerning the referenced application at this evening's Zoning Board of Appeals meeting. I'm going to paraphrase for the sake of the public and the Board. The applicant is asking that we table this application. He's made application to the Planning Board to be able to buy twenty parking spaces from the Planning Board. His revised application to the Zoning Board of Appeals, because of the reduction in seats in the restaurant reduces the number of parking spaces required to
thirty. His application shows ten parking -- his revised application shows ten parking spaces and a loading zone that conforms to code. If the Planning Board decides to sell him the twenty parking spaces, his application -- his variance request for parking becomes moot in front of this Board.

We've had a conditional vote about lot coverage, building -- the third story, and building height.

MR. CORWIN: And setback.

CHAIRMAN SALADINO: I don't think we did that. All right. Setbacks too. If the Planning Board grants his request, as I said, the need for a variance for parking in front of this Board becomes moot. So he's asked -- it's not our request, it's his request that we table this application until the Planning Board meets. There's a little more involved with his request. I'm not sure I want to go into it right now. He's asking for a special meeting, I think we -- but I'm going to
put it to the Board. I think me,
personally, I would rather wait until
we get a determination from the
Planning Board before we schedule a
special meeting to vote on what may or
may not happen at the Planning Board.
Is there --

MS. NEFF: You're saying for the
answer to the question, will they sell
the parking places; is that correct?
If the answer is yes, the parking is
moot, and you're tying that to another
meeting?

CHAIRMAN SALADINO: His request is
if the Planning Board sells him the
twenty spaces, the application in front
of the Zoning Board would progress. We
would be finished -- as hard as it is
to believe, we would be finished with
this application. If the Planning
Board doesn't -- and he would like that
settled to get a finding and
determination that he would work out
with the attorney as soon as possible
for whatever his motive is to get his
project up and running, we weren't told what his motive is. And I don't have a problem with that, I don't have a problem with that. My concern is if the Planning Board doesn't grant his request, I don't see a need to schedule a public hearing -- schedule a special meeting of the Zoning Board to rule on the twenty space variance request. I thought he could perhaps wait until --

MS. GORDON: December 20th.

CHAIRMAN SALADINO: December 20th.

Mr. Pennessi, if you're watching at home, I know you've been very accommodating, but I kind of think that's what I'm questioning to the Board. Is there a discussion among the Board?

MR. CORWIN: I agree with you.

MS. GORDON: I do too.

MR. TASKER: When are the Planning Board meetings.

CHAIRMAN SALADINO: December 1st.

So the Planning Board would rule on his request December 1st.
MR. TASKER: Presumably.

CHAIRMAN SALADINO: Exactly.

Good, Arthur. That was another thing that I'm hesitant about. I don't want to go on -- I don't want to inconvenience the members of this Board, inconvenience the members of the public, and everyone else involved here on a what if question. What if they take it up, what if they don't take it up, what if they vote, what if they don't vote. You know, I would love to accommodate this guy, he's been around a long time. Not accommodate him and give him what he wants, accommodate him as far as the process. You know, so they're asking -- whoever wrote this note is asking that we would have this room at 7:00 on December 1st, it's up to the Board to -- I understand I have the right to call a meeting, but I'm going to leave it up to the Board to decide if, in fact, we schedule the special meeting or we ask to see the determination from the Planning Board
on his request for parking.

MS. NEFF: Mr. Chairman, I'm still somewhat confused. We're talking about the Planning Board perhaps discussing it at their meeting December 1st, about the parking, the applicant purchasing twenty parking spaces?

CHAIRMAN SALADINO: Right.

MS. NEFF: Are there any other time constraints for the applicant tied to his request for an adjournment here? In other words, is he losing sight of other pieces of this process?

CHAIRMAN SALADINO: First of all, that's his responsibility. He's an attorney, I assume he knows what the rules are. He's already granted us -- and by making this request in writing, he's already decided that he's going to give us the extra time, so I don't think -- the sixty-two days went out the window seven months ago, so I don't think that's an issue, but the question now is does this Board want to schedule this special meeting on the assumption
that the Planning Board will adjudicate this at their meeting?

MS. GORDON: I think your proposal to say if we need to vote on the variances, we can do it at the next meeting is perfectly reasonable. It's only three weeks away. If the Planning Board meets on December 1 and we meet on December 20th, and otherwise we don't have to meet. But I also have a problem because I would not be able to be present because I have a meeting in the city in the afternoon on December 1st, so if there were another meeting, for me it would have to be on another day, but I think that's secondary.

CHAIRMAN SALADINO: The question is, and again the question is I can understand the applicant wanting to take care of it as soon as possible, and from my conversation with Mr. Pallas and with the attorney, the applicant has some kind of time constraints on him that he'd like this taken care of sooner rather than later,
but I just don't see -- if the Planning Board makes its decision and makes that decision known to the Zoning Board that evening of December 1st, I don't see the problem in having -- even if a special meeting was mandated, I don't see the problem. The clerk needs -- Joe, refresh my memory, the clerk needs what, seventy-two hours to schedule a meeting?

MR. PROKOP: Yes.

CHAIRMAN SALADINO: So seventy-two hours later it would be December 4th. So I don't know how inconvenienced the applicant would be if we had this meeting -- if the Planning Board -- we thought there was light at the end of the tunnel here with this application, but apparently what they did was build more tunnel. So I'm going to ask the Board one more time, we'll take a consensus, and then we'll decide what we're going to do. David, what do you think?

MR. CORWIN: At our next meeting,
scheduled meeting.

CHAIRMAN SALADINO: Regardless of the outcome at the Planning Board?

MR. CORWIN: Well, we don't know what's going to happen at the Planning Board as Mr. Tasker pointed out.

CHAIRMAN SALADINO: That's kind of my -- can we phrase the motion to say if the Planning Board comes to a favorable agreement with the request for parking that we would have this special meeting?

MS. GORDON: Do we really need to do that? Can we not simply vote on the request to adjourn the proposed vote from this meeting?

CHAIRMAN SALADINO: Well, we could certainly do that. I mean, we could certainly do that, table this application, but that leaves this request up in the air.

MR. CORWIN: Well, for myself I will in all probability be at the Planning Board meeting, so it can go either way.
MS. NEFF: Mr. Chairman, I think the fact that one of our members cannot be here on the 1st, we should decline the request for a meeting immediately following the Planning Board and make it part of our regular scheduled December meeting.

CHAIRMAN SALADINO: That's a good point because I don't want to speak for Arthur, but there's a possibility there might be an abstention, and with one member missing, you know, it's not a vote of a full board, so I think the special meeting on December 1st might not be the best way to go either.

MR. TASKER: Mr. Chairman, apart from that concern, let's just say whether it's December 1st or December 20th, having listened to most of the public meetings on this particular application and having ample time to delve more deeply into the file, I wouldn't see a need for an abstention on my part on either the 1st or the 20th. Another way to view this,
however, in terms of scheduling it is
it seems to me that the issue is can he
buy the parking spaces or can't he? If
so, you're going to vote on the
variances that he's requested, we've
already had straw votes on them. If
that's the case, why can't you vote on
those variances at tonight's meeting
conditional on the fact that he was
able to buy the twenty spaces from the
Village. You know, don't predicate
your schedule necessarily on those
types of questions is what I'm saying,
and I'm being partly facetious in
saying we could do it tonight.

CHAIRMAN SALADINO: Well, I had
considered that, but what was brought
up at the last meeting was before he
gave us his revised application about
the parking area with the loading zone
up to code and the ten spaces there
would have been the need of a variance,
and it was brought out either by the
building inspector or the attorney or
someone that knows a little more than
us that if we granted that, even if it was a two space variance, the Village would put itself in the position of not being able to collect the fee for the parking. Now how it relates to --

MR. PROKOP: That's the whole point. I brought that up because it's not -- the Village would lose -- if they agree, we grant the variance, and the Village loses fifty thousand dollars.

CHAIRMAN SALADINO: But now the situation changes because if we make the approval of his application contingent on the Planning Board selling him the twenty spaces, there is no variance needed, so we wouldn't have to rule on a variance for parking. Is everybody here as confused about this as I am?

AUDIENCE MEMBER: No.

MR. OLINKIEWICZ: Does he then own the parking spots?

CHAIRMAN SALADINO: We're not going to take any comments right this
second.

MR. PROKOP: I think that one of the things about this discussion, the discussion of the Planning Board, if the Planning Board knew that there was a question before them which was about basically the parking, and they talked about the application a little bit more than just the parking, and I don't know that it's clear that they'll even act on the 1st.

CHAIRMAN SALADINO: Well, you know, that's one of the reasons I'm reluctant to schedule a special meeting because we have no assurance from anyone on the Planning Board that they have intentions of taking this up or bringing it to a vote. Some of us attended the last meeting, and they seemed reluctant to take a vote on this.

MS. GORDON: Not everyone was there.

MR. PROKOP: Yeah, that's the other thing.
CHAIRMAN SALADINO: That's true also. They were minus a member. But I really don't want to get into the Planning Board's business because we have enough trouble taking care of our own business. Let's let the Planning Board take care of their business. So I think what we're going to do here is make a motion to table this application, and between now and December 1st we're going to let somebody else -- we're going to honor the applicant's request and table this application until our next meeting. If he can -- if there's something that happens between now and December 20th, then perhaps the Building Department, and the Village Administrator, and the attorney, and the applicant will let us know and we can be governed accordingly. Does that kind of make sense to everybody? Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.
MS. GORDON: It does to me, and I approve of it, and I think the motion needs to be just to grant the request to adjourn the vote.

CHAIRMAN SALADINO: I agree. David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: All right. I'm going to make that motion then, that we table this application until our December 20th meeting. So moved.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: That motion carries. Moving on. Item number 5, discussion and possible action of the application of George Laikeas, the applicant, Suffolk County Tax Map 1001-3-3-3. The applicant is not here. His representative is not here. Again, for the public, this public hearing was...
closed, just for the public, to put everybody on the same page as I think we might be. This applicant asked for an interpretation of a building inspector's determination. We voted on that interpretation last month. His agent, his attorney gave us until that evening as an extension of time. At that time, we didn't vote on the variances. From the communication that a few members have, myself, David, I think I made it available to the attorney and some other members, this constitutes a default judgement, but just to keep the record straight I think perhaps we should vote on the variances just to confirm. So is there any discussion on the Board -- from the Board about this?

MR. CORWIN: Could you just explain why it's a default judgment?

CHAIRMAN SALADINO: Well, I have a communication from --

MR. CORWIN: At this point in time it's a default judgment because of
CHAIRMAN SALADINO: Well, I'm going to explain it. The public hearing was closed, and the ZBA has sixty-two days to make a determination. The sixty-two days has expired. I think the public hearing was closed in June or July and the ZBA had sixty-two days from that date to come to a decision both on the interpretation and the variances. We got one or two extensions from the applicant and his agent, his attorney, and that time limit, that extension ran out at last month's meeting. I have a letter from NYCOM that David Corwin had requested from the general counsel of the New York Conference of Mayors, it says regarding time limits for a relatively straightforward proposition accept the subdivision applications, there is no default approval of a land use application. If a ZBA or Planning Board fails to take action within the time period, the application will be
deemed to be denied. Having said that, I think just to avoid any controversy, I thought perhaps the Board tonight could actually vote on these variances and either approve or deny them, and this way we can close the book on this application for the time being. Did I explain that?

MR. CORWIN: Yes, thank you.

CHAIRMAN SALADINO: Is there any discussion?

MR. PROKOP: Do you know which attorney sent this?

CHAIRMAN SALADINO: I'm sorry?

MR. PROKOP: Do you know which of the attorneys sent this?

CHAIRMAN SALADINO: I do have this copy (handing).

MR. PROKOP: Thanks.

CHAIRMAN SALADINO: What was I saying? Is there any discussion among the Board?

MR. PROKOP: My recommendation would be to vote on the variances.

CHAIRMAN SALADINO: So we'll do
that, if we can find the variances.

MR. CORWIN: Just I'll make a
couple of remarks while you're looking
for the variances. In my opinion, this
was a change of use application, should
have been a change of use application
rather than area variances. The
applicant had two parking spaces for
what he said was three apartments or
maybe four apartments, which was what
he wanted only he didn't offer
additional parking places, so there's
only two parking places. Mr. Lazar,
the former code enforcement, building
inspector issued a two family
certificate -- preexisting certificate
of occupancy for the project. Two
neighbors had written letters against
the project, and right now it's
happened for parking, the tenants there
are pulling up over the curb onto the
grass mowing strip.

CHAIRMAN SALADINO: I'm inclined
to agree with you about this should
have been progressed as a use variance
and actually we're going to discuss
that in a little while. But --

MR. PROKOP: If you're inclined to
review that issue, then I would do that
before you address the variances.
That's a threshold issue as far as
accepting the application.

CHAIRMAN SALADINO: We already
accepted this application. David and I
both made our opinions known at the
time when the application was accepted
by this Board. I don't want to prolong
this, I would rather just vote on these
variances and move this application off
our calendar. And then there's another
application in front of us that I'm
sure we're going to have a little bit
of a discussion about. So am I -- so I
would ask the attorney is that
reasoning okay to proceed here with
this vote?

MR. PROKOP: The problem is that
we're in the -- it was my understanding
that the Board was going to be -- there
was going to be a motion tonight to
consider this -- to determine that a
use variance was requested.

CHAIRMAN SALADINO: Wrong
application. That's for the next
application.

MR. PROKOP: And we're in the same
situation we were in the last time
where because it's more than a two
family -- the application is to go to
more than two family residence, and
there are area variances that are
required, it's not a type two action,
it's an unlisted action. Because it's
in the Historic District it becomes a
type one action, and we still need to
do the referral of a coordinated
review.

CHAIRMAN SALADINO: Well, my
question to you last month was that I'm
willing to let this application -- I'm
of the mind to just let this
application stay here because the
sixty-two days has expired, we read
what the New York Conference of Mayors,
their general counsel has decided about
that. If we want to -- I think in light of this, a coordinated review becomes moot because the application is deemed to have a default denial so --

MR. PROKOP: I want -- I need to point out to the Board that I spoke with Mr. Beltramo, and he gave me exactly the opposite advice in my conversation with him, and my advice to the Board is that it is not -- if you had asked me the question separate from whatever the New York Conference of Mayors said, I would say that it does not constitute a default denial. It's not an automatic default denial, and that some action is required by the Board.

CHAIRMAN SALADINO: So how would we explain his advice to you and his letter that both David and I received?

MR. PROKOP: I don't know.

CHAIRMAN SALADINO: How do we reconcile that?

MR. PROKOP: I don't know how you framed the question that you asked him.
CHAIRMAN SALADINO: Well, regardless how we framed the question, I mean, his answer is kind of, like, boilerplate.

MR. PROKOP: Yes. So I'm just registering that on the record, and you know, you have his answer in writing and --

MR. CORWIN: Well, let's go ahead and vote on the variances, and if we have to do a do over, we can do a do over. If the applicant wants to come in for a use variance, the applicant can come in for a use variance.

CHAIRMAN SALADINO: Well, that's not the question, David. The question that the attorney is raising is that we have to do SEQRA before we vote on the variances, and because of this particular application, it has to stand for a coordinated review. Now, we received this application January 25th. I mean, at this point in time on November 15th to ask for a coordinated review and forty-five days to wait for
comments and hope -- plus, we don't have an okay from them because the applicant or his agent is not here. We don't have an okay to extend the time limit. Does Village law supercede what the DEC -- does Chapter 700 of Village law where it says we have to make a ruling on this supercede or take a backseat?

MR. PROKOP: It takes a backseat. It takes a backseat. You know, we're on the second time that the applicant hasn't appeared. I think that the other thing you might consider doing is asking the applicant what they want you to do with the application at this point.

CHAIRMAN SALADINO: I think if the applicant doesn't show up here, and I don't want to be flip about this, I think it's two months in a row that the applicant doesn't show up here, his intentions should be kind of clear to this board. And I don't think we should go out of our way to ring them.
up and ask them what's your intention with this application. You know, I'm willing -- I'm more than willing with the consent of the Board to put this on the side and let the forty-five days for coordinated review pass, and I'm sorry.

MS. GORDON: What is wrong with David's suggestion that we vote on the area variances and then if the applicant wants to --

CHAIRMAN SALADINO: Because the attorney just advised us -- no, it's not about use variance, it's about coordinated review, it's about SEQRA. The attorney just advised us that before we vote on the variances, we have to do SEQRA.

MS. GORDON: Even if they're area variances instead of use variances?

CHAIRMAN SALADINO: It's not about that, it's about it was an unlisted action in the Historic Zone. It wasn't about the variances themselves, it's about an unlisted action in the

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Historic District. Am I right, Joe, which triggered the coordinated review?

MR. PROKOP: Yes.

CHAIRMAN SALADINO: So it's not about changing this application from an area variance to a use variance. If the owner wants to progress that, if two members felt it should have been progressed as an area variance -- a use variance instead of an area variance, that's all moot because according to the attorney, SEQRA takes precedence over Chapter 700 of Village law, so we have to do SEQRA before anything else happens with this application, which I'm kind of wondering if we got this in January why we're doing SEQRA in October.

MS. NEFF: November. Not that it matters.

CHAIRMAN SALADINO: No, no, we tabled it again last month, so October.

MS. WINGATE: It's a three family house with a fourth unit that is being used as a laundry room.
MR. PROKOP: So granting -- type two actions include granting area variances for a single family, two family, or three family residence. So, I mean, if you want to consider that, then it's a type two action, it doesn't need the coordinated review. Granting of area variances for single family, two family, or three family residences. The thing is he wants to get the approval to do what, to get to a four family residence, right?

MS. WINGATE: No, to a three.

MR. PROKOP: So I think that if it's area variances on a three family residence, then we could consider it a type two action.

CHAIRMAN SALADINO: Wait, wait, no, that's incorrect. His request was -- his request was to bring it to four units or three units. He doesn't want two bites at the apple, he wants three bites at the apple. So we're going to make a decision here, the question is do we do a coordinated review on this
or not? The attorney already gave his opinion. I don't want to be changing horses midstream here. We decide if we're going to do the coordinated review, put this application on the side until the forty-five days is up, or we vote on the variances and the DEC yells at us for not doing the coordinated review. I'm not really sure, not being an attorney I'm not really sure of the repercussions. But again, with that tunnel with the light, we're just building a whole lot more tunnel here than what should happen.

MS. WINGATE: Here's the building permit application so you know what he is asking for (handing).

CHAIRMAN SALADINO: Between the applicant and his attorney -- between the attorney and the applicant, there was a whole lot more conversation than this drawing.

MR. PROKOP: If I'm not incorrect, they never really addressed the variances while they were here. I
mean, they focused on the interpretation. They wanted to prove to us that it was a legal four family house.

MR. SWISKEY: Welcome to the ZBA, Arthur.

MR. CORWIN: This is what it says on the applicant's project description, purpose of new construction, obtain CO for four units or correct preexisting CO. Now, we corrected the preexisting CO or rather rejected the idea that that was four units. So it says obtain CO for four units. Now, you may not be looking at --

CHAIRMAN SALADINO: I don't have this -- this was just made available to me by Ms. Wingate, the building inspector. It was a two family when, in fact, the structure had four apartments with four kitchens, four separate living areas. The pre-CO states that the parcel was located in the M-2 zone. There's multiple errors in the fact that my client is using the
first floor rear apartment as a common area and laundry. As alternative relief, we'll be filing a use variance appeal for a three family use. So why -- if you have this and we don't, and we --

MS. NEFF: That was in our packet an originally.

CHAIRMAN SALADINO: Okay. Then I missed it, and I apologize to everybody for that. But why are we accepting an application for an area variance?

MR. PROKOP: So what we need to do is to vote to give the applicant thirty days to file an amended -- either un-accept the application, give it back to the applicant based on this information and with the opportunity to re-file it as a use variance. That's what I would recommend. I don't think you have a choice. That was the discussion before the Board, and we had a split vote on that, and now we have a letter from the applicant saying that they considered a use variance.
CHAIRMAN SALADINO: Is there a discussion?

MS. NEFF: Yeah, this letter is from December 15. It's not new.

MR. CORWIN: Here's March 4th, he's asking for a CO for four units.

CHAIRMAN SALADINO: I'm going to make a motion that we return this application to the applicant as being defective. Putting aside the threat of being sued, I'm going to make a motion that we --

MS. NEFF: Before we go, can I just -- I know there was a good deal of discussion on the part of the applicant, his attorney, and this Board in dialogue and questions from the public regarding the first part of the question, which was, first of all, the documents from the former tenants and the neighbors that -- and we basically are -- did we ever take a vote that basically our -- the weight of our considered opinion was that the request to find defect in the two family CO I
think issued in 1978 by Mr. Lazar, they were basically saying that was an error, it was the way it was then, and he made an error. We have never agreed --

CHAIRMAN SALADINO: We did.

MS. NEFF: We have said no to that request.

CHAIRMAN SALADINO: We reaffirmed Victor Lazar's decision from 1998.

MS. NEFF: So what is the action -- so returning it now to say if you wish to file a use variance, we welcome your application, is that basically what we're saying?

CHAIRMAN SALADINO: I think there's a little more to it, but yeah, basically that's it. Basically I think what we're saying here is that this application was progressed in error as an area variance, we accepted it in error as an area variance, and if the applicant so chooses, he could progress it as a use variance. I'm going to make that motion.
MR. CORWIN: Second.

CHAIRMAN SALADINO: Discussion.

MS. GORDON: My only concern is that it seems a little bizarre to be ten months later saying this when we could have determined it much, much earlier. And I'm wondering whether this increases our legal liability if he decides to pursue.

MR. PROKOP: I don't think so because the question before the Board this entire year was the -- and the only input from the applicant was trying to convince the Board that it had always been a three or four family, and we didn't really address this, and now, you know, again, I'll say we're in the dark because the applicant is not here, and they can re-file the application, it's not -- they're not prejudiced in any way.

MR. CORWIN: And if they don't re-file the application, then we're finished with it?

MR. PROKOP: We're finished with
the vote unless they re-file, right, yes.

MS. GORDON: The motion has been made and seconded.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Abstain.

CHAIRMAN SALADINO: I'll vote aye.

That motion carries. Item number 6.

MS. GORDON: Can I just ask a question, what happens now, does the housing inspector inform Mr. Liakeas that he has a right to re-file or --

CHAIRMAN SALADINO: Right now his property is listed as a two family house. If he's renting to more than two families, he's in violation. What happens after that is strictly up to the Building Department.

MS. WINGATE: Well, no, because he has outstanding violations, whatever happens now is with Joe.

MR. PROKOP: That's why I'm --
CHAIRMAN SALADINO: Whoever it's up to, we reaffirmed the building inspector from 1998's decision that it was a two family wood framed house. What happens -- our involvement until we get another application I believe is over. Wherever it goes after that, the building inspector says it's the attorney, I'm willing to accept that as fact. Before we move on, anybody else, any discussion?

Item number 6. Motion to accept the application of James Olinkiewicz, 310 North Street, a/k/a 314 North Street, Greenport, New York 11944. Suffolk County Tax Map 1001-2-4-27. Before we hear from the applicant, there's going to be some discussion about this also. This application again is being progressed as an area variance where in my opinion it's a use variance. This application came before the Planning Board on June 28th I believe if the date is correct. The Planning Board decided that the

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existing use is a single family home, proposed use is a four family home. The Planning Board is required to deny a project because multifamily housing is not a permitted use in the R-1 zone. The R-1 zone, it says that -- multifamily housing is not mentioned in the R-1 zone, R-1 district, it's not a permitted use in the R-1 district. There's been some contention that because there is an article, there is an article in our code, Article 7, 150-18 that sets standards for multifamily housing but makes no mention of where it can be built or what zone it's permitted in. In effect it's a stand alone article.

MS. NEFF: Can you give the number of that again, please?
CHAIRMAN SALADINO: Article 7, 150-18.

MR. CORWIN: Page 150:38.

CHAIRMAN SALADINO: There are a few other things that we should mention here. Article 3 defines classification
of districts, and it clearly states that -- and if we want, we'll read it, but 150-6 is no building shall be erected, moved, altered, rebuilt. This is the establishment of districts. No building shall be erected, moved, altered, rebuilt, enlarged, or shall any land or building be used, designated, arranged to be used for any purpose or any manner except in conformity with the all the regulations, requirements, and restrictions specified for this district in which such building or land is located. 150-7, R-1 one family resident district in an R-1 one family resident district, article 4 says no building or premises shall be used, no building or part of a building shall be erected, altered which is arranged, intended, or designed to be used in whole or in part of any uses except the following, and the permitted uses are one family detached dwelling not to exceed one dwelling unit, and building
structures and uses owned or operated by the Village of Greenport. Conditional uses don't mention multifamily housing, they mention places of worship, schools, philanthropic annual membership clubs, railroad or public utilities, cemeteries, bed and breakfasts. I have a definition from New York State, from New York Department of State handbook on zoning. It offers a definition of a use variance. The use variance has been defined as one which permits the use of land which is prescribed by the zoning regulations, thus a variance permits a commercial use in a residential district which permits a multiple dwelling in the district limited to single family homes or which permits an industrial use in a district limited to a commercial use is a use variance. With everything that I read in its totality I'm finding it hard to see how this application for a four family home can be constructed in the
R-1 district and not be considered a use variance. Is there any discussion?

MR. CORWIN: I agree with you, Mr. Chairman.

MR. PROKOP: I have one other thing to say about this.

CHAIRMAN SALADINO: If it's pertaining to our discussion about the code and its interpretation, I'm anxious to hear it.

MR. PROKOP: I think that it's the law, and I have to have research it and advise the Board, but I think it's a law that when you acquire a property, if a use is not allowed at the time that you acquire it, that you cannot get a use variance. I will check on that, but I think that I recall --

CHAIRMAN SALADINO: If you could, just say that again.

MR. PROKOP: When you buy a piece of property, if a use is -- I believe that there was a case that determined, and I have to research this, I'm not -- before I bind myself to it, but I
believe that when you bought a piece of property, a use was not permitted, I believe that you're not permitted to seek a use variance. A use variance is for when the zoning changes after you acquire. If you want to go to a use that was allowed at one time that you didn't have and then later became illegal, but I will advise the Board on that.

CHAIRMAN SALADINO: Well, I think that's relevant, but only if and when the applicant proposes, if he proposes, and if the Board agrees. I'm getting ahead of myself. If this Board agrees that this application was submitted incorrectly, and the applicant wishes to progress it as the alternative, a use variance, then that would come into play. Then we would consider --

MR. PROKOP: I agree with what you said so far as far as it's not a permitted use in the R-1 district. I believe that's the case.

CHAIRMAN SALADINO: Is there any
other discussion from the Board? I'm going to make a motion that this application was submitted incorrectly.

MR. CORWIN: Second.

CHAIRMAN SALADINO: Well, let me finish. That the application should be progressed as a use variance and not an area variance. So moved.

MR. CORWIN: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. NEFF: I have one question, Mr. Chairman.

CHAIRMAN SALADINO: Sure.

MS. NEFF: As this drawing shows, if we deal with the issue of use, does it then become an area variance as a secondary application? In other words, are they, like, one after another?

MR. TASKER: They both have to be satisfied.

CHAIRMAN SALADINO: The application as it stands now is incorrect as an area variance. The use for that particular district is one
family housing. To get a variance to put a four family house there, he would have to be granted a use variance, and then that house or that building, that four family home would have to comply with all the standards in Chapter 150-18. If they don't, he would have to ask for a variance.

MS. NEFF: An area variance?

CHAIRMAN SALADINO: An area variance.

MS. NEFF: That was my question.

CHAIRMAN SALADINO: For each standard that he doesn't comply with. So there's a motion on the table, it's seconded to reject this application.

MR. CORWIN: Call a roll call.

CHAIRMAN SALADINO: I'm going to call a roll call. Mr. Corwin?

MR. CORWIN: I forgot what the --

MR. TASKER: Let's have the precise language of the motion, please.

CHAIRMAN SALADINO: The motion --

MR. TASKER: Maybe the stenographer can read it back?
CHAIRMAN SALADINO: I'll make the motion. It's fairly simple. That this application be rejected as being submitted in error as an area variance where it should have been a use variance. So moved.

MR. CORWIN: Second.

CHAIRMAN SALADINO: Mr. Corwin?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Diana?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: And I vote yes.

MS. GORDON: Is it perfectly clear that the applicant is not precluded from coming back with an application for a use variance?

CHAIRMAN SALADINO: I think that's his right. He can appeal any decision made by this Board or the CEO; is that right?
MS. GORDON: That wouldn't be an appeal of this decision, it would be simply -- would there have to be a rejection of the -- he's coming to us --

MR. TASKER: Let's not cross our bridges before we come to them.

MS. GORDON: The Planning Board -- the proposal of a multifamily residence is not a conditional use for the R-1 zone, obviously suggesting it seems to me that there is an issue with respect to the use variance.

CHAIRMAN SALADINO: The Planning Board, what they said was -- my copy of what the Planning Board said and your copy was --

MS. GORDON: It's probably the same.

CHAIRMAN SALADINO: No, it's not. Your copy is what was -- mine came from the Planning Board and the first sentence of my copy says the Planning Board is required to deny the project because multifamily housing is not a
permitted use in the R-1.

MS. GORDON: Okay.

CHAIRMAN SALADINO: See, that's missing from yours. I don't know how that happened, but that's missing from yours. There's absolutely nothing that says the applicant can't come back with an application for a use variance, and if that, in fact, is granted, then an area variance for whatever he would need to build a multifamily house on this piece of property.

MR. OLINKIEWICZ: Can I ask a question?

CHAIRMAN SALADINO: Absolutely. Only because you're the applicant.

MR. OLINKIEWICZ: James Olinkiewicz, 310 North Street a/k/a 314 North Street.

CHAIRMAN SALADINO: Could you explain that?

MR. OLINKIEWICZ: I have no idea. It says on the -- the Village says it's 310 North, but on your county card it comes in at 310 North, so it's always
been listed -- it's listed on my deed a/k/a, it's on --

MR. CORWIN: You made a mistake.

MR. TASKER: On the town tax roll it's listed as 314.

MR. OLINKIEWICZ: Then the county has it as 310. Somehow it's put in like that on everything.

CHAIRMAN SALADINO: Okay. I was just curious.

MR. OLINKIEWICZ: I was curious also.

CHAIRMAN SALADINO: Because now my next question is what happened to 312? Sorry. Go ahead.

MR. OLINKIEWICZ: So my questions is I came and applied for a variance, right? How would I know -- it seems like with the last application before me that needed a use variance as well as then I need a use variance, how do we find that out? We get told to apply for a variance, we apply for a variance, right? So how do we determine whether it's a use or a
regular variance? And that being said, I mean, I laid out seventeen hundred dollars to come here for a variance application, now it's kicked back as a use, so does my seventeen hundred disappear from this, or does it get rolled over to the use? I'm just asking that question because I came to Village to get the answer when I was applying what kind of variance -- I handed paperwork, I expect that I would be told either it's a use or a --

CHAIRMAN SALADINO: Just, if I could, the question about use or area variances, there's been some contention about in different departments with different members. Tonight we kind of reaffirmed that your application should be a use variance. As far as the money, we don't get to touch the money.

MR. OLINKIEWICZ: So I don't know if the seventeen hundred that I applied for the area variance, since it's not an area variance I was supposed to apply for, is that gone and I got to
reapply for the use variance?

CHAIRMAN SALADINO: I think there's reasonable -- I think between all the parties, the Zoning Board, the Building Department, and the applicant there's been some confusion with this application as it is approved right now. In my opinion, and I have no say so, because again, they don't let us touch the money, I don't think it would be unreasonable for the Village to apply that fee to the next application.

The building inspector is here.

MS. WINGATE: Your Board hasn't accepted the application.

CHAIRMAN SALADINO: And that was the next thing I was going say, I'm not even sure if there is an application because we haven't accepted it.

MR. OLINKIEWICZ: It hasn't been accepted, so it hasn't continued on.

CHAIRMAN SALADINO: And as far as the price --

MR. OLINKIEWICZ: The price is the price depending on what you apply for,
right.

CHAIRMAN SALADINO: We don't get prices. So if we could, just answer that. So the application fee, I'm sure you can square away with Eileen, I'm sure that's an easy enough thing. The application itself, I think by the Board's vote tonight, I think it's pretty clear that --

MR. OLINKIEWICZ: You have to come for a use variance first before you come for the other variances, I understand that now. So we have to go back, and is there different paperwork for a use variance? I mean, I've never seen --

CHAIRMAN SALADINO: There is, there's a different application I believe. Especially since this application.

MR. OLINKIEWICZ: Yeah, we'd have to --

CHAIRMAN SALADINO: This application says application for an area variance, so I can only assume
that there's an application for a use variance. But again, that would be between you and the Building Department.

MR. OLINKIEWICZ: Okay. No problem. I just wanted to find out. Thank you.

CHAIRMAN SALADINO: No problem. So moving on.

MS. GORDON: That might be it.

CHAIRMAN SALADINO: The last thing I have is item number 9, motion to adjourn. So moved.

MS. MCENTEE: Can I ask questions before we go? Minor.

CHAIRMAN SALADINO: Sure.

MS. MCENTEE: Joanne McEntee, 242 Fifth Avenue. I am a little concerned about the new agenda and just wondering why the changes and why we're not informed of what they used to be? I'm thinking that the public would really like more information. This is really extremely vague. They're one sentences, we have no information.
Public really wants to come here I'm thinking with more knowledge.

CHAIRMAN SALADINO: Well, I'm going to explain to you. On this particular, just so I'm on the same page as you, on this particular agenda, what would be the item number that you would be --

MS. MCENTEE: Well, I think some people come --

CHAIRMAN SALADINO: Just if you could --

MS. MCENTEE: Just a little more blurb about, like, say item number 5. I mean, don't go out into all details, like, we all know what was happening with it, the people that come here on a regular basis, you know, that's understandable. For SAKD --

CHAIRMAN SALADINO: Well, just let me explain about that. My thinking was -- and it's different from the previous chairman, my thinking was item number 5, there was a public hearing.

MS. MCENTEE: Correct.
CHAIRMAN SALADINO: The public notice was distributed. It was read and reread. This discussion is for the Board. First of all, the agenda -- just so everybody here -- and I'm not saying this to be condescending.

MR. SWISKEY: Elitist.

CHAIRMAN SALADINO: I don't even know what that means. I'm not saying this to be condescending or -- the agenda is a courtesy --

MS. MCENTEE: For us.

CHAIRMAN SALADINO: No, for the Board. So the agenda is so the Board has an idea of what's happening, and that works for all corporations, municipalities. Some choose to expand, some choose not to. I thought our time and the public's time would be better spent with less on the agenda reading instead of a seven page agenda, a one page agenda, on settled business, like, Liakeas where there was a public hearing, and a public notice, and it was closed, and by rights, the public
really -- again, I run things a little differently, everybody will attest, but I kind of let everybody talk.

MS. MCENTEE: We like it.

CHAIRMAN SALADINO: I let everybody talk. So this in the past there would be no discussion by the public about SAKD, about Liakeas, about Mr. Olinkiewicz's application because there is nothing to be -- item number 6, Mr. Olinkiewicz's application, if we chose to accept it tonight as was last month's with the public hearing for -- somebody refresh my memory?

MS. NEFF: December 20th.

CHAIRMAN SALADINO: Last month we had a public hearing, we scheduled the public hearing, the notice for the public hearing was stapled to the agenda so the public had all the information. With an application like SAKD, even an application like Liakeas, it's thirty pages. For me to even give a synopsis, it's a quarter after 7:00 now, to spend twenty-five minutes
reading each item number for settled
business, it just didn't seem
productive to me. I thought this was a
better way to take care of the
Village's business, make it easier on
the Board, and believe it or not, on
the public.

MS. MCENTEE: Okay. So I would
make a suggestion, I guess, because it
is sometimes people who maybe have
missed a little bit, just a little
blurb, not this one sentence of
something. I do think it helps refresh
people's memory, also for the public
who is watching that don't watch on a
regular basis. I also feel that if
even Mr. Olinkiewicz, something, there
was a blurb in there to let us know,
you know, it could be two, three, four
sentences, something, it doesn't have
to be large. I think we're all pretty
educated here, we're all regulars that
do come, but it's the people that don't
on a regular basis or that may miss one
or two meetings.
CHAIRMAN SALADINO: Well, the other thing I would add is that all that information is part of the public notice and it is online. You can --

MS. MCENTEE: I do not see it online, so could you tell me where it is online? Because it's never there.

CHAIRMAN SALADINO: Since I became chairman I made a request to the clerk, and last month she complied, and the public notice was, in fact, online because I saw it. So moving forward --

MS. MCENTEE: This was not online. When it said the attached calendar, the calendar was not attached and nothing else.

CHAIRMAN SALADINO: But it was attached to the agenda.

MS. MCENTEE: Here today, but it wasn't online. I did try to pull that up myself. So I'm not seeing that anything else was attached online. And maybe that's where the issue is, so sure, we would -- I think that it's advantageous to us to get a little bit
more informed rather than just one sentences.

CHAIRMAN SALADINO: Well, again, the fact that -- what number is the calendar?

MS. MCENTEE: The calendar is the last one, number 8.

CHAIRMAN SALADINO: I'm not sure what -- were all the agendas that the public got, was the calendar attached?

MS. MCENTEE: Just this first page, and nothing else was attached, nothing. And last month as well.

CHAIRMAN SALADINO: I apologize. I had made a request that the calendar be attached, but in all honesty not the determinations. I didn't think --

MS. MCENTEE: It did say it was attached, but it was not.

MS. WINGATE: The determinations have never been part of the public record.

CHAIRMAN SALADINO: No, I understand that, and I made it my business to tell the clerk and to tell
the building inspector when we did this
not to include the determinations
because it was settled.

MS. MCENTEE: I completely
understand, but just a blurb of what is
going on kind of refreshes some
people's memory. The other thing is
number item number 7, I know that you
do have the determinations on there, so
I am talking about the determinations
now, but it would be nice to say these
are the three that you are going to
discuss, like, Foote, Nicholson, and
Tuthill. So that would be nice to let
the public know that's what you're
talking about, that's what we're coming
here to finalize.

MS. WINGATE: There is no
discussion.

CHAIRMAN SALADINO: There is no
discussion.

MS. MCENTEE: No, just saying this
is what you're --

CHAIRMAN SALADINO: It's a vote.

MS. MCENTEE: It just says accept
the findings of previous granted
variances. So that just allows us I
think --

MR. PROKOP: That's up to me I'll
take care of that -- I'll see if I can
help the chairman take care of that in
the future because I do the
determinations, so I can give him a
heads up.

MS. MCENTEE: They're simple.

CHAIRMAN SALADINO: Thank you for
suggesting that and thank you for
bringing that -- I'm not inclined to
include this on these.

MS. MCENTEE: I'm not -- I don't
think anybody in this room or anybody
would ever come and say that we're
looking for ten to twelve sheets of
paperwork.

CHAIRMAN SALADINO: So just for my
own -- just so I understand because
obviously everybody else seems to get
it, but I don't. What's the -- so with
item number 7, and again, honestly I'm
not trying to be obtuse here, but
honestly with item number 7, what
exactly is the hardship to show up here
and get them?

MS. MCENTEE: They're just from
you, but there are --

CHAIRMAN SALADINO: If you were
here last month you heard us vote on
this.

MS. MCENTEE: I did. But
sometimes if we know it beforehand, we
can do our research at home just to
say, you know what, okay, that's fine,
we may not have to make this meeting
and listen to it, we can watch it on
TV. We have options also. This is a
tool for us. You know, time is of the
essence in everybody's world.

CHAIRMAN SALADINO: With all due
respect, this is a courtesy.

MR. SWISKEY: Oh, wow.

CHAIRMAN SALADINO: Really?
Really?

MS. MCENTEE: I did like the old
format better from three months ago.

CHAIRMAN SALADINO: I'm not
prepared to go back to that.

MS. MCENTEE: I understand that, but if there's any way that you can possibly help out and add in another three more sentences to give us a little bit of tool to work with. I personally -- here's one, and I have, you know, there was a motion of an application tonight, and my thought is it would have been nice to know a little bit about that application, not a lot, give me a little bit.

CHAIRMAN SALADINO: You wouldn't have been entitled to speak anyway.

MS. MCENTEE: That's correct, but I already could have start doing my work at home.

CHAIRMAN SALADINO: But you would have had thirty days to do it. If we accepted the application tonight and scheduled a public hearing, that would have been public information, you would have got the information in the public notice published in the newspaper, on the bulletin board, and on the website.
MS. MCENTEE: And the FOIL takes forever.

CHAIRMAN SALADINO: What are you FOILing? It's posted, it's public information.

MS. MCENTEE: In the paper it is public.

CHAIRMAN SALADINO: It would be posted in the paper, it would be posted on the bulletin board at Village Hall, and with the agreement that I made with the clerk, it would be posted online. So what would you have to FOIL?

MS. MCENTEE: Well, I'm just asking -- really my biggest thing is just asking for a little bit more so when we do come here, you know, I work full-time, it is very difficult for me to head on down to the Village Hall. I do work here locally, but not everybody does. It's just a little bit more easier I believe that it can be a little bit more added but not added like it was before. That's just what I have. Thank you.
CHAIRMAN SALADINO: Thank you.

Anybody else?

MS. NEFF: Mr. Chairman, I'm going to say at times I think we forget that some people do watch this, and to go from the level of detail which particularly when all of it was read was to some ears and eyes excessive to such a sketchy, clear but sketchy, is an extreme difference, and I think that a small section of what we're talking about in, like, three lines might be helpful in a transition.

CHAIRMAN SALADINO: Maybe I'm just not smart enough to discern what Joanne might think is relevant and what Jimmy might think is relevant and you might think is relevant. Now, if I take all of that into conversation, we're back to a seven page agenda.

MR. PROKOP: I think I can help. I'll meet with you before the next meeting.

CHAIRMAN SALADINO: You know, believe it or not, Joe, and everybody
here, unless this Board votes to change
this format, with all due respect to
Joanne and everybody else that's got a
complaint, I'm inclined to keep it. So
I would ask the consensus of the Board,
if this is too abbreviated, and perhaps
if you disease decide that it is, you
could -- when the applications come out
fifteen days before, we can collect
them, and you can pick up your bundles,
and you can make suggestions about how
to word this on the agenda. Is that --

MS. GORDON: Adding work?

CHAIRMAN SALADINO: I agree. Is
there anything else? Does anybody else
have anything else to say? Billy, did
you want to say something?

MR. SWISKEY: William Swiskey, 184
Fifth Street. All due respect, Mr.
Chairman, if I just walked in the door
tonight and I saw this item number 6,
what was Mr. Olinkiewicz asking for?

CHAIRMAN SALADINO: It's not the
public's domain until we accept the
application.
MR. TASKER: Sure it is.

CHAIRMAN SALADINO: No.

MR. SWISKEY: That sounds to me
like secrecy in government. The
Village of Greenport has always been
one of the most open governments there
is.

CHAIRMAN SALADINO: Billy, this is
not about keeping secrets, it's about a
timed tradition, it's about accepting
an application, accepting an
application. The public doesn't get to
voice its opinion because there's no --
the only time we can accept testimony
from the public is during the public
hearing.

MR. SWISKEY: We understand that.

CHAIRMAN SALADINO: As far as the
application, until we accept it, it's
not part of the public domain. Once we
accept it, the public notice comes out,
every aspect of the application is in
the public notice for you and the rest
of the people to read it in the
newspaper, on the bulletin board, or
online. I'm just not sure of why you need the information sixty days before it's discussed as opposed to thirty days.

MR. SWISKEY: Maybe I'd like to go down there and look at the property and see exactly if he wants X amount of variance for here. You know, people like to be able to --

CHAIRMAN SALADINO: But that's your right, Bill, that's your right, and you can certainly do that once the public notice comes out.

MR. SWISKEY: I mean, David, do you agree with this?

MR. CORWIN: I think we should just try -- the old way was way too long, let Chairman Saladino try to adjust it a little and make some people happy.

MR. SWISKEY: What about the members of the Board? Arthur, you're a new member, how do you feel?

MR. TASKER: I'm too new to comment, Bill.
MS. NEFF: I think I already commented, but I will say a little bit more, which is particularly when we're talking about the item on the agenda of the public hearing and spelling it out in great detail for that is very beneficial, and I think the repetition in some of the subsequent ones that have happened in the past actually helps us all.

CHAIRMAN SALADINO: I have to be honest, I'm not prepared to do that. If I prepare the agenda, I'm not prepared to do that.

MS. NEFF: For the public hearings, some detail?

CHAIRMAN SALADINO: The notice --

MR. PROKOP: It should say see attached notice and then --

CHAIRMAN SALADINO: It was -- last month, whatever was published in the newspaper and whatever was in front of us on the application --

MS. WINGATE: And there's a placard.
MS. NEFF: And a placard on the street in the door.

CHAIRMAN SALADINO: But we don't want anybody go out in the rain or we don't want anybody to have to go look at the property, so we'll put a pin in that for a second, but as far as the public notice, everything that's in the public -- everything that's on this application for us will be in the public notice. I just for the life of me can't understand the hardship of reading a separate piece of paper that's stapled to the agenda as opposed to being included in an item number.

MS. WINGATE: Also the village clerk has -- we've talked about putting a legal notice in the column of the -- all the ZBA meetings with the rest of the Village.

CHAIRMAN SALADINO: I got the assurance from the clerk that she would do that.

MR. SWISKEY: Well, it hasn't been done.
CHAIRMAN SALADINO: We haven't had a public hearing, Billy.

MR. SWISKEY: It doesn't need a public hearing. In other words, if Mr. Olinkiewicz makes an application, all right?

CHAIRMAN SALADINO: Billy, this is not a debate.

MR. SWISKEY: No, it's not a debate, John, I'm trying to ask a decent question, and you're set in your ways, and I'd like to ask a question. Why doesn't then Mr. Olinkiewicz's application, a copy of it attached to the agenda or online where we could read it beforehand?

CHAIRMAN SALADINO: Because it wasn't public information yet, we didn't accept it yet.

MR. SWISKEY: I've never seen a government operate like this.

CHAIRMAN SALADINO: There's a motion on the table to adjourn.

MR. CORWIN: I second that motion.

CHAIRMAN SALADINO: All in favor?
MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Meeting adjourned.

(Whereupon the meeting was adjourned at 7:27 p.m.)
CERTIFICATION

STATE OF NEW YORK )

) SS:

COUNTY OF SUFFOLK )

I, AMY BOHLEBER, a Court Reporter and Notary Public for and within the State of New York, do hereby certify:

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on November 15, 2016.

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

IN WITNESS WHEREOF, I have hereunto set my Hand this 26th day of November, 2016.

Amy Bohleber

Amy Bohleber