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 December 20, 2016
9 6:00 P.M.
10 Third Street Fire Station
11 Greenport, New York
12
13 B E F O R E:
14 JOHN SALADINO - Chairman
15 DAVID CORWIN - Member
16 DINNI GORDON - Member
17 ELLEN NEFF - Member
18 ARTHUR TASKER - Member
19
20 EILEEN WINGATE - Village Building Inspector
21 JOSEPH PROKOP - Village Attorney
22
23
24
25

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CHAIRMAN SALADINO: Okay. Folks, this is the December 20th meeting of the Zoning Board of Appeals. Call the roll for the stenographer since we don't have name plates. Here tonight is Mr. Corwin, Ms. Gordon, Ms. Neff, Mr. Tasker, and myself, John Saladino.

Item number 1, motion to accept the Zoning Board of Appeals minutes for the meeting held on November 15, 2016.

MR. TASKER: So moved.

CHAIRMAN SALADINO: Is there a second?

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Item number 2, motion to approve the Zoning Board of Appeals minutes for the meeting held on October 18, 2016. So moved.

MS. NEFF: Second.

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

MS. NEFF: Aye.

MR. TASKER: I abstain.

MR. CORWIN: I abstain.

CHAIRMAN SALADINO: Motion to schedule the next -- we have a calendar, folks, but just because it's here, I'll say it. Motion to schedule the next Zoning Board of Appeals meeting for January 17, 2017. So moved.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MR. TASKER: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: Motion to accept the findings and determinations for the variances for -- I'll read them individually. I'm going to make a motion to accept the findings and determinations for the application of Sara Latham, applicant for variance approved 517 Main Street, Suffolk
County Tax Map Number 1001-2-1-25. So moved.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MS. NEFF: Aye.

MS. GORDON: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Opposed?

MR. CORWIN: Nay.

CHAIRMAN SALADINO: I'll vote yes.

The second determination is an application for James Gleason for a variance approval, 144 Central Avenue, Suffolk County Tax Map 1001-5-1-16.1. So moved.

MR. TASKER: Second.

MR. CORWIN: Before we vote, on the second page under findings, second sentence, there was a two family structure that is being converted to a one family structure by the applicant. Somebody refresh my memory, I don't remember saying that that was a two family structure.

CHAIRMAN SALADINO: Wasn't Gleason
for a pool?

MS. NEFF: Well, the whole house was being redone, and that was the one part that we were dealing with, correct?

MS. WINGATE: It's been a while, but I believe the existing CO when he bought the house was two family, in fact, I'm positive, now I recall.

CHAIRMAN SALADINO: And it's being converted to a one family?

MS. WINGATE: Uh-huh.

CHAIRMAN SALADINO: So this is correct?

MS. WINGATE: Yes.

MR. CORWIN: Thank you.

CHAIRMAN SALADINO: Was this seconded?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

MR. TASKER: I abstain.

CHAIRMAN SALADINO: And one
abstention. The last one we have is
the findings and determinations of an
application of SAKD Holdings LLC.

MS. GORDON: What about Foote?
CHAIRMAN SALADINO: Foote we did
last month, we did Foote last time.

MS. WINGATE: Foote was my
mistake.

CHAIRMAN SALADINO: Application
for SAKD Holding LLC by Daniel
Pennesi, president, southeast corner
of Front and Third Street, Village of
Greenport, Suffolk County Tax Map
Number 1001-5-4-5. Just before -- I'm
going to make that motion, but before I
ask for a second, this is a fifteen
page document. We got it tonight. I
understand Mr. Pennesi is anxious for
this. I haven't read the whole
document. I read a draft, and that was
corrected, and then I read another
e-mail that the applicant had
suggestions for a change, and that was
from this morning. So I'm -- myself,
I'm going to -- I plan on abstaining.
So I'm going to ask for a second.

MS. NEFF: Could I ask a question?

CHAIRMAN SALADINO: Sure.

MS. NEFF: I've been reviewing this about since 1:00 this afternoon. I don't know if there were changes before that, I don't know whether I'm looking at the one we should be looking at or not? I think I did review that Mr. Pennessi had made some changes, so is the one I have in front of me the current one, which I have had time to review.

MS. GORDON: Yes, I would like to know that too.

MR. PROKOP: What does it say at the top?

MS. NEFF: December 20th.

MR. PROKOP: That's the most recent version.

MS. GORDON: That's what I read also early afternoon today.

CHAIRMAN SALADINO: Okay.

MR. TASKER: An hour ago.

MS. GORDON: You said it.
MS. NEFF: I'm talking about 1:00 today.

CHAIRMAN SALADINO: All I'm saying is I haven't thoroughly reviewed this. My intention is to abstain. The other members' opinions will be expressed in their vote.

MS. NEFF: But I am looking at the current one?

CHAIRMAN SALADINO: Yes.

MR. TASKER: Mr. Chairman, I will let you know that I will abstain as well, having only seen this for the first time about an hour ago in any draft form.

CHAIRMAN SALADINO: I'm going to make the motion to accept this. Is there a second?

MS. NEFF: Second.

CHAIRMAN SALADINO: And maybe we'll do a roll call. Mr. Corwin?

MR. CORWIN: No.

CHAIRMAN SALADINO: Are you abstaining, or you vote no?

MR. CORWIN: I'm voting no.
CHAIRMAN SALADINO: Ms. Gordon?

MS. GORDON: Yes.

CHAIRMAN SALADINO: I abstain.

MS. NEFF: I'm up? Yes.

CHAIRMAN SALADINO: Mr. Tasker?

MR. TASKER: I abstain.

CHAIRMAN SALADINO: All right.

We're going to put this on the side until everybody has a chance to review it. There's two abstentions, one no, and two yeses. We're going to put this on the side until everybody has a chance to thoroughly review it, and I guess the procedure is we'll vote on it again next month.

MS. NEFF: Mr. Chairman?

CHAIRMAN SALADINO: Yes.

MS. NEFF: Is there any other items besides what's on the calendar that I'm looking at or the agenda?

CHAIRMAN SALADINO: As far as what?

MS. NEFF: Is there an opportunity that we could recess and review it for twenty minutes now?
CHAIRMAN SALADINO: I'm uncomfortable doing that.

MS. NEFF: Would additional time change anything?

CHAIRMAN SALADINO: I don't see the hardship. I don't see what -- Mr. Pennessi got his variance, we held a special meeting to accommodate him. The findings and determinations -- we just voted -- Ellen, with all due respect, we just voted on the findings and determinations from June. I mean, I don't see why --

MS. GORDON: Why is it that we didn't get it with more advance time?

CHAIRMAN SALADINO: I don't know.

MR. PROKOP: Because we don't have a Clerk of the Boards, and I printed out the minutes of our proceedings since we got this application, not including anything else, just specifically this application. I have here probably about eight hundred pages, and then also the documents that have to do with this application that
was submitted, and what was required to do, this resolution, was to review all these documents. I also did not have a vote from -- there's been no e-mail communication with the Village for two weeks, so it's extremely difficult to work on this, but with Eileen Wingate's help, I was able to pull everything together to get it for tonight, but that's basically it.

CHAIRMAN SALADINO: I don't think anybody is casting any stones, Joe, I think we're just, you know, expressing our opinion, what we're comfortable with.

MR. PROKOP: I appreciate that.

CHAIRMAN SALADINO: I don't think Mr. Pennessi is suffering any kind of hardship by doing it next month. He got his variances, he can go to the Planning Board. I mean, I'm not sure what the hardship is.

MS. GORDON: So it is insignificant in terms of his ability to proceed that he hasn't received
approval from us for the findings and conclusions?

CHAIRMAN SALADINO: I think it's fairly simple for him to proceed.

MR. PROKOP: He's still going to be on the Planning Board agenda. They have his application, they'll be proceeding.

MS. NEFF: Whether or not this is finished tonight?

MR. PROKOP: Yes.

MS. NEFF: What's the date of that?

MS. WINGATE: The 29th.

MS. GORDON: Okay. I thought he would be held up.

MR. PROKOP: No.

MS. GORDON: If that's not the case, then I'm not worried about it.

CHAIRMAN SALADINO: In all honesty, I was never quite sure why -- I don't know the applicant's situation, whether it's a business concern, or a logistics concern, or I just never understood what the applicant's
personal concerns with having this here tonight. We voted on his variances in a special meeting, he apparently got what he needed to go forward. This doesn't hinder him in any way. The attorney explained that the e-mail was down for two weeks. I mean, I think it's unreasonable for somebody to get a fifteen page document at the beginning of a meeting. I'm not prepared to recess this meeting to read this document. We'll just do it next month. Does anybody else have a concern about that? No? Moving forward. Did we do them all?

   MS. WINGATE: Yes.

   CHAIRMAN SALADINO: All right. I'm going to take this out of turn just because we'll keep it -- because there might be a few minutes worth of discussion, item number 5, we're going to do item number 6. It's a discussion of a request for an interpretation of Section 150-18 of the Village Code as it relates to zoning districts.
section 150-18, as the Board knows, and for the benefit of the public is a stand alone article for multifamily housing. There's a new request from the Building Department to clarify exactly where multifamily housing -- what zoning districts multifamily housing is --

MS. WINGATE: It's a request to get more information on where Section 150-18, which zones it is relevant to.

CHAIRMAN SALADINO: Okay. It's not a request for information, it's a request for interpretation, so we're going interpret the code to say exactly where, which zoning districts 150-18 -- and just to explain, we're going to schedule a public hearing, and we're going to notice that public hearing, so all the information will be there, which is basically what I just told you now, which zoning districts will have to comply with 150-18. So I'm going to make that motion. Is there a discussion about this?

MR. TASKER: Yeah. Is this a
written request, do we have this in
written form?

MS. WINGATE: No, I have not -- I
get to write the legal notice, so that
will be it.

MR. PROKOP: That's my comment. I
think the request has to be in writing.
Excuse me, should be in writing.

MR. TASKER: What kind of action
are we being asked to take this
evening, John?

CHAIRMAN SALADINO: This evening
all we're being asked to do tonight --
this interpretation rises to the level
of a public hearing. All we're doing
tonight is scheduling a public hearing
and noticing that public hearing, not
making any comments on the
interpretation.

MR. TASKER: Without seeing a
request specifically in writing, I'm
going to have to abstain from this.

CHAIRMAN SALADINO: Okay, Arthur,
that's certainly your privilege. From
reading the code, I didn't read -- all
it says to me is that -- and I have the
book here, it says that upon request
from the Village official, and it names
seven or eight, ten different
officials, it doesn't say it has to be
in writing, I'm willing to accept the
request from the Building Department.
It was made also by the Village
Administrator through the code
enforcement officer, so I'm content
with that. And I'm sure if we need
that, we can have it incorporated into
the public notice and have it in front
of us before the public hearing. But
again, you know, your opinion can be
expressed with your vote.

MS. NEFF: Mr. Chairman, I would
also request that for us and certainly
for the public at an open hearing, if
we choose to schedule it, that there be
a zoning map, a small copy and a larger
one displayed along with the complete
text of this article. Without that,
it's hard for people to know what it is
we're talking about.
CHAIRMAN SALADINO: A zoning map?

MS. NEFF: Yes. There are two family houses mixed in, and they're not all in zones. And multifamily. So I think it's helpful to have that.

CHAIRMAN SALADINO: We're not --

MS. NEFF: I'm saying for such a meeting, if we choose to schedule it.

MS. GORDON: Do you mean something more detailed than the map that's on the website?

MS. NEFF: Well, I'm talking about a copy at present for people to look at at such a hearing.

MS. WINGATE: Very easy.

MS. NEFF: Okay. That's all.

CHAIRMAN SALADINO: Anyone else?

MR. PROKOP: I'm just concerned -- I'm not speaking in terms of whether you accept this or not, but just in terms of the record, in the Village there has to be a record of everything we do, and so I think there has to be some kind of written request, and the written request should also frame...
exactly what we're looking into. I'm just concerned, the fact that it's not written right now, I mean, things kind of take a life of their own, I'm just concerned that it will, you know, Ms. Wingate I'm sure has in her mind exactly what the question is, and I don't want it to morph into something else between now and when it gets to the table.

CHAIRMAN SALADINO: Well, you have to approve the public notice, it has to come to the Chairman.

MR. PROKOP: Yes.

CHAIRMAN SALADINO: We take verbal requests from the Building Inspector all the time.

MR. PROKOP: I'm not saying we shouldn't, but I just think that at some point we should --

CHAIRMAN SALADINO: I believe I said that. I believe that we'll have that to be included in the public notice, and I thought we were assured by the Building Inspector we would have
it in front of us before the public hearing.

Ms. Wingate: I can have it done by Monday.

Chairman Saladino: Before the public hearing. I'm fine. If the members are fine with that, we'll make a motion and vote on this. Anybody else?

Mr. Corwin: I would like to see it in writing myself.

Chairman Saladino: All right. Then we'll vote and obviously there's three people uncomfortable, we'll table it until next month.

I'm going to make a motion to schedule a public hearing and notice for an interpretation of where 150-18 relates to zoning districts in the Village Code. So moved. Is there a second?

Ms. Neff: Second.

Chairman Saladino: I'll do a roll call vote. All in favor, David?

Mr. Corwin: No, not until we have
something in writing.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: I'll vote yes.

Okay. That's going to be tabled, we'll bring it up again next month.

MS. GORDON: We've officially requested the request in writing.

CHAIRMAN SALADINO: I don't believe I did that. We can make that motion. I don't believe we have to make that motion. I don't need a motion. We'll get the request in writing from the Building Inspector, and we'll vote on that.

MR. TASKER: We'll have it to review in advance of the next meeting?

MS. WINGATE: Yeah.

CHAIRMAN SALADINO: Before we take up item number 5, there's been some discussion between myself and the
Building Inspector, and I'm going to explain it to the Board and get an opinion before we do anything. There's been some conversation between the Building Inspector, the Village Administrator, and myself, and the attorney I believe about the procedure of accepting a subdivision. As it works now, the Planning Board gets an application for a subdivision, and if there's any mention of zoning, it's out of hand, and I got to be careful of the words that I use here because if we say denied it doesn't come here, it goes for judicial review, it's either tabled or rejected. Then it comes to zoning, and zoning is asked to rule on variances that are incorporated into the subdivision application. What happens is is that zoning is asked to make determinations and decisions about variances on lots that in effect don't exist. Lot lines are hypothetical, so the process is it goes to planning, it's rejected out of hand, it comes to
the zoning, zoning rules on variances
for lots that don't actually exist. If
it's -- if those variances are
approved, it goes back to zoning --

MS. WINGATE: Back to Planning.

CHAIRMAN SALADINO: Back to
Planning, and I mention that because
for site plan review and to rule on the
subdivision, we're adding a step to the
process, so it was suggested -- it's
been discussed that that's the way it
-- and we'll remind the public and the
Board that our subdivision plan is only
in effect for three years?

MS. WINGATE: Two.

CHAIRMAN SALADINO: Two years. So
we've only had a limited number of
subdivision requests come before us.
My contention is is that there's
nothing that prevents Planning from
accepting the application and
conditionally and with a primary plat
conditionally approve the subdivision
plan.

MS. NEFF: Could you repeat what
you just said, just that last little part? I didn't understand.

CHAIRMAN SALADINO: There's nothing that prevents Chapter --

MS. WINGATE: 118.

CHAIRMAN SALADINO: 728 of New York State Village Law, there's nothing in that or in our code that prevents the Planning Board from accepting the application, reviewing the application, approving or denying the application conditionally. If they deny the application, it goes for judicial review, it goes for the administrative law judge to make a decision. If they accept the application and conditionally approve, which they have the right to do, the subdivision, it would then come to the Zoning Board before final plat approval. It would then come to the Zoning Board with defined lot lines, defined lots for the Zoning Board to be able to consider variances without having to worry in the future or concern itself in the
future if anything changes. If the
Zoning Board approves those variances,
the Planning Board had already
conditionally approved it, it can go
for final plat approval, it would
eliminate one step in the process. It
would eliminate four or five months for
an applicant in the process. I have a
few definitions I'm going to read, then
I'm going to open it up to the Board
for a little bit of discussion, and
then I'm going to make a motion on
whether to accept this or not. This is
according to New York State
Consolidated -- well, Village,
Dedicated Village Law, subdivision
review, and in it is primary plat
approval means the approval of a layout
of a proposed subdivision set forth in
a primary plat, but subject to the
approval of the plat in its final form
in accordance with the provisions of
this section. It makes provision for a
conditional approval, and it says
conditional approval of a final plat
means approval by a Planning Board of a final plat subject to the conditions set forth by a Planning Board in a resolution conditionally approving such plat. And then it gives a definition of a final plat where it says final plat approval means the signing of a plat in final form by a duly authorized officer after conditions specified in a resolution granting conditional approval of the plat are completed.

MS. NEFF: Mr. Chairman, do we have copies of what you just read or no?

CHAIRMAN SALADINO: I could certainly give you the section of the code where it applies.

MS. NEFF: I'm just talking about where you read, we don't have copies of that?

CHAIRMAN SALADINO: No.

MS. NEFF: Okay.

CHAIRMAN SALADINO: So just to summarize, it's been suggested that before a decision is made -- it's been
suggested before a decision is made and
before we put another application in
the queue -- right now we have two
applications in the queue. By
experience, we all know, the higher the
pile gets, the less likely things are
to get addressed. So the Village
Administrator suggested meeting with
the attorney, Building Inspector, and
two board chairmen and himself --

MS. WINGATE: Yes.

CHAIRMAN SALADINO: -- to see what
exactly would be the right process to
go forward. So our options tonight are
first to discuss this, and then in
terms of that discussion, either to
accept or table this until the Village
Administrator, the Village Attorney,
and the Building Department have a
chance to discuss what the correct
procedure.

MR. PROKOP: When you say accept
this, do you mean -- when you say
accept this, does that mean -- are you
referring to item number 5?
CHAIRMAN SALADINO: I'm referring to item number 5, yes.

MR. PROKOP: Okay. Because it doesn't identify -- it just says it's notice and schedule a public hearing for somebody, and it doesn't say what it's about. So this is a subdivision application?

CHAIRMAN SALADINO: This is a variance request. Do we have the Planning Board's recommendation, denial, recommendation?

MS. WINGATE: They tabled it and said it's a Zoning Board --

CHAIRMAN SALADINO: They tabled it?

MS. WINGATE: They tabled it and sent it to the Zoning Board.

CHAIRMAN SALADINO: So just again, to explain to the public, we don't control subdivision, all we control is the variances, but we've become -- for some reason, we've become -- as anybody that's ever attended a public hearing for a subdivision, it's never -- the
conversation never revolves around lot lines, front yard, rear yard setbacks, it always revolves around subdivisions. We have to keep reminding the people that that's not our purview. We don't decide subdivisions. So this would actually let the Planning Board fulfill its mandate by deciding on subdivisions, it would come here, it would be a two step process as opposed to a three step process. Excuse me, I have a cold. So I'm going to open it up for questions and discussions to the Board for a couple of minutes.

MS. GORDON: I'm quite uncomfortable with being in the position where we make decisions about -- even if it's not for lots that are -- I'm uncomfortable about making decisions about the variances when, in effect, if we reject the variances, we've done the job -- we have done the job of the Planning Board to decide on the subdivision because without the variances, the property can't be
subdivided. So I'm not clear about the
-- how the law really comes down on
this, but I'm very uncomfortable in
effect doing the job of subdivisions,
which the Planning Board is supposed to
do.

CHAIRMAN SALADINO: I personally
agree with you. I think we have a
mandate, I think they have a mandate.
I think there's nothing in the law that
prohibits them from taking the issue
up, voting on it conditionally, and
then have us with defined lot lines
voting on those variances. Obviously,
you know, the Zoning Board is in a
difficult position because what we do
can go back to the Planning Board and
somehow I don't want to say change
because then it would have to come back
to the Zoning Board again. It's my
belief that it would save at least some
time for applicants. It would better
serve the public, better serve both
boards I believe, and better serve the
applicant.
So this evening it would be just to allow -- just to allow -- without adding another application to the queue, just to allow the Village officials, the attorney, the Building Inspector, the Building Department, and the Village Administrator to have a few minutes, have a little bit of time with the two board chairmen to decide exactly what the best process is, to do as we normally do or perhaps consider the other process.

MR. PROKOP: If that's -- if your suggestion is that before we take action on number 5 that we have this meeting, I'm in favor of that, I would recommend that we do that because I think that -- I have a number of things to point out to you I think that haven't been taken into consideration. I rather not do it tonight, I'd rather have time to prepare for that meeting.

CHAIRMAN SALADINO: I believe that was the feeling of the Village Administrator today also. I wasn't
sure how Eileen felt about, that's how
I feel about it. But I also told the
Village Administrator that I would put
it to the members. What they choose to
do -- my recommendation would be to
table this. Obviously I'm going to
vote, I'm going to put it to the
members after a couple of more minutes
of discussion, and see what they have
to say.

MR. TASKER: If I may, I'm very
much in favor of seeing if such a
procedure can be developed that doesn't
put the cart in front of the horse.
This particular applicant unfortunately
is going to maybe have to go back to
square one, and rather than a two step
process, he may see a four step
process, but that's how sausage is made
unfortunately. So I would encourage
the determination between the boards,
and you, and Mr. Prokop have suggested
to outline a procedure that gets things
in the proper sequence.

CHAIRMAN SALADINO: Arthur, I
agree with you. It was my intention,
depending on what happens with this
application tonight, to either just
move forward with it or apologize to
the applicant. So if there's -- is
there any more discussion? David?

MR. CORWIN: Yes. Are there
people paying attention or are you
chatting over there? My theory is if
it isn't broke, don't fix it.
Everything is pretty much subdivided.
We're in a speculative bubble now,
which is why we're seeing so many
subdivisions. I don't particularly
like them. We've been doing it this
way since the attorney suggested we
needed a subdivision law. Prior to
that, any subdivision came to the ZBA
who made a determination if they would
give the variances. If they did, then
the applicant didn't have to do
anything more, they just filed with the
clerk --

CHAIRMAN SALADINO: No, it always
went to Planning.
MR. CORWIN: I don't believe so.

MS. WINGATE: It had to go to Planning because the Health Department needed the Planning Chair to sign off on it.

MR. PROKOP: It was supposed to go to Planning, excuse me.

MR. CORWIN: And my problem is if it goes to the Planning Board first and they have to make a decision on whether they approve a subdivision or not, and they say yeah, they don't want to get involved in the controversy, so they say yeah, subdivision, fine, we'll leave it to the ZBA. Then once they say that, it's almost on the ZBA, you got to go along with this because the Planning Board said it was okay. So I want to see it stay the way it is.

CHAIRMAN SALADINO: Could I just to respond to that? The ZBA would never see an application for subdivision. It would see an application for --

MR. CORWIN: For a variance after
the subdivision was approved, and I'm not in favor of that.

CHAIRMAN SALADINO: It would see two different applications, one for lot one, if there's variances needed, and one for -- I'm assuming -- and we're not talking about this application now, any application, they would see two different applications because the property is conditionally subdivided. They would see an application for either lot coverage for a lot on whatever street.

MR. CORWIN: Yeah, and they would be obligated then to approve both of them because hey, the Planning Board gave it to me, you got to give it to me. No. I say no.

CHAIRMAN SALADINO: Well, David, that's certainly -- again, your opinion is going to be expressed in your vote, but I personally, I don't know about the rest of the members, I don't feel obligated in doing anything. I don't feel that's my obligation. I think my

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obligation is to review the application that's in front of me, not what some previous board did. What the Planning Board does doesn't have precedence -- doesn't set precedence for this Board. I'm more than comfortable on ruling on a variance, a land use variance after it's been to the Planning Board. I don't even want to know about the subdivision after it's been to the Planning Board. I get an application for lot one that asks for either side yard, front yard, rear yard setbacks, to me it's not part of the subdivision application, it's part of a land use, it's part of an area variance. I'm not -- I don't feel obligated to the Planning Board to approve or disapprove anything.

MR. CORWIN: And I am contending that the Zoning Board of Appeals would be obligated to the applicant, in fact --

CHAIRMAN SALADINO: Legally?

MR. CORWIN: Please, John, you're
trying to take my argument and destroy it, let me make my argument. I am saying once the Planning Board approves this subdivision, if it's this one right here tonight, then the applicant comes in, he says hey, the Planning Board gave it to me, you've got to give it to me. That's it. Now, you can say I'm not going to approve any variances, but the Board is going to feel gee, the Planning Board gave it to him, we've got to give it to him one way or the other.

CHAIRMAN SALADINO: Is that the opinion of the Board?

MS. NEFF: Well, I would just like to say that what I read in the part you excerpted from the New York State Code, it talks about conditional and preliminary subdivisions, and I think that if something is rejected by the Planning Board and it comes to us to take a look at a sketch, really, a preliminary sketch or conditional, then it's not ordained that the ZBA has to
do anything. I'd totally be with David that that would not be my idea of the role as a member I would play. It's look at it. The fact that the Planning Board already looked at it and sent it over here doesn't carry the weight of it has to happen to me and it has been in the past.

CHAIRMAN SALADINO: Wait, I'm confused. What are you talking about has to happen? David's contention is that if the Planning Board votes to a conditional approval for subdivision that we're obligated to vote.

MS. NEFF: I think when you add the word conditional, it doesn't say that at all. Conditional means if.

CHAIRMAN SALADINO: Then you're making my argument, you're not making David's argument.

MS. NEFF: Okay.

CHAIRMAN SALADINO: I'm confused.

MR. PROKOP: I think that it's my understanding -- I would like more time to -- I didn't realize this was going
to come up tonight. At 5:35, the Village Administrator told me that there was going to be a discussion about this tonight.

CHAIRMAN SALADINO: Just to clear the record, he's been aware of it for the past two weeks, as has the Building Inspector.

MR. PROKOP: 5:35 tonight. But anyway, my understanding is that in one or two towns, not villages, one or two towns that I'm familiar with, you go to either the ZBA or the Planning Board first, but that's under a different law. I don't believe that that's the case in the Village Law, and the condition that you're referring to does not have to do with -- my understanding is that the condition that you're referring to does not have to do with zoning conditions because in a later section, 7-730, subsection 3 says that the Planning Board can only approve a subdivision that complies with the zoning.
CHAIRMAN SALADINO: On the final plat. Conditionally on a primary plat, but only on a final plat, so they have full latitude to --

MR. PROKOP: I think this points out why we should -- we should have this discussion in the meeting, and then I can give you a more formal opinion.

MR. CORWIN: Will this be an open meeting that anybody can come to?

CHAIRMAN SALADINO: I don't have a problem with it. I don't have a problem.

MR. PROKOP: I think it's a good idea.

MR. CORWIN: Why don't we make it either a Planning Board meeting or a Zoning Board meeting so the public can attend too.

CHAIRMAN SALADINO: That wasn't the suggestion to me.

MR. CORWIN: Well, I don't like the suggestion, so I'm saying no.

CHAIRMAN SALADINO: David, again,
you know, nobody is -- there's no arm
twisting here. I mean, this is a
discussion.

MR. CORWIN: Exactly.
CHAIRMAN SALADINO: I'm going to
make a motion to table this in light of
what we've heard from the attorney and
in light of the request to me from the
Village Administrator, in light of what
I've heard here tonight.

MR. CORWIN: Excuse me. Why is
this on the agenda in the first place,
why isn't on the Planning Board agenda?
CHAIRMAN SALADINO: Because we
have an application from --

MR. CORWIN: But whose idea was it
that hey, let's get the ball rolling,
let's send it to the ZBA first?
CHAIRMAN SALADINO: The Planning
Board.

MR. CORWIN: The Planning Board
already had this application before
them?

CHAIRMAN SALADINO: Yes.
MR. CORWIN: Okay. Thank you.
CHAIRMAN SALADINO: Is that correct?

MS. WINGATE: The Planning Board tabled it pending variances.

CHAIRMAN SALADINO: Anyone else? Okay. In light of all we've heard from me, in light of what we've heard from the attorney, in light of the message that I'm passing on from the Village Administrator, I'm going to make a motion that we accept an application, notice, and schedule a public hearing -- well, actually I'm going to make a motion to table the application from Michael Kimask, agent for Sixth Street LLC until January 17, 2017. So moved.

MS. GORDON: I'd like to be --

CHAIRMAN SALADINO: If there's no second, we'll move on.

All right. Then I'm going to make a motion to accept an application, notice, and schedule a public hearing for Michael Kimask, agent for the owners of Sixth Street LLC.
property is located at 429 Sixth Street, Greenport, New York 11944. Suffolk County Tax Map, 1001-6-3-5. So moved.

MR. CORWIN: I'll second it.

CHAIRMAN SALADINO: Is there a discussion? I know some of us had some discussion about this application.

MR. CORWIN: I have a couple of things about the application. They aren't necessarily a no vote from me tonight, but there's some things missing in the application. If we go to the first sheet, Zoning Board of Appeals application, it says applicant/owner's mailing address, 115 Sutton Street, but it doesn't say what town that is.

CHAIRMAN SALADINO: It says Brooklyn, New York.

MR. CORWIN: Not on mine.

CHAIRMAN SALADINO: Eileen, do you have a notice of disapproval?

MS. WINGATE: I do.

CHAIRMAN SALADINO: For David?
Maybe he didn't get the updated notice.

MR. CORWIN: I got the notice of disapproval, but this application needs to be corrected.

CHAIRMAN SALADINO: Okay.

MR. CORWIN: And then if we go on to sheet three of that application, question three, it says lot number one, lot area is 0.87 percent minimum. That's a mistake, I believe, but it needs to be corrected.

MR. TASKER: Mr. Corwin, where are you? I'm sorry.

MS. NEFF: Page three. There's no page number.

MR. CORWIN: Page three, question three. The proposed variances are generally not substantial. Lot area is 0.87 percent. So in other words, it was a typographical error, but it should be corrected.

Then if we go to the short environmental assessment form, sheet two, page 24. Will the action --

MS. NEFF: Just a second, you are
in the short form where?

CHAIRMAN SALADINO: Page two.

MR. CORWIN: 24, question eleven.

MS. NEFF: Four on sheet two, page two?

MR. CORWIN: Page 24, question eleven, short environmental assessment. Will the proposed action connect to an existing wastewater utility? And of course the applicant says yes, and I don't call that wrong, the problem here is that the applicant is going to have access to the second lot off Corwin Street in the Town of Southold. So how is the sewer going to get hooked up. To my knowledge, Corwin Street has no sewer. So it's either got to be an easement through lot number one, or I don't know what happens, other than that.

MR. PROKOP: We tried that. I thought there was a policy, I mean, I'm not a member of the Utility Department, but I thought there was a policy that we weren't doing that.
CHAIRMAN SALADINO: That was my understanding also. We weren't running utilities through someone else's property.

MR. CORWIN: All right. So then the answer to that should be no.

CHAIRMAN SALADINO: Well, you know, I don't know if it's a law or just policy. I don't know who decides that.

MR. PROKOP: It's not a law, I think it's a policy.

CHAIRMAN SALADINO: Are we prepared to go against policy?

MR. CORWIN: Well, the applicant has to go discuss it with the Utility Department and see what would happen. The same thing with the water service, the created lot would be hooked up as I see it to the Suffolk County Water Authority instead of the Village of Greenport, unless once again, went through lot number one or got an easement.

MS. NEFF: Mr. Chairman, there was
directly from the Village where the
water line, and it also goes back to
the sewer line, extends beyond the
Village line.

CHAIRMAN SALADINO: Preexisting.
What the attorney is talking about is
that there's since been a policy that
that wouldn't continue.

MR. CORWIN: Which is fair enough.
If the applicant can do that, the
Utility Department says yes, but then
you've got to have some type of
easement or acknowledge you've got to
have some kind of easement.

And then if we go and look at the
site plan, the plans, page number
1A-001, there's no north arrow on that.

MS. GORDON: There's no what?

MR. CORWIN: North arrow.
Generally you would have a north arrow
on a site plan. Generally we don't
require a location plan, but in this
instance I think we need one because
this is going to border on the Town of
Southold, and I'm not quite sure where
the location is on Corwin Street and how that fits in with the Town of Southold.

That also brings up in my mind where is the curb cut? Is there an existing curb?

MR. TASKER: No.

MR. CORWIN: If there's no curb, what the applicant is proposing to do is make a front -- as I see it, make a front yard off of Corwin Street.

MS. GORDON: Yes.

MR. CORWIN: And then have a driveway and a garage for a front yard. Now, we can pass on that one way or another, it's easy to say give them the variance, but what does Southold Town say?

CHAIRMAN SALADINO: I had thought that we were obligated -- the applicant is obligated to because it's on a municipal border. Do we have anything from Southold Town?

MR. PROKOP: We have to notify them.
MS. WINGATE: No, they have to notify the Town when they do the legal notice and the mailings, so we're not there yet.

MR. CORWIN: And that is all I have, and I don't think it's something that I'm going to say stop the application for, but there's certainly things that need to be attended to or corrected.

CHAIRMAN SALADINO: I think the totality of your concerns kind of make this application incorrect and incomplete.

MR. CORWIN: Well, there's a motion on the table. We can vote yes or no.

MR. PROKOP: When the Board is done, I have a couple of comments when the Board is done.

CHAIRMAN SALADINO: Before we do, any other discussion?

MS. GORDON: We haven't had a second. Can I second now?

CHAIRMAN SALADINO: You can
certainly do that, and we can continue with the discussion, or we can have the discussion, and you can second after that. Whatever you're comfortable with.

MS. GORDON: In any case, I second the motion.

CHAIRMAN SALADINO: Is there any other discussion from the Board?

MR. TASKER: Do we have any indication whether the titles of lots one and two will remain in the same hands?

CHAIRMAN SALADINO: I don't think that's -- I don't think we're required to know that. I don't have that information.

MR. TASKER: Well, the fact of the easement is one reason perhaps to know that or for them to know that certainly. Okay. No answer.

CHAIRMAN SALADINO: My answer is I don't know.

MR. PROKOP: If that was going to be approved by the Utility Department...
and then by the Board, we would need --
it would have to be a recorded
 easement, so we would need --
Mr. Tasker is right, we would need some
kind of a certification of the title to
both lots because at one point in time
-- at some point in time in the future,
there's going to have to be a recorded
 easement, and that's going to have to
be signed off on by the owner of the
second lot, the lot that's going to be
subservient on the easement to the
benefitted lot. The front lot to the
back lot.

CHAIRMAN SALADINO: And Joe, you
had some comments?

MR. PROKOP: I think there's
dimensions missing, I'm sorry, because
this isn't really my role, but I think
there's some dimensions missing,
setback dimensions missing from the
plans. I don't notice a date on the --
a stamp date on the documents that we
have, so I would just recommend that we
cut to stamp dates on these documents.
And then I think as a policy moving forward, we should -- when we accept applications, there should be some kind of representation that the escrow amount was paid. We have the right under the law and pretty much the obligation to require an escrow payment as the applications come in to offset this.

CHAIRMAN SALADINO: It was my understanding that the Planning Board doesn't require it for a subdivision application, and that's what we usually wind up with, but it was always my understanding that -- and David can kind of refresh my memory because he was the one that always -- that we needed a stamped survey, and I don't have that.

MR. CORWIN: You are correct. I missed that. There should be a survey. You are correct.

CHAIRMAN SALADINO: The rules under the Planning Board are different for subdivision application, but that's
one of the other problems that this
suggestion about Planning Board kind of
fulfilling their mandate and then the
Zoning Board filling their mandate is
the required paperwork for the Planning
Board for a subdivision is considerably
less than a variance, than an area
variance for the Zoning Board. We've
always insisted when it came to us and
half the time we got it, and half the
time we didn't, and we had to delay the
application for that, to get a stamped
survey.

So we have a motion on the table
and it's been seconded. I'm not
hurrying the discussion, but again, the
totality of the concerns for me raise
-- I have a problem. So are we
prepared to vote?

MR. TASKER: One quick additional
thing, if I may, while I'm looking at
details that sort of Mr. Corwin pointed
out, I'm looking at sheet number A100,
which is the floor plans for the
building on lot one, and I see
identified on the left on the ground
floor a porch in the southeast corner
of the building, and the second floor
unidentified what appears to be a deck
on the second floor. Is that -- should
that be correctly identified as a deck?

CHAIRMAN SALADINO: My plan says
porch.

MR. TASKER: On the ground floor,
on the right-hand second floor --

CHAIRMAN SALADINO: Oh, on the
second floor, it's not identified. It
could be the porch roof.

AUDIENCE MEMBER: That's the roof.

MR. TASKER: That's the roof, not
a deck?

AUDIENCE MEMBER: No.

MR. KIMASK: May I speak?

CHAIRMAN SALADINO: Not yet.

We're going to take comments from
the --

MR. PROKOP: I forgot to mention,
there's no authorization -- there is an
authorization. Thanks. Sorry to
interrupt.
CHAIRMAN SALADINO: That's okay. Again, we have a motion on the table, we have a second, but I'm inclined to take a couple of comments before we vote from the applicant just perhaps to clear some stuff up. We're doing it out of turn, but if the applicant briefly wants to --

MR. KIMASK: Mike Kimask for the applicant. I can address some of Mr. Corwin's concerns. It's Brooklyn, New York to let you know. The percentage is 87 and 90 percent basically of the yards themselves. I might have put the 0. but it's the percentage after that. The north arrow is missing. It's in the up position. It's up against the railroad tracks as it is down there. Water is available in the southwest district, I know that, because we did the survey over there. We weren't able to find exactly where the sewer line may have or may not have been on Corwin Street or on Seventh Street. I would imagine that Seventh
Street is served by sewer.

MR. CORWIN: To my knowledge, it's not.

MR. KIMASK: Those lots have individual septic systems?

CHAIRMAN SALADINO: I'm not sure if they're outside rate payers.

There's two houses I believe on Corwin Street there.

MR. CORWIN: Frankly, I have never been down Corwin Street.

MR. KIMASK: I know we found water on Corwin, we have got that far, so that connection can be made. We weren't able to find sewer manholes per se, but that doesn't necessarily mean they don't exist because some sewer lots have been built without manholes, they've just been extended, which is not a good practice, but that's the way it's been done in certain areas because you don't have the clean out available to it. But I can basically take a look and see if we have to basically we can do water without an easement, but we'll
see whether or not we have to do sewer
with or without an easement.

MR. CORWIN: But note if you do
water off Corwin Street, it's Suffolk
County Water Authority.

MR. KIMASK: That I know.

MR. CORWIN: That takes a customer
away from the Village of Greenport. I
don't know that that's necessarily
germane to your application for a
variance, but that takes revenue away
from the Village of Greenport, which
would always been a consideration that
we take.

MR. KIMASK: I mean, a
consideration could be we could either
come off of Sixth Street with water and
sewer, we could have an extension. We
would have to keep the line ten feet
apart, which is not a big problem,
we've got the space accordingly. And
if that's something that is within the
realm of discussion and approval, we
could do that for both water and sewer.

CHAIRMAN SALADINO: That brings up
the question of an easement again.

MR. KIMASK: The easement of the
Sixth Street LLC, both properties would
be ultimately owned under different
LLC's primarily so that there wouldn't
be a merger situation that would come
up. There would be one easement from
the Sixth Street LLC.

CHAIRMAN SALADINO: A merger
situation?

MR. KIMASK: I'm not quite sure if
we fall under the merger or not if, in
fact, we have it under the same name.
Is that an issue?

CHAIRMAN SALADINO: Properties
can't be merged.

MR. PROKOP: Well, no, if they're
in the same name, they're merged.

MR. KIMASK: It would be the other
lot would be another LLC, and those two
LLC's would have the easement for water
subservient to number one to number
two. That's easy enough to do.

CHAIRMAN SALADINO: Well, in my
opinion, we need that -- for me
personally, I would need that before I voted to accept this.

MR. KIMASK: You'd want to see --

CHAIRMAN SALADINO: I would want to see the survey, and I would want either assurances or a letter from the Utility Department that that is, in fact, what they would agree to. Like I said, we have a policy, I'm not sure if it's a law, but I know we have a policy that in the past we used to run utilities over other people's properties, and we've had a problem with that, and I know they decided to stop doing that.

MR. CORWIN: Including electricity because that's where the problem came in. I think with Mr. Herman on Center Street because he had a utility pole in his yard that he didn't like.

MR. KIMASK: Electricity can come off of Corwin Street as an extension, that wouldn't be a problem. We can get water off of Corwin, we can get power off of Corwin, the question is whether
we can find the sewer line. It would be hard for me to believe that each one of those small lots have their own septic on there, but it's possible I suspect.

MR. CORWIN: Well, the reason I say to my knowledge is because several years ago I designed a sewer extension for Seventh Street I guess it was, and it was just a couple of houses, so it certainly didn't go down far enough to pick up --

MR. KIMASK: Didn't go all the way down to Corwin?

CHAIRMAN SALADINO: Have you met Mr. Corwin?

MR. KIMASK: I'm about to. I'm familiar with septic systems, I've designed sewer treatment plants, water treatment plants, thousands of feet of water for sewer plants for an engineering firm, so this is certainly within my purview of understanding. Easy enough to do. But we'll do a little bit more to see whether or not
-- how far it may come, perhaps to
simply go to some of those houses and
ask them if they're served with sewer.

MR. CORWIN: All you've got to do
is go into the office in the Village
Hall and they'll tell you quickly
enough.

MR. KIMASK: Who is served with
sewers?

MR. CORWIN: Sure.

MR. KIMASK: They are being
charged accordingly I would imagine.

CHAIRMAN SALADINO: They would
know if they were rate payers or not,
if they were rate payers.

MR. CORWIN: They have a map of
the sewer system, that's all you need.

MR. KIMASK: You did say that you
would also like to see a tax map
showing that, showing the lot in
relation to the surrounding property.
You know it's up against the LIRR.

MR. CORWIN: I know. I would like
to see that too, a location map so I
could see the railroad, I can see the
Town line.

MR. KIMASK: Costello's is after that, and then there's a vacant lot to the west of it, and then there's a big commercial building west of that on that one side.

CHAIRMAN SALADINO: I believe it's --

MR. KIMASK: Costello's has a building immediately south.

CHAIRMAN SALADINO: Across the street, diagonal. I think it's Greenport Village --

MR. KIMASK: It's a mixed area in terms of the buildings.

CHAIRMAN SALADINO: But we're not -- from looking at your plan --

MR. CORWIN: We're just not ready.

CHAIRMAN SALADINO: There's no side yard.

MR. KIMASK: There's no side yard issue. I think from a point of view, one of the questions was in terms of its relationship -- the design of the building in relationship with what kind
of buildings go around the area.

Ultimately that's something that you
would be looking at to make a
determination to make sure that it's
something that we're not --

CHAIRMAN SALADINO: As a Board, we
would be looking at a few things, you
know, if --

MR. KIMASK: We'll amend the
application according to the
information and the requests of the
incomplete, resubmit it to Buildings to
be resubmitted. Would you -- I think
you asked whether or not this could be
tabled to the January 17th meeting, and
hopefully by that time I'll be able to
come in with information at least on
the -- have talked to the Utility
Department to see if that's something
we can do in terms of running the sewer
through with an easement. The easement
is a small part of that aspect.

CHAIRMAN SALADINO: Thank you.

Actually -- I was kind of hoping that
we would vote on tabling this to
January.

MR. KIMASK: Well, I sense that there is enough concern. Certainly the question Mr. Corwin raised in terms of what we need to add, but I also understood your discussion regarding your differences with Planning and stuff like that and Zoning, who comes first, the chicken or the egg? It's the old adage of whose on first?

CHAIRMAN SALADINO: Well, you know, and again, I want to apologize to the applicant. We know that you're the guy that's in the barrel right now, you know, and again, I apologize for that. I honestly feel bad. It's my opinion that none of this should ever take six, seven, eight months. This is not, you know, but we have to think about the second sentence, we have to think about the next guy, we have to think about the next --

MR. KIMASK: You're trying to correct a precedence that maybe was incorrectly administered before we came
along. It's all going to depend upon how Planning is going to look at this, obviously they're going to have to decide.

CHAIRMAN SALADINO: Well, they're certainly going to have a say.

MR. KIMASK: They would make a decision to a certain level before going to accommodate your concerns about having a subdividable lot in front of you when you're making decisions on variances.

CHAIRMAN SALADINO: I think the issue for both boards is what's the most -- not what was done in the past, but what would be most reasonable moving forward. I think that would be my concern. What would streamline the process? And I don't want the make this argument to you, I mean, I just --

MR. KIMASK: It effects us in terms of what we need to do. I know what we need to do in order to answer the questions of the Board, that's the easy part, that's simply to fill in

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some of the omissions and some of the
corrections we have to do, but the
bigger question is where do we fit in
the process and whether we have to
backtrack to another step before we
come back again.

CHAIRMAN SALADINO: Well, the
reality is right now there's a motion
on the table to accept this
application. Without laying my cards
out, I'm not inclined to just from the
basis of the application, just on the
basis of the totality of the concerns.
The other issue would take care of
itself if we took care -- if we chose	onight to table this application, the
other issue would resolve itself
because that conversation would happen,
and a decision by the attorney, by the
Village Administrator, and the Building
Department hopefully would be resolved
by the next meeting.

MR. KIMASK: Could I make a
suggestion? Is it possible that you
may be able to accept it with the
condition that those particular
questions be answered before the next
January 17th meeting, and if not --

CHAIRMAN SALADINO: No, once we
accept it, it's ours.

MR. KIMASK: It's yours.

MR. PROKOP: It's not just
questions because the application is
not correct to be accepted. It's
not --

CHAIRMAN SALADINO: Well, that's
my contention. My contention is that
the application is incomplete and
incorrect.

MR. PROKOP: Can I make a
suggestion, whoever made the motion now
make a motion to amend the original
motion to table the application, rather
than accept it?

CHAIRMAN SALADINO: Well, I made a
motion to -- well, okay. If you
recall, I made a motion to table it,
and I couldn't get a second, but in
light of the further conversation,
perhaps I'll do that. I'll make a
motion to --

MS. NEFF: The other one was seconded.

MR. TASKER: We have a motion on the table. Why doesn't the second withdraw their second?

MS. GORDON: I'll withdraw my second.

MR. TASKER: Go back. So there is now no motion on the table.

CHAIRMAN SALADINO: There's no motion on the table. I'm going to make a motion to table the application of Michael Kimask, agent for Sixth Street LLC to our January 17, 2017 meeting. So moved.

MS. NEFF: Second.

CHAIRMAN SALADINO: I'll take a roll call vote. Mr. Corwin?

MR. CORWIN: I'm going to vote no. I think the application could be rejected, and it would be the same thing as tabling it.

CHAIRMAN SALADINO: Okay. Dinni?

MS. GORDON: Yes.
CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No, for the same reason as Mr. Corwin.

CHAIRMAN SALADINO: I'll vote yes.

Again --

MR. KIMASK: I understand your dilemma, believe me, I've been through this many a time. Forty years of doing this, after a while you get kind of understanding of these complications that arise. With the table basically with will endeavor to address all of the concerns, amend the applications, and get it back to the Building Department to be resubmitted and try to answer the question on utilities for the water and the sewer. Water I already have an answer, sewer I have to find out what we've got to work with.

CHAIRMAN SALADINO: Just so the applicant -- just so you, in the interest of full disclosure, if the conversation between the attorney and
the Building Department sees things --

MR. KIMASK: Differently?

CHAIRMAN SALADINO: The other way, you know, we could be back to this goes to the Planning Board depending on the way --

MR. KIMASK: I understand that's out there, and I mean, that was the original discussion you had before we got involved with the secondary aspect in terms of the specific competency of the application. I could understand that we may basically -- if you feel and ultimately come to the conclusion that there be another procedure, that we may have to back step to Planning in order to get Planning to approve on a preliminary basis the subdivision plot, and then it comes back to ask for the area variances for those and then go back to Planning for the final plot.

CHAIRMAN SALADINO: Well, if they go ahead conditionally on the primary, you wouldn't have to go back to Planning for the final, it would --
MR. KIMASK: It would be automatically finalized. But we may have to go back to Planning, so they may save us a step down the road.

CHAIRMAN SALADINO: Well, it certainly would save the next guy a step. I know that's not a comfort to you.

MR. KIMASK: I've been in the barrel before, John.

CHAIRMAN SALADINO: That's our concern. You know, and actually this would have came up tonight regardless of your application.

MR. KIMASK: Regardless of the application. Our timing is -- we just happen to be ahead of the curve unfortunately.

CHAIRMAN SALADINO: I apologize.

MR. KIMASK: Don't apologize. I think we can work through this. Thank you very much.

CHAIRMAN SALADINO: Thank you. I'm going the let Joanne speak only if it's not about past decisions, only if
it's about current stuff that's going on right now.

MR. CORWIN: Before Joanne speaks, just on this last matter, would the Building Inspector, attorney once again explain the procedure with Southold Town for something like that to me.

MS. WINGATE: Yes. I spoke to Southold Town this morning. Southold Town Planning Board sees it first, they send it to Zoning for variances, it goes back to Planning for approval just the way we've always done it.

MR. CORWIN: I mean, for this particular application, do they have any consideration?

MS. WINGATE: They won't see it until they get notified by the applicant. That's part of the legal notice process. We're not there yet. I can take it to them, but that would be out of procedure.

MR. PROKOP: There's been -- as an example, there's been a variance in the Town of Southold -- on a Town of
Southold property there was a variance application, and the property was outside the Village, but it was contiguous to the Village, and the Village got the public notice that Ms. Wingate is talking about, and the Village Board put in comments. This was several years ago. So we're going to notify the Town of the public notice, that's the notice that they get, and it's up to them to comment.

MR. CORWIN: They would just make comments, they don't have any --

MR. TASKER: Authority.

MR. CORWIN: -- anything other than the law, any authority to say we like it or rather to say you can't do it until we get what we want.

MR. PROKOP: One of the things that happened here, we have a -- I believe and I'll confirm this, we have a waiver from the Suffolk County Planning Commission under the General Municipal Law, Section 239, an M&N requirement of joining municipalities.
Normally they would be -- if we didn't have that waiver, normally they would be able to comment on the -- they would be involved in the application as an adjoining municipality, but I believe that we have a waiver, I'll confirm that that waiver still exists. That would preclude that.

MR. CORWIN: With the Town of Southold?

MR. PROKOP: Yes, with the Town of Southold.

MR. CORWIN: We have a waiver with the Town?

MR. PROKOP: No, with Suffolk County.

MR. CORWIN: With Suffolk County that says you don't have to -- but even as a courtesy, they can see the public notice maybe if they're looking for it. Well, they're a property owner, so I guess they would get a copy. All right. That's fair enough.

CHAIRMAN SALADINO: I think the law states that the applicant is
obligated to notify them.

MR. CORWIN: Okay.

CHAIRMAN SALADINO: To contiguous municipalities. In my experience on the Zoning Board, I haven't had a piece of property that was next to Town of Southold.

MR. CORWIN: That's what makes this unique.

CHAIRMAN SALADINO: Has anybody else? Ellen, you've been on the Board a long time, can you remember? Not that it matters.

MS. NEFF: Well, is it possible that the Town of Southold line goes right through this property?

MS. WINGATE: No.

MS. NEFF: In other words, it is here on this edge, not in the middle of Corwin Street?

MS. WINGATE: Correct.

CHAIRMAN SALADINO: The rear yard is the Village line.

MS. WINGATE: The west property line.
MS. NEFF: I understand.

CHAIRMAN SALADINO: Joanne?

MS. MCENTEE: Joanne McEntee, 242 Fifth Avenue. I do see that we have applications again coming to the Board, and they are somewhat incomplete. We don't have your, you know, your stamped survey. I really feel that there should be a process within the Building Department before they get here and waste everyone's time, the public, the applicant, and anyone else that comes here, your time, which is very valuable, that it be done right. It's not the first time, it's not the second time, it's not the third time, it's numerous amount of times, and I wish that the Building Department and the administrator would get together, if you could, and try to work this out somehow. Speak to the attorney to somehow get it worked out.

CHAIRMAN SALADINO: Joanne, if I could, just two seconds, and I kind of alluded to it before, the Planning
Board that it goes to first that we're looking to, like, simplify the process, the Planning Board, their requirements are different than ours.

MS. MCENTEE: I understand.

CHAIRMAN SALADINO: So when it goes to the Planning Board, they think they have a complete package, and then it comes to us and sometimes because of the amount of applications, because of the amount of work, whatever, some of the smaller things, like a survey, that they don't require but we do slips through the cracks. Can we be a little more vigilant?

MS. WINGATE: Our code does not require that it be a stamped survey. Many, many, many times you accept surveys done by a design professional. These were done by an architectural firm, they are stamped. There's just not a survey.

CHAIRMAN SALADINO: I can't remember in my tenure on the Zoning Board taking a design professional, an
unstamped design.

MS. WINGATE: I can name six.

MR. PROKOP: They're not stamped or signed. Whoever did them, they're not stamped or signed.

CHAIRMAN SALADINO: No, I understand that. And this Board at least in my recollection, we've always asked for stamped and signed survey. I don't know if we're overstepping, you know, if we're overstepping then you should tell us that.

MR. PROKOP: The question is that it has to have some kind of -- Eileen is correct and you're correct and I'm somewhere in between, but the point is whoever did it has to stamp it. It has to have a professional stamp on it. Eileen is saying that at one point in time that we take a design professional, we don't have to debate that tonight, but the point is that whoever did these plans did not stamp them or sign them. So that's really I think the critical thing.
CHAIRMAN SALADINO: Okay.

MS. MCENTEE: Number two, based on the information that you've discussed today in reference to the Village Law, 728, and our subdivision code, 118, how is this going to affect the applications that are in the process already for the subdivisions?

CHAIRMAN SALADINO: Not at all.

MS. MCENTEE: Not at all. So we're going to go through with the same process, for example, the Fifth Avenue ones?

CHAIRMAN SALADINO: We're going to start from the day that they say this is the process.

MS. MCENTEE: Thank you.

CHAIRMAN SALADINO: As far as that other application, you know, we'll do our job, and then the Planning Board will do their job.

MS. MCENTEE: Thank you.

CHAIRMAN SALADINO: Anyone else?

No. All right. If I had an agenda in front of me, I'm sure the last one is a
1 motion to -- is that it?
2
3 MR. CORWIN: Question before we
4 adjourn, 610 Main Street, the last we
5 left it the attorney said it needs
6 coordinated review. His position -- my
7 position was always it was a change of
8 use.
9
10 MR. PROKOP: No, I don't think --
11 excuse me, I'm sorry.
12
13 MR. CORWIN: The attorney seemed
14 to accept that at the last meeting or
15 the meeting before and said well, it
16 needs coordinated review. So
17 apparently that -- it stopped there,
18 it's in limbo, nobody has followed up
19 to start coordinated review, so what is
20 the status of 610 Main Street?
21
22 MR. PROKOP: My understanding is
23 that the Board voted that it requires a
24 use variance, and a letter from the
25 attorney came, you know, we found a
26 letter from the attorney at the meeting
27 from December 2015 in the file, and
28 that letter says that it needs a use
29 variance, and for that reason at the
the meeting, although I expressed an
opinion at the meeting that I thought
it required a coordinated review, but
then subsequent to me saying that the
Board -- as I understand it, the Board
determined to reject the application
because it was -- it should have been
an application for a use variance, not
--

MS. WINGATE: It can't be an
application for a use variance.

CHAIRMAN SALADINO: That was the
request from the applicant's attorney.
On the application, she requested --
the applicant is required to know
exactly what they're asking for. She
requested a use variance; isn't that
so?

MS. WINGATE: And filled out a
form for an area variance, and we have
a section of our code that's about
conversions of two family houses that
so it's a permitted -- it's a
conditional permitted use in the R2
District, that makes it --
CHAIRMAN SALADINO: We can't change -- we can't change what the applicant asked for. We don't have the -- ask the attorney. We don't have the right or the ability to change the applicant's request.

MR. PROKOP: That's right.

CHAIRMAN SALADINO: The applicant asked for a use variance. If that was incorrect, then the application was progressed incorrectly.

MR. PROKOP: That's the conclusion that's in the minutes. I wrote the Board a written resolution.

CHAIRMAN SALADINO: It's my opinion that 610 Main Street, because the sixty-two day time limit, because of the application being progressed incorrectly is not an issue in front of this Board anymore. That's my opinion.

MR. PROKOP: Right.

CHAIRMAN SALADINO: Not being an attorney, only pretending, do you know what I'm talking about? That's my opinion.
MS. NEFF: Mr. Chairman, I reviewed the minutes, and maybe I was not up to the latest minutes, but at one point we voted no to the area variance and I believe suggested --

CHAIRMAN SALADINO: No, no.

MS. NEFF: -- that the owner could reapply for a use variance. Is this not in the minutes of November 15th?

CHAIRMAN SALADINO: We didn't vote on any variances, we voted on the interpretation.

MS. NEFF: But there was a mention of violations.

MS. WINGATE: There are pending violations.

CHAIRMAN SALADINO: This Board voted only on interpretations, that's all we voted on.

MS. NEFF: Okay.

CHAIRMAN SALADINO: We reaffirmed the Building Inspector's decision from 1998 that it was a two family wood framed house, and we affirmed his decision.
MS. NEFF: I think it was 1978.

CHAIRMAN SALADINO: 1998. That was when the Building Inspector made his decision.

MS. NEFF: I think it's '78 because he was no longer -- he was gone.

MR. TASKER: '98 I believe that's correct.

CHAIRMAN SALADINO: It can't be -- it's not pending in front of this Board. We voted -- we didn't vote on variances, we voted on the interpretation. The interpretation was -- our interpretation was that it was a two family wood framed house. It wasn't a multifamily dwelling. After that, we didn't vote on variances, we discussed the letter from NYCOM, from the general counsel of NYCOM that because no decision was made within sixty-two days, it was a default denial. We decided that the application was progressed incorrectly. The applicant asked for a use variance,
and then filled out an application for
an area variance. I'm not sure why
we're -- in my mind, the issue is
closed. If somebody else wants to
bring it up again, perhaps they should
contact the applicant and the attorney.

    MR. PROKOP: Please don't.

    CHAIRMAN SALADINO: I got to be
honest, I'm tired of talking about it.
Call the attorney. Let's make a motion
not to talk about it.

    MR. CORWIN: It is going to come
up again.

    CHAIRMAN SALADINO: When it does
then -- David, when it does, then we'll
deal with it.

    MR. CORWIN: We won't be here when
it comes up again.

    MS. GORDON: That's not
necessarily --

    CHAIRMAN SALADINO: You talking to
my doctor, you know something I don't
know?

    MR. CORWIN: The applicant will do
what all applicants do, they wait and
wait and wait until they see a Board they like, and then they come in.

CHAIRMAN SALADINO: Hopefully that Board will see what this Board saw, and if not, again, we can't deal with what if questions.

MR. CORWIN: I accept what you say.

CHAIRMAN SALADINO: What if questions are outside my area of expertise. I'm going to make this attempt again. Item number 7 is motion to adjourn.

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

CHAIRMAN SALADINO: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Thank you, folks. Have a Merry Christmas.
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 December 20, 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 31st day of December, 2016.

Amy Bohleber

Amy Bohleber