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ZBA REGULAR MEETING - JUNE 20, 2017
VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK
-----X
ZONING BOARD OF APPEALS
REGULAR MEETING
-----X

Third Street Firehouse
Greenport, New York

June 20, 2017
6:00 p.m.

- Before:
- JOHN SALADINO - Chairman
 - DAVID CORWIN - Member
 - DINNI GORDON - Member
 - ARTHUR TASKER - Member

 - EILEEN WINGATE - Village Inspector
 - KRISTINA LINGG - Building Department
Clerk

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I N D E X

ITEM NO. 1 pg 4

Motion to accept the minutes of
the May 16, 2017 ZBA meeting.

ITEM NO. 2 pg 4

Motion to approve the minutes of
the April 18, 2017 ZBA meeting.

ITEM NO. 3 pg 5

Motion to schedule the next ZBA
meeting for July 18, 2017 at 6:00 p.m. at
Station One of the Greenport Fire
Department.

ITEM NO. 4 pg 5 - 39

Motion to accept the application
of Michael Kimack, 429 Sixth Street,
Greenport, New York 11944.

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ITEM NO. 5

pg 46 - 68

Discussion and possible action on
the requested interpretation of Chapter
150-18 with respect to zoning districts.

ITEM NO. 6

68 - 69

Motion to adjourn.

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CHAIRMAN SALADINO: This is the Village of Greenport Zoning Board Regular Meeting, June 20, 2017.

Item number 1, Motion to accept the minutes of the May 16, 2017 ZBA meeting. So moved.

MEMBER GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: Any opposed?
Any abstentions?

Item number 2. Motion to approve the minutes of the April 18, 2017 ZBA meeting. So moved.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER GORDON: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: Any opposed?

CHAIRMAN CORWIN: I abstain.

CHAIRMAN SALADINO: One abstention.

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Item number 3, Motion to schedule the next ZBA meeting for July 18, 2017 at 6:00 p.m. at Station One of the Greenport Fire Department. So moved.

MEMBER GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER GORDON: Aye.

MEMBER TASKER: Aye.

MEMBER CORWIN: Aye.

CHAIRMAN SALADINO: Any opposed?

Item number 4, Motion to accept the application of Michael Kimack, 429 Sixth Street, Greenport, New York 11944. Suffolk County Tax Map number 1001-6-3-5. Mr. Kimack.

MR. KIMACK: I have got a couple of extra copies of the map. Would this be helpful?

MEMBER CORWIN: Yes. This is extra?

MR. KIMACK: This is extra.

MEMBER TASKER: You don't need it?

MR. KIMACK: I don't need it.

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CHAIRMAN SALADINO: That is a bigger version of this?

MR. KIMACK: Yes, sir. It is the same one. If you look on there -- your question to me was that map does show the two proposed two lot extensions off of Corwin Shore basically, coming in. There was an existing -- there was the just a building that was put up on Corwin Shore that the sewer line was extended over to. Then we would -- we would come off of that back into that lot.

However, the water line is a different matter because even though it is easily accessible from Corwin, Suffolk County -- Suffolk County water jurisdiction ends at that lot line. So in a sense that lot is part of the Greenport Village water system. So the water for the lot would come from Sixth Street. Go figure.

CHAIRMAN SALADINO: I'm not sure. Aren't we a Suffolk County water supply customer?

MEMBER TASKER: I think it is a

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question of whose meter it is.

MS. WINGATE: The other thing also is even though it is on Suffolk County Water Authorities --

CHAIRMAN SALADINO: Is it about the meter?

MS. WINGATE: I don't know if it is about the meter. I could look into that.

CHAIRMAN SALADINO: That is your issue. We don't have to --

MR. KIMACK: I had contact with them directly and I was surprised at what they said. Thanks, but no thanks basically because I had asked -- to make sure we -- where the water line was and we could extend it. They said, yeah, we can extend it up the line but we can't serve you.

CHAIRMAN SALADINO: I'm satisfied if the Building Department is satisfied and if the Utility Department is satisfied if you bring the water from Sixth Street. I can't speak for my

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colleagues.

MR. KIMACK: It is the only feasible way we can come. Unfortunately it would have been -- it would have been more convenient and easier from Corwin Shore, if in fact, you know --

CHAIRMAN SALADINO: Just one more question about Corwin Shore. The sewers -- the sewers impact Corwin Shore, the sewers on Seventh Street?

MR. KIMACK: Well, there is a sewer line -- there is a sewer manhole existing on Seventh Street right now, but my understanding is that they extended the sewer line from that manhole to serve that new --

MEMBER GORDON: The new house.

MR. KIMACK: That new house basically.

CHAIRMAN SALADINO: I didn't see any road construction. I didn't see anything. I live over there.

MR. KIMACK: I can't believe that he has outside sewer.

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MS. WINGATE: I could look into that.

CHAIRMAN SALADINO: The manhole --

MS. WINGATE: The manhole on Seventh.

CHAIRMAN SALADINO: The manhole on Seventh Street stops midway between Corwin and Lynette.

MS. WINGATE: I don't know about that. I do know the manhole on Seventh Street is where the Village would pick up and install from there.

CHAIRMAN SALADINO: Just one other question. Do you know Mr. James and Jennifer Kennedy, if they in fact have septic?

MS. WINGATE: I don't. It is outside of my jurisdiction. I could look into it.

CHAIRMAN SALADINO: Mr. Kimack, can I ask you?

MR. KIMACK: I looked at it originally. All of them I think have

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public water basically. And -- which is the critical key. Even for that one piece of property on Corwin there. I can not believe that they would have been able to get Health Department approval for an on-site septic system, given the fact of that well. I don't think that --

CHAIRMAN SALADINO: I even believe that we -- don't we have a -- isn't it a part of our code that if you are in the sewer district you are obligated?

MR. KIMACK: Generally you are required. Most sewer districts -- and I have set one up -- I have done -- and I have done a number of sewer lines. Normally there is a requirement. If you are in the sewer district within a certain number of feet you are required to hook up. Otherwise people are just putting in their own systems. So I suspect that -- except perhaps --

MS. WINGATE: You are required to be hooked up.

CHAIRMAN SALADINO: If there is

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service.

MS. WINGATE: Yes.

MR. KIMACK: Yes.

CHAIRMAN SALADINO: Just a couple of more questions that I might have. We have a letter that was sent to the Building Inspector that the one family house on lot -- the proposed one family house on lot one is going to be a two family house.

MR. KIMACK: Well, it is a two family house now basically.

CHAIRMAN SALADINO: You were going to make it a one family house?

MR. KIMACK: Originally that was the consideration. And then we decided to leave it alone as a two family house.

CHAIRMAN SALADINO: So what am I reading here? What am I reading; one family house or two family house?

MR. KIMACK: The existing house on lot one is a two family house. A two family house now exists.

CHAIRMAN SALADINO: But the

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proposal was to convert it to a one family?

MR. KIMACK: Originally that was the thought basically and then they realized that the better choice would be to leave it alone. To make lot number two a one family house and we would be restricted to that.

CHAIRMAN SALADINO: And we are going to see something as far as --

MEMBER TASKER: And you have the revised floor plan?

MR. KIMACK: Yes. You have the revised floor plans in there for the two family and for the one family. The one family is the one that faces Corwin Shore, which is lot number two.

MR. SALADINO: I don't have a reviewed floor plan for a two family house.

MR. CORWIN: I don't think -- is it page 001?

CHAIRMAN SALADINO: If you look, I have this floor plan.

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MR. KIMACK: Do you have this?

MR. SALADINO: I have that.

MR. KIMACK: That is the one.

CHAIRMAN SALADINO: This rendering doesn't show the two family house.

MS. WINGATE: A100 is an existing two family house.

MR. KIMACK: Right here (indicating).

MEMBER TASKER: A100 shows --

CHAIRMAN SALADINO: I don't see it.

MR. TASKER: A100 dated January 9th, 2017, looks to me like a one family house. That is the package that you just handed me.

CHAIRMAN SALADINO: A100 is the first -- I see a kitchen --

MEMBER TASKER: What is the date of the one you have?

MR. KIMACK: This one here (indicating).

MEMBER TASKER: It should be

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right here, sir.

CHAIRMAN SALADINO: I have 1/9/17.

MEMBER GORDON: That is what we
were given.

MEMBER TASKER: This is all
January 9th.

MR. KIMACK: I will get you
these.

CHAIRMAN SALADINO: Okay. Unless
you have an updated copy.

MR. KIMACK: Everything on the
lots basically stay the same.

MEMBER GORDON: May I ask a
question?

MR. KIMACK: Absolutely.

MEMBER GORDON: This is the
January 9th that was handed out.

MR. KIMACK: Right.

MEMBER GORDON: Is this where the
kitchen would be?

MR. KIMACK: This is moved over
like this (indicating).

MEMBER GORDON: I see. It is
quite different.

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MEMBER CORWIN: Either we have
got a set plans or we don't.

MEMBER GORDON: Yes. I just
wanted to know. I agree.

CHAIRMAN SALADINO: For the sake
of the stenographer --

MS. WINGATE: The ground floor is
22817. Thank you.

MEMBER TASKER: Can I have a
quick look at your copy?

CHAIRMAN SALADINO: Just -- Art
-- let me just interject. We don't have
a set of plans. We don't have a set of
plans.

MR. KIMACK: I can get extra
copies.

MEMBER CORWIN: No. No. One,
two, three, four, five, six sets of
plans.

MR. KIMACK: No problem.

MEMBER CORWIN: Maybe somebody
made a mistake in your office and you
handed it it in, fine, but straighten it
out.

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MS. WINGATE: It is not about the house. It is about set backs.

CHAIRMAN SALADINO: I just --

MS. WINGATE: So you will want to take that under discussion.

CHAIRMAN SALADINO: I was just going to say, we are not concerned about the land use as far as floor plans or the house. We can certainly wait until he brings another set of plan.

MR. KIMACK: Go ahead. You have a question.

MEMBER GORDON: My questions has to do with the -- the survey shows a proposed property line with part of the garage on one side. Is that --

MR. KIMACK: Well, there is an existing garage which is going to be demolished. That is what the dotted line is.

MEMBER GORDON: That is what TBM means.

MR. KIMACK: Yes. To be demolished.

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MEMBER GORDON: Okay.

CHAIRMAN SALADINO: Your application says you are going to move that garage.

MEMBER GORDON: Where will the new garage be for this?

MR. KIMACK: It would be on lot number 1, basically that one.

MEMBER GORDON: So there won't be a garage on the new lot, on lot two?

MR. KIMACK: There will be one on each one. That one will be knocked down. There will be a new one on lot one, a garage. Which meets the minimum set back requirement for the back line and the side line.

MEMBER GORDON: What about lot 2?

MR. KIMACK: Lot 2, that one is in the front.

MEMBER GORDON: As it was proposed originally?

MR. KIMACK: As it was proposed originally. Yes.

MEMBER GORDON: So we need a

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variance for that.

MR. KIMACK: We need a variance because it is the only reasonable place to put the garage given the configuration of the lot and given the setbacks on the side and the back. Trying to get to the back of the lot from Corwin Shore would be --

CHAIRMAN SALADINO: We're going to talk about that.

MEMBER GORDON: I just wanted to know.

CHAIRMAN SALADINO: If we accept the application we will talk about that. The other thing I wanted to ask is we have to -- we have the Planner's Report. We know you have been to the Planning Board. We have the Planner's Report. Eileen, are we to assume that the Planning Board has no comment?

MS. WINGATE: No comment.

CHAIRMAN SALADINO: I am going to ask, as is the policy now and the planner even mentions it in here, that when we

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review this application we shall request the Planning Board to provide a written recommendation concerning the proposed variances. The Planning Board didn't issue a statement. The planner -- the planner gave us -- in all fairness to us all she did was -- all we have is -- we can get it from --

MS. WINGATE: I understand but that's what Devin chose to do. Devin says, we have no comment. It needs ZBA. Please submit this report to the --

CHAIRMAN SALADINO: Just to stay within the process, Christina, I am making that request now to the Planning Board that they make comments on the proposed variances. And if they have no comment on the proposed variances for them to say that. Is that okay?

MEMBER TASKER: Has that Planner's Report been distributed? Because I am not seeing it.

CHAIRMAN SALADINO: It has.

MS. WINGATE: It is all in your

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package.

MEMBER TASKER: It is?

MS. WINGATE: I'm positive.

MEMBER TASKER: Okay.

CHAIRMAN SALADINO: We're going to cut out some of it. Just go off of the plain list.

MS. WINGATE: Oh, okay.

MR. KIMACK: Which one of the --

MEMBER TASKER: The Planner's Report.

CHAIRMAN SALADINO: That was the policy that was set. I'll put it to a vote. If you want to object. I'll put it to a vote.

MEMBER GORDON: I am just trying to correct what I think is mistaken. There is a comment from the Planning Board following the chart. And you say it is by the Planner but nothing says that.

CHAIRMAN SALADINO: I got my information from the Building Inspector.

MEMBER GORDON: I am looking at

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the document. There is a comment about the impact of the project. If this is the comment of the planning consultant or something then I think it would say that.

CHAIRMAN SALADINO: I'll put it to a --

MEMBER GORDON: It just should be clear.

CHAIRMAN SALADINO: I made a request that the Planning Board fulfill the policy that we all agreed to and makes comments -- written recommendations concerning the proposed variance or either that or they let us know they have no comments about the proposed variance. I made that request to the Clerk.

MEMBER GORDON: I think that is a reasonable and appropriate request that I think that they have responded to that request. But perhaps they have not. It is not signed by the Planning Consultant or the Board itself.

CHAIRMAN SALADINO: Well, it should be signed by the Chairman of the

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Planning Board. Moving on.

MR. KIMACK: An oversight.

CHAIRMAN SALADINO: Probably.

MEMBER GORDON: Excuse me. I figure that is significant because if we have to -- this has to go back to another Planning Board meeting. It is holding everything up another month.

CHAIRMAN SALADINO: The Planning Board meets after us. The Planning Board meets before our next meeting.

MS. WINGATE: They meet twice before your next meeting.

MEMBER GORDON: Okay.

CHAIRMAN SALADINO: Anything else Mr. Kimack? David?

MEMBER CORWIN: Yes. This sewer thing, I'm not quite understanding. You are going to go out of lot number 2 and head west to Corwin Shore and then you have to go a block and then turn north to Seventh Street.

MR. KIMACK: David, at the present time -- and I don't know the

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answer -- whether -- I would have assumed that new house hooked that existing manhole on Seventh Street because that is the only way they could get back in the sewer line. It would be -- It would not necessarily be reasonable for me to believe they put their own on-site septic on the lot. Given the fact that the sewer is seventy, eighty feet away.

CHAIRMAN SALADINO: Don't think the building is complete. I don't think the building is occupied.

MR. KIMACK: If it is not occupied maybe they haven't made a sewer connection. We did have -- when we were working some time ago with the Town, the Town did say they would work with us to install a sewer line to put that in.

CHAIRMAN SALADINO: Me personally, again, I can't speak for my colleagues, I am content to let the Building Department handle that.

MS. WINGATE: Again, I am very unfamiliar with what goes on out of my

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jurisdiction. I can do research easy enough. Paul Pallas did say that he would work with these folks to get them a sewer. They will be paying a reasonable fee for the extension. And I can have an answer for you in a couple of days.

MEMBER CORWIN: My problem is that sewer on Seventh Street is very shallow. And if you have to travel any distance you may not be able to hit that sewer line.

MR. KIMACK: What happens is if -- right here your frost line is down about three feet to the top of the crown of the pipe primarily. When you really run sewer at three feet per second that is your base line. Why do I know this? Because I have put in about thirty thousand feet over the years for different municipalities. Depending upon if that sewer line is down on Seventh Street four or five feet --

MEMBER CORWIN: I can assure you it is not.

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MR. KIMACK: If it is a little bit higher -- if it comes up closer to the top of the line what can be done primarily is -- normally -- normally you put sewer line in -- in a duct align pipe basically. If it closer and you got a cross line issue you simply break the cross line issue by putting in two inches of insulation right on top of it and it breaks the cross line from coming down. So there are solutions to shallow lines.

MEMBER CORWIN: What you are saying to me is you haven't done the work. Apparently you talked to --

MR. KIMACK: I don't know the invert of --

MEMBER CORWIN: What I am trying to say is that is a shallow line with the invert very close to the surface. Do you -- whatever distance you have to travel -- which I can't tell -- are you going to be able to hit the existing sewer?

MR. KIMACK: There are two ways -- there are two ways of approaching

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that. Once we know what the invert is on Seventh Street we will know basically with the pitch line coming back whether it makes sense to do that. If it doesn't, as an example, where it may be too shallow, which you are indicating. Let's say it is three or four feet on Seventh Street. By the time you get there you are up to two feet or so.

MEMBER CORWIN: It is not.

MR. KIMACK: The other answer is easy. We put in a force pump. We put in a two inch -- with a grinder pump at the house and we pump it over. Then the pitch doesn't matter. Right to the manhole, inject it.

MEMBER CORWIN: Do we know that is a full -- we don't even know if it is a septic.

MR. KIMACK: We won't know that until we work with the town basically to determine exactly what is the best engineering method by which to do it. Either gravity feeder, if in fact we have

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enough pitch to the invert --

MEMBER CORWIN: It is not going to --

MR. KIMACK: -- or we put in a grinder pump and we inject it through a two inch force cylinder. It is only -- it is only domestic sewage. Once you grind it up into two inches it is not much to handle. It is almost lateral. It is an amazing pump. So -- but I don't know the answer is until we know what the invert is.

MEMBER CORWIN: That is what I'm saying. What is the invert?

MR. KIMACK: Well the town will let us know primarily.

MS. WINGATE: Call it the Village because it will keep it clear.

MR. KIMACK: Come back to the other?

MS. WINGATE: No. The Village will let you know the invert. The Town has nothing to do with it.

MR. KIMACK: Yeah. The Village

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will let us know basically. Once I know what the invert is and I know the distance and the pitch I have got enough to know if it will be feasible to do the gravity feed or if it would be more feasible to go the force tank screen. Either way there are acceptable engineering solutions to the issue.

CHAIRMAN SALADINO: Well, we are asking because you know --

MEMBER CORWIN: I am asking because I want to know.

MR. KIMACK: The interesting thing too, to be fair -- if in fact that house has not yet hooked up to the sewer line they may have the same question, the same issue. Depending upon what they are doing. Would they be able to gravity feed from that new building to the manhole. You try to hit the invert if you can. You really don't want to go from above and drop it in.

CHAIRMAN SALADINO: Because me personally I haven't seen -- obviously I

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have seen building construction. And I went there the other day -- I live on Sixth Street. I went there the other day to see if in fact the mark out was still there. And some of the water line markings are still there.

MR. KIMACK: It hasn't been cut yet apparently?

CHAIRMAN SALADINO: No. Nothing has been cut.

MR. KIMACK: So if the water wasn't cut obviously they haven't gotten around to the sewer yet. What I can do basically is request that -- we have got some contours and see what -- all I really need basically -- because it is almost flat from that manhole over to the place. If we can -- if we can pull it up and see what the invert is. We don't really need a contractor to make the calculation.

MEMBER CORWIN: That is what I want. But you got to understand apparently you are talking about a house

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under construction outside the Village of
Greenport?

MR. KIMACK: Yes.

MEMBER CORWIN: They have to pay
up front money for the sewer system. It
is a big number. I don't know what it
is.

CHAIRMAN SALADINO: 15,000.

MEMBER CORWIN: Fifteen or fifty?

CHAIRMAN SALADINO: 15,000.

MEMBER CORWIN: Fifteen and it
would have to go to the Village Board for
approval. So it hasn't gone to the
Village Board to my knowledge.

CHAIRMAN SALADINO: That new
building would be an outside rate payer.
It would be an outside sewer customer.
It would be a \$15,000 connection fee.
And it would have to be, like David said,
approved by the Village Board.

MEMBER CORWIN: So it is
questionable that they are even going to
have it installed.

MR. KIMACK: Probably -- what I

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can do is find out exactly what decision has been made to provide sewer to that particular house. There has to be some -- some design at the present time in terms of how it is going to be served. Once I --

CHAIRMAN SALADINO: There is also developed property next door. Again, it is some place -- it is some place I would rather not be, this conversation as opposed as to Louis Marie next door or the house next door, where they get their septic service. Me, personally would rather you leave that.

MR. KIMACK: We have limited information to give you anyway, basically. We know there is a manhole. We don't know what the invert is. We assume that there is a requirement to hook it up. We don't want to do on-site because that would be against the code. So the answer is we can get to that manhole. We can get sewer service. It is a question of what form it takes based

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on what we find. That's all.

CHAIRMAN SALADINO: Arthur,
anybody?

MEMBER TASKER: Are we set on
requesting something from the Planning
Board?

CHAIRMAN SALADINO: There is a
policy -- if the public would just
indulge me -- and the applicant. Six or
eight months ago there was a policy set.
We, the Village, and the Statutory
Boards, Planning and Zoning, that when it
came to subdivisions the Planning Board
would get the application. If it was a
zoning issue it would refer it to the
Zoning Board of Appeals. But it would
also -- to comply with New York State
Village law, which you have here, it
would also give their opinion or does it
say recommendation -- they would give
their recommendations as to variances
requested. Whether -- whatever their
recommendations were. The Zoning Board
would then advise the Zoning and then

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take the recommendations into consideration, ignore them, incorporate them into our discussion, but the Planning Board is obligated by Greenport village Policy and the New York State Village law to do that.

MEMBER TASKER: So it is correct then when it says the Zoning Board of Appeals shall request the Planning Board to provide a written recommendation concerning all variances. So we are going to do that.

CHAIRMAN SALADINO: I did.

MEMBER TASKER: Okay.

CHAIRMAN SALADINO: If you think we need a vote to do that I will --

MEMBER TASKER: No. I don't think we need a vote.

CHAIRMAN SALADINO: And Christina is going to handle it? Thank you.

Anybody else?

MEMBER TASKER: Another fresh set of drawings on the way.

CHAIRMAN SALADINO: A fresh set

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of drawings.

MR. KIMACK: I will get you five extra sets of the updated ones. You hang on to those. Absolutely.

CHAIRMAN SALADINO: I will make a motion. Everybody is done?

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: I will make a motion that we accept this application and -- accept the application of Michael Kimack, 429 Sixth Street, Greenport, New York. So moved.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER TASKER: Aye.

MEMBER CORWIN: This may be a technical -- technicality but the applicant is Sixth Street, LLC.

CHAIRMAN SALADINO: The Articles of Organization. The yellow papers are included in the package.

MEMBER TASKER: I note that there are two sets and they are both the same LLC name.

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MR. KIMACK: Yes. Sixth Street,
LLC.

MEMBER TASKER: I have two sets.
I don't get the --

MR. KIMACK: Two sets of --

MEMBER TASKER: Two sets of
Article of Organization. Both for the
same LLC. Are there two separate LLCs?

CHAIRMAN SALADINO: Or do we just
have duplicate documents?

MR. KIMACK: No. No. You may
have duplicate documents. There is only
one LLC.

MEMBER TASKER: When we discussed
this a month or two ago it was discussed
that the title would be held by two
different entities.

MR. KIMACK: Yes. At the present
time it is one lot. Until such time that
you vote on it to become two, the second
lot will be set up as a separate LLC. At
the present time that second lot doesn't
exist until such time the Planning
Commission so deems it.

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MR. TASKER: I understand.

CHAIRMAN SALADINO: There is a motion -- do you have any more questions?

MEMBER GORDON: No.

MEMBER CORWIN: To me it seems it the application of Sixth Street LLC not Michael Kimack.

CHAIRMAN SALADINO: Well it doesn't matter now. I am reading it off the agenda. So if it pleases the Board --

MR. KIMACK: Technically that is correct, Sixth Street, LLC.

CHAIRMAN SALADINO: -- I will read off the application.

MEMBER TASKER: That is correct.

CHAIRMAN SALADINO: Okay. I will make a motion to withdraw that motion.

MR. KIMACK: We don't have to go back to planning for that, do we?

MEMBER TASKER: As the second do I have to withdraw it?

CHAIRMAN SALADINO: And -- all in favor?

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MEMBER TASKER: Aye.

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

CHAIRMAN SALADINO: Thank you. I will make a new motion to accept the application of Sixth Street, LLC, 115 Sutton Street -- I guess in Brooklyn. Because I don't have it here. Can I write that in so I don't have to make another motion? Is that Brooklyn?

MR. KIMACK: Yes.

CHAIRMAN SALADINO: And the zip?

MR. KIMACK: 11222.

CHAIRMAN SALADINO: Sixth Street, LLC, 115 Sutton Street, Brooklyn, New York 11222. So moved.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: I will do a roll call. David?

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Diana?

MEMBER GORDON: Yes.

CHAIRMAN SALADINO: Arthur?

MEMBER TASKER: Yes.

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CHAIRMAN SALADINO: And I will vote yes. We have to schedule a public hearing. We will schedule a public hearing for 6:00 on July 18th.

MR. KIMACK: And I will have those revised plans for you.

CHAIRMAN SALADINO: And we're going to do -- do you want to do a site inspection?

MEMBER CORWIN: Yes.

MEMBER TASKER: Yes.

MR. KIMACK: That is always a good idea. You are right there. You live on Sixth Street. Wander down.

CHAIRMAN SALADINO: We will schedule the site inspection for 5:30. And we will be on Sixth Street at 5:30.

MR. KIMACK: On July 18th.

CHAIRMAN SALADINO: On July 18th. And do you need something staked out?

MS. WINGATE: Both garages and the house.

CHAIRMAN SALADINO: Two garages

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THE WITNESS: Okay. I will have it staked out.

MEMBER TASKER: Any addition to the existing house.

MR. KIMACK: Anything that is being proposed will be staked so you will have an idea of where everything is.

MEMBER CORWIN: And the water line and the sewer.

MR. KIMACK: Pardon?

MEMBER CORWIN: And the water line and the sewer line.

MR. KIMACK: Well, the sewer line is on a public street. I am not going to be able to do that.

MEMBER CORWIN: Where it is going to exit.

MR. KIMACK: I can do that and I can tell you where the water lines go. Absolutely. That is not a problem.

CHAIRMAN SALADINO: Okay. We will see you on July 18th at 5:30 on Sixth Street.

MR. KIMACK: Thank you very much.

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CHAIRMAN SALADINO: Before we get to item number five there is a little discussion that I would like --

MR. KIMACK: Have a good evening everyone. Thank you.

CHAIRMAN SALADINO: -- to have a discussion for the record, for the camera and for the audience.

I have to say this because I wanted to dispel some -- some -- some hyperbolic rhetoric that I have been reading, that I have been hearing. The first thing is I would like to inform the people that no way, no how did this Board ever consider abolishing residential over commercial in the commercial/retail district. I read it. I've heard it. It has never been addressed. It has never been considered. It is never -- it has never even been brought up.

There is a previous interpretation that in fact this Board made and said residential over commercial in the commercial/retail district was in

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fact a permitted use. So for people to say that does a disservice to this Board -- to what this Board is actually trying to do.

The second thing I would like to say from outside interests elected officials it has been said that this Board is trying to abolish multi-family housing in the Village of Greenport. That is a blatant lie. What we try to do here with this interpretation was to define where a certain use -- because of the unclear, ill written, badly progressed law fifteen years ago left certain things unclear. This Board's job was to define, definitely define where a certain use was allowed. It never meant to abolish anything. So when I read that people in positions of authority in this Village say that this Board is trying to abolish multi-family I think that does a disservice to this Board. I think it undermines this Board's authority. I think it is inappropriate to even say

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that. Especially when the people that are saying it that are in positions of authority know it is not the truth. I find it disheartening that this five or six months work that this Board did on this issue is basically trying to be negated simply for political reasons.

 This Board deals -- people that know me, like Alex, people in the audience that know, I'm single minded when it comes to zoning issues. My interest is strictly land use. It doesn't matter social, moral issues. Go to Saint Agnes for moral issues. Social issues, you go to a dance. That doesn't concern me. My issue is strictly land use. If something happens because of an interpretation it is up to the Village Board to correct. If something doesn't happen then you sit on it. For them to negate six months worth of work, two public hearings to accommodate special interests of elected officials with a personal agenda I think is wrong.

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If I sound harsh, if I sound angry, I apologize. But I think this was this was an important decision to make. The notice that we got from the Village Board says that in light of potential changes to the code. Not even guaranteed changes. Not even future changes. Potential changes. We'll talk about it this evening. My question to the people are -- and it is rhetorical. My question is how do you build a house -- how do you build on something when you don't know what the code says. The only way you know what it says is you get an interpretation from the ZBA. This way you have a firm foundation to either confirm that, to reject it, to change the code, to leave the code alone. But you don't start without knowing exactly what it says.

So if anybody is interested I will read this. If not I am sure my colleagues might have a few things to say. And then we will talk about it.

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Anybody else?

MEMBER TASKER: Yes, Mr.

Chairman, I just would like to say that I support very much the comments that you made concerning your concerns about the hobnobbing of this board to advance political agendas. I won't go into it as deeply as you have because I think you covered it quite well, but I want to add my voice to that.

CHAIRMAN SALADINO: Anybody else?

We are faced with -- we have a letter from the Village Administrator. I will read it.

It says, "Dear Chairman Saladino, it has been brought to my attention that the Village of Greenport Board of Trustees will be considering changes to section 150-18 of the Village of Greenport code. That section is subject to a recent request by the Village to the Zoning Board of Appeals, an interpretation of that section. In light of potential changes to the subject code

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section the Village's request for an interpretation on the existing section does not seem necessary at this time. Therefore, we, The Village, is withdrawing its request for an interpretation to section 150-18 of the Greenport Village Code. Signed by Paul Pallas, Village Administrator.

Mr. Pallas and I have had a conversation about this. I understand his position. He understands mine. I also explained to him that since his name wasn't on the request for the interpretation we might -- since we're doing things -- since there was a question of the legality of even getting this interpretation -- and I spoke to the Village Attorney yesterday. He tended to agree with me that the perhaps the person that signed the request should be the one that withdraws the request. So that is a question we have to ask.

The other question is we should remind everyone that this Board has the

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right to ask for an interpretation.
According to our code, not New York State
Village Code, were there has to be an
appeal, Greenport Village Code takes an
extra step. It gives the Zoning Board of
Appeals, as a Board, the right to ask for
that interpretation. So that might be
another thing that this board has to
consider.

MEMBER TASKER: Given there is
some ambiguity about the status of this
request for interpretation I want to make
sure that we are acting on a valid
request, shall we say. I'm going to
suggest that we move sua sponte to --
that's -- to request ourselves that we
continue with the interpretation and we
address the same questions that were
posed to us before.

Specifically we have the
authority to do that in section 150-26 of
the Greenport Code, Powers and Duties of
the Board of Appeals. Let's see, it
says, on request for any official board

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or agency of the Village -- of which the Zoning Board of Appeals is one -- to decide any of the following questions: Determination of the meaning of any portion of the tax chapter.

So given we have that authority I move that the Board adopts the questions that were presented to us as our own and proceed to deliberate on the interpretation that was requested.

MEMBER CORWIN: I second that motion.

CHAIRMAN SALADINO: We have a motion. And it has been seconded. I am going to ask if there is discussion --

MEMBER GORDON: We have had two meetings to discuss this and my feeling is that the section as written doesn't give us any guidance and that is really the end of debate. And I am really reluctant to start it all over again. I also think that the request for the interpretation was made by the Building Inspector, an employee of the Village and

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Paul Pallas is her supervisor and he is asking for it to be withdrawn. It seems to me that's really where we are. It is -- as far as I am concerned it has been withdrawn. To get into it -- let me just finish. You can disagree. To get into it again presumably we will have the same positions and the same kind of discussion and my position is simply that it doesn't give us guidance and we have better things to do. So.

CHAIRMAN SALADINO: Well, I can go either way about Paul Pallas being in charge or who signed it. I was just -- I was just -- because of the conversations that I have had with the Village and with the Village Attorney it seems like now -- everything has to be -- there was a question about the interpretation, if it was legal to begin with. So as long as we are questioning the legality of the process then this is a legitimate question, I think. But that becomes moot because we have a motion on the table

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that been seconded. That the Zoning Board of Appeals makes the request for the interpretation. Which I was assured by the attorney yesterday that that is our right.

MEMBER TASKER: And then to alight some of your concerns, we don't start from scratch on this. We get to adopt all of the deliberations and, you know, refer to all of the deliberations that we have had on this and proceed from there. We reached a position last month where we -- what was essentially a struggle, adopted what was the sense of the Board with regard to the two parts of the request for interpretation. One was an interpretation of 150-18 and what zoning districts it applied. And I'm not quoting exactly. And the second part was: Well then, what -- where is multi-family housing permitted and we adopted a motion to prepare a resolution that addressed those two positions.

First of all, that 150-18 stand

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alone is meaningless because it doesn't have anything thing to do with or anything to say about what districts in which it applies. And in going a step further by looking at zoning district by zoning district you can easily see what uses are permitted in each district.

And that is the sense of the -- that was the broad sense of the term of the motion. I have prepared and distributed to all of the members of the Zoning Board, including the Village Attorney, a proposed motion that would more extensively set forth those two portions of the interpretation. So what I'm -- what we're asking right now -- the motion before us right now is do we step in the shoes of the Village official and raise that question to ourselves and then we can proceed on the same track that we have been for the past two months and presumably conclude this.

CHAIRMAN SALADINO: My thought is with this question -- and I understand

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there is a motion on the table. My
thought with this question is, it my
life, in my thirty years of life --

MEMBER GORDON: Not thirty-nine?

CHAIRMAN SALADINO: I was always
taught -- I always went by the system,
the paradigm that the only time you
should be afraid to ask a question is
when you are afraid of the answer. And I
think that is what happening here. I
think for us to -- for somebody to ask us
this question and for us to come up with
an answer has set up this massive theory
out there and on Facebook and social
media that somehow this board is first
and foremost trying to usurp the rights
of the Village Board, which we are not.

MEMBER TASKER: Or can we.

CHAIRMAN SALADINO: Or can we.
This is an administrative board. They
are a legislative board. Whatever we
decide here, they have the option to --
again; ignore, affirm, reject, change.
It is their code to write and to

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legislate. Nowhere, no how did I ever think that this Board was trying to abolish multi-family housing in the Incorporated Village of Greenport. I thought all we were trying to do is clarify a fifteen year old badly written law. That is always all I thought we were doing.

The interpretation of that law has been left up to the Building Department to this town. It is not a resolution. It is a policy that people in the Building Department chose to go by, whether from voices from above told them to do it or their own initiative. Previous Building Inspectors, current Building Inspectors, current Village Administrators, past Village Administrators. I just don't understand how a question can be settled without knowing exactly what the questions is. I just don't know how a new code can be written until you know what the old code says.

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So to say well just drop it because we're probably or maybe going to write new code -- and that is if the public agrees. There is no guarantee that the public is going to agree on whatever code you came up with. In my mind it was always best to clarify the answer, give the Village Board a definitive answer of what exactly that one sentence in 150-9 says and let them build off of that. A firm foundation is better than building in quick sand. So.

MEMBER TASKER: Yes. As you said there is no assurances that the Village Board in going to act.

CHAIRMAN SALADINO: If nobody else has any comments. David?

MEMBER CORWIN: No.

CHAIRMAN SALADINO: So I am going to poll. The motion on the table is for the ZBA to act as the official board requesting the interpretation. It has been --

MEMBER GORDON: And we are

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talking about the interpretation of
150-18, not 150-9?

MEMBER TASKER: Correct.

CHAIRMAN SALADINO: Correct.

MEMBER GORDON: Because that is a
whole other --

MEMBER TASKER: 150-18, sub
question of where multi-family --

CHAIRMAN SALADINO: Is permitted.

MEMBER TASKER: -- is permitted.

MEMBER GORDON: Your addition of
the idea of looking at each district.

MEMBER TASKER: Yes. In response
to that portion of the question. That is
what we looked at before.

CHAIRMAN SALADINO: So I will
poll. David?

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Diana?

MEMBER GORDON: No.

CHAIRMAN SALADINO: Arthur?

MEMBER TASKER: Yes.

CHAIRMAN SALADINO: And I will
vote yes.

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If there is -- one of the member has prepared a draft resolution to be discussed among the members. If you want, if you could read it.

MEMBER TASKER: Yes. I will read it. As I said I'm going back to the motion that we talked about. Last month it was the sense of the Board to use certain things and that is the -- that is the minutes of the meeting. So the more expanded motion that we will propose is as follows -- it is a resolution to the Village Board of Appeal.

I can give you a copy.

MS. WINGATE: Has Joe Prokop seen it?

MEMBER TASKER: Yes, he has. It has been distributed among the Village, to my understanding.

MS. WINGATE: We don't have a copy.

MEMBER TASKER: So the resolution for the --

CHAIRMAN SALADINO: Excuse me.

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MEMBER TASKER: Yes.

CHAIRMAN SALADINO: It is a draft. And when we -- if and when we accept it, make the corrections, add or subtract, everybody will get a copy.

MEMBER TASKER: The request for interpretation, the Zoning Board of Appeals on its own motion to make an interpretation of how Chapter 150-18 of the Village of Greenport code relates to Village Zoning Districts. The requested interpretation should include which zoning districts should use 150-18 as a guideline for development.

That is the text of the original request for interpretation which the Board, ZBA is adopting as its own by the motion which we just passed.

After a public hearing held and due deliberation in making the requested interpretation, the Zoning Board of Appeals examined the text of Article VII, Multi-family dwelling, Section 150-18 of the Zoning Code of the Village of

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Greenport. The ZBA finds that the Article does not relate to specific Village Zoning Districts; indeed, it makes no reference whatever to, "zoning districts".

Therefore, the ZBA interprets Section 150-18 neither as having any relation to specific Village Zoning Districts nor providing any direction or indication as to, "which zoning districts should use Section 150-18 as a guideline for the development".

The ZBA further addresses the question of, "which zoning districts should use section 150-18 as a guideline for development", as follows:

Section 150-18, entitled Standards, does not exist in the Zoning ordinance as a stand-alone provision. It is, in fact, incorporated by reference into Article IV, which deals with the R2 Zoning District. Section 150-8(B)(2), as an enumeration of construction, "standards". That is some of the

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physical and dimensional requirements for conversion of an existing building to a multi-family dwelling. Section 150-18 is not a, "guideline for development".

The plain language of Article IV, District Use Regulations, and VII, Multi-family dwelling, unambiguously states the permitted or conditionally allowed uses in each Zoning District in the Village. Thus there is no ambiguity to be interpreted in the text of Articles IV or VII as to whether multi-family dwelling are permitted or conditionally allowed in a particular district.

Because the Zoning Code is, "permissive, a use, such as multi-family dwellings is allowed only in Zoning Districts in which it is a permitted use.

Thus, by plain reading, Chapter 150, Zoning, Article IV, District Use Regulations, states by its omission that multi-family dwellings are not a permitted -- use in any -- Zoning District, including

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Section 150-7 R-1 One-Family Residence District; Section 150-8 R-2 One and Two Family Residence District; Section 150-9 CR Retail Commercial District; Section 150-10 CG General Commercial District; and Section 150-7 WC Waterfront Commercial District. It is, however, conditionally permitted in the R-2 District to convert, "an existing dwelling to a multi-family dwelling as provided in Article VII which is includes 150-18.

That is the extended resolution that is proposed and I moved that we adopt it.

MEMBER GORDON: Second.

CHAIRMAN SALADINO: Any discussion?

MEMBER CORWIN: No.

CHAIRMAN SALADINO: I call a roll. David?

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Diana.

MEMBER GORDON: Yes.

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CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: Yes.

CHAIRMAN SALADINO: John Saladino
says yes.

I am going to afford the public a
couple of seconds if they have any
comments. If anybody has any questions.
If anybody is wondering what happened
here tonight. Re not going to have a
debate. We are just going to try to
answer some questions.

MS. ALLEN: Chatty Allen, Third
Street. I would like to thank every
member on the ZBA for the work you put in
on this. I have been at these meetings.
I listen to what goes on. And I like the
Chairman said, I also have been hearing
rumblings. One person person said, don't
bother going Tuesday night. Nothing is
going to be said. I show up to the
meetings any way because you never know
what will be said.

So thank you for all of your hard
work. I think that excellent, what was

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just written and I support what you have done. Thank you.

CHAIRMAN SALADINO: Thank you, Chatty. That is nice to hear. Anybody else?

MEMBER GORDON: I have a question.

CHAIRMAN SALADINO: Oh, I'm sorry.

MEMBER GORDON: What are we doing with this now? Where does this go?

CHAIRMAN SALADINO: This is our interpretation of the question that is in front of us. It will be typed up as it was read, since there were no changes suggested. We will give it to the Village Board. Right now this is the interpretation that the ZBA made about this particular issue.

MEMBER GORDON: In response to the Building Inspector?

MEMBER TASKER: Well, in this case, in response to ourselves.

CHAIRMAN SALADINO: Ourselves. They can affirm it. They can reject it.

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They can --

MEMBER CORWIN: They can have a public hearing and change the law if they so choose.

CHAIRMAN SALADINO: I was giving the options. They can have a public hearing. They can agree with the interpretation and do nothing. They can challenge the interpretation and file for an Article 78. They can have a public hearing. Propose a new law, have a public hearing. Put it to the public and change the code.

MEMBER TASKER: Or not.

CHAIRMAN SALADINO: Or not. they have a lot of options open.

MR. WINKLER: May I?

CHAIRMAN SALADINO: Sure.

MR. WINKLER: John Winkler, 175 5th Street. I commend the Board for all the hard work they do on a volunteerism.

I just listened to that and I don't get it. I don't understand. So could you simplify basically what is

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happening?

CHAIRMAN SALADINO: Sure.

MR. WINKLER: For the public that is watching because I don't -- I didn't understand a word.

MEMBER TASKER: This is not official, of course, but in explanation what we have determined is that Section 150-18, which is a list of technical specifications, lot sizes, set backs -- but there is no mention whatever of Zoning Districts. It doesn't give any guidance as to where it is to be applied.

However, if it does have a home and that is in Section 150-8(B) where it says as a conditional use multi-family can be used to -- an existing building can be converted following the guidelines -- the structural guideline should we say, the building guidelines in 150-18.

MR. WINKLER: So basically you are not eliminating multi-family homes.

MEMBER TASKER: No.

MR. WINKLER: You can build or

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convert anywhere, in any zone?

MR. TASKER: Only the R-2

District.

MR. WINKLER: Not anywhere you

want to?

MEMBER TASKER: No.

MR. WINKLER: Okay.

MEMBER TASKER: Only the R-2

District.

MR. WINKLER: Okay.

MEMBER TASKER: So using the

construction standards of 150-18 you can

convert an existing dwelling in R-2 to a

multi-family.

CHAIRMAN SALADINO: Meeting some

standards.

MEMBER GORDON: There are

restrictions.

MEMBER TASKER: Yes.

MEMBER GORDON: How many square

feet and how --

CHAIRMAN SALADINO: Actually

150-18 has different standards for new

construction as opposed to a conversation

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in the R-2 District. And that has differences as far as lot sizes. One is 48,000 square feet. The other is 50,000.

MEMBER TASKER: I need to answer the second half of his question. That is that because the code is district by district says what is permitted, by definition the code is a permissive code. Meaning that if it said to be permitted it can be done. But if it not said to be permitted it cannot be done. So in all -- in none of the zone districts in the Village of Greenport is multi-family housing permitted, a permitted use.

MR. WINKLER: Basically the limitation on multi-family dwellings is the size of the lot. I couldn't take my home and make it a multi-family. I don't have the square footage or the lot size.

MEMBER TASKER: I think it is a bit more technically complicated than that. But, as I said, district by district, multi-family housing is not a permitted use. However, in the R-2

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District it is conditionally permitted to convert an existing building to a multi-family dwelling.

MEMBER GORDON: And there are still restrictions like the thousand square feet for a --

MR. WINKLER: I just want to be clear. You are not saying you can not have --

MEMBER TASKER: Absolutely.

MR. WINKLER: Like people are accusing.

CHAIRMAN SALADINO: That was not the question put to us. Again, that is not -- we're not looking to legislate. All we are doing is looking to define a question. All we are doing is answering the question.

MEMBER TASKER: What does the code say about this question?

MR. WINKLER: There seems to be, in my opinion, this whole thing of multi-family and short term rentals and long term rentals and second family homes

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is sort of coming to a head in the Village. I feel we are on the line -- the bubble of this and it is going to have to be addressed. And I hope there is an answer to it, but this seems to be a very difficult one. And this is a piece of it and I just hope that our elected officials can figure it out.

MEMBER GORDON: You are

absolutely right. This is a piece of the very, very big set of questions about land use in a crowded area. It is happening all over the country, there are questions.

CHAIRMAN SALADINO: This is a

particular question. Arthur likes to say, to put the cart before the horse. To not answer this question before those other questions are resolved is putting the cart before the horse. We should really -- and we did -- resolve this particular question before those other questions.

MR. WINKLER: I don't think there

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should be any political pressure on this Board. I think they should be honest and have the integrity that you bring to this process. And I again I commend you guys for the time you put into this. Thank you.

CHAIRMAN SALADINO: Thank you.
People in the back, anything?

Okay. I make a motion to adjourn.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: So adjourned.

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

STATE OF NEW YORK
COUNTY OF SUFFOLK

I, Barbara D. Schultz, a Notary
Public within and for the State of New
York, do hereby certify:

That the within proceedings is a
true and accurate record of the
stenographic notes taken by me.

I further certify that I am not
related to any of the parties to this
action by blood or marriage; and that I
am not in any way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have here
unto set my hand.



Barbara D. Schultz