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VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

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ZONING BOARD OF APPEALS
REGULAR SESSION

-----X

Third Street Firehouse
Greenport, New York

April 18, 2018
6:00 p.m.

Before:

JOHN SALADINO - CHAIRMAN

DAVID CORWIN - MEMBER

DINI GORDON - MEMBER

ELLEN NEFF - MEMBER

ARTHUR TASKER - MEMBER (Not present)

ROBERT CONNOLLY - VILLAGE ATTORNEY

KRISTINA LINGG - BUILDING CLERK

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1 CHAIRMAN SALADINO: Our first item is
2 to accept the minutes of the March 20, 2018
3 ZBA Meeting.

4 I am going to offer some corrections.
5 And we'll vote on accepting the minutes with
6 the corrections. At our last -- these minutes
7 in my opinion were correct except for the fact
8 that all the comments made by the Board's
9 Attorney, Mr. Connelly were attributed to
10 Trustee Doug Roberts. So I am going to make
11 that correction with these minutes and ask for
12 a second.

13 MEMBER GORDON: Second.

14 CHAIRMAN SALADINO: All in favor?

15 MEMBER CORWIN: Aye.

16 MEMBER GORDON: Aye.

17 MEMBER NEFF: Aye.

18 CHAIRMAN SALADINO: And I'll vote aye.

19 Item number two is to approve the
20 minutes of the February 20, 2018 ZBA meeting.
21 So moved.

22 MEMBER NEFF: Second.

23 CHAIRMAN SALADINO: All in favor?

24 MEMBER GORDON: Aye.

25 MEMBER NEFF: Aye.

1 CHAIRMAN SALADINO: I'll vote aye.

2 Any abstentions?

3 MEMBER CORWIN: Abstain.

4 CHAIRMAN SALADINO: And one
5 abstention.

6 Item number three is the motion to
7 schedule the next ZBA meeting for Tuesday, May
8 15, 2018 at 6:00 p.m. at the Third Street Fire
9 Station, Greenport, New York 11944. So moved?

10 MEMBER NEFF: Second.

11 CHAIRMAN SALADINO: All in favor?

12 MEMBER CORWIN: Aye.

13 MEMBER GORDON: Aye.

14 MEMBER NEFF: Aye.

15 CHAIRMAN SALADINO: And I'll vote aye.

16 Item number four is motion to accept
17 the findings and determinations in the matter
18 of the application of Patrick and Cynthia
19 Brennan for the property located at 620 First
20 Street. Suffolk County Tax Map number
21 1001-2-6-49.1.

22 So moved?

23 MEMBER NEFF: Second.

24 CHAIRMAN SALADINO: All in favor?

25 MEMBER CORWIN: Aye.

1 MEMBER GORDON: Aye.

2 MEMBER NEFF: Aye.

3 CHAIRMAN SALADINO: And I'll vote aye.

4 Could you pass this to her?

5 MEMBER NEFF: Sure.

6 CHAIRMAN SALADINO: Item number five.

7 19 Front Street. A public hearing regarding

8 an area variance sought by Kathleen M.

9 McDowell, for the property located at 19 Front

10 Street, Greenport, New York 11944. The public

11 notice is attached. The Suffolk County Tax

12 Map is 1001-5-4-29.

13 There is just a couple of questions

14 before the public hearing that I have to ask

15 here. We have the application. We confirmed

16 the status of the applicant to make the

17 application. The public notice was published.

18 MS. LINGG: Yes.

19 CHAIRMAN SALADINO: The Building

20 Department clerk assures us of that. I have

21 the mailings here which I will read. Rock

22 Realty Corp., 60 Sutton Place South, apartment

23 3DS, New York, New York 10022; Kuhlmann

24 Management Corp., PO Box 422, Cutchogue, New

25 York 11935; William F. Claudio, Inc., 111 Main

1 Street, Greenport, New York 11944.

2 Dini, help me out here.

3 MEMBER GORDON: Dilek Ergis

4 CHAIRMAN SALADINO: Dilek Ergis,
5 attention Rose & Dee's Jewelery, 26 Front
6 Street, Greenport, New York 11944; Yellowfin
7 Galleria, LLC., PO Box 5038 Southampton, New
8 York 11968; Eugene Avelia 536 8th Street,
9 Palisades Park, New Jersey 07650 and 2012
10 Front Street, LLC., 122 South Street,
11 Greenport, New York 11944.

12 We will open the public hearing. Is
13 the applicant here? Would you like to say
14 something? Name and address for the
15 stenographer.

16 MS. McDOWELL: Kathleen McDowell,
17 51540 Route 25, Southold, New York.

18 So basically what I wanted to say is
19 that the sign that I'm proposing, although it
20 is bigger than what is permitted by the
21 Village, it is not really bigger than most of
22 these signs that are around me. Whether they
23 are pre-existing or whether they have been
24 grandfathered in or whether some of them have
25 never been permitted at all. Also we are a

1 brick and mortar business. So we're competing
2 with ecommerce and our signage is part of our
3 branding. And I feel like what the Village
4 allows for the actual sign is not big enough
5 for people driving by to actually see us.

6 Also I know that state signs are not
7 Village signs. But I did do quite a bit of
8 research and most state signs are made 24 x 36
9 because that is what someone driving by can
10 visually see without straining or missing it.
11 So I feel like if our sign was 24 X 36 traffic
12 going by on Front Street 25 to 30 miles an
13 hour could easily see it.

14 We obviously have spent a lot of money
15 on the project and we do want to be
16 successful. And a big part of that is getting
17 people to know where we are. Not just through
18 advertising and social media. But Greenport
19 is such a destination for a lot of people. We
20 need our sign to draw people in. Questions?

21 CHAIRMAN SALADINO: Does the Board
22 have any questions? I have a question. Are
23 you prepared to tell us here and now that your
24 business would suffer if your sign were
25 smaller?

1 MS. McDOWELL: I think if people could
2 not see the sign driving by, yes.

3 CHAIRMAN SALADINO: And you think the
4 majority of your business would be from people
5 in a walking Village from people driving by?

6 MS. McDOWELL: Being at that location
7 for the amount of years that I have been there
8 and my past experience with my tenants that
9 have been there, also one-hour photo, I know
10 the importance of a sign. You know, is it
11 going to kill my business? Probably not.
12 Will it increase it? Yes.

13 CHAIRMAN SALADINO: We had asked you
14 for a list of your neighbors that you felt
15 that signs are larger than is allowed that
16 hung over Village sidewalk. Did you happen to
17 make that?

18 MS. McDOWELL: Well, I didn't realize
19 that the five signs that are next to me at the
20 Galleria are over Village -- I didn't realize
21 that they were over private property. But
22 they are all 24 X 36.

23 CHAIRMAN SALADINO: Well, we explained
24 that to you at the last meeting. I remember
25 explaining that to you.

1 MS. McDOWELL: I'm sorry. I didn't --
2 Also, you know, today I question the Harbor
3 Best sign, which is bigger than my sign. And
4 I didn't realize that was grandfathered in.

5 CHAIRMAN SALADINO: Okay.

6 Anybody else from the Board? Any
7 questions? No.

8 MEMBER NEFF: I just want to -- the
9 point that you were making, Chairman. That
10 for most people they will see something about
11 your business from an advertisement, either in
12 print or on-line, a flyer. Something like
13 that. And they're walking down the street. I
14 think you are right, a certain number of cars
15 would certainly see it driving down but that
16 is not as many. In fact, the street becomes
17 busier and busier when June turns into July,
18 etcetera, it is a street to avoid. But
19 walking traffic is enormous. So without the
20 comparison -- do we really have a breakdown of
21 what signs are, the size they are because if
22 they were existing? Do we? The signs that
23 are larger than the code allows or even the
24 same or larger than this sign, that they are
25 larger because they were pre-existing or they

1 have no permit. We don't really know that, do
2 we? The number of them.

3 MS. McDOWELL: Or they are hanging
4 over private property.

5 CHAIRMAN SALADINO: I'm sorry?

6 MS. McDOWELL: Or they are hanging
7 over private property.

8 CHAIRMAN SALADINO: Well we don't
9 legislate what hangs over private property.

10 MS. McDOWELL: Right.

11 CHAIRMAN SALADINO: As far as
12 non-conforming signs, as far as signs that --
13 that aren't permitted, if the applicant wanted
14 -- I asked for that information from the
15 applicant. I didn't think it was our job to
16 get it.

17 MS. McDOWELL: Well Kharma, which I
18 had no way of knowing that that sign was not
19 permitted.

20 CHAIRMAN SALADINO: We don't know
21 that.

22 MS. McDOWELL: Well, that sign is over
23 Village property and that is 30" in diameter.

24 CHAIRMAN SALADINO: Here's the deal
25 with that. It is either up without a permit.

1 And that would be for somebody in Code
2 Enforcement, if and when they become aware of
3 it, to take care of that. Or it is permitted
4 and it was granted by a previous Zoning Board
5 of Appeals. I don't believe anybody on this
6 Board remembers that application. I believe I
7 asked that last month also. Nobody remembers
8 that application. And some members have some
9 tenure. So to use Kharma as your example --
10 you can certainly say it but -- and the
11 members can certainly take it into
12 consideration when it comes time to discuss
13 it. Anyone else? No?

14 Thank you.

15 Anyone from the public like to speak?
16 Someone maybe back there? No?

17 Thank you.

18 MS. McDOWELL: Thank you.

19 CHAIRMAN SALADINO: What is the
20 pleasure of this Board with this application?
21 Keep it open, are we going to close it?

22 MEMBER CORWIN: I make a motion we
23 close the public hearing.

24 MEMBER GORDON: Second.

25 CHAIRMAN SALADINO: All in favor?

1 MEMBER CORWIN: Aye.

2 MEMBER GORDON: Aye.

3 MEMBER NEFF: Aye.

4 CHAIRMAN SALADINO: And I'll vote aye.

5 Next on our agenda is item number six
6 is a public hearing regarding an area variance
7 sought by Royal Tuthill, for the property
8 located at 237 Monsell Place, Greenport, New
9 York 11944. The public notice is attached.
10 And the Suffolk County Tax Map is 1001-2-2-25.

11 Same thing. I got to read my list.
12 The applicant -- there was a notarized -- that
13 the applicant is being represented by Mr.
14 Wilson. The public notice was published in
15 the newspaper?

16 MS. LINGG: Yes.

17 CHAIRMAN SALADINO: I have the public
18 mailings: Alice Quinn, 720 Greenwich Street,
19 apartment 9F, New York, New York 10014; John
20 Quinlan, 232 Manor Place, Greenport, New York
21 11944; Jesse Browner, 161 W 15th Street,
22 apartment 4J, New York, New York 10011;
23 Anthony Farley, 905 West End Avenue, apartment
24 25, New York, New York 10025; Gary Harte, 299
25 Sterling Place, Greenport, New York 11944;

1 Nancy Spurge, 46-30 Cinter Boulevard,
2 apartment 503, Long Island City, New York
3 11109; Daniel Mazzarini III, 8 W 13th Street,
4 apartment 8 RE, New York, New York 10011.

5 We are going to open the public
6 hearing. Is the applicant here?

7 MR. WILSON: Good evening. Robert
8 Wilson. 115 Priscilla Avenue, Riverhead, New
9 York 11901.

10 CHAIRMAN SALADINO: Wait. I'm sorry.
11 I'm sorry.

12 MR. WILSON: It's all right.

13 Okay. So as we discussed previously,
14 most of the addition falls within the required
15 setbacks. There are two portions that are
16 over the setback. One is the new deck that is
17 being added on the south side of the house to
18 accommodate the new entryway. And then the --
19 there is going to be a second story added over
20 the existing kitchen. Again it was designed
21 not to increase the degree of non-conformity.
22 We are not getting any closer to the side yard
23 setback -- the front yard setback rather, but
24 there is construction happening outside those
25 lines. So we are seeking a variance.

1 At the inspection someone raised the
2 issue of multiple entrances on the same side
3 of the house. There was a question of whether
4 or not they were trying to convert this house
5 into a two family residence. If you look at
6 it one of the entrances leads into the
7 kitchen. The other entrance leads into what
8 will be a mud room. And there is no bedrooms
9 on the first floor and no kitchen on the
10 second floor. It is pretty clearly staying a
11 single family residence. They are just adding
12 space for their growing family.

13 MEMBER CORWIN: Let me make a
14 correction. You are mentioning a side yard
15 setback?

16 MR. WILSON: Yes. I meant front yard
17 setback.

18 MEMBER CORWIN: Make that clear. It
19 is a corner lot. So there are two front
20 yards. Which complicates it.

21 CHAIRMAN SALADINO: And without
22 opening up this big map here, the height of
23 the second floor addition, the addition that
24 is going up two stories is how high?

25 MR. WILSON: Well, I would have to

1 open up my version of that big map. It is
2 less than the height of the house now.

3 CHAIRMAN SALADINO: Okay.

4 MR. WILSON: The new second story is
5 not going to quite reach the peak -- the ridge
6 isn't going to quite reach the ridge of the
7 existing house.

8 MEMBER GORDON: It looks as though it
9 is 28' and 7 1/2", existing and the same
10 proposed.

11 MR. WILSON: Okay. Yeah. I think
12 when we filled that out -- I mean the height
13 of the house isn't changing. The overall
14 height of the house is remaining the same.

15 CHAIRMAN SALADINO: Okay. Does any
16 member have any questions for Mr. Wilson?

17 MEMBER CORWIN: I have a question. I
18 realize it is not our purview. I noticed
19 there was a privy.

20 MR. WILSON: There was what?

21 MEMBER GORDON: A privy in the
22 backyard. A privy is an outhouse.

23 MR. WILSON: Oh.

24 MEMBER CORWIN: Am I correct? Is that
25 an outhouse? It is not shown on the site

1 plan. I don't have any objection to it. I
2 think it is an interesting part of the
3 property. I was just wondering if it is going
4 to stay or be taken down?

5 MR. WILSON: You know I don't --
6 personally I don't have any knowledge of
7 whether it is going to stay or be taken down.
8 My suspicion is that it is not going to be
9 taken down right now. It is not impacted by
10 the proposed construction. They are not
11 changing any of the existing garage or any of
12 the out buildings. I think they are going to
13 focus their renovations just on the main
14 house.

15 MEMBER CORWIN: Thank you.

16 MR. WILSON: You're welcome.

17 MEMBER CORWIN: And the other question
18 I should ask now, there is a leader on the
19 north side, which is on Monsell Place. And a
20 rain water leader on the west side which is on
21 Sterling Place. And generally what I like to
22 ask the applicants is to install a dry well on
23 any leader that has a potential to discharge
24 into the street. And would the applicant find
25 that acceptable to install dry wells for the

1 two or three leaders there?

2 MR. WILSON: We are adding two new
3 sections of roof to the house. I think that
4 probably adding more modern system for dealing
5 with storm water run off is probably part of
6 the plan. At least it is called for. So the
7 owner will have no problem at all installing
8 dry wells to deal with the existing leaders as
9 well.

10 MEMBER CORWIN: You said probably.

11 MR. WILSON: I know. I said probably.
12 We'll include it in the plans before we apply
13 for a building permit.

14 MEMBER CORWIN: Thank you.

15 MR. WILSON: You're welcome.

16 CHAIRMAN SALADINO: That is the
17 purview of the Building Department. I am sure
18 they will remind them about containing storm
19 water run off.

20 Anyone else have any questions?

21 MEMBER NEFF: No.

22 MEMBER CORWIN: I make a motion --

23 CHAIRMAN SALADINO: Wait. Wait.

24 Wait, David. We are going to let the public
25 speak. Thank you.

1 Is there anyone from the public that
2 would like to speak? Anyone back there? No?

3 MEMBER CORWIN: I make a motion to
4 close the public hearing.

5 MEMBER NEFF: Second.

6 CHAIRMAN SALADINO: All in favor?

7 MEMBER CORWIN: Aye.

8 MEMBER GORDON: Aye.

9 MEMBER NEFF: Aye.

10 CHAIRMAN SALADINO: And I will --
11 Diana, did you vote aye?

12 MEMBER GORDON: Yes.

13 CHAIRMAN SALADINO: I will vote aye.

14 I have an agenda. Is this mine? is
15 this your agenda? I'm sorry. Can I borrow
16 your agenda?

17 MEMBER NEFF: Yes.

18 CHAIRMAN SALADINO: Item number nine.
19 Motion to accept the application, schedule a
20 public hearing, and arrange a site visit for
21 the application of James Olinkiewicz for the
22 property located at 412 Third Street,
23 Greenport, New York 11944. Suffolk County Tax
24 Map 1001-4-2-4.6.

25 Before we discuss anything with this

1 application I am going to make a note that the
2 applicant is not here. The attorney is not
3 here. I have a letter from one of our members
4 that he asked to be read before there was any
5 discussion about accepting this application.

6 It is from Arthur M. Tasker and it is
7 addressed to the Board; John Saladino, Diana
8 Gordon, David Corwin and Ellen Neff.

9 It says, "Dear Chairman Saladino,
10 as I advised you I am unable to attend
11 tonight's meeting due to out of town travel.
12 I write to give you my thoughts concerning the
13 subject application to subdivide 412 Third
14 Street. Please read this communication into
15 the record of the Board's consideration of
16 accepting the application.

17 I am overwhelmed by the complexity,
18 breadth and scarcity of detail in the
19 application, that consists of three disparate
20 options. The Board has encountered this
21 circumstance before and, in failing to
22 separate the several inconsistent portions,
23 found itself in a difficult tangle. For
24 administrative reasons, alone, the application
25 should be denied in its present form for

1 further consideration of the applicant's
2 proposals, one at a time. Further, it appears
3 that the application as submitted is
4 incomplete, for example, as it relates to lot
5 sizes and setbacks.

6 The ZBA should first address the
7 question, whether by "interpretation" or other
8 consideration, the status of a variance of the
9 same subdivision question that is claimed to
10 have been granted in about 1998. If, as has
11 been suggested, the Board determines that
12 there is a pre-existing variance, validly
13 granted -- procedurally and substantively --
14 and that remains in effect today, the inquiry
15 may end there. If, however, the ZBA were to
16 determine that is not the case, then it would
17 seem that a new, complete application would be
18 in order for variances to support the
19 subdivision.

20 I recommend, and would so vote if
21 present, that the Board reject the application
22 as it exists in favor of future consideration
23 of an application that deals with one issue at
24 a time, if the applicant is so advised.

25 Arthur M. Tasker, Member Village of

1 Greenport Zoning Board of Appeals.

2 In addition, we have a letter that I
3 will read into the record. From Mr.
4 Olinkiewicz' attorney, Patricia C. Moore. It
5 is addressed to the Village Administrator, Mr.
6 Pallas, Village of Greenport, 236 Third
7 Street, Greenport, New York 11944.

8 The subject is Village of Greenport
9 Zoning Board. Application of Olinkiewicz.
10 Premises: 412 Third Street and the Suffolk
11 County Tax Map.

12 Dear Mr.Pallas, in furtherance of my
13 telephone conversations with Village Counsel
14 to the Zoning Board, it is agreed that the
15 pending application to the Zoning Board is
16 hereby amended to include such setback
17 variances as are necessary for the "as built"
18 existing dwelling units and structure on the
19 premises.

20 With this amendment, we understand
21 that the matter will be set for a public
22 hearing. If there are any questions, please
23 do not hesitate to contact me. Thank you.

24 Very truly yours, Patricia C. Moore.

25 I have some comments but I will go to

1 the members first.

2 MEMBER GORDON: I have a question for
3 my colleagues, which is: Whether this letter
4 from the applicant's attorney amounts to an
5 agreement that the variance of 1998 cannot be
6 considered to be in effect now. And
7 therefore, setback variances are necessary.
8 It seems to me that is what the letter
9 suggests.

10 CHAIRMAN SALADINO: I agree with you.
11 But I also think in light of her application
12 she included a memorandum of law. Which, you
13 know, I'm not -- we kind of asked her about it
14 last time and if she was here perhaps she
15 could shed some light on it. She since is not
16 we will try too muddle through without it.

17 It is my opinion that she was asking
18 for three bites of the apple here. Actually I
19 kind of thought it was just to create a
20 record. So, you know, the first question was:
21 Does the variances run with the land? And
22 everyone on this Board knows --

23 MEMBER GORDON: That they do.

24 CHAIRMAN SALADINO: That they do. The
25 question that should be in front of us is:

1 Did this variance?

2 MEMBER GORDON: Well, the variance --

3 CHAIRMAN SALADINO: If it was ever
4 granted and a determination issued and a
5 resolution passed.

6 MEMBER GORDON: But if the variance
7 did not exist, if we can not find that the
8 variance was granted in 1998 than the issue of
9 whether it runs with the land or not is
10 irrelevant and we move on.

11 CHAIRMAN SALADINO: I agree. I agree.
12 And the second part was: Was there a
13 durational issue. I think --

14 MEMBER NEFF: Could I just ask: What
15 was the substance to the claim that there was
16 such -- I'm sorry. I don't remember from our
17 last meeting -- such a variance?

18 CHAIRMAN SALADINO: In 1998 there was
19 a meeting of the Zoning Board of Appeals.

20 MEMBER NEFF: Right.

21 CHAIRMAN SALADINO: Since subdivisions
22 at that time went in front of the Zoning Board
23 of Appeals. They had a public hearing. They
24 wound up voting but the vote was never
25 recorded and there was never a determination

1 or resolution made. So --

2 MEMBER NEFF: There is no minutes of
3 it or there is?

4 MR. CONNOLLY: There are minutes.

5 CHAIRMAN SALADINO: There are minutes.
6 There are minutes.

7 MEMBER NEFF: So there are minutes but
8 not a determination or finding.

9 CHAIRMAN SALADINO: Right. So -- so
10 --

11 MEMBER GORDON: Are the minutes
12 definitive?

13 MR. CONNOLLY: In the minutes the
14 Board votes to grant the variance to allow for
15 the subdivision of the substandard lots.
16 However, it doesn't speak to the setbacks for
17 the existing structures.

18 CHAIRMAN SALADINO: Also we are faced
19 with the portion of our code that we -- it is
20 durational issue. You know, about starting
21 the next step in the process. There is a time
22 limit in the Village code that says six months
23 you have to move on to the next step. It says
24 construction.

25 MEMBER GORDON: There were already

1 houses, two houses.

2 CHAIRMAN SALADINO: That's true. We
3 could -- that's true. I contend that there is
4 a next step in the process, even though it is
5 for a subdivision; registering of deeds,
6 building a fence, physically trying to
7 separate the land. That was never done.

8 The applicant was under the impression
9 that his application was denied, sold the
10 property, re-bought the property, sold the
11 property again, re-brought the property again.
12 And now this is a new application to
13 sub-divide the property.

14 MEMBER NEFF: Thank you for that
15 summary. Now I don't feel so reticent about
16 it. I was confused. That was well done.

17 CHAIRMAN SALADINO: Oh, I thought you
18 were saying I gave you a confusing --

19 MEMBER NEFF: No. No. That was very
20 good.

21 CHAIRMAN SALADINO: So the question in
22 front of us tonight -- obviously the question
23 in front of us tonight is to accept this
24 application. I have an opinion about that.
25 Obviously we just read Arthur's opinion. I

1 would be willing to give my opinion unless the
2 members --

3 MEMBER CORWIN: I would just like to
4 add one more thing to our discussion. I read
5 the minutes -- I read the minutes such as they
6 were and I didn't see them ask or answer the
7 five questions. So I wonder if I can ask the
8 attorney, if they didn't ask or answer the
9 five questions does an approval stand?

10 MR. CONNOLLY: I think that -- I was
11 looking for case law on this and there is
12 really no case law about what happens when the
13 Zoning Board determination is not recorded
14 with the Village Check. The Village law, New
15 York State Village law says that
16 determinations must be filed within five days
17 of the decision being made by the Zoning
18 Board.

19 MEMBER CORWIN: But that is not
20 answering my question. We have repeatedly
21 been told by Mr. Prokop that we have to do
22 five questions. Those are things that count,
23 the five questions in the Zoning code, which
24 comes out of the State of New York law. I
25 didn't see where the Zoning Board back in 1998

1 did the five questions. So my question is:
2 Whether anything can stand if you did not the
3 five questions?

4 MR. CONNOLLY: That is what I was
5 trying to get to. In the determination is
6 where you have your findings of fact, where
7 you address the five factors. There is no
8 determination.

9 CHAIRMAN SALADINO: Wouldn't --

10 MR. CONNOLLY: Some times the Boards
11 don't sit around and go through each question.
12 They base their determination on the record
13 and that's where the findings of fact comes
14 from. Not every Zoning Board asks each
15 question at a public hearing.

16 CHAIRMAN SALADINO: We do it just for
17 -- you -- we do it to create a record.

18 MR. CONNOLLY: Sure.

19 CHAIRMAN SALADINO: Because we thought
20 it would be best to have a record because
21 people are allowed judicial review.

22 MR. CONNOLLY: Sure.

23 CHAIRMAN SALADINO: That is -- but,
24 David's question -- shouldn't the first thing
25 we consider is shouldn't this applicant -- the

1 first thing they should be asking us is for an
2 interpretation if in fact a variance was
3 validly issued or given. Shouldn't that be
4 the first --

5 MR. CONNOLLY: It is really up to the
6 applicant, what they want to ask of the Board.
7 It seems like from my conversation with Ms.
8 Moore today and from her letter she is asking
9 to consider it as a new application.

10 CHAIRMAN SALADINO: Okay. We don't
11 have a Notice of Disapproval in front of us.
12 We don't -- this application, in my opinion,
13 is incorrect and incomplete. You know,
14 everything -- every training seminar that we
15 have gone to as a Board always stressed the
16 fact to accept an application it had to be
17 correct and complete. I think that I can make
18 a good argument that this application as it
19 stands in front of us is incorrect and
20 incomplete.

21 MR. CONNOLLY: You still need the turn
22 down letter from the Village.

23 CHAIRMAN SALADINO: The Notice of
24 Disapproval. So anyone else have any
25 comment?

1 MEMBER NEFF: No.

2 MEMBER GORDON: I want to understand.
3 What would the Notice of Disapproval say?

4 MR. CONNOLLY: It tells you what
5 variances are required.

6 MEMBER GORDON: I know that. But I
7 mean what would it -- what code provision
8 would it be tied to?

9 MR. CONNOLLY: It would be tied to the
10 code provision that establishes setbacks for
11 principle dwellings.

12 CHAIRMAN SALADINO: 150 --

13 MR. CONNOLLY: And lot size.

14 CHAIRMAN SALADINO: And I believe
15 150-6.

16 MEMBER GORDON: So it would be the
17 same defects that were present when the ruling
18 was made in 1998?

19 CHAIRMAN SALADINO: I'm assuming -- I
20 have to assume that -- I read the code and I
21 didn't see an addition in the body of code
22 that said it revised. So in my mind that
23 portion of the code has been ineffective. At
24 least 1971 when the code was revised.
25 Normally there is an addition at the bottom,

1 you know, revised on this date. I didn't read
2 that in the code. So I'm going to say yes,
3 since it originally went in front of the Board
4 these provisions have been in effect.

5 MEMBER GORDON: So the lawyer is
6 really saying with her amendment that she and
7 her client accepted the redoing of this
8 process.

9 CHAIRMAN SALADINO: From the jist of
10 things, yeah. We haven't -- aside from this
11 letter, Mr. Connolly has had communication
12 with her. She is going to submit another
13 application. She -- we are going to get a
14 Notice of Disapproval. From that -- from the
15 conversation we just had with the Board's
16 attorney, I am kind of guessing that she is
17 asking for area variances.

18 MR. CONNOLLY: Right. I'm sure she is
19 going to point to the minutes of former
20 hearing 1998 probative --

21 CHAIRMAN SALADINO: That will be --

22 MR. CONNOLLY: -- and persuasive.

23 CHAIRMAN SALADINO: -- for her to make
24 her argument at the public hearing. But right
25 now the question in front of us is: Do we

1 accept this application?

2 MEMBER NEFF: Can I also ask about
3 this survey that we have. I see that it talks
4 about lot one and lot two and I see the
5 position of the buildings and the parking
6 places. What are the actual lines of lot one
7 and lot two? And is the right-of-way
8 calculated as part of lot two? It is
9 confusing to me. When I look at this I don't
10 understand it.

11 CHAIRMAN SALADINO: I think -- if I
12 could just -- I think those questions are
13 better asked when we have the new application
14 if front of us.

15 MEMBER NEFF: It would be nice to
16 clarify those things.

17 CHAIRMAN SALADINO: We can certainly
18 ask her to do that.

19 MEMBER NEFF: If we got a lot it
20 should have dimensions.

21 CHAIRMAN SALADINO: Right now this is
22 the application.

23 MEMBER NEFF: A proposed lot. Okay.
24 Thank you.

25 CHAIRMAN SALADINO: Any one else? If

1 there is no one else that has a comment I am
2 going to make a motion that we not accept this
3 application. So moved.

4 MEMBER CORWIN: I'll second the
5 motion.

6 CHAIRMAN SALADINO: I will take a --
7 David -- vote. Vote.

8 MEMBER CORWIN: No.

9 CHAIRMAN SALADINO: Diana?

10 MEMBER GORDON: No.

11 CHAIRMAN SALADINO: Ellen?

12 MEMBER NEFF: No.

13 CHAIRMAN SALADINO: And I'll vote no.

14 MEMBER GORDON: Are we going to pass
15 on to the applicant and his lawyer a directive
16 to provide a Notice of Disapproval and a
17 revised --

18 MR. CONNOLLY: I believe Mr. Pallas is
19 --

20 CHAIRMAN SALADINO: I think they are
21 preparing it now.

22 MEMBER GORDON: Okay. Thank you.

23 CHAIRMAN SALADINO: There was a
24 conversation with the Village attorney. She
25 spoke to the Village Administrator. The

1 Building Department spoke with you. They are
2 preparing a Notice of Disapproval now. So
3 when we get that -- we will address that when
4 we get it.

5 MEMBER NEFF: Okay.

6 CHAIRMAN SALADINO: Everybody is in
7 agreement with that?

8 MEMBER GORDON: Um-hum.

9 CHAIRMAN SALADINO: Okay. Where are
10 we? Item number seven, 19 Front Street.
11 Discussion and possible motion on the area
12 variance application sought by Kathleen M.
13 McDowell, for the property located at 19 Front
14 Street, Greenport, New York 11944. Suffolk
15 County Tax Map 1001-5.-4-29.

16 Does this Board have any comments?

17 MEMBER CORWIN: Well, I can make a
18 couple of comments. I probably shouldn't. If
19 you read the code the question comes up: Are
20 some of these overhanging signs overhanging
21 the sidewalk legal or is it a code enforcement
22 issue? If you read the code I don't think any
23 of them are legal at this point.

24 MEMBER NEFF: I didn't hear what you
25 said. Aren't -- if you read the code. I

1 didn't hear what you said after that.

2 MEMBER CORWIN: Are legal within the
3 code.

4 MEMBER NEFF: Okay.

5 MEMBER CORWIN: Some of them may have
6 gotten a permit for one year. But the permit
7 is only good for a year. So it is a little
8 hard to compare what existing is and what
9 proposed is. My problem with this particular
10 sign is -- I know that there is signs that are
11 bigger. I wouldn't blame the applicant for
12 saying -- pointing out the larger signs but
13 some were grandfather in. Some are over
14 private property.

15 My concern is if we give it to one, an
16 oversized sign, then everybody comes in and
17 says, I want an oversized sign too. There is
18 a lot of signs out there. And does the
19 Village of Greenport business district want to
20 be inundated with large signs?

21 MEMBER GORDON: My viewing is that the
22 code -- the code is very clear. The plain
23 meaning of the word excludes a sign of this
24 size. But when you look down the street and
25 you see other signs. Some of them very, very

1 close to her building. It is evident that
2 there would be a significant disadvantage to
3 her business if the sign since were in
4 conformance with the code. So I find this
5 extremely difficult.

6 CHAIRMAN SALADINO: I see our role
7 here as administrative. I don't see it as
8 legislative. If this was a reconstruction of
9 a sign or a modification to an existing sign,
10 you know, I think moderate relieve. But for
11 us to arbitrarily -- to just decide that --
12 that 12 and 1/2 square feet is the new norm
13 when the legislative -- when the Village Board
14 legislates the code and decides that two
15 square feet is the norm I am just not sure we
16 have the right -- I understand we can grant
17 moderately tailored relief but I think this is
18 more of a case of I want it as opposed to I
19 need it. You know, the fact that somebody
20 said that business might suffer I think is
21 more emotional that empirical. I don't think
22 there is any proof of that. I think the sign
23 is clearly over Village property where the
24 policies of Building Department is that if a
25 sign is over private property they kind of

1 hold it to a different standard.

2 I think the sign is too big as it --
3 as it -- as it is. Again, Greenport -- I
4 think the majority of the people that are
5 going by the store -- you know we use -- we
6 use the other signs as an example of why this
7 applicant needs a sign. But I look down the
8 street and I see businesses that don't have a
9 sign and seem to be doing okay too. So I
10 don't think it should be our role to decide
11 how business would be affected by either being
12 this size or if it was smaller. Ellen?

13 MEMBER NEFF: Again, a reduction of
14 size to something between the two, what the
15 code says and what other people on the Board
16 have characterized as too big make sense to
17 me. Especially when you look at the -- I
18 guess eclectic is a word that fits. Eclectic.
19 You know that they are all different. They
20 are mostly small, relatively speaking, to some
21 other places that you drive by and it is a
22 road. Not a village block. This village is
23 not 18 blocks long. It has -- I have a
24 problem with approving something substantial
25 -- this much substantially larger. And

1 approving something in between seems to me
2 more in keeping with our role. That is my
3 point of view.

4 CHAIRMAN SALADINO: I'm not sure we
5 can dictate a size. The applicant can suggest
6 a size to us that she would be comfortable
7 with and we can consider that. And in hearing
8 the comments the Board made just now, perhaps
9 the applicant would like to suggest a
10 compromise but it is not our job to say what
11 the size of that sign should be. Our job is
12 that sign -- the Building Department tells you
13 it should be two square feet on each side.
14 Our job is to consider what she is asking for
15 if we want to -- if someone wants to --

16 MS. McDOWELL: Can I say something?
17 The reason we originally went with the 24 X 36
18 signs, the sign size, is because those were
19 the four or five signs that are right next to
20 us and we felt like it wouldn't look out of
21 place. Just that our sign is oval as opposed
22 to rectangular. But it is the exact same size
23 -- and I realize that it is hanging over
24 private property but, you know, when we were
25 first looking at this we're looking at the

1 other signs that are around us. And we didn't
2 want to be bigger than them. We didn't
3 realize - originally our size was 22 feet long
4 on the building when I had Kit's Photo.

5 CHAIRMAN SALADINO: But it was affixed
6 to the front of the building.

7 MS. McDOWELL: Right. And then we
8 decided it would be more advantageous, you
9 know, in today's business to have it
10 perpendicular. So the reason we went by 24 X
11 36 was because we thought it was conforming to
12 the signs at the Galleria.

13 CHAIRMAN SALADINO: Okay. I have a
14 different opinion. I kind of think the one
15 foot -- the two square foot double sided sign
16 -- I'm just curious as like how far do you
17 want somebody to be able to read this sign
18 from? I mean, you know --

19 MS. McDOWELL: We do --

20 CHAIRMAN SALADINO: How far away is
21 reasonable to say, well, I want my sign to be
22 able to be read from 500 feet away or 40 feet
23 away, 50 feet away. The code is written -- we
24 didn't write the code. Somebody else did.
25 And sometimes people think it is reasonable.

1 Sometimes they don't. The proper place to
2 grieve that is at a Village Board meeting.
3 But, I look at the signs down the street for
4 Andy's, for Salamander's, you know, a few
5 other places that do conform with the code.
6 And there is no reason why you couldn't put a
7 sign on the building. You know affix it to
8 the building that wouldn't be perpendicular to
9 the building to increase -- or a sandwich
10 board.

11 MS. McDOWELL: I don't think we're
12 allowed to have a sandwich board.

13 CHAIRMAN SALADINO: I believe we are.
14 I believe there was an agreement with the BID
15 and the Village Board, if there was no other
16 incumbrance on the sidewalk and there was five
17 feet. So that might be something to talk to
18 the Building Department also.

19 MS. McDOWELL: What if we proposed
20 doing it 24 X 30 instead of 24 X 36.

21 MEMBER NEFF: Repeat the dimensions,
22 please. You said 24 X 30, right?

23 Ms. McDOWELL: 24 X 30 instead of 24 X
24 36. I also wanted to mention one thing too,
25 that the signs that you are referring to that

1 are at like Salamander's and stuff, those
2 signs are like just above -- they are almost
3 like small walking signs for people to see on
4 the sidewalk.

5 CHAIRMAN SALADINO: That is what was
6 intended by the code.

7 MS. McDOWELL: We are proposing to put
8 this between the first and second floor. And
9 I think a sign like that is going to look
10 really small in comparison to the dimension of
11 the building.

12 CHAIRMAN SALADINO: Anyone else?

13 I personally still think that 24 X 30
14 is too big. What is in front of us here is
15 proposed sign of 12 and 1/2 square feet,
16 requiring an area variance of 8.5 square feet.

17 Are we prepared to go through the
18 questions and vote on this?

19 MEMBER CORWIN: Are you polling the
20 audience?

21 CHAIRMAN SALADINO: The public hearing
22 is closed. The public hearing is closed.

23 MEMBER CORWIN: I'm prepared to vote.

24 CHAIRMAN SALADINO: Kristine, are you
25 going to keep score?

1 MS. LINGG: Yes.

2 CHAIRMAN SALADINO: Do we want to go
3 through these one at a time and add our
4 comments or do we feel our comments are
5 sufficient to go right to the questions?

6 MEMBER CORWIN: Let's just go right to
7 the questions.

8 MEMBER GORDON: Yes.

9 CHAIRMAN SALADINO: Whether an
10 undesirable change will be produced in the
11 character of the neighborhood or a detriment
12 to nearby properties will be created by
13 granting the area variance?

14 David?

15 MEMBER CORWIN: Yes.

16 CHAIRMAN SALADINO: Diana?

17 MEMBER GORDON: No.

18 CHAIRMAN SALADINO: Ellen?

19 MEMBER NEFF: No.

20 CHAIRMAN SALADINO: And I'll vote yes.

21 Whether the benefits sought by the
22 applicant can be achieved by some method
23 feasible by the applicant to pursue other than
24 an area variance?

25 David?

1 MEMBER CORWIN: Yes.

2 CHAIRMAN SALADINO: Dini?

3 MEMBER GORDON: Yes.

4 CHAIRMAN SALADINO: Ellen?

5 MEMBER NEFF: Yes.

6 CHAIRMAN SALADINO: And I'll vote yes.

7 Whether the requested area variance is
8 substantial?

9 David?

10 MEMBER CORWIN: Yes.

11 CHAIRMAN SALADINO: Diana?

12 MEMBER GORDON: Yes.

13 CHAIRMAN SALADINO: Ellen?

14 MEMBER NEFF: Yes.

15 CHAIRMAN SALADINO: And I'll vote yes.

16 Whether the proposed variance will
17 have an adverse affect or impact on the
18 physical or environmental conditions in the
19 neighborhood or district?

20 David?

21 MEMBER CORWIN: Yes.

22 CHAIRMAN SALADINO: Diana?

23 MEMBER GORDON: No.

24 CHAIRMAN SALADINO: Ellen?

25 MEMBER NEFF: No.

1 CHAIRMAN SALADINO: I have to read it
2 again.

3 Whether the proposed variance will
4 have an adverse effect or impact on the
5 physical or environmental conditions in the
6 neighborhood or district?

7 I'm going to vote yes.

8 Whether the alleged difficulty was
9 self-created which consideration shall be
10 relevant to the decision of the Board of
11 Appeals but shall not necessarily preclude the
12 granting of an area variance.

13 Mr. Corwin?

14 MEMBER CORWIN: Yes.

15 CHAIRMAN SALADINO: Diana?

16 MEMBER GORDON: Yes.

17 CHAIRMAN SALADINO: Ellen?

18 MEMBER NEFF: Yes.

19 CHAIRMAN SALADINO: And I'll vote yes.

20 Should we do SECRA before we vote on
21 the --

22 MR. CONNOLLY: Yes.

23 CHAIRMAN SALADINO: I'm going to make
24 a motion that the ZBA declare itself lead
25 agency for the purposes of SECRA.

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MEMBER GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN SALADINO: I am going to
declare this a type 2 action for the purposes
of SECRA.

MEMBER CORWIN: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.
And the third -- I'll make a motion
that we grant this area variance.

Is there a second?

MEMBER CORWIN: Second.

CHAIRMAN SALADINO: David?

MEMBER CORWIN: No.

CHAIRMAN SALADINO: Diana?

MEMBER GORDON: No.

CHAIRMAN SALADINO: Ellen?

MEMBER NEFF: Yes.

CHAIRMAN SALADINO: And I'm going to

1 vote no.

2 Ms. McDowell, come back with a
3 different sized sign.

4 Item number eight 237 Monsell Place
5 Discussion and possible motion on an area
6 variance sought by Royal Tuthill, for the
7 property located at 237 Monsell Place,
8 Greenport, New York 11944. Suffolk County Tax
9 Map 1001-2.-2-25.

10 What is the Board's feeling about
11 this?

12 MEMBER CORWIN: I have no problem with
13 the application. I do want to note that I do
14 like the existing privy and I hope it is
15 maintained as an artifact of days gone by.
16 I also want to say that there are at least two
17 storm water leaders that have the potential to
18 discharge onto the street. I would like to
19 see dry wells installed.

20 As I understand the code, residential
21 districts are not required to retain all water
22 on the property. Commercial districts are
23 required to retain all water on the property.
24 I think that it is important to retain the
25 water on the property because we have this MS4

1 thing going and the New York State Department
2 of Environmental Conservation does not like
3 run-off to go into the creek. Anything that
4 runs off from that piece of property, the
5 creek is very close. A block or two away.

6 So I would like to make part of the
7 application -- of any approval that the
8 applicant would install dry wells to capture
9 run-off on the north and the west side of the
10 property.

11 CHAIRMAN SALADINO: Diana?

12 MEMBER GORDON: I always learn a lot
13 from David's attention to environmental issues
14 and water run off. It does seem to me that we
15 can't really make his concerns conditional
16 unless they relate to some part of the reason
17 why a variance is needed. Unless they are
18 somehow related to those setback issues that
19 are addressed by the application for the
20 variance. So I would not make those things
21 conditional but sending a message, I think it
22 is the right message.

23 CHAIRMAN SALADINO: I agree. All of
24 applications that -- in the past few years
25 that have come before us we have always, you

1 know, were concerned about containing storm
2 water on the property. And no one found it
3 unreasonable. I don't believe we can make it
4 conditional either. I think the Building
5 Department can take a look at it and strongly
6 suggest to the applicant. Plus it is the
7 smart thing to do. Does this have to go in
8 front of the Planning Board?

9 MR. CONNOLLY: No. Can I just make a
10 comment?

11 CHAIRMAN SALADINO: Sure.

12 MR. CONNOLLY: To Mr. Corwin's point,
13 there just has to be a logical nexus between a
14 condition and the application, the reliefs on
15 the application. And question four of the
16 five step process is: Are there going to be
17 any negative impacts on the physical and
18 environmental conditions in the neighborhood?
19 When you are -- when you are enlarging a
20 property there is going to be more run-off.
21 So it up to the Board obviously. I don't
22 think that his --

23 MEMBER GORDON: You think the nexus is
24 there?

25 MR. CONNOLLY: I do think it is there.

1 I don't think it is an unreasonable condition
2 to put in if the Board feels fit.

3 CHAIRMAN SALADINO: Well, the Board
4 certainly feels like that because that has
5 been our paradigm for at least the last three
6 or four years. And the applicant seems
7 willing to comply.

8 MR. WILSON: Yeah. That is exactly
9 what I was going to say. If, you know, I'm
10 not, you know -- I'm sure if there -- if you
11 can -- if you can make it a condition of the
12 Zoning Board variance, we have no problem with
13 that.

14 We haven't gotten that far but I'm
15 quite certain the plan was to include dry
16 wells for the addition already. We are
17 talking about two more three foot holes for
18 the other two sides. We have no problem if
19 you make that a condition.

20 CHAIRMAN SALADINO: We agree. If that
21 is all it would take.

22 Is there any other discussion? We're
23 not going to make it mandatory that you keep
24 the privy either. I don't know exactly what
25 is going in that building. I'm not sure I

1 want to know.

2 MEMBER NEFF: I can vouch for that
3 because I knew the former owner. It is a
4 great place for storing mulch and wood chips.

5 CHAIRMAN SALADINO: But not for its
6 original use?

7 MEMBER NEFF: No. It is there in
8 tact, the seat and everything.

9 CHAIRMAN SALADINO: Where does it go?

10 MEMBER NEFF: I don't know where it
11 went.

12 CHAIRMAN SALADINO: We're not going to
13 concern ourselves with that. You can take
14 David's suggestion that you keep it for
15 historic value or not.

16 We're going to do SECRA and then we
17 will do the five questions. I'll make a
18 motion that the Zoning Board of Appeals makes
19 itself lead agency for the purposes of SECRA.
20 So moved?

21 MEMBER NEFF: Second.

22 CHAIRMAN SALADINO: All in favor?

23 MEMBER CORWIN: Aye.

24 MEMBER GORDON: Aye.

25 MEMBER NEFF: Aye.

1 CHAIRMAN SALADINO: And I'll vote aye.
2 Folks, we are going to take a two minute
3 break. The videographer has to change the
4 tape. So we are adjourned for five minutes to
5 change the tape.

6 (Whereupon, a short break was taken.)

7 CHAIRMAN SALADINO: Okay. We're back.
8 Did we make the motion? I am going to
9 make a motion again that we declare ourselves
10 lead agency. We are going to declare this a
11 type 2 action for the purposes of SECRA.

12 MEMBER CORWIN: Second.

13 CHAIRMAN SALADINO: All in favor?

14 MEMBER CORWIN: Aye.

15 MEMBER GORDON: Aye.

16 MEMBER NEFF: Aye.

17 CHAIRMAN SALADINO: And I'll vote aye.

18 We will go through these five
19 questions and vote on this variance, these
20 variances.

21 MEMBER CORWIN: Are you going to call
22 it a type 2 action?

23 CHAIRMAN SALADINO: Yes.

24 MEMBER GORDON: He did.

25 MEMBER CORWIN: You did. Oh, I'm

1 sorry.

2 CHAIRMAN SALADINO: Do you dispute
3 that?

4 MEMBER CORWIN: No.

5 CHAIRMAN SALADINO: And we're going to
6 take the variances as a whole for the
7 application?

8 MEMBER CORWIN: Yes.

9 CHAIRMAN SALADINO: Whether an
10 undesirable change will be produced in the
11 character of the neighborhood or a detriment
12 to nearby properties will be created by the
13 granting of the area variance?

14 David?

15 MEMBER CORWIN: No.

16 CHAIRMAN SALADINO: Diana?

17 MEMBER GORDON: No.

18 CHAIRMAN SALADINO: Ellen?

19 MEMBER NEFF: No.

20 CHAIRMAN SALADINO: And I'll vote no.

21 Whether the benefit sought by the
22 applicant can be achieved by some method
23 feasible for the applicant to pursue other
24 than an area variance?

25 David?

1 MEMBER CORWIN: No.

2 MEMBER CORWIN: Diana?

3 MEMBER GORDON: No.

4 MEMBER NEFF: No.

5 CHAIRMAN SALADINO: Ellen?

6 MEMBER NEFF: We got ahead of

7 ourselves.

8 CHAIRMAN SALADINO: And I'll vote no.

9 Whether the requested area variance is
10 substantial?

11 David?

12 MEMBER CORWIN: No.

13 CHAIRMAN SALADINO: Diana?

14 MEMBER GORDON: No.

15 CHAIRMAN SALADINO: Ellen?

16 MEMBER NEFF: No.

17 CHAIRMAN SALADINO: And I'll vote no.

18 Whether the proposed variance will

19 have an adverse affect or impact on the

20 physical or environmental conditions in the

21 neighborhood or district?

22 Are we going to use this question to

23 put the condition that dry wells be installed?

24 MEMBER CORWIN: I would like to, yes.

25 CHAIRMAN SALADINO: Can we do that?

1 MR. CONNOLLY: Sure.

2 CHAIRMAN SALADINO: So with that
3 condition, how do you vote, David?

4 MEMBER CORWIN: I vote it will not
5 have an inverse -- adverse effect on the
6 neighborhood.

7 CHAIRMAN SALADINO: So no?

8 MEMBER CORWIN: No.

9 CHAIRMAN SALADINO: Dini?

10 MEMBER GORDON: No.

11 CHAIRMAN SALADINO: Ellen?

12 MEMBER NEFF: No.

13 CHAIRMAN SALADINO: And I'll vote no.

14 Whether the alleged difficulty was
15 self created which consideration shall be
16 relevant to the decision of the Board of
17 Appeals but shall not necessarily preclude the
18 granting of an area variance?

19 David?

20 MEMBER CORWIN: Yes.

21 CHAIRMAN SALADINO: Dini?

22 MEMBER GORDON: No.

23 CHAIRMAN SALADINO: Ellen?

24 MEMBER NEFF: Yes.

25 CHAIRMAN SALADINO: I am going to vote

1 no. I am going to make a motion to grant the
2 area variance. Is there a second?

3 MEMBER CORWIN: I second it.

4 CHAIRMAN SALADINO: David?

5 MEMBER CORWIN: Yes.

6 CHAIRMAN SALADINO: Dini?

7 MEMBER GORDON: Yes.

8 CHAIRMAN SALADINO: Ellen?

9 MEMBER NEFF: Yes.

10 CHAIRMAN SALADINO: I am going to vote
11 yes. Easy peasy.

12 Before I make a motion to adjourn does
13 anybody have anything to say? Does anybody
14 want to add anything to the proceedings? No?

15 Item number ten, motion to adjourn.

16 MEMBER CORWIN: Second.

17 CHAIRMAN SALADINO: All in favor?

18 MEMBER CORWIN: Aye.

19 MEMBER GORDON: Aye.

20 MEMBER NEFF: Aye.

21 CHAIRMAN SALADINO: We are adjourned.

22 Thanks folks.

23 (Time noted: 7:06 p.m.)

24

25

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

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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