VILLAGE OF GREENPORT
COUNTY OF SUFFOLK    STATE OF NEW YORK
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ZONING BOARD OF APPEALS
REGULAR SESSION
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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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CHAIRMAN SALADINO: Our first item is
to accept the minutes of the March 20, 2018
ZBA Meeting.

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

MEMBER GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

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

So moved.

MEMBER NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.
CHAIRMAN SALADINO: I'll vote aye.

Any abstentions?

MEMBER CORWIN: Abstain.

CHAIRMAN SALADINO: And one abstention.

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

MEMBER NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

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

So moved?

MEMBER NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.
MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye. Could you pass this to her?

MEMBER NEFF: Sure.

CHAIRMAN SALADINO: Item number five. 19 Front Street. A public hearing regarding an area variance sought by Kathleen M. McDowell, for the property located at 19 Front Street, Greenport, New York 11944. The public notice is attached. The Suffolk County Tax Map is 1001-5-4-29.

There is just a couple of questions before the public hearing that I have to ask here. We have the application. We confirmed the status of the applicant to make the application. The public notice was published.

MS. LINGG: Yes.

CHAIRMAN SALADINO: The Building Department clerk assures us of that. I have the mailings here which I will read. Rock Realty Corp., 60 Sutton Place South, apartment 3DS, New York, New York 10022; Kuhlmann Management Corp., PO Box 422, Cutchogue, New York 11935; William F. Claudio, Inc., 111 Main
Street, Greenport, New York 11944.

Dini, help me out here.

MEMBER GORDON: Dilek Ergis

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

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

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

So basically what I wanted to say is that the sign that I'm proposing, although it is bigger than what is permitted by the Village, it is not really bigger than most of these signs that are around me. Whether they are pre-existing or whether they have been grandfathered in or whether some of them have never been permitted at all. Also we are a
brick and mortar business. So we're competing with ecommerce and our signage is part of our branding. And I feel like what the Village allows for the actual sign is not big enough for people driving by to actually see us.

Also I know that state signs are not Village signs. But I did do quite a bit of research and most state signs are made 24 x 36 because that is what someone driving by can visually see without straining or missing it.

So I feel like if our sign was 24 X 36 traffic going by on Front Street 25 to 30 miles an hour could easily see it.

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

CHAIRMAN SALADINO: Does the Board have any questions? I have a question. Are you prepared to tell us here and now that your business would suffer if your sign were smaller?
MS. McDOWELL: I think if people could not see the sign driving by, yes.

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

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

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

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

CHAIRMAN SALADINO: Well, we explained that to you at the last meeting. I remember explaining that to you.
MS. McDOWELL: I'm sorry. I didn't --

Also, you know, today I question the Harbor
Best sign, which is bigger than my sign. And
I didn't realize that was grandfathered in.

CHAIRMAN SALADINO: Okay.

Anybody else from the Board? Any
questions? No.

MEMBER NEFF: I just want to -- the
point that you were making, Chairman. That
for most people they will see something about
your business from an advertisement, either in
print or on-line, a flyer. Something like
that. And they're walking down the street. I
think you are right, a certain number of cars
would certainly see it driving down but that
is not as many. In fact, the street becomes
busier and busier when June turns into July,
etcetera, it is a street to avoid. But
walking traffic is enormous. So without the
comparison -- do we really have a breakdown of
what signs are, the size they are because if
they were existing? Do we? The signs that
are larger than the code allows or even the
same or larger than this sign, that they are
larger because they were pre-exiting or they
have no permit. We don't really know that, do we? The number of them.

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

CHAIRMAN SALADINO: I'm sorry?

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

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

MS. McDOWELL: Right.

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

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

CHAIRMAN SALADINO: We don't know that.

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

CHAIRMAN SALADINO: Here's the deal with that. It is either up without a permit.
And that would be for somebody in Code Enforcement, if and when they become aware of it, to take care of that. Or it is permitted and it was granted by a previous Zoning Board of Appeals. I don't believe anybody on this Board remembers that application. I believe I asked that last month also. Nobody remembers that application. And some members have some tenure. So to use Kharma as your example -- you can certainly say it but -- and the members can certainly take it into consideration when it comes time to discuss it. Anyone else? No?

Thank you.

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

Thank you.

MS. McDOWELL: Thank you.

CHAIRMAN SALADINO: What is the pleasure of this Board with this application?

Keep it open, are we going to close it?

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

MEMBER GORDON: Second.

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

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

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

Same thing. I got to read my list.

The applicant -- there was a notarized -- that the applicant is being represented by Mr. Wilson. The public notice was published in the newspaper?

MS. LINGG: Yes.

CHAIRMAN SALADINO: I have the public mailings: Alice Quinn, 720 Greenwich Street, apartment 9F, New York, New York 10014; John Quinlan, 232 Manor Place, Greenport, New York 11944; Jesse Browner, 161 W 15th Street, apartment 4J, New York, New York 10011; Anthony Farley, 905 West End Avenue, apartment 25, New York, New York 10025; Gary Harte, 299 Sterling Place, Greenport, New York 11944;
Nancy Spurge, 46-30 Cinter Boulevard,
apartment 503, Long Island City, New York
11109; Daniel Mazzarini III, 8 W 13th Street,
apartment 8 RE, New York, New York 10011.

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

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

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

MR. WILSON: It's all right.
Okay. So as we discussed previously,
most of the addition falls within the required
setbacks. There are two portions that are
over the setback. One is the new deck that is
being added on the south side of the house to
accommodate the new entryway. And then the --
there is going to be a second story added over
the existing kitchen. Again it was designed
not to increase the degree of non-conformity.
We are not getting any closer to the side yard
setback -- the front yard setback rather, but
there is construction happening outside those
lines. So we are seeking a variance.
At the inspection someone raised the issue of multiple entrances on the same side of the house. There was a question of whether or not they were trying to convert this house into a two family residence. If you look at it one of the entrances leads into the kitchen. The other entrance leads into what will be a mud room. And there is no bedrooms on the first floor and no kitchen on the second floor. It is pretty clearly staying a single family residence. They are just adding space for their growing family.

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

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

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

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

MR. WILSON: Well, I would have to
open up my version of that big map. It is
less than the height of the house now.

CHAIRMAN SALADINO: Okay.

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

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

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

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

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

MR. WILSON: There was what?

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

MR. WILSON: Oh.

MEMBER CORWIN: Am I correct? Is that
an outhouse? It is not shown on the site
plan. I don't have any objection to it. I think it is an interesting part of the property. I was just wondering if it is going to stay or be taken down?

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

MEMBER CORWIN: Thank you.

MR. WILSON: You're welcome.

MEMBER CORWIN: And the other question I should ask now, there is a leader on the north side, which is on Monsell Place. And a rain water leader on the west side which is on Sterling Place. And generally what I like to ask the applicants is to install a dry well on any leader that has a potential to discharge into the street. And would the applicant find that acceptable to install dry wells for the
two or three leaders there?

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

MEMBER CORWIN: You said probably.

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

MEMBER CORWIN: Thank you.

MR. WILSON: You're welcome.

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

Anyone else have any questions?

MEMBER NEFF: No.

MEMBER CORWIN: I make a motion --

CHAIRMAN SALADINO: Wait. Wait. Wait, David. We are going to let the public speak. Thank you.
Is there anyone from the public that would like to speak? Anyone back there? No?

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

MEMBER NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN SALADINO: And I will --

Diana, did you vote aye?

MEMBER GORDON: Yes.

CHAIRMAN SALADINO: I will vote aye.

I have an agenda. Is this mine? Is this your agenda? I'm sorry. Can I borrow your agenda?

MEMBER NEFF: Yes.

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

Before we discuss anything with this
application I am going to make a note that the applicant is not here. The attorney is not here. I have a letter from one of our members that he asked to be read before there was any discussion about accepting this application.

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

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

I am overwhelmed by the complexity, breadth and scarcity of detail in the application, that consists of three disparate options. The Board has encountered this circumstance before and, in failing to separate the several inconsistent portions, found itself in a difficult tangle. For administrative reasons, alone, the application should be denied in its present form for
further consideration of the applicant's proposals, one at a time. Further, it appears that the application as submitted is incomplete, for example, as it relates to lot sizes and setbacks.

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

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

Arthur M. Tasker, Member Village of
Greenport Zoning Board of Appeals.

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


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

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

Very truly yours, Patricia C. Moore.

I have some comments but I will go to
the members first.

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

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

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

MEMBER GORDON: That they do.

CHAIRMAN SALADINO: That they do. The question that should be in front of us is:
Did this variance?

MEMBER GORDON: Well, the variance --

CHAIRMAN SALADINO: If it was ever

granted and a determination issued and a

resolution passed.

MEMBER GORDON: But if the variance

did not exist, if we can not find that the

variance was granted in 1998 than the issue of

whether it runs with the land or not is

irrelevant and we move on.

CHAIRMAN SALADINO: I agree. I agree.

And the second part was: Was there a

durational issue. I think --

MEMBER NEFF: Could I just ask: What

was the substance to the claim that there was

such -- I'm sorry. I don't remember from our

last meeting -- such a variance?

CHAIRMAN SALADINO: In 1998 there was

a meeting of the Zoning Board of Appeals.

MEMBER NEFF: Right.

CHAIRMAN SALADINO: Since subdivisions

at that time went in front of the Zoning Board

of Appeals. They had a public hearing. They

wound up voting but the vote was never

recorded and there was never a determination
or resolution made. So --

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

MR. CONNOLLY: There are minutes.

CHAIRMAN SALADINO: There are minutes. There are minutes.

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

CHAIRMAN SALADINO: Right. So -- so --

MEMBER GORDON: Are the minutes definitive?

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

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

MEMBER GORDON: There were already
houses, two houses.

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

The applicant was under the impression that his application was denied, sold the property, re-bought the property, sold the property again, re-bought the property again. And now this is a new application to sub-divide the property.

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

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

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

CHAIRMAN SALADINO: So the question in front of us tonight -- obviously the question in front of us tonight is to accept this application. I have an opinion about that. Obviously we just read Arthur's opinion. I
would be willing to give my opinion unless the members --

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

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

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

Whether anything can stand if you did not the five questions?

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

CHAIRMAN SALADINO: Wouldn't --

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

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

MR. CONNOLLY: Sure.

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

MR. CONNOLLY: Sure.

CHAIRMAN SALADINO: That is -- but, David's question -- shouldn't the first thing we consider is shouldn't this applicant -- the
first thing they should be asking us is for an interpretation if in fact a variance was validly issued or given. Shouldn't that be the first --

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

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

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

CHAIRMAN SALADINO: The Notice of Disapproval. So anyone else have any comment?
MEMBER NEFF: No.

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

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

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

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

CHAIRMAN SALADINO: 150 --

MR. CONNOLLY: And lot size.

CHAIRMAN SALADINO: And I believe 150-6.

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

CHAIRMAN SALADINO: I'm assuming -- I have to assume that -- I read the code and I didn't see an addition in the body of code that said it revised. So in my mind that portion of the code has been ineffective. At least 1971 when the code was revised. Normally there is an addition at the bottom,
you know, revised on this date. I didn't read that in the code. So I'm going to say yes, since it originally went in front of the Board these provisions have been in effect.

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

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

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

CHAIRMAN SALADINO: That will be --

MR. CONNOLLY: -- and persuasive.

CHAIRMAN SALADINO: -- for her to make her argument at the public hearing. But right now the question in front of us is: Do we
accept this application?

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

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

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

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

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

CHAIRMAN SALADINO: Right now this is the application.

MEMBER NEFF: A proposed lot. Okay.

Thank you.

CHAIRMAN SALADINO: Any one else? If
there is no one else that has a comment I am going to make a motion that we not accept this application. So moved.

MEMBER CORWIN: I'll second the motion.

CHAIRMAN SALADINO: I will take a --

David -- vote. Vote.

MEMBER CORWIN: No.

CHAIRMAN SALADINO: Diana?

MEMBER GORDON: No.

CHAIRMAN SALADINO: Ellen?

MEMBER NEFF: No.

CHAIRMAN SALADINO: And I'll vote no.

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

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

CHAIRMAN SALADINO: I think they are preparing it now.

MEMBER GORDON: Okay. Thank you.

CHAIRMAN SALADINO: There was a conversation with the Village attorney. She spoke to the Village Administrator. The
Building Department spoke with you. They are preparing a Notice of Disapproval now. So when we get that -- we will address that when we get it.

MEMBER NEFF: Okay.

CHAIRMAN SALADINO: Everybody is in agreement with that?

MEMBER GORDON: Um-hum.

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

Does this Board have any comments?

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

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

MEMBER CORWIN: Are legal within the code.

MEMBER NEFF: Okay.

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

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

MEMBER GORDON: My viewing is that the code -- the code is very clear. The plain meaning of the word excludes a sign of this size. But when you look down the street and you see other signs. Some of them very, very
close to her building. It is evident that there would be a significant disadvantage to her business if the sign since were in conformance with the code. So I find this extremely difficult.

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

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

MEMBER NEFF: Again, a reduction of size to something between the two, what the code says and what other people on the Board have characterized as too big make sense to me. Especially when you look at the -- I guess eclectic is a word that fits. Eclectic. You know that they are all different. They are mostly small, relatively speaking, to some other places that you drive by and it is a road. Not a village block. This village is not 18 blocks long. It has -- I have a problem with approving something substantial -- this much substantially larger. And
approving something in between seems to me more in keeping with our role. That is my point of view.

CHAIRMAN SALADINO: I'm not sure we can dictate a size. The applicant can suggest a size to us that she would be comfortable with and we can consider that. And in hearing the comments the Board made just now, perhaps the applicant would like to suggest a compromise but it is not our job to say what the size of that sign should be. Our job is that sign -- the Building Department tells you it should be two square feet on each side.

Our job is to consider what she is asking for if we want to -- if someone wants to --

MS. McDOWELL: Can I say something? The reason we originally went with the 24 X 36 signs, the sign size, is because those were the four or five signs that are right next to us and we felt like it wouldn't look out of place. Just that our sign is oval as opposed to rectangular. But it is the exact same size -- and I realize that it is hanging over private property but, you know, when we were first looking at this we're looking at the
other signs that are around us. And we didn't want to be bigger than them. We didn't realize - originally our size was 22 feet long on the building when I had Kit's Photo.

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

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

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

MS. McDOWELL: We do --

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

grieve that is at a Village Board meeting.

But, I look at the signs down the street for

Andy's, for Salamander's, you know, a few

other places that do conform with the code.

And there is no reason why you couldn't put a

sign on the building. You know affix it to

the building that wouldn't be perpendicular to

the building to increase -- or a sandwich

board.

MS. McDOWELL: I don't think we're

allowed to have a sandwich board.

CHAIRMAN SALADINO: I believe we are.

I believe there was an agreement with the BID

and the Village Board, if there was no other

incumbrance on the sidewalk and there was five

feet. So that might be something to talk to

the Building Department also.

MS. McDOWELL: What if we proposed

doing it 24 X 30 instead of 24 X 36.

MEMBER NEFF: Repeat the dimensions,

please. You said 24 X 30, right?

Ms. McDOWELL: 24 X 30 instead of 24 X

36. I also wanted to mention one thing too,

that the signs that you are referring to that
are at like Salamander's and stuff, those
signs are like just above -- they are almost
like small walking signs for people to see on
the sidewalk.

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

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

CHAIRMAN SALADINO: Anyone else?

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

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

MEMBER CORWIN: Are you polling the
audience?

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

MEMBER CORWIN: I'm prepared to vote.

CHAIRMAN SALADINO: Kristine, are you
going to keep score?
MS. LINGG: Yes.

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

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

MEMBER GORDON: Yes.

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

David?

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Diana?

MEMBER GORDON: No.

CHAIRMAN SALADINO: Ellen?

MEMBER NEFF: No.

CHAIRMAN SALADINO: And I'll vote yes. Whether the benefits sought by the applicant can be achieved by some method feasible by the applicant to pursue other than an area variance?

David?
MEMBER CORWIN: Yes.
CHAIRMAN SALADINO: Dini?
MEMBER GORDON: Yes.
CHAIRMAN SALADINO: Ellen?
MEMBER NEFF: Yes.
CHAIRMAN SALADINO: And I'll vote yes.

Whether the requested area variance is substantial?

David?
MEMBER CORWIN: Yes.
CHAIRMAN SALADINO: Diana?
MEMBER GORDON: Yes.
CHAIRMAN SALADINO: Ellen?
MEMBER NEFF: Yes.
CHAIRMAN SALADINO: And I'll vote yes.

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

David?
MEMBER CORWIN: Yes.
CHAIRMAN SALADINO: Diana?
MEMBER GORDON: No.
CHAIRMAN SALADINO: Ellen?
MEMBER NEFF: No.
CHAIRMAN SALADINO: I have to read it again.

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

I'm going to vote yes.

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

Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Diana?

MEMBER GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MEMBER NEFF: Yes.

CHAIRMAN SALADINO: And I'll vote yes. Should we do SECRA before we vote on the --

MR. CONNOLLY: Yes.

CHAIRMAN SALADINO: I'm going to make a motion that the ZBA declare itself lead agency for the purposes of SECRA.
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
vote no.

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

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

What is the Board's feeling about this?

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

As I understand the code, residential districts are not required to retain all water on the property. Commercial districts are required to retain all water on the property. I think that it is important to retain the water on the property because we have this MS4
thing going and the New York State Department of Environmental Conservation does not like run-off to go into the creek. Anything that runs off from that piece of property, the creek is very close. A block or two away.

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

CHAIRMAN SALADINO: Diana?

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

CHAIRMAN SALADINO: I agree. All of applications that -- in the past few years that have come before us we have always, you
know, were concerned about containing storm
water on the property. And no one found it
unreasonable. I don't believe we can make it
conditional either. I think the Building
Department can take a look at it and strongly
suggest to the applicant. Plus it is the
smart thing to do. Does this have to go in
front of the Planning Board?

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

CHAIRMAN SALADINO: Sure.

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

MEMBER GORDON: You think the nexus is
there?

MR. CONNOLLY: I do think it is there.
I don't think it is an unreasonable condition to put in if the Board feels fit.

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

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

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

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

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

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

CHAIRMAN SALADINO: But not for its original use?

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

CHAIRMAN SALADINO: Where does it go?

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

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

We're going to do SECRA and then we will do the five questions. I'll make a motion that the Zoning Board of Appeals makes itself lead agency for the purposes of SECRA.

So moved?

MEMBER NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.
CHAIRMAN SALADINO: And I'll vote aye.

Folks, we are going to take a two minute break. The videographer has to change the tape. So we are adjourned for five minutes to change the tape.

(Whereupon, a short break was taken.)

CHAIRMAN SALADINO: Okay. We're back.

Did we make the motion? I am going to make a motion again that we declare ourselves lead agency. We are 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.

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

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

CHAIRMAN SALADINO: Yes.

MEMBER GORDON: He did.

MEMBER CORWIN: You did. Oh, I'm
CHAIRMAN SALADINO: Do you dispute that?

MEMBER CORWIN: No.

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

MEMBER CORWIN: Yes.

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

David?

MEMBER CORWIN: No.

CHAIRMAN SALADINO: Diana?

MEMBER GORDON: No.

CHAIRMAN SALADINO: Ellen?

MEMBER NEFF: No.

CHAIRMAN SALADINO: And I'll vote no. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance?

David?
MEMBER CORWIN: No.

MEMBER CORWIN: Diana?

MEMBER GORDON: No.

MEMBER NEFF: No.

CHAIRMAN SALADINO: Ellen?

MEMBER NEFF: We got ahead of ourselves.

CHAIRMAN SALADINO: And I'll vote no.

Whether the requested area variance is substantial?

David?

MEMBER CORWIN: No.

CHAIRMAN SALADINO: Diana?

MEMBER GORDON: No.

CHAIRMAN SALADINO: Ellen?

MEMBER NEFF: No.

CHAIRMAN SALADINO: And I'll vote no.

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

Are we going to use this question to put the condition that dry wells be installed?

MEMBER CORWIN: I would like to, yes.

CHAIRMAN SALADINO: Can we do that?
MR. CONNOLLY: Sure.

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

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

CHAIRMAN SALADINO: So no?

MEMBER CORWIN: No.

CHAIRMAN SALADINO: Dini?

MEMBER GORDON: No.

CHAIRMAN SALADINO: Ellen?

MEMBER NEFF: No.

CHAIRMAN SALADINO: And I'll vote no. Whether the alleged difficulty was self created which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of an area variance?

David?

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Dini?

MEMBER GORDON: No.

CHAIRMAN SALADINO: Ellen?

MEMBER NEFF: Yes.

CHAIRMAN SALADINO: I am going to vote
no. I am going to make a motion to grant the area variance. Is there a second?

MEMBER CORWIN: I second it.

CHAIRMAN SALADINO: David?

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Dini?

MEMBER GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MEMBER NEFF: Yes.

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

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

Item number ten, motion to adjourn.

MEMBER CORWIN: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN SALADINO: We are adjourned.

Thanks folks.

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

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