VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

ZONING BOARD OF APPEALS

REGULAR SESSION

Old Schoolhouse
Greenport, New York

March 19, 2019
6:00 p.m.

BEFORE:
JOHN SALADINO - CHAIRMAN
DAVID CORWIN - MEMBER
DINI GORDON - MEMBER
ELLEN NEFF - MEMBER
ARTHUR TASKER - MEMBER

ROBERT CONNOLLY - ZONING BOARD ATTORNEY
PAUL PALLAS - VILLAGE ADMINISTRATOR
KRISTINA LINGG - CLERK TO THE BOARD
(The meeting was called to order at 6:02 p.m.)

CHAIRMAN SALADINO: Folks, this is the regular meeting of the Zoning Board of Appeals. And everybody voted before we start here?

AUDIENCE MEMBER: Yes.

CHAIRMAN SALADINO: Nobody's going to be allowed to speak unless they voted.

(Laughter)

CHAIRMAN SALADINO: Item No. 1 is a motion to accept the minutes of the February 19th, 2019 Zoning Board of Appeals meeting.

MEMBER NEFF: So moved.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Item No. 2 is motion to approve the minutes of the January 15, 2019 Zoning Board of Appeals meeting. So moved.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER GORDON: Aye.
MEMBER NEFF: Aye.
MEMBER TASKER: Aye.
CHAIRMAN SALADINO: I'll vote aye. Any abstentions?
MEMBER CORWIN: Abstain.
CHAIRMAN SALADINO: And one abstention.
Item No. 3 is Motion to schedule the next Zoning Board of Appeals meeting for Tuesday, April 16, 2019, at 6:00 p.m., at the Third Street Fire Station, Greenport, New York, 11944. So moved.
MS. GORDON: Second.
CHAIRMAN SALADINO: All in favor?
MEMBER CORWIN: Aye.
MEMBER GORDON: Aye.
MEMBER NEFF: Aye.
MEMBER TASKER: Aye.
CHAIRMAN SALADINO: And I'll vote aye.
Item No. 4 is the continuation of the public hearing regarding area variances applied for by the Miller Family Trust for the property located at 424 Fourth Street, Greenport, New York. Suffolk County Tax Map No. is 1001-6.-6-18.1.
For the public that's interested, the public notice should be attached to the -- is attached to
the -- to the agenda.

Before we -- before we continue the public hearing, we have one additional letter to the Zoning Board from -- it's addressed "The Zoning Board of Appeals, Village of Greenport, 236 Third Street, Greenport, New York 11944. Re: B & B Application for the Miller Family Trust."

"Dear Members and Board,

I have lived directly across the lane from the Harbor Knolls Bed & Breakfast for the past six years. I am only a weekend resident, but for all weekends, even during the winter. As such, my schedule coincides with that of the Harbor Knolls' guests and I am able to say I have never experienced any disruption or inconvenience because of their stays.

I am only aware of one event that has been held at Harbor Knolls since I moved to the lane in 2013. That was in the summer of 2015, when a wedding was held for the Millers' son. All of the residents of the lane were sent the attached letter" -- "the attached letter, and the event went off as promised. Cars were parked offsite; guests were ferried to the top of the lane and walked down. The music ended exactly at 11," I'm
assuming p.m., "and the wedding wrapped up shortly thereafter.

The Millers' home is beautiful and well maintained. As a part-time resident, I especially appreciate their watchful presence throughout the year. I find the Millers to be good neighbors and good stewards of our lane.

Sincerely, Jean Stratton," and I guess 424 Fourth Street.

The public hearing is still open. I don't believe we have any additional written comments.

MR. OSINSKI: I'd like to speak.

CHAIRMAN SALADINO: Okay. We're going to -- we're going to open it up to the public, the applicant.

MS. MOORE: Well, I'll wait until --

CHAIRMAN SALADINO: Okay.

MS. MOORE: -- others.

CHAIRMAN SALADINO: Then we'll open it up to the public. Mike.

MR. OSINSKI: Okay.

CHAIRMAN SALADINO: Name and address for the Stenographer.

MR. OSINSKI: Sure. Michael Osinski, 307 Flint Street. We live two doors south of the
Millers. And like the letter said, excellent
neighbors. Been there for 20 years, couldn't have
better neighbors.

    In the, I don't know, 15 years plus that
they've had a B&B, I think one time somebody
knocked on my door and said, "Is this your B&B?"
That's one time. There's absolutely no
interference in our lives, but I think it's -- you
know, limiting them to three is a hindrance to
their being able to pay their taxes and, you know,
maintain their property, and I think five is
totally reasonable.

    And, also, you know, they are a B&B, they
pay taxes on their guests. You know, they've come
to the Board publicly to ask permission, like a
good citizen, unlike the myriad numbers of
citizens that run Airbnbs surreptitiously, that
pay no taxes on their guests. They can -- you
know, that do this illegally here. The Millers
are being upstanding citizens, and I hope that the
vote -- the Board votes in favor of their
variance.

CHAIRMAN SALADINO: Anyone else from the
public?

MR. KENNEDY: Yeah, I'd like to speak,
please. I'm Duncan Kennedy. Hi. I'm president of North Fork Promotion Council. I'm also a motel owner in Jamesport on the North Fork.

I'd like to also support this application. I believe that the restriction to three rooms in Bed & Breakfasts currently is not advantageous to any Bed & Breakfast owner in Greenport, especially with the rise of, you know, all the disrupters in this industry.

I come from this industry for over 30 years in hospitality and accommodations. I also am a small business owner and have been for quite a long time. As any small business, you know, who pays taxes fairly and follows all the legislation, follows all the laws, dealing with disrupters, you know, does exactly that, it disrupts. But it also does sometimes put people out of business, and it needs to be a level playing field for everybody concerned. We already saw some B&Bs having to sell this past year on the North Fork because of disruption.

To limit and not to approve five rooms in a Bed & Breakfast, where in the State of New York five is an acceptable number, and including some towns in the East End, five is -- you know, is a
number that's widely accepted as a number for B&B.
I think it should be approved, and I hope that you
would do that.
I'd like to also mention that given my, you
know, experience in the hospitality industry for
the past 30 years, if there was any need to, you
know, investigate this further, to, you know,
maybe look at additional resolutions or additional
legislation, I'm always happy to, you know, put my
two pence in worth and help out with that.

Thank you.

CHAIRMAN SALADINO: Thank you for that.
Could you just explain to me what -- what you mean
by disruption?

MR. KENNEDY: So, you know, in like
technology, innovation brings disruption at times.
So we've seen it in like, for example, in the
private hired car and taxi world. We see, you
know, disruption with Uber and Lyft. So they come
into an established market and established
industry and bring a new model. You know, it
isn't always regulated at the very beginning,
because, you know, Legislators and public
officials need time to address and understand what
we're dealing with.
It's the same in the accommodations world, it has been for the longest time. Expedia and Booking.com were the original disrupters, you know, after 9/11, which all the hoteliers who I worked with, they all had to, you know, contend with that. We're seeing that rise all over again, and actually has been for quite some time, with the Airbnbs, the VRBOs, and all the related ones that don't get a public mention, but there are many, many, many out there. And, you know, that's what I mean by disruption. People can then -- can join into the hospitality world and, you know, using different platforms, which are not always on a fair competitive level with established players.

CHAIRMAN SALADINO: So just so it's clear in my mind --

MR. KENNEDY: Yeah.

CHAIRMAN SALADINO: -- the disruption that you're talking about is the shared economy and how it relates to Air -- to Bed & Breakfasts?

MR. KENNEDY: I didn't here the word before "economy", sorry.

MS. MOORE: Shared economy.

CHAIRMAN SALADINO: Shared economy.

MR. KENNEDY: Shared?
CHAIRMAN SALADINO: Shared economy, how --
MR. KENNEDY: Yeah.
CHAIRMAN SALADINO: Okay. Thank you.
MR. KENNEDY: You're welcome. Thank you.
CHAIRMAN SALADINO: Anyone else that -- oh,
Isabel.
MRS. OSKINSKI: Isabel Osinski, 307 Flint Street. I'm a neighbor of Leueen's, I live two
doors away, and they're excellent neighbors. They have a very large property, so five is not a large
number, you know, because their property is quite large and they have enough room.
And, also, there are a lot of Airbnbs on
Fourth Street that I -- that they look like Airbnbs, but you don't really know, but like
crowds of people. And that is not a situation that Leueen's property has on the street, where
you see people playing volleyball in bathing suits. I mean, it's a very pleasant environment
that she has created for both herself and our neighbors.
And also brings -- we've got quite a few people that come and visit the oyster farm,
because Leueen is a vital part of our community and brings income and tourists into our
neighborhood. Thank you.

CHAIRMAN SALADINO: Thank you. Anyone else?

No? What's the pleasure of the Board, close this public hearing?

MEMBER CORWIN: I so move.

MEMBER GORDON: Second

MEMBER TASKER: Second.

CHAIRMAN SALADINO: Okay. We're going to close the public hearing, and we'll have a discussion about this further on down the agenda.

Item No. --

MR. PALLAS: Mr. Chairman. Mr. Chairman, if I may, just a point of information. Due to a printing error, Page 2 of the agenda is not attached. The public hearings associated with all those items are. I apologize for the mistake. Items 6, 7, 8 and 9 didn't make to whatever we passed out on the agenda. It's on the public website.

CHAIRMAN SALADINO: Everybody's got to go home, then.

(Laughter)

CHAIRMAN SALADINO: Do you have your agenda?

MEMBER GORDON: Yeah, I do.

CHAIRMAN SALADINO: That was printed out?
MEMBER TASKER: I do. I printed out my own at home.

CHAIRMAN SALADINO: I assumed, I assumed the Village would supply me with an agenda, I mean.

MEMBER TASKER: Well, they did, but it's missing a page.

MR. PALLAS: It's missing a page.

(Laughter)

CHAIRMAN SALADINO: So Item No. --

MEMBER NEFF: I have another copy with a -- all the pages, if anybody needs it.

CHAIRMAN SALADINO: Maybe I could have that.

MEMBER NEFF: You can have it, John.

(Laughter)

MEMBER NEFF: I'm sorry, I was wrong.

CHAIRMAN SALADINO: Can I see your agenda, Diana.

MEMBER GORDON: Sure.

CHAIRMAN SALADINO: Item No. 5, Item -- folks, we usually do this a little more professionally, but since the Village Administrator starting showing up at these meetings --

(Laughter)

CHAIRMAN SALADINO: Item No. 5 is 137
Sterling Avenue. A public hearing for the area
variances applied for by David Murray for the
property located at 137 Sterling Avenue,
Greenport, New York, 11944. The Suffolk County
Tax Map No. is 1001-3.-5-11.

   We're going to just check a few things with
the Building Clerk. And we confirmed the
applicant is -- the status of the applicant to
make the application, we have the application.
The public notice was published.

   MS. LINGG: Correct.

   CHAIRMAN SALADINO: Right? We have the
mailings.

   MS. LINGG: Yes.

   CHAIRMAN SALADINO: I'll read the mailings.

Village of Greenport, 236 Sixth -- Third Street
Greenport, New York, 11944. Christine McCabe, 128
Sterling Avenue, Greenport, New York, 11944.
123 Sterling, LLC, 219 Miro Place, Port
Washington, New York, 11050. Stephen Guyer, 130
Sterling Avenue, Greenport, New York 11944.
George -- help me out.

   MEMBER GORDON: Limperis.

   CHAIRMAN SALADINO: George Limperis, 264
Liberty Street, San Francisco, California, 94114.
Charles Edwards, 139 Sterling Avenue, Greenport, New York, 11944. And Frank Macken, 229 East 4th Street, New York, New York, 10009.

And we're going to ask the applicant if he has something to say.

MR. MURRAY: I think our site visit today -- and does anybody have questions from it?

CHAIRMAN SALADINO: Maybe just identify yourself for the Stenographer.

MR. MURRAY: Oh. I'm David Murray. I live at 332 Fifth Avenue, Greenport. I'm representing Jim Getches at 137 Sterling Avenue, Greenport.

CHAIRMAN SALADINO: Do you -- okay. That's it, Dave?

(No Response)

CHAIRMAN SALADINO: Is there anyone from the public that would like to speak? No?

(No Response)

CHAIRMAN SALADINO: Do any members of the Board have a question for Mr. Murray? No?

MR. CONNOLLY: I think you should probably explain the application of what he's looking to do for the public.

CHAIRMAN SALADINO: I thought by the public not --
MR. MURRAY: John, do you want me to do that?

CHAIRMAN SALADINO: Sure.

MR. MURRAY: Our application is for three variances, one being a front setback, which is 9 feet we're looking for our variance, as discussed at the site meeting, front porch. The side setback is for the side porch that is actually in question, whether or not we need a side deck, because the house cuts in. And I -- so we're looking for a setback for that as well. And the total area for the property over one -- is 1.9% greater than 35%. Those are the three variances that we were looking for on this property. That's basically the gist of it.

MEMBER GORDON: Actually, I have one question, it's a very small question. But since your front setback is already less than what is required, what is it that made it necessary to make it 2 feet more nonconforming?

MR. MURRAY: Well, the house itself along that street, it's the one house that really is closer to the street than the others. It's a big two-family house. It only has a 6-foot small front porch and we're looking for an 8-foot front
covered porch, which is better for furniture, for sitting, sitting on than a 6-foot.

The house is nonconforming, and it's on the -- it's conforming on a conforming lot. So, right away, it's only 15 feet from the property line, the house. So any porch you put on it is going to encroach. You're encroaching anyways in Greenport with the 30 foot. I don't think -- very few properties meet that, so.

And it will look -- in sight, the neighbors house has a front porch, and there's a few front porches on the street, so it's in character with the neighborhood.

MEMBER CORWIN: I think maybe you could explain a little. You gave this handout to us onsite what the setbacks of the neighboring houses are.

MR. MURRAY: The neighboring setbacks, as indicated on this, they're 11 feet. Seventeen feet is the greatest on the street that we've -- that we indicated, and some of them are 11, some of them are 10. There's two up closer to Carpenter that are 6 feet.

CHAIRMAN SALADINO: We need the -- within 200 feet, we need the two greatest setbacks within
200 feet. So you said 17.

MR. MURRAY: There was 17 and 15.

CHAIRMAN SALADINO: And 15.

MR. MURRAY: Yeah, 17 and 15 are the two greatest setbacks.

CHAIRMAN SALADINO: So the average is 16. So it's 32, the average is 16. You have what?

Refresh our memory, what --

MR. MURRAY: Seven.

CHAIRMAN SALADINO: Seven. So you need 9 feet.

MR. MURRAY: I'm looking for 9 feet, correct.

CHAIRMAN SALADINO: Okay. Is that what you see, Dave?

MEMBER CORWIN: I can't do that kind of stuff in my mind.

MEMBER GORDON: It's only a 2-foot difference from what --

MEMBER NEFF: Exists.

MEMBER GORDON: -- you have now.

MR. MURRAY: Correct.

MEMBER GORDON: Which -- and I understand your argument for a more generous porch, which would certainly be consonant with the appearance
of the street. But there's also the principle of
not -- of trying not to make nonconforming uses
more nonconforming. So there's -- you know, I
think we're weighing this in the balance.

MR. MURRAY: In the Village, the percentage
of nonconforming houses is --

MEMBER GORDON: Very high
MR. MURRAY: I mean, every -- everybody has
to get a variance if you want to, you know, do
anything, almost, so --

MEMBER NEFF: Not everybody for everything,
but I take it --

MR. MURRAY: Well --
MEMBER NEFF: Yes.

MR. MURRAY: I don't mind saying that.
MEMBER NEFF: Not on that street.

MR. MURRAY: I think the setbacks are, you
know -- so, yes, we're -- you know, we're asking
for two more feet. We're looking for a nice front
porch. The house was built -- was one of the
first houses built on that street and it happens
to be close to the street. So I think -- I think
in character with the street, it's going to, you
know, make that area look fantastic.

MEMBER TASKER: Oh, there certainly weren't
any curbs on that street at the time that house
was built.

MEMBER NEFF: Right.

MR. MURRAY: Exactly, there wasn't.

(Laughter)

CHAIRMAN SALADINO: Okay. Anybody else?

Any -- and the -- and the lot coverage is --
refresh our memory with the lot --

MR. MURRAY: 1.9%. It's going to be 36.9 --

CHAIRMAN SALADINO: So almost 2% lot

coverage. And the side yard, the side yard is on

the south side, on the --

MEMBER TASKER: East

MR. MURRAY: East.

CHAIRMAN SALADINO: Is that the south side?

MR. MURRAY: East side.

MEMBER NEFF: East side, right.

MR. MURRAY: And we were 18 feet from the
side. On the other side, we're over 10 feet, so
we actually have 20 feet. But the house on the --
on Al's side cuts in, so we actually have 28, 28
feet of side set -- side feet after our porch, but
on the one side we're 18 feet. You know, we
measured that. It's questionable even if -- it's

a question whether or not I even needed a variance
for that. Do you remember when we sat down and
looked at how the house cuts in on the other side?

CHAIRMAN SALADINO: But the Building
Department decided that you did.

MR. MURRAY: Correct.

CHAIRMAN SALADINO: Okay.

MR. MURRAY: Yeah.

CHAIRMAN SALADINO: Anybody else, any
questions for David? No? Arthur?

MEMBER TASKER: No.

CHAIRMAN SALADINO: Ellen?

MEMBER NEFF: No.

CHAIRMAN SALADINO: No? All right. What's
the pleasure of the Board, we close this public
hearing?

MEMBER CORWIN: I so move.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Item No. 6.

MR. MURRAY: And 7.
MS. MOORE: And 8.

CHAIRMAN SALADINO: Don't interrupt.

(Laughter)

MR. MURRAY: I'll go get coffee.

CHAIRMAN SALADINO: Item No. 6 is a public hearing regarding the application of 110 South St. Greenport, Incorporated, for the property located at 110 South Street, Greenport, New York, 11944. The applicant has asked for an interpretation of Sections 150-18A -- 150-18A 18(c), 150-12C, 150-16A 1, and 150-21 of the Code of the Village of Greenport, to determine if the proposed improvements require variances. The public notice is attached. The Suffolk County Tax Map No. is 1001-4.-6-34.6.

So the public knows, there's two lots involved.

MS. MOORE: Would you like us to turn this around?

MEMBER NEFF: Yes, yes.

MS. MOORE: Okay.

MR. OLINKIEWICZ: For everybody?

MEMBER NEFF: Yes.

MEMBER GORDON: Yes.

MR. OLINKIEWICZ: For everybody?
MEMBER NEFF: Yes.

MS. MOORE: That's good. All right.

CHAIRMAN SALADINO: So the public knows, there's two lots involved, but they're kind of co -- the public hearings are going to be commingled.

MS. MOORE: Concurrent.

CHAIRMAN SALADINO: Concurrent for the two different properties, 110 South Street and 112 South Street. So the interpretations that the applicant is asking for is going to be basically the same for both properties, but because of the configuration of both properties, the interpretations might be different. We don't know at this point. So the applicant, we're going to --

MR. OLINKIEWICZ: James Olinkiewicz.

CHAIRMAN SALADINO: We're going to -- just, Jimmy, let me just do what we've got to do here. We've got to confirm with the Building Clerk that the notice was published.

MS. LINGG: Yes.

CHAIRMAN SALADINO: The applicant, his attorney is here. I'm going to read these mailings, and then we're going to let you tell
your story.

The mailings are the Village of Greenport, 236 Third Street, Greenport, New York. North Fork Housing Alliance, 116 South Street, Greenport, New York. Rita Rooney, 308 Second Street, Greenport, New York. 101 Greenport Properties, LLC, 10 Fort Salonga Road, Fort Salonga, New York, 11768.

MEMBER GORDON: Zuleyha Akcay.


The applicant is here, and we'll ask Jimmy to tell his story.

MS. MOORE: Just give me two seconds before you start. I just wanted to be sure. I did send a memo to the Board. I know it was sent to you, but I have extra copies if anyone needs any.

CHAIRMAN SALADINO: We -- Pat, we have your memo.

MS. MOORE: Okay.

CHAIRMAN SALADINO: We -- we're going to
give it to the Stenographer to enter it. If you want to read it, you --

MS. MOORE: Oh, I can give her my -- a copy, if you'd like, or just to replace -- mine has -- I actually got the property cards as well for you, so if you needed them. So do you want to give yours, or do you want me to give one of mine?

It's the same document, so.

CHAIRMAN SALADINO: Sure.

MS. MOORE: Here you go.

MS. BRAATEN: Thank you.

MS. MOORE: When we get to the point, I have property cards for you. But I'll let Jimmy start with the description of what's going on.

MEMBER TASKER: Pat, excuse me.

MS. MOORE: Sure.

MEMBER TASKER: Do you have a spare copy?

MS. MOORE: Yes.

MEMBER TASKER: Please.

MEMBER NEFF: If you have a lot --

MS. MOORE: I do. I actually made enough.

Well, I have one extra, one more.

CHAIRMAN SALADINO: I have one.

MS. MOORE: Anyone else?

MR. OLINKIEWICZ: Okay. James Olinkiewicz,
110 South Street, and what would be 112, or what is 112 South Street, but it's owned by a different corporation, so just not to confuse people with different names.

So back in 1989, there was an existing building that was built around 1920. The Village picked it up off of its lot and moved it and placed it down, which winds up being across a property line, so the property line goes through the center of the building. The Village then put an addition on the back of the building, thus across the property line.

So my intention is to put a wall down the property line to make this the two structures that it's supposed to be. It's illegal to merge lots in the Village in a Commercial District. There is two existing, there's two separate tax maps, two separate tax map numbers, two separate tax bills, everything that goes along with being two lots.

So the existing building, if you can see from the front, is an older Victorian, and it has a larger back building. I didn't -- I didn't put the rear on, because I didn't want to confuse people. When we put the brick wall up, or the stone wall in between, like there is between the
movie theater and the new hotel, they both have an adjoining concrete wall.

So you would have two structures. The smaller would be on the small lot, which is 112 South Street, the larger would be on the bigger lot, 110 South Street. So it would take both pieces -- do I have to turn and show you as well, or you guys know it?

MEMBER NEFF: No.
MEMBER GORDON: We've seen it.
MR. OLINKIEWICZ: Okay. So both pieces we have applied to enlarge, so -- and put an addition on the smaller piece, put an addition on the bigger piece, okay? Then we will -- and they will still stay together. So you'll have -- this would be the new look of 112 South Street, this would be new look of 110 South Street, but they'll be adjoined at that concrete wall, okay? So they'll be -- they'll be single and separate buildings with single and separate ownership with -- so the 110 South Street, which is the bigger building, will have two commercial spaces downstairs. I had put in my plans for three one-bedroom apartments, but the Zoning Board showed me --

MS. MOORE: Let's talk about that, but yes.
MR. OLINKIEWICZ: Okay. All right.

MS. MOORE: We'll keep it to the application that's proposed.

MR. OLINKIEWICZ: So I'll keep it to the application, okay. So there's -- for the number of apartments that I'm allowed to put upstairs.

(Laughter)

MR. OLINKIEWICZ: Then 112 South Street is one commercial space and two one-bedroom apartments upstairs for workforce housing.

So with the enlargement, the existing property already has parking for seven cars, which we would not take away when we enlarge the building, okay? But in the Village Code, it says if there is a Certificate of Occupancy prior to 1991, land within the CR and WC Districts, which is improved as of January 1st, 1991, shall be entirely exempt from off-street parking requirements.

So it is my belief, and my Attorney's belief, and we're asking for an interpretation from the Zoning Board, that there is a building on each property. There is -- the water comes into the building at -- off the 112 South Street.
property. The sewer comes into the building on the 110 South Street property.

And by definition, which I have here, which I had put together for the Board, just so that they'll have that, the next page back a couple, so the Village does not have a definition of "improved property" in the Village definitions. And I got more. But -- I'm running out.

MS. MOORE: No, you keep that one.

MR. OLINKIEWICZ: So the -- so the definition of "improved land" is, "Land that has been partially or fully developed for use. Any of the following activities on a piece of raw land will result in improved land: Landscaping, grading, installation of utilities, construction of road, curbs, gutters, or constructions of buildings." So the Village Code speaks of land within the CR or WC District which is improved. So based off of Webster and Barron's and everything, this is the definition of "improved land".

MEMBER TASKER: The --

MR. OLINKIEWICZ: So then we use the --

MEMBER TASKER: Excuse me, Mr. Olinkiewicz.

The definition that you've printed here in the
handout, what is the source of that specifically?

MR. OLINKIEWICZ: Webster's Dictionary.

MEMBER TASKER: Webster's Dictionary.

MR. OLINKIEWICZ: Okay. So then if you -- if you're using the term "building", which is in the Webster definition, I went back to the Village zoning definitions and terminology, and "building" is, "Any combination of materials forming any construction, except where entirely underground" -- "except where entirely underground so as to permit the use of the ground above the same as no building." We're, of course, above ground.

So both of these buildings are above ground, they were both built before 1991, they both have utilities coming into them. So, in my mind, and -- I'm asking the Board to decide whether they are exempt from parking.

I do have eight parking spots -- or seven parking spots that adjoin on the 110 South Street, which I would leave anyway. I have no intentions of expanding the building further than what my plans show, so -- but I have -- so there are seven parking spots that would stay.

So -- and then at the work session, when my
application was accepted, on the front page there, I was asked for lot coverage of the building once I put the wall up, and then once I did the addition. So on 110 South Street --

MEMBER NEFF: Excuse me. I know you already said this several times, but I have gotten confused. The westernmost one is 112?

MR. OLINKIEWICZ: The largest lot is 110.

MEMBER NEFF: 110. And that is what I said --

MR. OLINKIEWICZ: But --

MEMBER NEFF: -- is the eastern?

MR. OLINKIEWICZ: Correct.

MEMBER NEFF: Yeah, yes. All right. Thank you. I'm sorry.

MR. OLINKIEWICZ: So the 110 South Street, which is the eastern side, has an existing structure, and porches, and ramps of 1400 square feet, which has a lot coverage of 26.5%, which we're asking to enlarge to 1551 square feet, with a lot coverage of 29.5. So we're well within the lot coverage that we're allowed in that zone, in the CR zone.

The smaller lot, we have a different issue, which is 112 South Street, which is the -- which
is the westerly lot. There is -- the lot is only 18, approximately 1800 square feet, 1797. The existing structure that's on it is 640 square feet, which is a 36% lot coverage. To be able to use the property efficiently, we would need to make the structure 1112 square feet, which is a 62% lot coverage, which is a variance that we will have to ask for after we have our interpretation done on the parking. But we're here for the interpretation on the parking and the structure that's there, that was built prior to 1991. And, in fact, in the Village Code it doesn't even say that you need a Certificate of Occupancy for that property, it just says that it was built or improved prior to January 1st, 1991, which this clearly was, both pieces, both buildings on each piece of property.

So that's our one question. Once we have discussed that, then the next question comes to 150-18, the accessory apartment dwelling units above the retail space in the Commercial Business District, as of July 1st, whether they're allowed, how many are allowed. We have that, we have that question.

And then our third is -- oh, I'm sorry.
MS. MOORE: No, go ahead.

MR. OLINKIEWICZ: Our third is that, well, 150-12, again, deals with being exempt from off-street parking. But when we're doing the additions to the building, it says -- in 150-12(C), it says, "The use, adaptation or change of use of any building within the CR and WC Districts in existence as of January 1st, shall be entirely exempt from any off-street parking requirements." So right in the Village Code it says the use and adaptation or change of use is still entirely exempt.

And then we have the last part of the Village Code that we're asking for that says -- a nonconforming use, uses -- Nonconforming Building with Conforming Uses. "Nothing in this Article shall be deemed to prevent normal maintenance and repair, structural alteration, moving, reconstruction or enlargement of a nonconforming building, providing that such action does not increase the degree or create any new noncompliance with regards to the regulations."

So that's our nonconforming building. We are going to have to deal with that in our zoning application for 112 South Street, where our lot
coverage is going to change.

But those are the -- those are the interpretations we're asking for. Mostly, we're asking for the parking, to understand the parking regulations, and whether the Zoning Board agrees with us, that they're two -- whether we put the wall up or not, that they're exempt from parking, because they've been there prior to 1991, and they have utilities coming into each one of them. So that's it in a nutshell.

CHAIRMAN SALADINO: Okay.

MR. OLINKIEWICZ: Any questions?

CHAIRMAN SALADINO: Well, before we ask any questions, we're going to get the Building Department's reasoning behind the -- I think we should hear the other side of the coin from the Village, and then perhaps the Board will have some questions. I'm reasonably certain the Board will have some questions.

MR. PALLAS: Yeah, thanks. The way we approached this project --

CHAIRMAN SALADINO: Paul, just for her, name and address.

MR. PALLAS: I'm sorry. Paul Pallas, Village Administrator, Village of Greenport.
The way we approached this project was by cutting the building in half, putting a concrete wall separating it, it creates two new buildings. So we were -- we look at this as if the -- it never existed, creating a new building on each lot, one new building on each lot, and from that point, all the variances required fell out.

MR. OLINKIEWICZ: Can I respond to that?

CHAIRMAN SALADINO: Sure.

MR. OLINKIEWICZ: So the only issue that came to light with that is if we were going to enlarge the building as it stands, we were going to be coming to the ZBA for many other different variances, because it's across a property line and it's two individual lots. So the Village has created this hardship by doing this. They have improved both pieces of property prior to 1991. I'm just trying to fix what they screwed up. And so to be considered that I have to go all the way back and go through all the parking and everything when the building's clearly are there before 1991, and that the water and sewer is -- there's utilities in each building off of each piece of property, which clearly is explained as improved land, which is -- based on the Village Code, holds
me exempt from parking regulations.

CHAIRMAN SALADINO: Well, just -- not to be the Attorney for the Village here, but the fact that they created it God knows when -- 1989 they created this?

MR. OLINKIEWICZ: Right, right.

CHAIRMAN SALADINO: You bought the property after that.

MR. OLINKIEWICZ: Sure.

CHAIRMAN SALADINO: I mean, so it was a known hazard, it was a known condition. So for you to say, "Well, I'm here, I'm here to fix it," you know --

MR. OLINKIEWICZ: And then -- okay, and I get that. But also in the code it says that you can use and adapt any building that's there. So the buildings are there, right? It's not like I'm taking a vacant piece of property and building a brand new building. We are reusing a lot of the existing building on each piece of property. So how is -- can that be considered a new building?

CHAIRMAN SALADINO: Well, for one lot, you -- well, before we get into the debate about it, I'm thinking I might want to ask the Attorney
if --

MEMBER NEFF: Point of information.

CHAIRMAN SALADINO: Before I do that, maybe.

MEMBER NEFF: How long have you owned the building?

MR. OLINKIEWICZ: A year now.

MEMBER NEFF: Okay. Thank you.

MEMBER TASKER: So you are in title.

MR. OLINKIEWICZ: I am in title.

MEMBER TASKER: Okay.

MR. OLINKIEWICZ: Both of my corporations are in title.

MEMBER NEFF: Two different corporations?

MR. OLINKIEWICZ: Correct.

MEMBER NEFF: Yeah.

MR. OLINKIEWICZ: They are each on one single and separate piece of property.

MEMBER NEFF: Okay.

MS. MOORE: And it has been that case. That has been the case since it was sold by the Village to different entities. He's the third owner since the Village acquired the property, so.

MEMBER NEFF: Okay.

MS. MOORE: Or sold the property.

CHAIRMAN SALADINO: I don't think -- I don't
think we've ever had to consider anything like this before.
MEMBER NEFF: No.
CHAIRMAN SALADINO: I think this is --
MR. OLINKIEWICZ: I don't think it's been done too often.
MS. MOORE: Right.
MR. MURRAY: Who would?
CHAIRMAN SALADINO: So can an argument be made? And I'll ask my colleagues. Can an argument -- or maybe I'll ask the Attorney. Can an argument be made that a portion of a building, when it's separated, is inhabitable? There's no -- there's no sanitary, there's no bathroom, there's no kitchen. When that portion of the building is separated from another portion of the building and it becomes a standalone structure on a lot, is that considered -- since we don't have a Village definition of improved property, is there something that we can go by, aside from the dictionary --
MR. OLINKIEWICZ: Webster's Dictionary.
CHAIRMAN SALADINO: -- that would make that an improved piece of property?
MR. CONNOLLY: When the -- when the Village
Code or any code doesn't define something, then you are to go by what the common accepted definition is, and, you know, Merriam-Webster's Dictionary is the common accepted --

CHAIRMAN SALADINO: Well, we've also had a situation when "improved" came up as a question, and part of the conditions that don't relate to any reality in Greenport is land that can be farmed or -- was I interrupting somebody?

MEMBER TASKER: No, I was. I was -- I was speaking too loudly.

CHAIRMAN SALADINO: Oh, I'm sorry.

MEMBER TASKER: Sorry.

CHAIRMAN SALADINO: We've had a situation on a piece of property within recent memory where the applicant used, "Well, can the land be farmed?"

And that was his -- he came up with a definition of improved property, because he could plant corn on the property, and it was the corner of Third and Front Street. We didn't think anybody was going to plant corn on Third and Front Street, but -- so improved property, I'm just -- I'm going to --

MEMBER NEFF: Well, actually, as I recall, your example about Third and Front Street, when we
were -- we for a while looked at was whether
certain, I would call them, artifacts, remainder
of curbs, or asphalt, or stones were, in fact, a
built improvement, not corn. That's how I recall
that it, but --

CHAIRMAN SALADINO: Well, I think I -- I
think I was wrong when I said corn. It might have
been wheat.

(Laughter)

CHAIRMAN SALADINO: You know, it might have
been peppers or something. But the land was
tillable, was the definition that he came up for
improved property. So I'm not -- I'm not sure.

MR. OLINKIEWICZ: It also does not say in
the Village Code that there has to be -- that the
building has to be habitable. It does not say
that it has to have a Certificate of Occupancy.
It just says that the building has to exist prior
to 1991, which --

CHAIRMAN SALADINO: No. It says the
property -- it doesn't say that. It says the
property has to be improved as of 1991.

MR. OLINKIEWICZ: Correct.

CHAIRMAN SALADINO: It doesn't say the
building has to be improved.
1  MR. OLINKIEWICZ: Right, right, right. But
2  it doesn't say that his has to --
3  CHAIRMAN SALADINO: So the question you're
4  asking us is, is that -- do we consider that, or
5  are we going to say that that property is improved
6  with that structure on it.
7  MR. OLINKIEWICZ: But based on the
8  "improved" definition that the Attorney just said
9  is what has to be gone by, because if it's not in
10  the Village Code, it's done by the normal
11  interpretation of improved, it says that there's a
12  building and it says that there's utilities, and
13  there's also landscaping there.
14  CHAIRMAN SALADINO: Well, what it says is,
15  using -- using your definition, Jimmy --
16  MR. OLINKIEWICZ: What?
17  CHAIRMAN SALADINO: -- what it says is land
18  that has been partially or fully developed for
19  use. So if you separate that -- and I'm not --
20  and I'm not trying to like to diminish what you're
21  saying here, I'm just trying to get it straight in
22  my mind. What you're saying is when you separate
23  that --
24  MR. OLINKIEWICZ: It was part --
25  CHAIRMAN SALADINO: -- portion of the
building --

MR. OLINKIEWICZ: Right.

CHAIRMAN SALADINO: -- from the main portion of the building, it would -- it would be ready for use.

MR. OLINKIEWICZ: It would say no, partially developed for use. It doesn't --

CHAIRMAN SALADINO: Or fully.

MR. OLINKIEWICZ: It doesn't -- but it doesn't say that it has to be ready to use, it could be partially developed for use, as well as then it has landscaping, it has installation of utilities on both pieces.

MS. MOORE: In fact, in this particular case, you have two stories on one -- there is the one larger piece that has two stories and the addition, and then you also have the smaller piece that has two stories and part of the back.

MR. OLINKIEWICZ: The addition, the addition in the back, right.

MS. MOORE: The addition. So it just -- the smaller lot is narrow, and it takes part of that building. But, clearly, it's no different, really, than any other building here in the Commercial District that has a partition or a
firewall that may have started very similar to what is in existence here, and it may have been expanded over the years. That's how you ended up with most of Main Street, that they may have -- that you've got 200 years of construction along -- along this block, and it's wall-to-wall development. And many times it would be -- there may be a small portion that was built, or maybe there was nothing, but it was expanded along.

So, really, what he's proposing here is going back to a very old method of construction expanding, and the firewall, the partition puts the properties back in accordance with their title. So it's by his -- his explanations is he's cleaning it up. It has consistently had two deeds and two titles.

I actually, just for additional information, I called the Assessors today to ask about the property cards, because I noticed that the property card -- and when I spoke to Mr. Sanders on the phone today, he said, "Oh, it actually had been pulled," because they had to make this -- clean up the property card. They actually had 90% of the assessment on the small parcel, and they had -- the last time that it had been assessed.
back in the '80s, when the Village had the
property, because they have in 1987, they show --

excuse me, I have the wrong one. The -- it was in
the '80s that they didn't assess the improvements
on the larger parcel. So the property cards have
it all messed up. And, in fact, they are asking
me if I have a survey that shows the property
line, because they have to clean up the assessment
and allocate the appropriate square footage to
each --

MR. OLINKIEWICZ: How much was improved on
each piece of property.

MS. MOORE: Right, right, because they had
reversed, in fact, so.

MR. OLINKIEWICZ: And then as for utilities,
not only is on 112 you have the water that comes
in, you also have the electric attached on 112
side, you have the air conditioning condensers on
the 112 side. On the 110 side, you have the sewer
come in, and you have the propane heat come in, so
you have utilities from both sides, thus, improved
land.

MEMBER GORDON: I have a question. Is it
significant that human use has occurred on both
sides from time immemorial until very, very
recently?

MS. MOORE: Well, your Village Code just says improvement. It's clear that the improvement here was human use, construction, the building. I don't agree with the Building Department's interpretation that by putting a partition, you now have two new buildings. That is completely inconsistent with the facts and your own code, because the code doesn't speak in terms of buildings, it actually just speaks in terms of improvement. So it's --

MR. OLINKIEWICZ: And, also --

CHAIRMAN SALADINO: Before we -- before we --

MR. OLINKIEWICZ: And, also, just one other quick thing. And construction-wise, when you -- if you go to renovate a house, you can tear down three-quarters of the house and it's not considered a new house --

MS. MOORE: Right.

MR. OLINKIEWICZ: -- in New York State. You can rebuild, you leave one wall standing, it's not a new house, it's a renovation. So we're just on the side. So we're not tearing down the buildings, we're just enlarging them.
CHAIRMAN SALADINO: Jimmy, we're going to put this on hold one second. We're going to ask -- we're going to open it up. Maybe the public wants to have something to say about this, and then if the Board has anymore questions.

MR. OLINKIEWICZ: Okay.

CHAIRMAN SALADINO: Is there anyone from the public that would like to speak about this?

MS. ALLEN: Yeah.

CHAIRMAN SALADINO: Anyone in the back that maybe wants to speak?

MS. ALLEN: Chatty Allen, Third Street. I just can't get over it. If you have a building, you could put it in half and put a wall in between, you have two separate buildings, and it should be treated as two separate buildings. I can understand if the building stays together and they add on one side and they add on the other side. That's totally different than what's being asked. They're literally going to put it in half. You now have two -- and that's where I agree with the Village assessment. When you cut something in half, you have two, you don't have one.

CHAIRMAN SALADINO: So you're saying you would think that when they cut the building --
well, they're not cutting it in half, but when we separate the building, when we build this wall --
not we, him.

MS. ALLEN: Right.

CHAIRMAN SALADINO: When he builds this wall, it's two new buildings, is that what you --

MS. ALLEN: It is, because you have now done away with the original building, and this is now going to be two separate buildings. I mean, I understand, this is a weird one. I'm not against improvements to it, I'm just looking at it logically. When you cut something in half and you put a wall in between, or put a wall in between, you have separated them. They are now two separate entities and should fall under those lines.

CHAIRMAN SALADINO: Okay. Thank you, Chatty. Anyone else?

MS. MOORE: I would just remind the Board that the Zoning Board and the Building -- and the Building Department have to operate under the code. So whatever the code says is really the -- how the interpretation should -- what the interpretation should follow. It's not touchy-feely, or it's not a feeling, and it's not
"Well, it should be."

We actually, when reviewing this project and trying to see whether or not it was feasible, we took a long time to review the code and identify the specific -- using the definitions of the Village Code, and even the practice by -- and what Jimmy mentioned is the practice by the Building Department, which is you have houses, some houses, well, very recently, because I got phone calls on them, that went down to the foundation with a whole new structure. That was -- obviously, the building was improved, and it was not the degree of the improvements. So the Village, the Village doesn't really care how much is retained or how much is replaced. The fact is it can be --

CHAIRMAN SALADINO: Well, that's not entirely true. That's not entirely true. I mean, houses that were rebuilt from the foundation up, in recent memory, didn't go outside that footprint, and this case is different from that. So that's an unfair example to --

MS. MOORE: Okay. Well, in our case, it's actually even more compelling, because we're not taking the buildings down, we're actually keeping the building, creating that separation. And as he
described at the field inspection, there is the connection, the inter -- the construction that is being proposed is retaining to the maximum extent possible the existing building. You have roofs and ceiling structures that are going to remain. You're going to create additional, I think probably the -- just some side walls that have to be modified

MR. OLINKIEWICZ: Floor and side walls to be enlarged, right.

MS. MOORE: Right, in order to expand out those sides. But there was really a lot of an effort being made to retain as much as possible, one, for budget, but two, just because what's there is usable. We could --

CHAIRMAN SALADINO: Well, I don't think anybody's faulting -- I don't think anybody's faulting you for that. I think the question in front of us is, is the separation of the two buildings, does it create a parcel that someone, this Board, or -- well, the Building Department already made their determination, that they feel that property would be unimproved, it's a new building. Now you're asking this Board to make a decision. It's not about -- to us, it's not about
how much is left, it's how much is going up, it's what remains after you put this brick wall up, I think, right? David, do you -- I'm sorry. You have something?

MEMBER CORWIN: I just want to say maybe we could close the public hearing, and then there's some other people that have pretty simple things. And this is just the back and forth conversation that we've had before without -- outside of the public hearings.

CHAIRMAN SALADINO: I'm not sure I want --

MS. MOORE: Well, I think we should keep conversations on the record.

MEMBER CORWIN: Yeah, we would keep the --

CHAIRMAN SALADINO: Yes.

MS. MOORE: Okay.

MEMBER CORWIN: -- conversations on the record, right?

MS. MOORE: So you want to -- you want to adjourn this?

MR. OLINKIEWICZ: No, close the public hearing.

MS. MOORE: No, I don't want to close it, because we're going to continue the conversation. All the conversation should be on the record.
CHAIRMAN SALADINO: Yeah, I'm not inclined to close either.

MS. MOORE: Yes.

CHAIRMAN SALADINO: I don't know if you want to close it.

MS. MOORE: But if you want to get to other things and we'll stick around, that's fine.

CHAIRMAN SALADINO: Would that be agreeable if we adjourn it?

MEMBER CORWIN: I think the people in the audience would appreciate it.

CHAIRMAN SALADINO: I apologize to the folks that have applications in front of us this evening, but sometimes this stuff goes pretty fast --

MEMBER NEFF: Sometimes.

CHAIRMAN SALADINO: -- and sometimes it doesn't. This applicant has a big application and he's entitled to be heard. I would rather that we do our due diligence by hearing everything that has to be said --

MR. OLINKIEWICZ: At one time.

CHAIRMAN SALADINO: -- and taking it all into consideration and not rush through it. I would -- I would -- I don't have a problem
adjourning the public hearing and --

MEMBER GORDON: Can we -- we'd be adjourning it with the understanding that we will come back to it this evening?

MEMBER CORWIN: Yes, yes.

CHAIRMAN SALADINO: I think that they --

MS. MOORE: Towards the end of the calendar, yes.

CHAIRMAN SALADINO: If that's agreeable with the applicant, I think we could do that. I don't have a problem with it, it would be up to them.

MS. MOORE: No. Well, we're here until you're done.

MR. OLINKIEWICZ: We're here.

MS. MOORE: Yeah.

CHAIRMAN SALADINO: So is that the pleasure of this Board?

MR. MURRAY: 'Til the Whiskey closes.

(Laughter)

MEMBER NEFF: Mr. Chairman, I want to state one thing, not long, that for me, it fits.

CHAIRMAN SALADINO: As is your custom?

MEMBER NEFF: I don't know. In the light of wanting it to brief, and so I keep focused on what it is I want to say and I don't have to call it
back later.

   I certainly don't have a problem with seeing 110, the western side, as a renovation, an extensive renovation, but nonetheless, a renovation. And, you know, for me, the question about what is going on at 112, the part about utilities, it does make it all more complex, but that's just my point of view.

CHAIRMAN SALADINO: The question in front of us is if you're okay with adjourning this.

MEMBER NEFF: I'm okay with it. I thought I made that clear.

   (Laughter)

CHAIRMAN SALADINO: And let it -- the other applicants, you know --

MEMBER NEFF: Onward.

CHAIRMAN SALADINO: So I'm going to make a motion that we adjourn this public hearing, do some business with some other applicants, and then come back to it. Is --

MEMBER GORDON: Second.

MEMBER TASKER: Well, come back to what?

MEMBER NEFF: Well, the public hearing.

CHAIRMAN SALADINO: Reopen -- reconvene the public hearing.
MEMBER GORDON: Which is -- which is dealing with the interpretation question.

MEMBER TASKER: Well, it seems to me that the public hearing should be the opportunity for the applicant to make his case and his presentation, as he's done very ably, for people from the public to make their comments and thoughts known to the Board, and that's the end of the hearing.

MR. OLINKIEWICZ: Right.

MEMBER TASKER: At that point, the Board deliberates on what it's heard and makes a determination. That may require additional conversation with the applicant or his attorney, but it is no longer part of the public hearing, the discussion is that of the Board.

CHAIRMAN SALADINO: I think to leave the public hearing open, so the Board can --

MR. OLINKIEWICZ: Or just ask the two questions and we'll be done and we'll move on.

CHAIRMAN SALADINO: And --

MR. OLINKIEWICZ: You said there's only a couple of questions.

MS. MOORE: Well, you may -- you may have additional -- so we're not in disagreement with
your analysis, but there may -- the Board itself may have questions.

    MEMBER TASKER:  Fine.
    MS. MOORE: So that's why any questions I want to put on keep on the record, so that --
    MEMBER TASKER: We're on the record when we -- when we deliberate, we're on the record.
    CHAIRMAN SALADINO: I just don't understand why -- what to put -- I mean, to close it, first of all, starts a time clock. To close it starts a clock, number one. Perhaps we're not prepared to do that. Number two, I don't understand, to reconvene it in 20 minutes or 30 minutes, after we hear one or two more applications. If the members have some questions, if the -- and then we close it then. I don't foresee this public hearing being -- being, you know, continued until July.
    MEMBER CORWIN: Well, it's just a courtesy to two applicants.
    MEMBER NEFF: Yes.
    MEMBER CORWIN: They want their application approved.
    CHAIRMAN SALADINO: But we're willing to do --
    MEMBER CORWIN: For five -- it's five
CHAIRMAN SALADINO: But we're willing to do that.

MEMBER CORWIN: Yeah, that's what I'm saying.

MEMBER NEFF: Okay.

MEMBER GORDON: A motion has been made and seconded.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN SALADINO: I vote aye.

MEMBER TASKER: I abstain.

CHAIRMAN SALADINO: Okay. We're going to -- we're going to adjourn this for a few minutes.

MR. OLINKIEWICZ: And then come back.

CHAIRMAN SALADINO: Then we're going to come back.

All right. Next, next on the agenda is -- should we go out of order here and do this, accept those applications?

MEMBER CORWIN: Yes. That's my whole point, yes.

CHAIRMAN SALADINO: All right. We're going
to -- we're going to take the agenda out of order a little bit and we're going to do 114 North Street. It's a motion to accept the application, schedule a public hearing, and arrange a site visit for the application of Michael and Lauren Nagin -- Nagin?

MS. KRAMER: Nagin.

CHAIRMAN SALADINO: Nagin, for the property located at 114 North Street, Greenport, New York, 11944. The Suffolk County Tax Map No. is 1001-2.-6-28.

Is the applicant here?

MS. KRAMER: Yes.

CHAIRMAN SALADINO: Name and address, if you would like to tell us something.

MS. KRAMER: Yes. My name is Meryl Kramer. I'm the agent for the applicant, I'm the Architect.

I have, in addition to the materials that we submitted for the application, I also have a copy for everybody on the Board a photograph of the existing rear of the property, as well as an image from our computer rendering of the proposed addition, so that you could better fully understand what we're trying to do.
CHAIRMAN SALADINO: Thank you.

MS. KRAMER: You're welcome. I also received some correspondence yesterday from Dave Corwin about the garage structure. He was saying, you know, he observed that it was not in compliance. But I do have a copy of the certificate of occupancy for the garage. I don't know. That was part of our investigation that we have been providing when we did the application. I don't know if you have it, but I'll give you all a copy.

CHAIRMAN SALADINO: No, I don't.

MS. KRAMER: The garage?

CHAIRMAN SALADINO: No, I don't have a copy of David's letter.

MEMBER CORWIN: Just for the record, I emailed Meryl yesterday after I looked at the application. I said there's no survey.

MS. KRAMER: I had -- I had --

MEMBER CORWIN: And then I brought up this thing of -- I didn't know whether that garage had a CO or not, so I thought it would be something that should be cleared up.

MS. KRAMER: And so, typically, what -- the way I've handled Zoning Board applications in the
past, and other agencies like the DEC, or Southold Town Board of Appeals or Trustees, is we prepare a site plan and stamp it, and our site plan is -- I am as an Architect certifying that this is based on -- and I have a description of the surveyor, his license number and the date surveyed. But I understand that there may be a policy that the Board is adopting. So I spoke to Mr. Prokop and I have copies of the stamped surveys for you.

CHAIRMAN SALADINO: I was under the --

MS. KRAMER: I would have given it to you before if I had known it was going to be an issue, so I'm hoping that it's not.

CHAIRMAN SALADINO: Well, I think I had asked the Village Administrator about it and his -- the Building Department is content with -- to accept a signed and stamped site plan, as opposed --

MR. PALLAS: In this case, the site plan references the survey. We were comfortable with that.

MS. KRAMER: Okay. I have it just in case.

MEMBER CORWIN: Well, just let me say Meryl had said in the email she stamped her plans, but I see no stamp. And my contention is, and will
always be, that the ZBA must get a survey. Architects and Engineers cannot deal with property lines. I've asked the Secretary of the Department of Education about that. Architects and Engineers cannot deal with property lines.

MS. KRAMER: No, absolutely not, but that's why I would always reference a survey, I would never do that on my own.

MEMBER CORWIN: And we didn't get -- I don't want to make a big deal out of it now --

MS. KRAMER: Okay.

MEMBER CORWIN: -- but that's why I always say we need a survey.

MS. KRAMER: Well, I did submit a site -- a stamped site plan in here, so there --

MEMBER CORWIN: I didn't see it.

MS. KRAMER: Okay.

MEMBER CORWIN: So it's not in this one.

MS. KRAMER: Okay. I did prepare it, so --

CHAIRMAN SALADINO: So maybe -- so just to avoid this in the future, maybe going forward, you know, any site plan that -- any application that comes to the Zoning Board. I mean, the instructions on the application says a survey, site plan surveyor must show proposed and existing
setbacks, patios, driveways, existing and proposed
structures, fences, as certified by a licensed
surveyor, engineer or architect. It's in the --

MEMBER CORWIN: But --

CHAIRMAN SALADINO: In the instructions, it
does say what David's asking for, but -- and
normally we get it, and we have it there.

MEMBER CORWIN: Right, but there's a mistake
in the instructions that I'll try to help
straighten out.

CHAIRMAN SALADINO: Okay.

MS. KRAMER: So I don't -- I don't know how
much description you want now, because it's not --
this isn't a public hearing. So I'm happy to
answer any questions about the nature of the
proposed additions to the structure.

CHAIRMAN SALADINO: The only -- the only
question I think we should have at this time is
about the application, if it's complete, if it's
correct, and if it is, we'll schedule a public
hearing and site visit.

MS. KRAMER: Okay.

CHAIRMAN SALADINO: The only question I have
about an -- about this application, and I can't
speak for my colleagues, is an answer on the EAF
that maybe you could just explain.

MS. KRAMER: Okay.

CHAIRMAN SALADINO: And on the EAF, it says, Question No. 17, is that -- about stormwater discharge. And it says, "Will storm water discharges be directed to established conveyance systems," and "If yes, briefly describe." You answered yes. And it says, "Gutters and leaders will be attached to direct runoff." All I would ask is like could you just tell us where? You know, are they going to dry wells, are they going to leach into the property?

MS. KRAMER: They will be contained on the property.

CHAIRMAN SALADINO: Okay.

MEMBER CORWIN: Right. I want to make a note about the Certificate of Occupancy. It was issued because a James Deerkoski, P.E. said the building met all the building codes. But nothing here says that when it was put up, it went before the ZBA, because it doesn't have the required 5-foot setbacks from the property line. So that may be an issue at some point in time, which is why I brought it up to you in the first place.

MS. KRAMER: Okay.
MEMBER CORWIN: So I don't know if there's any records in Village Hall that somebody went to the ZBA, or what, but this certainly does not indicate that somebody did.

MR. CONNOLLY: And if that structure doesn't meet the setbacks, then they should all be heard together.

MEMBER CORWIN: That's what I'm trying to say.

CHAIRMAN SALADINO: Okay. Are we going to accept this application?

MEMBER CORWIN: I move we accept the application, subject to research in Village Hall as to whether there was ever any ZBA approval of the setbacks on the garage storage building, and if there were not, I would suggest the applicant include that in the application at a public hearing.

CHAIRMAN SALADINO: Okay. So I'll make a motion that we -- that we accept the application.

MS. KRAMER: Well, may I say one thing?

CHAIRMAN SALADINO: Sure.

MS. KRAMER: I don't think it can go in the application, but you can make it a condition of approval?
MEMBER CORWIN: No.

MS. KRAMER: I don't understand how -- because otherwise from now, you would make a public notice, so it has to be in the notice, is what you're --

MEMBER CORWIN: You have the one, yes.

MS. KRAMER: Because it can't be added at the hearing, right?

CHAIRMAN SALADINO: Well, I was going to suggest that we make it as a condition, but --

MS. KRAMER: Whatever the Board --

CHAIRMAN SALADINO: Would that be okay, that --

MEMBER CORWIN: Fine with me, yes. That's not a big thing, but --

MS. KRAMER: I mean, it has a Certificate of Occupancy, so I --

MEMBER CORWIN: But, again, that doesn't mean it has ZBA approval. It's just that it's not -- most of these places --

MS. KRAMER: It doesn't comply.

MEMBER CORWIN: Most of these places we go it's an old horse stable, and you can see it's been there 100 years. This is not an old horse stable. It's a pre-manufactured structure
probably from up in Peconic that was put on the lot. So when it was done, we don't know.

CHAIRMAN SALADINO: So we'll make it -- we'll make a motion to accept the application, and at the time of the public hearing, the applicant will --

MS. KRAMER: Will discuss the shed.

CHAIRMAN SALADINO: Explain to the ZBA to their satisfaction the placement of the shed, okay?

MEMBER CORWIN: Okay by me.

CHAIRMAN SALADINO: So moved.

MEMBER GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: Ellen?

MEMBER NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

We're going to -- we're going to schedule a public hearing for -- Kristina, help me out here.

MS. LINGG: April 16th.

CHAIRMAN SALADINO: April 16th. We set them all at 6 o'clock. We'll do a site visit 5:30?
MEMBER CORWIN: (Nodded yes)
MEMBER GORDON: Yup.
CHAIRMAN SALADINO: 5:30 at the property. And whatever needs to be staked out, we would ask that you would do that. Anything else for this applicant?
MEMBER CORWIN: And I think the advertisement of a public hearing, maybe I'm going overboard, but I don't see what would stop the applicant -- if the applicant decided she needed to include the setbacks on the garage, let's say in the next two weeks, why couldn't that go into the public hearing, too? In other words, everything here plus the garage, if it's not on the records.
MS. KRAMER: The Village does that.
CHAIRMAN SALADINO: I think that would be up to the Village. I think -- I think the Building Department could have that discussion with the applicant and --
MR. PALLAS: I mean, if the question is can we conclude the research in time to make it to the public hearing, the answer is yes.
CHAIRMAN SALADINO: Well, I'm thinking also what David's saying is if the property is -- if
the shed is in violation or needs a variance, can that be --

MEMBER CORWIN: Done before the time to publish the public hearing, so --

CHAIRMAN SALADINO: Notice.

MEMBER CORWIN: -- the neighbors know that the garage would also be part of the public hearing.

MR. PALLAS: I was not clear, but that's -- that is what I meant. We could conclude the research in time to include it to get it in with the public notice for the original application, we could, we could do that.

MEMBER CORWIN: Right, so the neighbors --

MEMBER TASKER: Which would involve a revised Notice of Denial.

MR. PALLAS: Correct.

MEMBER TASKER: An amended Notice of Denial.

MR. PALLAS: Correct.

MEMBER TASKER: All right.

CHAIRMAN SALADINO: And that's acceptable with us, I'm guessing?

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: And to the applicant?

MS. KRAMER: Yes.
CHAIRMAN SALADINO: Okay, easy-peasy.

MS. KRAMER: Thank you for your time.

CHAIRMAN SALADINO: Anything else for her?

MEMBER CORWIN: No.

CHAIRMAN SALADINO: Item No. 13, lucky 13, is 511 Fifth Street. Am I getting this right? Am I doing this all?

MEMBER GORDON: Uh-huh.

CHAIRMAN SALADINO: 511 Fifth Street, is a motion to accept the application, schedule a public hearing, and arrange a site visit for the application of Jack Martilotta for the property located at 511 Fifth Street, Greenport, New York, 11944. The Suffolk County Tax Map No. is 1001-6.-1-7.

Is the applicant here?

MR. MARTILOTTA: Yes, sir.

CHAIRMAN SALADINO: Name and address for the Stenographer, please.

MR. MARTILOTTA: Jack Martilotta, 511 Fifth Street.

CHAIRMAN SALADINO: Jack, if you just could, give us a little idea of what's going on.

MR. MARTILOTTA: Sure. I'm the owner of 511 Fifth Street. It's -- we ended up doing major --
we attempted to do a major renovation. We got building permits for everything.

The house, the house was starting to collapse. We did -- the back of the house we had a wall fall down. You know, before it collapsed, we couldn't quite repair it, so we got a permit to redo the house.

We're looking for a variance to build a small porch in the front and a bay window on the south side. The bay window was preexisting, and again, was permitted with the original plans. It had fallen out. So that wall had -- it used to be a two-family house, and when we had moved in, to make it a one-family house. I went to open the window and the wall fell out. So we put up a new wall with a regular window in the meantime, because we had a baby on the way and needed something fast, and my wife was -- my wife was not happy. And as we were redoing the house, we wanted to put the window back, to kind of keep it's original look, if you will.

Also in that, the Village asked me to ask for a variance. It's built on the original footprint, but it's originally a nonconforming, nonconforming lot, and they wanted me to include
that as well. So the setbacks on the front of the
house and both north and south side are, you know,
what they were. They're there now. I don't
remember the exact dimensions, but I do have them
in there.

MEMBER CORWIN: You're still working on the
house?

MR. MARTILOTTA: Yes.

MEMBER CORWIN: The Village hasn't given you
a Stop Work Order?

MR. MARTILOTTA: No, sir. I have a building
permit for it. We explained what we were trying
do with the house. We had tried to save some of
it in the front, but we were unable to, because
someone at some point had filled the walls with
cement. And when we started to work on the front
of the house, the -- everything was crushed and
rotten, and the cement wall had cracked and we
couldn't figure out how to get it back together.

CHAIRMAN SALADINO: So is this whole
application because of a set of windows that were
originally installed, or a window that was
originally installed, it was removed, different
windows were put in, and then they were taken out,
and the original type window was put in and that
exceeded the side yard setback? Am I getting that right, or you weren't listening?

(Laughter)

MR. PALLAS: No, I was trying to follow as best I could.

MEMBER TASKER: Me, too.

MR. PALLAS: The structure that -- the structure that was originally there when the application was presented to us did not have a bay window. It is my understanding that at some point in the past there was a bay window there, but it didn't exist when we got the application, there's remnants. You can see in photographs, that there's remnants of a window being there, but we have no evidence of where it -- where it came out. The application came to us. The permit was, in fact, issued. At some point it came to our attention that the bay window did not meet the setback requirement, that's the essence of it.

In discussions with the applicant, at the same time, they decided to enlarge the front porch, so we combined those two as a single application for this current request.

MR. MARTILOTTA: I'm sorry, I didn't explain that clearly.
CHAIRMAN SALADINO: Okay. Anybody have any questions for this applicant?

MEMBER CORWIN: There were a couple of things missing from the application when I looked at it Monday, and what's the status of those things?

MR. MARTILOTTA: The EAF form -- and thank you for the email, I appreciate it. The EAF form --

MR. PALLAS: EAF was just distributed, I believe.

MR. MARTILOTTA: It was turned in. For the stamped plan, the plan is stamped, but they sent it electronically, so the stamp didn't show up. It was being overnighted and I was hoping it was going to make it by this meeting, but I can provide you with receipts that it was done. However, when it gets emailed, I guess when you scan the stamp, it doesn't show up if -- that's how the architect explained it to me. I did not know that, and I apologize.

MEMBER CORWIN: There's a way to do that, which I've mentioned before. I suppose it's not worth mentioning again, but I will. You just take a pencil and you rub the stamp over it and then
you can see it.

MR. MARTILOTTA: Sure. I just -- I didn't know that.

MEMBER CORWIN: I believe you didn't have a survey either, right?

MR. MARTILOTTA: I have -- no there's a survey, the survey was turned in. I FOILED for my original survey from the Building Department in the Village.

MR. PALLAS: There's a -- if I may, there's a survey in the file. I apologize if the Board did not receive it initially, but we do have one in the file.

MEMBER CORWIN: I don't think I saw a survey.

MR. PALLAS: All I have is one copy, if you want to take a look at it and turn it in. We can get copies to the Board.

MEMBER GORDON: I would just like to say it is difficult to evaluate this proposal when I went yesterday and there was no Notice of Disapproval, so -- and no survey. And it's just hard to make a decision when you don't have all the data.

MEMBER CORWIN: That's what I tried to convey to the staff there.
MEMBER GORDON: I still don't have a Notice of Disapproval. I guess I also have a process question. This is a case in which the Notice of Disapproval -- Disapproval supersedes a valid building permit.

CHAIRMAN SALADINO: I'm sorry.

MEMBER GORDON: Is there a standard for when that should happen? Because I think it must be very disoriented -- disorienting for the builder and the applicant to be two-thirds the way through the work, which was validly permitted, and then be told that we have to go through this rigmarole again. I just want to know what -- what is the standard at the moment at which it is appropriate to supersede the original building permit?

MR. PALLAS: No, I am -- I don't know if there was any formal standard. To be honest with you, I do not -- I just don't simply know. In this particular case, as I stated, the fact that we had been requested, or the applicant had requested to add a porch, that wasn't on the original plans.

MEMBER GORDON: So you really wanted a new building permit, or a portion thereof?
MR. MARTILOTTA: Well, I -- when we were building -- if I may, when we were building the house, my wife had looked at like other houses in -- because we were trying to keep it looking like houses in Greenport. And she said, "You know, a porch would look really good. Would it be possible to put one on?" I said, "Well, we have to go to the ZBA and ask for a variance for it and then get it approved." I mean, it's -- I mean, it's a small porch, but I figured we'd give it a shot.

And then really, beyond that, you know, I think you put it very good, very well, I mean, you know, we got a building permit and built the house. You know, it's almost complete, and then we found out we needed, or may need a variance for a window.

MEMBER GORDON: It looks very nice.

MR. MARTILOTTA: Well, thank you. You know, I mean, it's -- the house is almost done.

MEMBER GORDON: Yeah.

MR. MARTILOTTA: And, also, we -- I'll be honest with you, I'm not sure. The porch we would like to add, if that is possible. As far as the other variances, we were trying to do our best to
comply with what the Building Department was asking for.

MEMBER GORDON: Okay. Thank you.

MEMBER CORWIN: And the other thing that wasn't done properly is the application did not have a printed name and it was not notarized. I don't know if you got the message.

MR. MARTILOTTA: Oh, it -- no, no. It was -- I also supplied that as well after I got your email, sir.

MEMBER CORWIN: So I would like to make a motion that we accept this application and schedule a public hearing and inspection.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: Oh, I had a couple of things to say, but okay, I'll forego that.

MEMBER TASKER: We can discuss -- we can discuss our motion.

CHAIRMAN SALADINO: No, no, no, that's fine

MEMBER GORDON: You can discuss it for a second.

CHAIRMAN SALADINO: No, that's fine. That's fine. I -- the only thing I'm going to say, the only thing that I heard just now that I might have -- I might have a problem with, that I'm not
sure if I understood correctly, is I don't think there should be a time limit if somewhere along the process, whether the house is just before being built or after it's 90% complete, that if someone finds an error in the building permit, that it -- that it shouldn't be corrected, and I think that's what happened here. I mean, somebody found an error, it's in the process of being corrected. I don't think -- I think that's -- that was the correct thing to do. It might have been -- and I'm hoping that we continue to do that.

It might have been a little bit of confusion with this house, but I don't think that's a bad policy, that, you know, people make mistakes. Sometimes we overlook stuff in the building permit, and not us, them.

(Laughter)

CHAIRMAN SALADINO: And it has to be corrected. I don't think carrying it forward is to anybody's advantage, the Village's, the applicant, the Zoning Board. So --

MR. MARTILOTTA: Sure.

CHAIRMAN SALADINO: -- having said that, we have a motion on the table, it's been seconded.
All in favor?

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

Jack, we're going to schedule a public hearing for --

MS. LINGG: April 16th.
CHAIRMAN SALADINO: April 16th. They schedule them all at 6 o'clock. I'm not even sure if you -- I mean, what's the --
MEMBER GORDON: We have a -- we have a schedule. We have one already scheduled for 5:30, so we should go to him at 5, right?
CHAIRMAN SALADINO: Sure. You know, that's good.
MR. MARTILOTTA: Is that on the same day?
I'm sorry to interrupt.
CHAIRMAN SALADINO: What's that? Don't do it again.

(Laughter)
CHAIRMAN SALADINO: We're going to make it -- we're going to make it at 5 o'clock. But, no, I was saying about staking it out. I mean, is
there anything to stake out? I mean, their window's in. We could kind of just --

MEMBER CORWIN: No, the porch, the porch.

CHAIRMAN SALADINO: I'm thinking the porch is up.

MR. MARTILOTTA: No, we did not, because I don't have the variance.

CHAIRMAN SALADINO: Oh, okay. So just stake out where the porch is going to be.

MR. MARTILOTTA: Yes.

CHAIRMAN SALADINO: And just maybe, if you can, I mean, what's the bay window, 6 feet, 8 feet wide? And just put a line there to let us know where -- we see where it will be on the house and where the side yard is.

MR. MARTILOTTA: Okay, sure.

CHAIRMAN SALADINO: All right? And Ellen has a question.

MEMBER NEFF: We also have asked to have that indicated, the changes, on the survey. Now that we have, you know --

MR. MARTILOTTA: I turned that in as well.

CHAIRMAN SALADINO: What, the porch?

MEMBER NEFF: Yes.

CHAIRMAN SALADINO: And the windows?
MEMBER NEFF: Yes, with hatch marks or whatever.

CHAIRMAN SALADINO: Where we'd see the proposed --

MEMBER NEFF: Yes.

CHAIRMAN SALADINO: -- porch on the survey?

MR. MARTILOTTA: I turned that in with the application as well.

MEMBER NEFF: You got that?

MEMBER TASKER: You're looking at the survey. It's on the site plan, right?

MR. MARTILOTTA: The site plan, yes, sir. I have the survey and the site plan. It should be -- it's kind of like in those little bubbly looking --

MEMBER NEFF: Okay.

MR. MARTILOTTA: I have no idea what that's called.

MEMBER NEFF: Then that's sufficient.

CHAIRMAN SALADINO: Okay. I think we're done with Mr. Martilotta.

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Five o'clock.

MR. MARTILOTTA: On April 16th?

CHAIRMAN SALADINO: The 16th. And the
public hearing would be on or about 6 o'clock.

MR. MARTILOTTA: Okay.

CHAIRMAN SALADINO: Thank you very much. Do you have someplace to be now?

MR. MARTILOTTA: Oh, boy, do I ever.

(Laughter)

MR. MARTILOTTA: Thank you.

CHAIRMAN SALADINO: So good luck.

MR. MURRAY: Good luck, Jack.

MR. MARTILOTTA: Thank you.

CHAIRMAN SALADINO: And we're going to do -- we're going to do the discussion for Ms. Miller and for David Murray before we take up --

MEMBER CORWIN: Well, to me, they're stuck. There's other people more -- so what way do we want to pursue? I would just assume keep this public hearing open, or reopen the public hearing. But I don't think we need to, because we can have a back-and-forth discussion outside the public hearing that goes on the record, as Mr. Tasker stated.

CHAIRMAN SALADINO: Well, before we even get to that, let's do Sterling, Sterling. I mean, David's application is kind of straightforward. I'm not sure there's going to be many surprises
with that. I don't want to overstep my bounds here and say a lot of discussion, because that -- that never seems to work for me. All right. So we're going to do -- we're going to take --

MEMBER CORWIN: An easy one.

CHAIRMAN SALADINO: Item No. 9 is discussion and possible -- discussion and possible motion on the area variances applied for by David Murray for the property located at 137 Sterling Avenue Greenport, New York, 11944. And the Suffolk County Tax Map No. is 1001-3.-5-11.

Folks, we heard -- we heard the applicant, we know what he's asking for. Is there any conversation? Is there any discussion by this Board? No?

(No Response)

CHAIRMAN SALADINO: Then I'll make a motion that the Zoning Board of Appeals declares itself Lead Agency for the purposes of SEQRA. So moved.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

MEMBER TASKER: Aye.
CHAIRMAN SALADINO: And I'll vote aye. I'll make another motion, that -- for the purposes of SEQRA, this is a Type II Action. Right, Type II, Type II Action?

MEMBER GORDON: Yeah.

CHAIRMAN SALADINO: So moved.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye. We can do these five questions, and --

MEMBER GORDON: Yeah, you got it.

CHAIRMAN SALADINO: All right. The five questions are 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: Dinni

MEMBER GORDON: No.

CHAIRMAN SALADINO: Ellen
MEMBER NEFF: No.

CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: No.

CHAIRMAN SALADINO: And I'll vote know.

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.

CHAIRMAN SALADINO: Dinni.

MEMBER GORDON: No.

CHAIRMAN SALADINO: Ellen.

MEMBER NEFF: No.

CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: No.

CHAIRMAN SALADINO: And I'll vote no.

Whether the requested area variance is substantial. David.

MEMBER CORWIN: No.

CHAIRMAN SALADINO: Dinni.

MEMBER GORDON: No.

CHAIRMAN SALADINO: Ellen.

MEMBER NEFF: No.

CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: No.
CHAIRMAN SALADINO: And I'll vote no.

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

MEMBER CORWIN: No.
MEMBER GORDON: No.
CHAIRMAN SALADINO: Dinni, no.
MEMBER NEFF: No.
CHAIRMAN SALADINO: Ellen, no?
MEMBER NEFF: No.
MEMBER TASKER: 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 the area variance. David.

MEMBER CORWIN: Yes.
CHAIRMAN SALADINO: Dinni.
MEMBER GORDON: Yes.
CHAIRMAN SALADINO: Ellen.
MEMBER NEFF: Yes.
CHAIRMAN SALADINO: Arthur.
MEMBER TASKER: Yes.
CHAIRMAN SALADINO: And I'll vote yes.
I'm going to make a motion that we grant the area variances.
MEMBER TASKER: Second.
CHAIRMAN SALADINO: All in favor?
MEMBER CORWIN: Aye.
MEMBER GORDON: Aye.
MEMBER NEFF: Aye.
MEMBER TASKER: Aye.
CHAIRMAN SALADINO: And I'll vote aye.
MR. MURRAY: Thank you.
CHAIRMAN SALADINO: You're welcome.
All right. Next up is -- I'm sorry, I have a cold, I have to get my hanky back. Where are we at?
MEMBER GORDON: Next page.
CHAIRMAN SALADINO: No. You want to do this?
MEMBER GORDON: Oh, discussion, yeah.
Sorry.
CHAIRMAN SALADINO: We're going to do Ms. Miller.
MEMBER NEFF: Would this be an appropriate time to ask for a five-minute break or not?
MEMBER TASKER: Sure.

CHAIRMAN SALADINO: If you need five minutes, you need five minutes.

MEMBER NEFF: I could just get up and leave for five minutes.

CHAIRMAN SALADINO: No, that would be critical.

(Laughter)

We're going to adjourn for five minutes, because -- because we are.

(Recess: 7:35 p.m. - 7:41 p.m.)

CHAIRMAN SALADINO: Folks, we're -- again, we're back. And did I make this announcement for Fourth Street?

We're going to do Item No. 8, 424 Fourth Street. Discussion and possible motion on the area variances applied for by the Miller Family Trust for the property located at 424 Fourth Street Greenport, New York, 11944. And the Suffolk County Tax Map No. is 1001-6.6-18.1.

Does the Board have any comments about this?

I have a few, but --

MEMBER CORWIN: Well, I can make a couple of comments.

That's a very interesting building there. I
guess it was a hotel at one time. But that whole area was subdivided, which kind of changed the use of that building.

And there is parking there that the applicant would claim is adequate, but I tried to park there, I couldn't park there. And I'm a very good driver, and I had to get rid of my little truck, so I know I couldn't park there now.

I was under the impression we were talking about four rooms, but now I see, looking at the application there, they're talking about five rooms, which kind of may have changed my thinking.

And I think, also, at one time, and correct me if I'm wrong, the Village had a public hearing about changing the Bed & Breakfast rooms from three to five, or something, and they decided not to. So it seems like as far as the Village Board is concerned, three rooms is the limit.

And the -- we did approve, I voted no, for one on Main Street for four rooms. And I might even be more inclined to go for four rooms, since we did it once, so I voted no. But other than that, I'm finding this a very difficult application to make up my mind on, and that's kind of it.
CHAIRMAN SALADINO: Thank you, David. I have -- to expand on David's comments, the Village Board held two public hearings on this subject, whether to increase the B&B capacity from three to five, one in 2011, one in 2016, I believe. Both times they decided to keep the capacity as it was.

A lot's been said that New York State allows five rooms, and that's true. But the second half of that sentence is they decided to leave it to the municipality to determine what's best for that particular municipality.

In my research, and also, as David mentioned, the Zoning Board had an application to increase the amount of rooms in a Bed & Breakfast in 2016 from three to four. The research I did for that, obviously, would be the same for this, is, again, the State allow five rooms, up to five rooms. I stopped counting at 30 municipalities that only allowed three, and some even less, another 30 that allowed even less, and some that didn't allow Bed & Breakfast.

It's mentioned that Southold Town, five rooms is okay. That's kind of Bed & Breakfast -- actually, I might be getting the terminology of the code wrong. They're not permitted, they're
only allowed by special exception, and then a statutory board decides how many rooms they're allowed to have up to five, so it's not exactly as of right.

Our neighbors, Shelter Island, five rooms are allowed in the Commercial Zone, only two in the Residential Zone; East Hampton Village, only two rooms; East Hampton Town, only two rooms.

So it's not that Greenport is off by itself in cyberspace here or -- the other point is, and going back to 2016 with Fordham House, the argument was, the deciding vote, the vote that evening was three two in favor of granting the variance. I believe the Zoning Board made a mistake. Excuse me. The deciding vote, the reasoning behind it was, was that the Village Board kicked the can down the road with this and left it to the Zoning Board. I disputed that then, and I dispute it now. The Village Board held two public hearings that were well attended, and at both public hearings, they decided to leave it at three. I don't -- I don't understand how it would be construed that they kicked the can down the road.

The other thing I would like to say is this
is -- this is border -- this is not borderline. This is -- for us to do this, this is legislating. We're an administrative board. The legislative body of this Village decided that three rooms was the maximum a Bed & Breakfast was allowed to have. I'm not opposed to five rooms, I'm just opposed to -- I'm not a Trustee, I'm a member of the Zoning Board of Appeals, we don't legislate.

This is not a situation where a house was built prior to zoning and they need moderate relief to do certain things on a piece of property that doesn't quite conform to the Zoning Code now. This is not moderately tailored relief, this is -- this is usurping the power, I feel usurping the power of the legislative body.

I have a few more other things to say, but they fail me now. I'll -- that I'm thinking what I have to say.

MEMBER GORDON: I think it's wonderful that you did this research about surrounding communities. I certainly did not know any of that. I think what the -- what you might say about the result of your research is that there's a lot of ambivalence about this question, some places going one way, some places going another,
some subtleties about how the results -- what the 
results are.

It seems to me that we shouldn't be overly 
influenced by the two hearings in Greenport in 
2011 and 2016, because the last one was three 
years ago, and the Airbnb situation has changed 
dramatically in the last three years. And we have 
been very concerned about the Airbnb situation and 
have taken steps legislatively to impose a 
different kind of standard from what we had in the 
past. And it seems to me that the unfairness of 
the Airbnb situation for B&Bs is a real issue that 
we haven't really addressed very, very directly.

I understand the sort of dangers of 
precedence. I mean, we had the precedent that 
we -- where we made it -- we created a precedent 
by granting the fourth room in that recent 
situation, and now, you know, it seems kind of 
unfair not to grant four rooms or five rooms to 
this established B&B.

And I guess I think if we decided to -- 
well, either way, it seems to me we should be 
sending a message to the Board that they've got to 
look at this again, and to take into consideration 
the current situation with respect to competition
for B&Bs. And I think, you know, we can -- that
is part of our responsibility, to send messages to
the Board. So either way, I would recommend that.

MEMBER CORWIN: Well, there's one thing I
have to say. There's not a lot of houses now that
are going to set up for three or four rooms.

MEMBER NEFF: Or -- I heard the first part
of what you said, but not --

MEMBER CORWIN: There's not a lot of houses
now that are going to set up three or four rooms.

MEMBER NEFF: Okay.

MEMBER CORWIN: I'm not sure the Village
Board needs to revisit that part of the code.

CHAIRMAN SALADINO: Well, again, just to
respond to David for a second, again, if that's
what needs to be done, I'm not opposed to sending
the Village Board a note or a recommendation. But
I don't think we're Legislators. I think that
falls squarely on their shoulders.

And the fact they did hold two -- I don't
think it could be discounted that they did hold
two public hearings. And the fact that there's an
influx of shared economy, or Airbnb, or VRBO, and
there are different standards, again, I go back to
the point, none of us ran for the Village Board,
none of us ran for Mayor. And we're an administrative board, it's -- I just don't believe in crossing crafts. I mean, I just kind of think that's their job and we should do our job. And, you know, and usurping their authority I honestly don't believe falls under -- I don't think we have the authority to do that.

Social issues, as far as more housing, or inequity in the rules and stuff, again, that's something that somebody who wants to do this should be lobbying, actively lobbying the Village Board, not the Zoning Board. I'm sorry.

MEMBER NEFF: I have appreciated the counsel of other members of the Board. And I was a member of the Board, and some of the other people sitting here were in 2016, so I recall the three-two vote, and I don't recall in great detail, but I'm pretty sure that I was on the side of the three.

And I think that weighing the different aspects of this job, as I have performed it over the years, we look at the neighborhood, we look at the individual parcel, and the particulars of that parcel. And I find in this instance, if I was being asked about four bedrooms, weighing again 2016 in that decision, I don't have a hard time.
There are very few, as my colleague, Mr. Corwin stated, properties that approach the dimensions of this property, the configuration of this house. So on the other -- so, in other words, four seems to me not in a huge stretch, and I -- again, I appreciate you talking about administrative and what's the purpose, but five, because it happens to be, you know, what the State spells out, I don't go there. I do appreciate the Chairman's review of some of the neighboring jurisdictions. So that's my point of view about this property.

MEMBER TASKER: Mr. Chairman, may I?

CHAIRMAN SALADINO: Yes, sir. Yes.

MEMBER TASKER: I'd like to pick up on a number of things, particularly various dimensions of what some of my colleagues have said.

First of all, I did want to correct one thing that Mr. Corwin said. That building was never a hotel. That building was built as the private residence of a man named Elmer, who was half of the PerkinElmer Company of Connecticut, I believe -- excuse me -- that remains in business today, and, in fact, I think they built the Hubble Telescope. So he was quite a prominent man and a wealthy man, and he built a big house for -- and
he owned that entire area of the property, it was never a hotel.

MS. MILLER: Maybe I could just correct that.

MEMBER TASKER: Well --

MS. MILLER: Mr. Elmer was like the third owner of the house, that's --

MEMBER TASKER: Well --

MS. MILLER: Okay.

MEMBER TASKER: I think my point stands, it was built as a private estate.

MS. MILLER: Yes.

MEMBER TASKER: Okay. Mr. Elmer just collected more money and was able to buy it out, and good for him.

I'm very much in sympathy with what Chairman Saladino said with respect to the dimension of legislating to do with this, particularly because it's had as much review as already been talked about over the past several years.

I was interested to note that the original Notice of Disapproval for this called for the -- it says, stated as follows: "The additional proposed rooms are greater than the permitted rooms for a Bed & Breakfast, requiring a use
At some point, I think there was discussion of this at the time that the application was considered for acceptance by the Board, and that was changed to an area variance. I disagreed with that, but it's not necessarily material to this, except from this standpoint.

If it were a use variance that was required, and if it were granted, this would be an A-number-one spot zoning situation. And spot zoning essentially takes away the Legislative authority from the Legislators and takes it into the hands of an administrative board, as Mr. Saladino has pointed out. That's why I want to affirm an even greater, a stronger reason as to why we should consider the discussions and debates that have taken place on this, probably since -- when was the B&B ordinance put in place, was it 2011?

MEMBER TASKER: 2001, was it? I'm sure that that debate took place at the time as to the number of rooms, and further in -- when it was
considered for modification in later years.

The question that Airbnb changes the character of the situation around here, because they are, some would say, unfair, difficult competition, perhaps, for other forms of housing like B&Bs, hotels, inns, and the like. And the problem is that Airbnb and its ilk are not -- have nothing to do with providing housing or weekend accommodations, except as reservation agents, for which they collect a fee.

Airbnb didn't create this problem, except to make it easier for people to not -- I very disagree with the term "sharing economy". There's nothing sharing about it. The Uber driver is not sharing his car. The Airbnb owner is not sharing his house. They are using an asset that they have purchased and trying to maximize the rate of return on that asset. There's nothing sharing about it. Let's be perfectly frank, they're doing it for money.

Another -- and the Airbnb question, as the Village tried -- has taken a good first step in doing, is to create an ordinance that should restrict the extent of short-term rentals in the Village. And it becomes an enforcement question,
and it is up to the Village to enforce this law, the Airbnb law, the short-term rental law, to see that it is brought into control, so that it takes the heat off of people who have an -- who have a traditional Bed & Breakfast in the Village.

The dimension of the number of rooms that are required with regard to the housing in the Village of Greenport is an important one. Whether it's three or four rooms, you have to bear in mind that not only is a Bed & Breakfast required to have -- is permitted to have three rooms at this time, but it's also required to have a fourth bedroom for the owner. So when you add that up, whether it's three plus one, four plus one, there are very few buildings in the Village of Greenport that are going to be able to go beyond that number. Mrs. Miller's building is one such that does, that does do that. But that is not a reason to make an exception, just because there is a substantial greater -- substantially greater number of rooms available in her building than would be typically available in the Village of Greenport. Thank you.

CHAIRMAN SALADINO: Okay.

MEMBER GORDON: Could I -- I would like to
ask Arthur a question.

CHAIRMAN SALADINO: Sure.

MEMBER GORDON: Would you regard -- I don't think I understand the concept of spot zoning perfectly. So would you consider an exception to the three room rule to be an example of spot zoning?

MEMBER TASKER: Yes, I would, because it would be unusual for the neighborhood and for the entire jurisdiction in this, being the Village of Greenport. It would be unusual in both its location and for the entire Village of Greenport, simply because it has a bigger floor plan.

CHAIRMAN SALADINO: Just to comment on that, and I'm not sure if we should go off on that tangent, but just to comment on that, when the -- when the original application in two -- not the original, it's the one I remembered in 2016 or 2015, came up to convert a fourth bedroom into a B&B space at -- on Main Street, the original Notice of Disapproval was for a use variance, and it raised questions and somehow it became an area variance. And since that's all that we had to go on for this -- this is the only other application that we've had in the last three or four years for
the same variance since we applied the area
variance standard in 2016. I think that's why we
did it here this time, so.

And just to correct the record, too, the B&B
law went into effect in January 1989, not when you
opened your B&B. The B&B law in this Village went
into effect in January 1989, if that matters to
anybody.

MEMBER TASKER: Just to tack onto your most
recent point, perhaps the consideration of whether
or not such a change would be a use or an area
variance should be a subject of this Board's
interpretation at a later date.

CHAIRMAN SALADINO: We don't shy away from
any work, all somebody has to do is ask us. And
we've got somebody in authority. Murray can't
ask that.

MEMBER TASKER: We can do it on --

(Laughter)

MEMBER TASKER: John, we can do it on
our own.

CHAIRMAN SALADINO: We can, but we -- from
past experience, we found that sometimes that
raises some controversy, and since this doesn't
seem like that pressing an issue, maybe we'll wait
for a Village Official to ask us for that
interpretation.

What -- what's the pleasure here? Are we
going to -- are we going to have a little more
discussion? Are we going to put this decision off
for a month? Are we going to vote? What would we
like to do here? Anybody?

MEMBER CORWIN: I'd like to put it off so I
don't have to vote, but I don't think that will
solve anything.

CHAIRMAN SALADINO: So what do you mean?

What, are you leaving town?

(Laughter)

MEMBER CORWIN: That's an idea.

CHAIRMAN SALADINO: You vote tonight, or you
vote next month.

MEMBER TASKER: What's going to happen in a
month's time?

MS. MOORE: I may be going to the Village
Board, because it's very upsetting hearing what
you're saying, personally.

CHAIRMAN SALADINO: I apologize.

MS. MOORE: No, no, no. I mean, legally,
it's legally. Not -- I'm not taking it
personally, and what you're saying is not
personal.

It is -- you're right, it's a legislative problem, but I think that the ordinance has now changed completely with short-term rental. Owner-occupants are allowed to rent rooms, no limitation on the number of rooms. So she could open up today and do short-term rental.

The reason we're here for B&B is because we want to put it under the umbrella of a B&B, just like it's always been. But if this is the reaction we get when we come in properly to request an expansion of the number of B&B rooms, we have a problem, and I'm going to go straight to the Village Board and express our -- what the problem is. And it's --

CHAIRMAN SALADINO: I think Thursday night.

MS. MOORE: And I've heard all your comments and I respect your opinions, believe me, you -- it's your opinion, but I think that the Village Board has created a major problem here to the whole B&B industry. It is punishing her. Financially, B&Bs cannot complete against short-term rentals when an owner-occupant or a two-family house can rent their entire unit next door under short-term rental. So --
CHAIRMAN SALADINO: First of all, first things first.

MS. MOORE: Yeah.

CHAIRMAN SALADINO: Anything you have to say to the Village Board I'm sure they'd be glad to listen at 7 o'clock --

MS. MOORE: Well, they won't have a choice.

CHAIRMAN SALADINO: At 7 o'clock on Thursday night.

MS. MOORE: Right.

CHAIRMAN SALADINO: Well, we've had people that --

MS. MOORE: Yeah.

CHAIRMAN SALADINO: -- who didn't let you talk. We've had Mayors that didn't let you talk.

MS. MOORE: Oh, that's true, yes.

CHAIRMAN SALADINO: And second, we haven't voted yet. You're getting --

MS. MOORE: Unless you're going to vote contrary to everything you've said, I'd be quite surprised.

CHAIRMAN SALADINO: Well, I'm not --

MS. MOORE: I think I'm counting three to two against.

CHAIRMAN SALADINO: Listen, you're not going
to be surprised how I vote, but I'm only one vote, you know.

    MS. MOORE: Okay. But I've heard what everyone has said. One calls it a use variance, and one says, you know --

    CHAIRMAN SALADINO: So we can -- we can discuss this a little more. We can reserve our decision. We have 62 days to make a decision.

    MR. CONNOLLY: Can I just clear something up, though?

    CHAIRMAN SALADINO: Sure.

    MR. CONNOLLY: It's not -- what you're doing is not a legislative action, and you're not usurping the authority of the Village Board. This code section is under the Zoning Code of the Village of Greenport, and the Zoning Board of Appeals has the right to grant a variance or deny a variance to anything that falls under the Zoning Code.

    CHAIRMAN SALADINO: That's true, that's certainly true. But as I explained, this is not a situation about a house for moderately tailored relief that was built prior to zoning. This is something that the Village Board has reaffirmed twice, that they would like only three rooms in a
Bed & Breakfast establishment. I think that that is legislating.

MR. CONNOLLY: Then what they should have --

MS. MOORE: But didn't they just adopt more legislation? And since 2016, they just last year, or this year, '18, 2018 --

CHAIRMAN SALADINO: Yeah, but that's not --

MS. MOORE: The short-term rental law got in the books on rentals.

CHAIRMAN SALADINO: But that's not for us to interpret. If somebody wants to interpret, ask us for an interpret -- my opinion, if somebody wants to ask this Board for an interpretation of how the short-term rental law relates to the B&B law, and the deficiencies, or how it relates to zoning, I'm glad this Board is five free-thinkers, I'm sure we'd be glad to take that up. But as it stands now --

MS. MOORE: I guess --

CHAIRMAN SALADINO: Again, this is my opinion, and my opinion will be reflected in my vote.

MEMBER NEFF: I think you -- he's not finished.

CHAIRMAN SALADINO: Oh. Oh, I'm sorry, Rob.
Did I cut you off?

MR. CONNOLLY: No. Well, what I was going to say is that if the Village Board wanted to, you know, actually limit B&Bs to three rooms, what they should have done is remove it from the Zoning Code entirely, like they do in the Village of Sag Harbor, where, you know, you have to get a site plan approved, or a special exception permit. And, you know, the Village -- the code expressly says that three bedrooms is the limit, and then you can't come to the Zoning Board for relief.

CHAIRMAN SALADINO: Well, if I remember, if I remember, and not to belabor this, but what I remember about the public hearings, both public hearings, was that the resolution, the question was do we change it from three to four or to five, and their decision was to leave it at three.

MS. MOORE: But to go to the Zoning Board if you want more.

CHAIRMAN SALADINO: That was never part of the equation

MS. MOORE: I believe that was in the hearing process.

CHAIRMAN SALADINO: Well, I reread the minutes twice for both public hearings and that
was never part of the equation. That was part of the equation with the merger of lots and more recent -- another, that they said if you want relief, you should go to the -- to the Zoning Board, but that was never -- I would have never brought it up if that was part of the -- their thinking.

But, again, I don't want to belabor this. I mean, again, I'm only one vote. This is how I feel about the issue. We can -- again, we can have more discussion, we can -- we have 62 days to make a decision. We can reserve decision, or we can -- we can do SEQRA, do the five questions and vote this evening. What is the Board's pleasure?

MEMBER NEFF: Vote.

MEMBER GORDON: I have been concerned about the precedent-setting aspect about this. But, actually, something that Arthur said has made me a little less concerned, which is he made the point, which I think is factually correct, that there aren't going to be very many buildings in Greenport that could request five rooms, because there has to be another room, there has to be another bedroom for the -- for the owner. So maybe it's not setting such a -- maybe it doesn't
have the kind of precedent-setting implication
that has concerned me.

And I guess I'm also somewhat reassured by
our Lawyer's reassurance that we really are set up
to do things like this by the designation in the
code. And maybe the way the Board wants to deal
with this is to move it out of the responsibility
of the Zoning Board to put it in the purview of
the Planning Board, and thereby to make individual
reviews the standard. Because I have thought that
this particular situation is in an area of
Greenport where it is set off in a way that -- I
mean, if the building across the street from me on
Sixth Street became a -- which is a large
building, not as large as that, but a large
building, if it became a five-room B&B, it would
be a problem for the neighborhood in a way that
this is I think not a problem for the
neighborhood.

So perhaps that's the longer term solution,
is to put this into a context where there can be
individual reviews of particular applications.
That's my piece. I guess you can tell that I'm
going to vote in favor.

CHAIRMAN SALADINO: I didn't know that.
(Laughter)

MEMBER TASKER: Well, depending on how you define neighborhood, which you've just defined as perhaps that this applicant's property is in a tiny, little neighborhood of its own in a way that your house is in a tiny, little neighborhood of its own that would be adversely affected by that, which tiny, little neighborhood is --

MEMBER GORDON: But there's a lot -- there's parking --

MEMBER TASKER: What's the scope -- what's the scope going to be like? If you look at the tiny, little neighborhood of this applicant, we have heard a letter, a very strong objection from two of the parties who own lots immediately adjacent to Mrs. Miller's property. I think that's correct. And I think from one other adjacent property owner, a letter in favor of the application.

MS. MOORE: And you made me serve notice on about 15 neighbors beyond the scope of adjacent properties. You had me serve within a borderline of like 200 feet from the property. So if you --

MEMBER TASKER: I don't know what you're saying.
MS. MOORE: Look at my notices.

CHAIRMAN SALADINO: I asked for extended mailings.

MS. MOORE: You requested extended mailings, which was a perimeter of about 200 feet from the property, more or less.

MEMBER TASKER: Right.

CHAIRMAN SALADINO: Well, it was four extra houses, but who's counting?

MEMBER TASKER: Yes, but I'm coming --

MS. MOORE: And the two neighbors that oppose don't live there.

MEMBER TASKER: I'm coming -- I'm coming back to Mrs. -- to Dinni's definition of how big is the neighborhood that we're going to start talking about.

MS. MOORE: Okay.

MEMBER TASKER: That's my -- that's my point.

MS. MOORE: Okay.

MEMBER TASKER: Not how many -- not the scope of -- geographic scope of how many your further survey necessarily covered, but the ones that -- those who would be most closely or immediately impacted. How big is that area that
we have to consider in terms of the effect on the neighborhood?

MS. MOORE: But nobody's asked them how they're -- how they've been impacted by two-family houses that -- with single family homes that have been turned into two-family homes.

MRS. MILLER: And the owners don't live there.

MS. MOORE: And the owners don't live there.

MRS. MILLER: Full-time.

MS. MOORE: So are residents of that home. So you're using different standards for your giving greater weight --

MEMBER TASKER: No.

MS. MOORE: -- to those that oppose than to those that are actually -- either felt that they shouldn't -- they didn't have to respond, or were in favor of it. So --

MEMBER TASKER: Then you can give -- then you can give my argument lesser weight, I'm comfortable with that.

MS. MOORE: Okay.

CHAIRMAN SALADINO: Folks, what are we thinking here? Ellen, you want to vote tonight? Arthur?
MEMBER NEFF: That's my point of view.
MEMBER TASKER: Yes.
CHAIRMAN SALADINO: Diana, you want to vote tonight?
MEMBER GORDON: Yeah.
CHAIRMAN SALADINO: David, what do you think? I know you want to leave town, but what do you think? You want to vote tonight?
MEMBER CORWIN: Well, this discussion maybe brought something to mind that I shouldn't mention, so I've kind of made up my mind.
CHAIRMAN SALADINO: All right. So we'll do SEQRA. So the consensus of the Board is we're going to vote on this evening, okay.
MEMBER GORDON: Uh-huh.
MEMBER NEFF: Uh-huh.
CHAIRMAN SALADINO: So we'll do SEQRA. I make a motion that the Zoning Board of Appeals declares itself Lead Agency for the purposes of SEQRA. So moved.
MEMBER NEFF: Second.
CHAIRMAN SALADINO: All in favor?
MEMBER CORWIN: Aye.
MEMBER GORDON: Aye.
MEMBER NEFF: Aye.
MEMBER TASKER: Aye.
CHAIRMAN SALADINO: Aye.

And I make a motion that this is, for the purposes of SEQRA, a Type II Action. Right, Type II? Type II Action. So moved.

MEMBER TASKER: Second.
CHAIRMAN SALADINO: All in favor?
MEMBER CORWIN: Aye.
MEMBER GORDON: Aye.
MEMBER NEFF: Aye.
MEMBER TASKER: Aye.
CHAIRMAN SALADINO: Aye.

We'll go through the five questions. You'd think I'd have these memorized by now. Sorry, I don't. Big print.

Question number one is whether an undesirable change would be produced in the character of the neighborhood or a detriment to the nearby properties will be created by the granting of the area variance. David.

MEMBER CORWIN: Yes.
CHAIRMAN SALADINO: Dinni.
MEMBER GORDON: No.
CHAIRMAN SALADINO: Ellen.
MEMBER NEFF: No.
CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: Yes.

CHAIRMAN SALADINO: I vote yes.

Whether the benefit sought by the applicant can be achieved by some method feasible for the application to pursue other than an area variance. David.

MEMBER CORWIN: No.

CHAIRMAN SALADINO: Diana.

MEMBER GORDON: No.

CHAIRMAN SALADINO: Ellen.

MEMBER NEFF: No.

CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: No.

CHAIRMAN SALADINO: And I'm going to vote no.

Whether the requested area variance is substantial. David.

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Dinni.

MEMBER GORDON: Yes.

CHAIRMAN SALADINO: Ellen.

MEMBER NEFF: Yes.

CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: Yes.
CHAIRMAN SALADINO: And I'm going to vote yes. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. David.

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Dinni.

MEMBER GORDON: No.

CHAIRMAN SALADINO: Ellen.

MEMBER NEFF: No.

CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: Yes.

CHAIRMAN SALADINO: And 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. David.

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Dinni.

MEMBER GORDON: Yes.

CHAIRMAN SALADINO: Ellen.

MEMBER NEFF: Yes.
CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: Yes.

CHAIRMAN SALADINO: And I'll vote yes.

I'm going to make a motion that we grant the area variance. David.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: David. Second.

MEMBER CORWIN: No.

CHAIRMAN SALADINO: Dinni.

MEMBER GORDON: Yes.

CHAIRMAN SALADINO: Ellen.

MEMBER NEFF: Yes.

CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: No.

CHAIRMAN SALADINO: And I'll vote no.

Next, we have -- let's see. Do we know who's next? You're the only one left? You're the only guy left?

MEMBER NEFF: I think so. Only man standing.

CHAIRMAN SALADINO: Let's adjourn until next month.

(Laughter)

CHAIRMAN SALADINO: Only kidding. Only kidding.
All right. The public hearing for Mr. Olinkiewicz is still open. Yeah, I got to be honest with you, I lost my place.

MEMBER NEFF: That's why I had to make my comment before.

MR. OLINKIEWICZ: It's still my contention that it's improved land, and improved based off of the Webster's Dictionary, which the Attorney had said would be followed, since there was no definition in the Village Code. That the normal -- it would be -- so it's still my contention -- oh, by the way, James Olinkiewicz again, 110 South Street.

That with the definition that said the improved land, stating that it has construction of building, has utilities, and it has landscaping and grading, that the building was improved prior to 1991, which makes it exempt from the Village parking regulations. Whether it's divided in half or not, it doesn't say that. It just says that on the piece of property there's a structure, there is utilities, and there is landscape improvement.

CHAIRMAN SALADINO: Okay. What's your argument to the Village? What's your response to the Village if now we just -- now we look at 150-9
where the Village's contention is that this is a new building. And, you know, isn't that -- isn't that part of the discussion here, too?


MS. MOORE: Well, 150-9 --

CHAIRMAN SALADINO: Isn't that --

MS. MOORE: I just --

CHAIRMAN SALADINO: For the residential over commercial?

MR. OLINKIEWICZ: That's one --

MS. MOORE: No.

CHAIRMAN SALADINO: 150-9-18?

MR. OLINKIEWICZ: Yeah, 150-9-18, yes.

MS. MOORE: Yeah.

MR. OLINKIEWICZ: You're correct. So what is my -- what is my answer to the Village?

CHAIRMAN SALADINO: Well, their contention is, is that it's a new building. And if you were to renovate this building, even if you're absolved from parking, but if you're to renovate this building, to put residential over the commercial portion, it would -- it wouldn't be a simple area variance

MR. OLINKIEWICZ: Well, it would have to be -- it would have to go to the Planning Board
for site plan, if I get --

CHAIRMAN SALADINO: Well, have to get a use variance.

MS. MOORE: No. Planning Board, it's just site plan.

CHAIRMAN SALADINO: No, no.

MS. MOORE: Oh, you're saying if it were not --

CHAIRMAN SALADINO: I'm saying --

MS. MOORE: -- considered improved. If it weren't -- if you didn't recognize the existing building.

CHAIRMAN SALADINO: If we take the Village's contention into effect, that even though there's a building or a structure on the property, the Village considers it a new building, you're not --

MS. MOORE: So, therefore, accessory apartments --

CHAIRMAN SALADINO: If I'm getting this right --

MR. OLINKIEWICZ: Right, accessory apartment --

MS. MOORE: -- are not a listed use.

CHAIRMAN SALADINO: Is not a -- sorry. It's not a permitted use in the --
MS. MOORE: Right.

CHAIRMAN SALADINO: -- in the Commercial Retail District.

MS. MOORE: Right.

CHAIRMAN SALADINO: Waterfront Commercial.

MR. OLINKIEWICZ: Right. It would have to go back for use variances, then.

MS. MOORE: Right. But it -- that's a big -- that's a big chunk to say that it's a -- one, that it's a new building, and that the building doesn't exist. I mean, you've had Richard Israel's property there on -- we used it as one of our examples. It used to --

MR. OLINKIEWICZ: Front Street.

MS. MOORE: Front Street. It used to be a garage.

MR. OLINKIEWICZ: Main Street. That's on Main Street.

MS. MOORE: Main Street. It used to be a garage. It's now -- it was converted to commercial space and it's got apartments above. So there's a long history in this Village of taking existing buildings, regardless of what it was, doing a major renovation.

CHAIRMAN SALADINO: With Richard Israel's
property, just so we're on the same page, there was never a variance granted for that property. Are we talking Center Street, Center and --

MR. OLINKIEWICZ: No.

MS. MOORE: No, no, no. It's the old garage.

MR. OLINKIEWICZ: Main Street. Main Street.

CHAIRMAN SALADINO: Main and Center?

MEMBER CORWIN: That's Center and Main Street.

MEMBER NEFF: I am confused about what we're talking about.

CHAIRMAN SALADINO: That was never -- that was never granted a variance and --

MS. MOORE: It got built, it's there.

CHAIRMAN SALADINO: Things were different when that building was there.

MS. MOORE: I don't think the code has changed.

MEMBER NEFF: I don't know what building you're talking about.

CHAIRMAN SALADINO: We're not talking about --

MS. MOORE: I'm sorry.

CHAIRMAN SALADINO: We're not talking about
the code.

MS. MOORE: Where on the -- I'm sorry, I thought somebody knew. It is -- it's a Japanese restaurant now.

CHAIRMAN SALADINO: Across the street from Clarke's Garden.

MS. MOORE: Yeah.

MEMBER NEFF: Okay.

MS. MOORE: Okay?

MEMBER NEFF: It was a gas station.

MS. MOORE: Yes.

CHAIRMAN SALADINO: Yes.

MEMBER NEFF: Yes.

MS. MOORE: It used to be a gas station.

CHAIRMAN SALADINO: Business.

MS. MOORE: It was converted to a restaurant.

MEMBER NEFF: Yes.

MS. MOORE: A restaurant and another -- and a retail -- rugs were there, or some other use is there now, and then apartments were developed on the second floor. I think there's three, two or three. I don't remember.

MR. OLINKIEWICZ: There's two.

CHAIRMAN SALADINO: All I'm saying is
that -- and David might have a better recollection. There was never -- you know what, that's there, and we're talking about here. I don't want to open up that can of worms, so it's not --

MR. OLINKIEWICZ: So, really, the apartment upstairs stemmed from the decision on whether the Board feels that the property was improved before 1991, and that they are exempt from parking. Because if the Board accepts --

CHAIRMAN SALADINO: No, because there's two interpretations you're asking for, Jimmy.

MR. OLINKIEWICZ: Yeah, but if the --

CHAIRMAN SALADINO: One about parking --

MR. OLINKIEWICZ: Right. But if the Board --

CHAIRMAN SALADINO: -- and one if it's a new building or not.

MS. MOORE: But one, the one answers the other.

MR. OLINKIEWICZ: Right. If the Board --

MS. MOORE: Right.

MR. OLINKIEWICZ: Right. If the Board accepts that these are improved -- it was improved land prior to 1991, then that settles the issue of
the use variance for the apartments upstairs, right? So to discuss the use variance on the apartments, we shouldn't even really discuss it until we decide whether the parking is -- if it's an improved piece of property.

CHAIRMAN SALADINO: No, because the interpretation will be do we either agree or disagree with the Building Department's --

MR. OLINKIEWICZ: Right, the Building --

CHAIRMAN SALADINO: -- interpretation if that's a new building or not.

MR. OLINKIEWICZ: Correct. Well, that --

right. The only way --

CHAIRMAN SALADINO: We could say, sure, it's -- I'm not sure we could say that.

MS. MOORE: But it's --

CHAIRMAN SALADINO: But we could say in theory, or in the abstract, we could say, yeah, we kind of agree with you, that because you have utilities there and it's tillable land, or whatever --

MR. OLINKIEWICZ: Right.

CHAIRMAN SALADINO: -- we want to use to make an improved lot, an improved property. Not an improved building, an improved property, as the
code says, but then we have to decide what constitutes a new building. You know, could it be an improved property? But a vacant lot with utilities going to it, in some of our minds, that would be an improved property. But once you add a building to it, that becomes a new building.

MS. MOORE: I don't --

CHAIRMAN SALADINO: So it adds a new -- it adds an aspect to it that --

MS. MOORE: But I don't think --

CHAIRMAN SALADINO: -- that I'm confused about.

MS. MOORE: But I don't think you have to go that far, because then --

CHAIRMAN SALADINO: I think you do.

MS. MOORE: But no, because you have an existing condition here. So you're asking in a very theoretical way, but we're giving you specifics here, which is we have 500 square feet of --

MR. OLINKIEWICZ: Six hundred.

MS. MOORE: Six hundred.

MR. OLINKIEWICZ: Six hundred and forty square feet.

MS. MOORE: Footprint. Footprint, plus a
second floor. So we haven't given you the actual
total square footage of what's there, but a
footprint that's actually on the one parcel and --

MEMBER NEFF: But which parcel are you
talking about?

MS. MOORE: The small one.

MEMBER NEFF: That's what I thought, but
it --

MR. OLINKIEWICZ: That is the west --

MS. MOORE: Yes, thank you.

MEMBER NEFF: It becomes confusing.

MS. MOORE: Yes, the small one.

MR. OLINKIEWICZ: That's the western one,

MEMBER NEFF: I understand now.

MS. MOORE: Yes, thank you.

MEMBER NEFF: But don't leave that out.

MS. MOORE: Sorry about that. I'll be as --

I'll be clear.

MEMBER NEFF: Okay.

MS. MOORE: So we have actual square footage
of first story and second story on the smaller
parcel, and we have significant amount of the
building on the larger parcel, including the
parking. So I don't think we have any dispute
that the -- I think -- I think your issue is not
so much the larger parcel, because a significant
part of that building, it's got to be improved and
there's -- I mean, it's got all its indicia of the
building. You put a line there, it could operate
just the way it is, there's no issue.

We're looking at, really, I think, if I'm
understanding correctly, the smaller portion, is
that sufficiently improved to give you the benefit
of the parking exemption and the accessory
apartment exemption. So I think you're much more
narrow than the interpretation you're giving, if
I'm correct. I mean --

MR. OLINKIEWICZ: And the one --

MS. MOORE: I think our argument -- well,
our argument is we do have enough structure there,
it's improved. We have two stories, we have
utilities, we have extra room that allows us to
expand. And then the issue is how much can expand
because of lot coverage, but I -- but it's not --
we're not -- we're using diff -- the Building
Department's using a different definition, a
building definition, rather than what the code, in
fact, says.

When the code is clear, the interpretation
should be -- you should restrain the interpretation, because improved is improved, it's not new building, old building, enough building, you know, percentage of the building. It really stems strictly on improved, improved or unimproved. Well, we have no dispute here. We have two lots that are improved. It's not even marginal, it's significantly improved. Square footage, it's smaller, one is much bigger than the other, but it's def -- I mean, I don't think you can read the code and say it's not improved, so --

CHAIRMAN SALADINO: Well, in all fairness to us, we do have to take the Building Department's opinion into consideration.

MS. MOORE: Oh, no, you should hear it, but then is it --

CHAIRMAN SALADINO: I mean, there's smart guys over there.

MS. MOORE: Absolutely.

CHAIRMAN SALADINO: You know, we have to listen to what they're saying, too, right?

MS. MOORE: But they shouldn't be using a different definition that's not in the code. That's where I dispute the -- and why we've come to you for an interpretation and essentially an
appeal of that interpretation, because it's like, well, you know, sometimes I -- you and I can disagree, but I try to, you know, understand the -- you know, well, all right, I can understand it. But, in this case, when we go back to the code language, that, again, is pretty straightforward, it's improved. So, if, again, you're concerned about legislating, you'd be legislating based on the way the Building Inspector's interpreting it, rather than what the code is saying. So using your --

CHAIRMAN SALADINO: Well, I think they would be. Is there something that you guys could add to clear this up for us?

(Laughter)

MR. PALLAS: You know, only to stand by what I had said initially, that I believe that by putting this wall -- it's not just putting the wall in. You can't -- as it stands now, you can't just take off at the property line either side. You have to reconstruct it, which makes, in my view, a new building, the Village's view, a new building. To reconstruct it, you can't -- it's not just --

CHAIRMAN SALADINO: And could we --
MS. MOORE: No, that's not accurate.

CHAIRMAN SALADINO: Could we ask -- excuse me. Could we ask -- could we ask maybe the Attorney? Have you got a point of view on this, you got an opinion?

MR. CONNOLLY: I mean --

MEMBER NEFF: Can I say one thing? I want to -- I'm interested in your opinion.

CHAIRMAN SALADINO: I had him on the hook, Ellen, I had him on the hook.

MEMBER NEFF: All right. No, no, he's going to say --

CHAIRMAN SALADINO: You just let him off the hook.

MEMBER NEFF: No, he's on the hook, but -- and then I think in the back of our minds, it's not a bad idea to keep -- and what's going to happen here if this wasn't even -- you know, in other words, like, hey, what can happen here?

Existing is --

MS. MOORE: Stays the way it is, you mean.

MEMBER NEFF: Yeah. And what next? Anyway, I'm sorry.

MS. MOORE: Okay.

MEMBER NEFF: Please, I am very interested
in your point of view

MR. CONNOLLY: I mean, I just think it comes
down to what this Board thinks "improved" means,
and I think it's actually pretty simple. And
without, you know, a proper definition in the
Zoning Code, that's -- you know, that's what this
Board needs to decide what "improved" is and --

CHAIRMAN SALADINO: That will be the next
interpretation, I guess, but --

MEMBER TASKER: Can I -- can I interject?

CHAIRMAN SALADINO: Sure.

MEMBER TASKER: Coming from a completely
different perspective in this question at all.
Let me say, as an underlying concern that I have,
I'm concerned about the fact that these two
parcels are held in two different titles, because
I see the possibility downstream of new and
different owners, mischief. Who knows what might
happen.

Let me see. Let me ask this question of
you. We're going to spend a lot of time debating
the meaning of "improved", and we're going to
spend a lot of time debating whether or not
150-18, it relates to multi-family homes, is going
to apply to this or not, because it's in the --
because it's a residential over commercial,
instead of a freestanding residential, and, you
know, we could spend a lot of time on that.

As a practical matter, would the applicant
consider a conditional approval with two important
conditions? One, limited to only two res -- two
residential units in the big -- in the large
property, I guess that's 112 -- no. Please.

MR. OLINKIEWICZ: You're right.

MS. MOORE: Yeah.

MR. OLINKIEWICZ: It's 110. It's 110,
right, in the lot.

MS. MOORE: 110.

MEMBER NEFF: It's 110, right.

MR. OLINKIEWICZ: Right.

MEMBER TASKER: Limited to only two
residential units there, and requiring that the
existing number of parking lots that are existing
or proposed never be reduced. And the fact that
there are two prospective owners of -- two
different prospective owners of the two parcels,
that the --

MS. MOORE: Grant an easement?

MEMBER TASKER: An easement of sorts for the
building that has no parking to be continued to
MEMBER NEFF: 112, right.

MEMBER TASKER: To be continued to permit --
be permitted to use the existing parking as well.

So you got three --

MS. MOORE: I understand.

MEMBER TASKER: Two or three conditions that
I think could break this thing loose.

MR. OLINKIEWICZ: So --

CHAIRMAN SALADINO: But before you -- before
you respond, before you agree or disagree, I'm not
willing to give up the Village's right about
multi-family. I mean, the code was interpreted,
there was a decision reached. I don't think --

MEMBER TASKER: Well --

CHAIRMAN SALADINO: I don't think -- I don't
think that --

MR. OLINKIEWICZ: John, I'm actually okay
with that.

MEMBER TASKER: This wouldn't transgress
that at all.

MR. OLINKIEWICZ: It doesn't matter.

MS. MOORE: Well, he's okay with your
suggestion. But I --

MR. OLINKIEWICZ: Right.
MS. MOORE: I would dispute your multi-family definition in this scenario --

MR. OLINKIEWICZ: But we're not going there.

MS. MOORE: But we don't need to go there if it gets resolved.

MR. OLINKIEWICZ: So I have -- I have no problem making two apartments over 110, which has the parking lot, and two apartments over 112, right? I did not realize that the Zoning Board had done that in 2017 or '18. I have no problem redrawing the second floor and have two apartments on the 110 so that I'm in compliance there.

I have no problem with the parking lot staying, that the parking lot will be there in perpetuity for the 110. I had put -- originally, had in my mind that 112, if I had needed parking, or whether I don't, was going to have the right to use the handicapped spots in the parking lot to facilitate if there was the need for somebody handicapped to go into 112.

MEMBER NEFF: Twelve.

MR. OLINKIEWICZ: Right? So I had not put into the -- into my thought process on giving unlimited usage of the parking lot for -- for 110 to 112. It was solely just going to be for
handicapped, and that would have been put in the
deeds to each one in case these ever get sold off
separately. That was -- because the handicapped
to me is the most important.

The Village is -- has a difficult area along
the street for anybody handicapped to get into any
business there, so if I can provide the
handicapped for both buildings by allowing that
and putting that in, I have no problem with that.
I really would not like to put all the parking
from 112 into 110. And that's such a small
building. For the two apartments, I need
one-and-a-half spaces, and for the commercial
downstairs, I think I need two, so it's a total of
five spaces.

CHAIRMAN SALADINO: Well, do -- I was just
going to -- I should know this, being on the
Zoning Board, but -- and I got to be honest with
you, I read the Notice of Disapproval. Do you
know the total number that you would be --

MR. OLINKIEWICZ: It's in -- it's in the --

CHAIRMAN SALADINO: Well, one is three. 622
First Street is three and three, so that's six,
and then the other one --

MR. OLINKIEWICZ: The number is -- the
number is in the architect's evaluation for the Planning Board. He has both of them listed as -- well, 112 was supposed to be nine, but if you make it two apartments, it drops to eight, which I have. And then one -- that's 110. 112 was three upstairs and either two or three downstairs, so it's five or six.

CHAIRMAN SALADINO: Three downstairs becomes six. But that becomes moot, depending on --

MR. OLINKIEWICZ: It becomes moot. If you say that it's improved land, that becomes moot, but I would want to put a handicapped spot in at 112 to use for 110.

CHAIRMAN SALADINO: And would consider Arthur's suggestion that the parking lot is --

MR. OLINKIEWICZ: Yeah, this will always stay in perpetuity.

CHAIRMAN SALADINO: Is anything but a parking lot.

MR. OLINKIEWICZ: Right, right. So that somebody else who buys it can't come in and want to tear the whole parking lot out and expand the whole building out. I understand that.

MEMBER TASKER: But that's exactly my point on that.
MR. OLINKIEWICZ: Right, right, I understand that. So -- but we still are stuck on, first, improved property. So once we --

CHAIRMAN SALADINO: We're moving, we're moving.

MR. OLINKIEWICZ: Right.

CHAIRMAN SALADINO: Jim, we're moving.

MR. OLINKIEWICZ: I'm just wondering if we can close that. Can we close the public hearing on that one item and vote on that, and then that allows us to --

CHAIRMAN SALADINO: I think it would be -- I think -- I think the --

MR. OLINKIEWICZ: No? Okay. I just didn't know if that then allows us to talk about the other ones, because your termination on that point really gives us the answer and clarity on where we have to go on everything else.

CHAIRMAN SALADINO: Well, a yes vote on that just opens -- just becomes about lot coverage, then.

MS. MOORE: Right.

MR. OLINKIEWICZ: Correct.

MS. MOORE: That's pretty much it.

MR. OLINKIEWICZ: Right, everything goes
away.

CHAIRMAN SALADINO: So for us to close the public hearing doesn't --

MR. OLINKIEWICZ: Well, you can't close the public hearing on that one item, to vote that one item so you could know? Or you want to discuss everything else out? We can discuss everything else out, but we're going to have 52 hypotheticals that we don't even know if we need to discuss.

MEMBER NEFF: True.

MR. OLINKIEWICZ: Right? I mean, you're going to have all -- so why waste 2 1/2 hours discussing hypotheticals that may not even come into effect?

CHAIRMAN SALADINO: Well, the other answer to --

MEMBER TASKER: That's what I said.

MR. OLINKIEWICZ: Right, right.

(Laughter)

CHAIRMAN SALADINO: The other question to that is why not just close the public hearing and decide on all the interpretations?

MR. OLINKIEWICZ: You can do that as well.

CHAIRMAN SALADINO: Well, isn't that why we get the big money, to decide --
MEMBER NEFF: That's why we get the big --
no.

CHAIRMAN SALADINO: That's why we get --
MEMBER GORDON: We certainly don't have much
public comment there.

MS. MOORE: You have us.

MEMBER GORDON: Valiant --

MR. OLINKIEWICZ: In the back.

MEMBER GORDON: Yes, valiant Chatty in the
back.

CHAIRMAN SALADINO: Yeah. I mean, this
public hearing was well publicized. I mean, a
Trustee even put it on their --

MR. OLINKIEWICZ: Facebook and on their
other --

CHAIRMAN SALADINO: I had a Trustee call me
this afternoon asking me if this public hearing
was going to go forward. So, I mean, anybody that
was interested, it's not like it was a secret, you
know. And if somebody went to the firehouse --

MS. ALLEN: They would have been directed
here.

MEMBER GORDON: Yes.

CHAIRMAN SALADINO: They would have been
sent here. So I don't have a problem with closing
this and -- but, again, I'm only one vote. What
is the -- what do my colleagues --

MS. MOORE: And your conditions -- excuse me. Your conditions can be part of the lot
coverage variance, because you have to tie in the
condition into some form of an application. So
what you've just discussed as a possible
resolution of the whole thing will be part of a
variance.

MEMBER TASKER: If we reach an agreement, we
can figure out how to write it down.

MS. MOORE: Well, I'm just going to there.

MR. OLINKIEWICZ: Correct, correct.

MS. MOORE: Going to that point, because
your interpretation isn't really addressing the
agreement, it's really -- it's a yes or no, or,
you know, does it apply or not.

CHAIRMAN SALADINO: Well, we could send a
report to the Planning Board and they can set the
condition.

MR. OLINKIEWICZ: Correct.

MS. MOORE: Oh, that's true. Okay.

CHAIRMAN SALADINO: Make it --

MS. MOORE: Good point.

MEMBER TASKER: No. We can -- we can issue
variances with conditions.

MR. OLINKIEWICZ: Sure.

MS. MOORE: Right, because you've got to get to it, yeah.

MEMBER TASKER: Yeah.

MS. MOORE: Yeah.

MEMBER TASKER: Yeah.

CHAIRMAN SALADINO: We can't even get to decide if we're closing this public hearing or not.

(Laughter)

CHAIRMAN SALADINO: Are we closing this public hearing? David, what are you doing?

MEMBER GORDON: So moved.

CHAIRMAN SALADINO: Let's get David's point. He's got a big list there. Let's see what he's got to say.

MEMBER CORWIN: I have some things, thoughts. Some of them may not be completely germane to what we are trying to decide right now, but I don't really understand what we're trying to decide right now, so.

CHAIRMAN SALADINO: I'm not sure you should admit that.

MEMBER CORWIN: The question is, are these
new buildings or are they improved buildings, or, rather, what's an improved? And the way I always understood that part of the code that Mayor Kapell put in place was there are a lot of vacant buildings in the Village, and every time -- and I was on the Planning Board, and every time somebody would come in and they wanted to change maybe a building, one thing to another, and the parking question came up, and Mr. Kapell said, "Well, let's kind of get rid of the parking question."

And the way I always understood it was that you had an existing building, maybe it was a gift shop, and you want to turn it into a restaurant, well, now you needed 20 parking spaces. So how are you going to do that? Because you didn't have the room. And the payment in lieu of parking thing was my idea, and the Village Board passed it, and at the time it was probably what a parking space was worth, it is not today, but just as a little background.

But my understanding was it was here's the existing building, you don't need parking, if you want to change its use from a gift shop to restaurant, or if you want a bar, or whatever, to try to fill up vacant buildings, right?
So I -- and I don't have a lot of problems with these, this whole idea. I don't see it as a detriment to the community. Office space down there, fine. The parking, it's a never ending struggle. But my understanding was always it was to accommodate -- if Mr. Olinkiewicz wanted to put a restaurant in there, he'd need 30 parking places. Well, never mind, he can put a restaurant in. That was always my understanding. And I think that's a question we'll have to hear. I don't know.

My solution to the problem would be to merge the two lots. I don't see it, it just doesn't make any sense the way it is. And we see every time we'd have a meeting, something that happened 10, 20 years ago, that the Village didn't do something quite right. And they got something over on Third Street going now that didn't get done right. That's just the way it is. And I don't think it's unique to the Village of Greenport, but it is.

So I'm saying I'd like to see the two lots merged. If the Village of Greenport has to -- or the Zoning Board, or whoever, has to find a way to accommodate that, then I'd say great. And I'd say
if they come up with a crazy fee, waive the fees,
just let the gentleman do it, because I know the
fee for a subdivision is like $2500 or something.
That's a lot of money, I think.

And I'm going to mention some things that
may not be germane, but I'm curious about. And
one is would the building or the two buildings,
however you want to call it, be sprinkled?

MEMBER NEFF: Be what?
CHAIRMAN SALADINO: Sprinkled.
MEMBER CORWIN: Sprinkled.
MEMBER NEFF: Sprinkled.
MR. OLINKIEWICZ: They will be. Yes, they
have to be by New York State Code.
MEMBER CORWIN: They have to be because of
people --
MR. OLINKIEWICZ: New York State Code.
MS. MOORE: Right.
MEMBER TASKER: Entire building, residential
and commercial portion?
MR. OLINKIEWICZ: Yeah. Yeah, that's a
building -- actually, yes.
MS. MOORE: The apartments do have to be
sprinkled?
MR. OLINKIEWICZ: Yeah, the whole thing has
to be sprinkled.

   MEMBER CORWIN: Well, I do have to say that
   I got this memorandum that Attorney Moore
   prepared, I guess yesterday, and it didn't --
   there's no name on the memorandum.

   MS. MOORE: I apologize, yes. Didn't you
   just guess it was mine?

   CHAIRMAN SALADINO: By your narrative. By
   your narrative, we knew it was --

   MS. MOORE: I apologize.

   CHAIRMAN SALADINO: We knew it was you.

   MS. MOORE: I was so rushed to get it out, I
   forgot to put my name on it.

   (Laughter)

   MEMBER CORWIN: The way it came to me, the
   Board's Clerk sent it, and I though, gee, it must
   have come from the Board's Attorney.

   MS. MOORE: Oh, okay.

   MEMBER CORWIN: So I read it and read it,
   and I said this is just so --

   MS. MOORE: One-sided.

   MEMBER CORWIN: Exactly. What's going on
   here? He must have read something that I missed.
   But I was certainly wrong and --

   MS. MOORE: I apologize.
MEMBER CORWIN: -- I'm corrected on that one.

And one thing I'm not crazy about is these apartments upstairs over these buildings in this area here. You have these places where kids have no place to recreate. I guess you would say, well, they can go to the park. Maybe. You got every other building in Greenport, Downtown Greenport, was a bar or a restaurant. Who wants to listen to that noise at 12, or 1, or 2 o'clock in the morning? I mean, I certainly don't.

MR. OLINKIEWICZ: Somebody who doesn't have a house.

MS. MOORE: Yes.

MR. OLINKIEWICZ: Pretty much, I mean.

MEMBER NEFF: Right, who has to live somewhere.

MS. MOORE: Yes.

MR. OLINKIEWICZ: Right.

MEMBER CORWIN: And one question. How many apartments are above there now?

MR. OLINKIEWICZ: There's one apartment upstairs right now.

MEMBER CORWIN: One apartment upstairs. And I guess that's all I have to say, other than to
emphasize my solution. And I got no problem with what you want to do downstairs. You can certainly make an argument for upstairs.

I think the reason you want the wall and the two lots is because you get to have five or four apartments, rather than maybe two. That's kind of up in the air, not completely selling what's multi-family housing, where does it apply. My understanding has always been one building, two apartments down, down street, or anyplace in the Village.

And yes, yes, low-income housing, that has been an issue forever, it's never going away. There is no such thing as low-income housing in the Village of Greenport. Rents are going to be what, $1800 a month, maybe more? The rents have just been driven up.

The whole community has changed, let me tell you, from when I was a young man. You could find a place that was kind of beat up, and you lived there for a while and you move on. Now I'm a landlord. I'm renting so far under the going rate that I'm a fool, but I don't mind, the place is paid for. Mr. Olinkiewics has got to pay for this place, he's going to get all the rent he can get.
So --

MR. OLINKIEWICZ: That's actually not true. I have a number of houses that are 20% below rental rate right now.

MEMBER CORWIN: All right.

CHAIRMAN SALADINO: It's not up to us to decide what you charge, Jimmy.

MEMBER NEFF: Right, right.

CHAIRMAN SALADINO: Whatever you charge is your business.

MR. OLINKIEWICZ: Right.

CHAIRMAN SALADINO: I don't even want to know about.

MR. OLINKIEWICZ: No, I understand.

CHAIRMAN SALADINO: Yes.

MR. OLINKIEWICZ: But I just wanted to respond to that statement.

CHAIRMAN SALADINO: But just to -- just so we're all on the same page here, as -- and I don't want to drag this out. David, David, he thought the best solution would be to merge the lots. From the beginning, I thought that was the best solution, also. I thought it would be easier. There's nothing in the Village Code that says you can't merge a lot in commercial. It says to merge
a lot -- we had a law that said you couldn't merge lots. Then the Village Law --

MR. OLINKIEWICZ: That's not really an option, though. I really would not like to.

CHAIRMAN SALADINO: Then the Village Board said you could a merge a lot, you could merge a substandard lot with a conforming lot. So you have two conforming lots because it's in the CR. I thought the easier ask would have been to merge the two lots from the Zoning Board. But then you told me last month, well, you know, two lots are better than one lot.

MR. OLINKIEWICZ: And if you -- if you merge the two, and I --

MEMBER NEFF: Can I hear what he's saying --

MEMBER GORDON: Yes.

MEMBER NEFF: -- about why he wants the two?

CHAIRMAN SALADINO: Well, because it's -- it's more profitable.

MEMBER NEFF: Let him say it, please.

CHAIRMAN SALADINO: He's going to --

MR. OLINKIEWICZ: Well, if you actually merge the two lots, then the building that's existing, again, is built prior to 1991, so it's exempt from parking. So you could come in and
request a major expansion of that building without
any ramifications, and you could request to make
it -- and actually take out the whole parking lot
and go to a 12-foot driveway.

CHAIRMAN SALADINO: Yeah, but we would have
been out of the loop.

MS. MOORE: Exactly.

(Laughter)

MR. OLINKIEWICZ: But I would like to keep
it as two pieces of property, please, and that's
why we're here.

CHAIRMAN SALADINO: Okay.

MEMBER NEFF: Well, you would like to and
you didn't say why, you just want to keep it two.

MEMBER TASKER: That's okay.

MS. MOORE: Well, no, that was a better
option than --

MEMBER NEFF: From --

MS. MOORE: Yeah, because his alternative
would have been to --

MR. OLINKIEWICZ: Come here, come here for
10 months to merge it.

MS. MOORE: Yeah.

MR. OLINKIEWICZ: You'd have to go to
Planning and merge it and go through all of that.
Then I'd have to go back and I'd have to go to Planning, and then get kicked back to Zoning for expansion.

CHAIRMAN SALADINO: No, Planning is out of the -- Planning's out of the picture when it comes to merger.

MR. OLINKIEWICZ: Not when I -- when I would go for a large expansion, or whatever I'd want to do to the property.

CHAIRMAN SALADINO: Let's just leave it at two is better than one.

MR. OLINKIEWICZ: Two is better than one.

MS. MOORE: Two is better than one.

CHAIRMAN SALADINO: Let's just leave it at that.

MR. OLINKIEWICZ: Two is better than one.

CHAIRMAN SALADINO: And whatever, whatever scenario you make up to go along with that, you could add or you could add. We'll just leave it at that.

MEMBER GORDON: As a practical matter, what is before us is really deciding on an appeal from the Village --

MR. OLINKIEWICZ: It's an interpretation from the Village.
MEMBER GORDON: Yes.

MS. MOORE: Correct. Interpretation, right.

MEMBER GORDON: The interpretation. It's an appeal of what the Village decided.

MS. MOORE: Correct, correct.

MEMBER GORDON: And it seems to me --

MR. OLINKIEWICZ: What the Building Inspector decided.

MS. MOORE: Yes.

MR. OLINKIEWICZ: But it's not the whole Village that decided it.

MEMBER GORDON: Okay. I'm sorry.

MR. OLINKIEWICZ: It wasn't the whole Village Board, it was only just one person there.

MEMBER GORDON: Village Administrator's Office.

MEMBER TASKER: He represents the Village.

MR. OLINKIEWICZ: I understand that, but I'm just saying, so to say that everybody was on board with it --

MEMBER GORDON: Right. I didn't mean to suggest that the Board, for instance, was --

MEMBER TASKER: No one said it.

MEMBER GORDON: I was thinking of the Building Department and the Village
Administrator's Office. And it just seems to me that that's -- we need to get back to that, because that's our task.

MR. OLINKIEWICZ: Right. Well, our task is to determine whether the improved land, whether each lot was improved prior to 1991. That's the definition of "improved", whether the buildings on that property with the utilities meet that requirement of improved land. That's it in a nutshell.

MEMBER GORDON: I think we should vote on that.

CHAIRMAN SALADINO: So we'll close the public hearing.

MEMBER NEFF: Okay.

CHAIRMAN SALADINO: And we'll vote on it.

MEMBER TASKER: We don't have to vote tonight.

CHAIRMAN SALADINO: We can -- we can --

MEMBER TASKER: If you think about it.

MEMBER NEFF: Why not?

MS. MOORE: Really? You have to keep thinking?

MEMBER TASKER: I don't think so.

MS. MOORE: Please don't keep thinking.
(Laughter)

CHAIRMAN SALADINO: Well, we could ask the members how they feel about it.

MEMBER TASKER: Not to burden anyone too badly.

MS. MOORE: Oh, gosh.

CHAIRMAN SALADINO: Let's do one thing at a time, one thing at a time. How about I'll make a motion that we close this public hearing?

MEMBER NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: Aye.

Now, the question is are we going to have a discussion? Actually there's a -- there's an agenda number. If -- we'll do it Jimmy's way.

110 and 112, is --

MEMBER TASKER: Ten and 11.

CHAIRMAN SALADINO: A discussion and possible motion on the interpretations resulting from the public hearing regarding the property located at 112 and 110 South Street, Greenport,
New York, 11944. And the Suffolk -- to make it official, the Suffolk County Tax Map No. is 1001-4-6-32.

Do we want to have this discussion this evening, or do we want to take -- we have 62 days to make a decision, which is in my mind kind of ridiculous. But do we want to have this discussion tonight, or do the members think we want to put this off until next month?

MEMBER NEFF: Mr. Chairman.

CHAIRMAN SALADINO: Yes.

MEMBER NEFF: May I just say that there has been a bit of discussion and we are in the heart of it. Why not decide now? Now that we --

MEMBER GORDON: We've been discussing it for more than 62 days.

MEMBER NEFF: Yes, yes.

(Laughter)

MEMBER TASKER: Because we're going to screw it up if we move too fast.

MEMBER NEFF: Moving fast, I don't think that can be characterizing this, but if that's your point of view.

(Laughter)

MEMBER TASKER: I disagree with Mark
Zuckerberg's approach of moving fast and breaking things, because I think one is a concept, one is --

CHAIRMAN SALADINO: Well --

MEMBER TASKER: I also question -- excuse me, John. The agenda calls for discussion in both cases, 110 and 112, a motion on the interpretations. The agenda does not provide for any action on the variances.

MR. OLINKIEWICZ: Correct.

CHAIRMAN SALADINO: We get it.

MEMBER TASKER: But you wanted that now.

MS. MOORE: Correct. But last time you agreed that that's how you wanted to do that.

CHAIRMAN SALADINO: Yeah, we had that discussion last month that we would have the interpretation.

MEMBER TASKER: Okay.

MS. MOORE: Right.

CHAIRMAN SALADINO: And then if whatever variances arrived from that --

MR. OLINKIEWICZ: We would come back to you.

MS. MOORE: Right.

CHAIRMAN SALADINO: He'll re -- he'll apply and --
MS. MOORE: Well, we already applied. The application is there. You have to --

CHAIRMAN SALADINO: Ms. Moore, whatever.

MS. MOORE: Here.

CHAIRMAN SALADINO: Whatever's going to happen as a result of these interpretations --

MR. OLINKIEWICZ: Right.

MS. MOORE: Right.

CHAIRMAN SALADINO: -- you'll submit an application. Whether they have it, whether they don't have it, you'll submit an application and --

MR. OLINKIEWICZ: We'll move on.

CHAIRMAN SALADINO: -- then the variances will come up. We -- I thought we discussed that last month.

MR. OLINKIEWICZ: We did.

MS. MOORE: You did.

CHAIRMAN SALADINO: Okay. So --

MEMBER TASKER: Excuse me, I'm missing something. I've got an application for two appeals on the same variance. One is a variance to the Zoning Code and zoning map, and an interpretation of the Village Code, enumerating five articles.

MS. MOORE: No. There were previous --
MEMBER TASKER: Have they been separated?
CHAIRMAN SALADINO: Well, maybe we don't have the second application there.
MS. MOORE: You don't have the second one.

 Didn't you have like -- you had multiple application forms from him.
MR. OLINKIEWICZ: Yeah.
MS. MOORE: Yeah.
MEMBER TASKER: Well, that could be.
MS. MOORE: Yeah.
MEMBER TASKER: And maybe I'm not -- 
MS. MOORE: You may not have the one that was the variance, because you wanted the interpretation first.
MR. OLINKIEWICZ: Correct, they wanted --
CHAIRMAN SALADINO: Arthur. Arthur,
regardless, regardless if we have the application in front of us or not, he can't go forward until he gets a building permit from the Building Department, and he can't get a building permit from the Building Department until the variance is satisfied.
MR. OLINKIEWICZ: Correct.
CHAIRMAN SALADINO: So if we have it front of us today, that's fine. If we don't, that's
kind of okay, too, you know, unless I'm getting --
sorry.

MR. OLINKIEWICZ: So I'm going to request
that the Board please vote on this tonight, if you
could.

MEMBER GORDON: On the interpretation.

MR. OLINKIEWICZ: On the interpretation. On
the interpretation, not on any variance.

CHAIRMAN SALADINO: All right.

MEMBER GORDON: The interpretation.

CHAIRMAN SALADINO: We're going to put Jimmy
down for a yes on the vote.

(Laughter)

CHAIRMAN SALADINO: And are we going to vote
tonight? We have one --

MEMBER NEFF: About the interpretation.

CHAIRMAN SALADINO: About the
interpretations. We had one member dissenting.
The rest of us, we feel we know enough to vote on
these interpretations.

MEMBER TASKER: All five of them.

CHAIRMAN SALADINO: I'm sorry?

MEMBER TASKER: All five that are requested.

MR. OLINKIEWICZ: Yes, all five, all the
interpretations.
MEMBER TASKER: We're ready to go on all five?

MS. MOORE: Some of them are really applicable if you get past one.

MEMBER TASKER: I understand.

MS. MOORE: Okay.

CHAIRMAN SALADINO: I'm just curious, what do you know about the --

MS. MOORE: Your agenda, or your -- the Notice of Disapproval had five items listed --

CHAIRMAN SALADINO: I have --

MS. MOORE: -- as interpretations.

CHAIRMAN SALADINO: I know.

MS. MOORE: Okay.

CHAIRMAN SALADINO: I have the public notice. We'll go -- well, before I even look at it, we have to decide if that's --

MEMBER NEFF: This is for a new building.

MR. OLINKIEWICZ: That was the Village putting in for a new building.

MEMBER NEFF: Right, I understand. So that's why I'm little -- what are we doing?

MR. OLINKIEWICZ: We're trying to decide if we're voting.

MEMBER NEFF: I don't agree that it's a new
building.

CHAIRMAN SALADINO: I think he's glad to hear that.

MEMBER NEFF: I know that. I know that.

CHAIRMAN SALADINO: He's glad to hear it.

MS. MOORE: You're caging yourself in? (Laughter)

CHAIRMAN SALADINO: Are we going to vote on the five of the -- one, two, three, four, five interpretations? I only have four on the -- on the --

MEMBER CORWIN: Notice of Disapproval?

CHAIRMAN SALADINO: No, on the -- on the public notice.

MR. OLINKIEWICZ: There is only four, because they had originally started with five, but then they waived one about the height.

MEMBER TASKER: That's correct. The application I'm looking at had four portions of the code --

MR. OLINKIEWICZ: Correct.

MEMBER TASKER: -- noted for interpretation.

So that -- so the operative document is yours, dated February 19. Okay. And that -- that asked for a variance, an interpretation and a variance.
MR. OLINKIEWICZ: Right. And we're only --
MS. MOORE: It did.
MR. OLINKIEWICZ: And we're only doing the
interpretation tonight, then the variance at the
next step.
MS. MOORE: According to last month's --
MR. OLINKIEWICZ: Right.
MS. MOORE: -- suggestion.
MEMBER TASKER: Okay.
CHAIRMAN SALADINO: Let me ask the Attorney,
do you see a problem with us doing it? Arthur has
concerns. Some of us don't, because our
intentions are part of the public record. Do you
see a problem?
MR. CONNOLLY: No. No, because at the last
meeting, that's what you decided to do, is go
forward with the interpretations, and then once
the interpretation for --
CHAIRMAN SALADINO: Do you see something
that by us doing this is out there going to bite
us if we do this?
MEMBER TASKER: Yeah, because we're going to
make interpretations that we're going to be bound
by in the future, and we should get them correct.
How are we going to -- just pick one at random,
one of the four that are in question here, and  
what are we going to interpret? What's our  
response going to be if we interpret 150-12(C) as  
follows? We got to decide what "as follows" is  
going to be, in the same way that we did when we  
looked at 150-18 in July.

CHAIRMAN SALADINO: I think -- I think the  
interpretation would be --

MEMBER TASKER: Because what I'm hearing is  
the -- our interpretation is going to be, "We're  
aren't worried about these things."

CHAIRMAN SALADINO: No. I didn't hear that,  
Arthur, I didn't hear that. I thought we were  
here to decide if either one or both of these two  
Lots should be considered improved properties.  
That's what I thought we were being interp --  
asked to interpret. And once we decide either in  
our opinion they're both improved or they're not  
improved, or one is and one isn't, that sets the  
tone for the other three that are on this page. I  
didn't think it was -- (coughing) I'm sorry.

MEMBER NEFF: We want to get you some  
medicinal. I would like to make a point, which  
goes back to the Notice of Disapproval, okay? We  
have one Notice of Disapproval, correct, or do we
have more than one?

CHAIRMAN SALADINO: We have one for each property.

MEMBER NEFF: Okay. All right. But my -- my problem with this, and I'd like to direct this to the Attorney, in the Notice of Disapproval that I'm looking at, which is the one dated February the 8th, and it's to 622 First Street, so then it's about which of the two buildings, please?

MR. OLINKIEWICZ: That is -- that is the -- that is 112 South.

MEMBER NEFF: So it's about 112. It could be about both of them, but I know it's about 112. And then it says, it says the following:

"Please take notice that your application, dated December 3rd, 2018, for a new building to be created from the reconstruction and division of an existing building." I -- my problem with this is I don't see it as a new building. What should my point -- could you advise me on how I should look at this? I don't see this --

MR. CONNOLLY: If you don't think it's a new building --

MEMBER NEFF: -- as a new building.

MR. CONNOLLY: Then you would -- then I
think you would interpret it as --

MEMBER NEFF: That it is improved property.

MR. CONNOLLY: It is improved.

MEMBER NEFF: Yes, that's what I thought, that followed. For me, that followed. Thank you.

CHAIRMAN SALADINO: Well, how about this? How about -- how about we give the members that are -- that need an extra day or two to think about this and we reserve our judgment until next month? The path for me is clear, but I can't speak for everyone. Obviously, Arthur doesn't agree.

MEMBER TASKER: Maybe you can get me to agree.

CHAIRMAN SALADINO: Well, I don't want to sweet --

MEMBER TASKER: Define --

CHAIRMAN SALADINO: I don't want to sweet-talk you.

MEMBER TASKER: Define --

CHAIRMAN SALADINO: You know what, Arthur, I don't want to have to sweet-talk you.

MEMBER TASKER: Define five resolutions, the text of five resolutions in response to his request for interpretation and I'm ready to go.
MEMBER NEFF: I think we start all over.

MR. OLINKIEWICZ: Can I ask a question?

MEMBER TASKER: And -- excuse me. And I'm perfectly in favor of them favoring the applicant, if you will.

MR. OLINKIEWICZ: Right. So can you ask for a vote on the interpretation for improved property? Once we have the vote on -- because you're going to have to vote on all four of them, right? So then once you have the vote on the first one, then we'll know how to word the other three.

MEMBER TASKER: Probably.

MR. OLINKIEWICZ: And then we go through one -- you're going to have to vote on all four of them individually.

MS. MOORE: Would it help, also, because I think they're -- they're stumped by the language. Maybe if you got their vote, then we can draft it for adoption at the next meeting. We will be back next meeting anyway for the variance. If we hear how you voted, then at least we know we're going in the right direction, and we'll be back here for the -- to finish the hearing process for the lot coverage variance. Would that make sense?
MR. CONNOLLY: Yeah, I think so.

MS. MOORE: Because I think it's -- I appreciate the problem. The way it's written is very confusing. So I think if we simplified it, then your Village Attorney, your Assistant Attorney can draft it or craft it in such a way that it's simplified as an answer to these issues.

CHAIRMAN SALADINO: What do you think, Dinni?

MEMBER GORDON: I think that's a good idea.

CHAIRMAN SALADINO: Ellen, what do you think?

MEMBER NEFF: Ditto, that's a good idea.

MS. MOORE: Okay.

CHAIRMAN SALADINO: Arthur?

MEMBER TASKER: As Louise Day Hicks said, "You know where I stand."

(Laughter)

MS. MOORE: You just got to get there from here.

MEMBER TASKER: Yes.

MS. MOORE: That's the problem.

CHAIRMAN SALADINO: Well, the last thing I heard you say was that you wanted the five resolutions drafted and --
MEMBER TASKER: Or the functional equivalent thereof. But so that we're addressing each of the questions in a way that we don't hamstring ourselves, that we are in synch with what we're permitting, broadly speaking, the applicant to go ahead with, and we don't create a --

MR. OLINKIEWICZ: So are you asking one at a time?

CHAIRMAN SALADINO: Well, wait a second.

MS. MOORE: Well, wait.

CHAIRMAN SALADINO: Wait a second.

MS. MOORE: Wait, wait.

CHAIRMAN SALADINO: So, again, would you -- I'm not sure who Louise May Hicks was and what she said, but --

MEMBER TASKER: Well, you don't want to know her.

(Laughter)

CHAIRMAN SALADINO: But are you saying that we could -- you would be okay with us voting tonight, giving a --

MEMBER TASKER: No, John. Excuse me. I was agreeing with the suggestion to let the Board's Attorney propose responses to the four requests for interpretation, ready for next month's
meeting, at which time we can probably also
consider the variance applications in the same
meeting. And all this time --

CHAIRMAN SALADINO: Oh, I thought it was --
MEMBER TASKER: And all this time we get to
do it right.
CHAIRMAN SALADINO: I thought it was let our
intentions be known about the four interpretations,
and then we --

MS. MOORE: You should give him a clue as to
what he's going to write.
MEMBER TASKER: We can have a resolution
that's the sense of the Board that the following
things are appropriate.
MEMBER GORDON: The sense of the Board.
MEMBER NEFF: Yes.
CHAIRMAN SALADINO: Well, I thought that's
what I was saying. I thought we let our
intentions be known, we convey that to the
Attorney, he drafts the four responses and --

MS. MOORE: Correct.
MR. OLINKIEWICZ: Then it gets voted
through.

MS. MOORE: Yes.
CHAIRMAN SALADINO: And then we voted at the
next meeting.

MS. MOORE: Exactly.

MEMBER TASKER: I didn't make it clear, that's what I'm agreeing to.

MS. MOORE: Right.

CHAIRMAN SALADINO: Okay. David, what are you thinking?

MEMBER CORWIN: I'm very slow and I'm very confused.

(Laughter)

MEMBER GORDON: But you're also very thorough and --

MEMBER NEFF: Yes.

MEMBER GORDON: This way of doing it I think would help you be thorough in what you decided next month.

MEMBER CORWIN: I'm not committing either way. You guys do what you want to do and I'll go along with it.

MR. CONNOLLY: I think Page 2 of the --

MS. MOORE: Yes.

MR. CONNOLLY: -- of the Notice of Public Hearing has what the questions that are before the Board are.

MS. MOORE: That's exactly what I was just
looking for, because that's what I crafted to --
for Prokop, which was identifying this particular
application, so it would -- with that
interpretation, then the rest of it falls into,
into mind.

MEMBER GORDON: Which page?
MS. MOORE: Page 2 of the --
ADMINISTRATOR PALLAS: Of the notice.
MS. MOORE: Of the notice.
MR. PALLAS: The public hearing notice.
CHAIRMAN SALADINO: The public notice.
MS. MOORE: No, it's not the February --
it's not February 8th, I think it was later,
that's why. Is it February 8th?
MEMBER NEFF: Yeah, I don't know what we're
talking about.
MS. MOORE: I couldn't find it.
MS. LINGG: The legal notice.
MEMBER TASKER: You're talking about the
three notices that were attached to the agenda,
correct?
MS. LINGG: Yes, the second page. Looks
like this.
CHAIRMAN SALADINO: This is the legal
notice. We got the two questions that were
resolved.

Are we content to answer these two questions, and then -- and then the Attorney will draft a response, and we can vote -- and we can vote at next month's meeting?

MEMBER TASKER: If we vote for the first one, for example, in the affirmative, it says that it -- they're exempt from parking regulations. Is that going to hamstring us in terms of seeking a concession from the applicant with respect to the perpetuity of parking, for example?

MR. OLINKIEWICZ: We would consider that a condition of the variance.

MS. MOORE: That was our condition.

CHAIRMAN SALADINO: That's a condition of the variance.

MS. MOORE: Right.

CHAIRMAN SALADINO: Not a condition of the interpretation.

MS. MOORE: Right. You're not --

MR. CONNOLLY: He's on record saying he'll agree to that.

MS. MOORE: Right.

MEMBER TASKER: All right.

CHAIRMAN SALADINO: We're going to have to
make a decision here, guys. We're going to have
to decide whether we're going to answer these two
questions, or we're going to defer this until next
month. That's what's in front of us now. Another
four minutes, I'm not going to have a voice left.

MS. MOORE: Now you've gotten everybody in
this room sick.

CHAIRMAN SALADINO: Sorry. Sorry. I
thought my civic duty was more important than your
health.

(Laughter)

MS. MOORE: I bet it is. I'll take a
vitamin C when I get home.

MEMBER TASKER: Because it seems to me that
the answer to the second question, to be
consistent with our interpretation in July with
regard to the number of multi-family housing, its
locations, and so forth. We're going to have to
answer that second question in the negative.

MR. OLINKIEWICZ: But I've already agreed to
make it two family on each --

MEMBER TASKER: I understand, but I'm
talking -- my concern is being consistent with our
interpretation of 150-18 that we -- that we
arrived at in July. If we answer your second
question in the affirmative, we upset that interpretation.

MR. PALLAS: May -- Mr. Chairman, may I ask a question, please?

CHAIRMAN SALADINO: Sure.

MR. PALLAS: These questions as written are specific to this property, so I'm not sure -- it's just a question whether or not however you vote would have any bearing on any other application that would come before you. I don't know if that --

CHAIRMAN SALADINO: Well, you know, that's true, and in a perfect world, that would, that would probably apply. But because interpretations have the power of precedences -- precedence where variances don't, maybe a real smart lawyer two years down the road or five years down the road finds a loophole. And I can understand Arthur's concern, but he's an engineer, he should remember this, the paradigm, that paralysis by analysis.

MEMBER TASKER: That's what lawyers do, not engineers.

CHAIRMAN SALADINO: That's what engineers do. I'm at the point where I'm going to make a motion that we defer this decision until next
month. I'm not sure. If we vote no, then we'll take the question up tonight. If we vote yes, we'll do it next month.

MEMBER GORDON: I have just a point of information. If we vote -- if we vote no, in other words, doing something tonight, will it be what we discussed, that we provide our intention to the lawyer and ask them for that four point --

CHAIRMAN SALADINO: Unfortunately, I'm guessing that's how it would have to be. The Lawyer can't do anything until he knows our intention. We can't convey our intention to the Lawyer until we vote on the questions.

MS. MOORE: Would it help on No. 2? Since the -- my client has amended his request to two apartments, you've kind of, again, you've -- you're addressing this interpretation in mind with the two apartments he's proposing over each of the commercial spaces.

CHAIRMAN SALADINO: Well, I mean, as far as No. 2, I mean, all we have to say is that it -- that it's not considered a new building. I mean, it's --

MR. OLINKIEWICZ: Right, right.

MS. MOORE: Right.
CHAIRMAN SALADINO: You know, rather than proposed addition to the existing building schedule --

MS. MOORE: Well, if it's an existing building, it automatically answers No. 2, because your code already says that on an existing building you can add --

MR. OLINKIEWICZ: -- two apartments

MS. MOORE: -- add apartments.

CHAIRMAN SALADINO: I'm understanding --

MS. MOORE: Yeah.

MR. OLINKIEWICZ: Two.

CHAIRMAN SALADINO: You know, we don't consider this a new building.

MS. MOORE: Right.

MEMBER NEFF: Right.

CHAIRMAN SALADINO: I made a motion, guys. Are we going to second it, or are we going to --

MEMBER NEFF: Let's recap. What is the motion, please?

CHAIRMAN SALADINO: That we defer this discussion to next month's meeting.

MEMBER GORDON: I'm not hearing a second.

Is there a second?

CHAIRMAN SALADINO: I didn't hear one.
(Laughter)

MEMBER CORWIN: I'll second it. Let me just be sure that I understand what we're talking about. We're talking about the second page with two questions or considerations on it?

MS. MOORE: You're right.

MR. OLINKIEWICZ: That's correct.

MS. MOORE: Yes.

MEMBER CORWIN: Frankly, I don't think I had this prior to today.

MEMBER TASKER: So --

CHAIRMAN SALADINO: The public notice?

MEMBER TASKER: Ms. Moore, you're suggesting that those four items, the four parts of the code boil down to these two questions?

MS. MOORE: These two questions, correct.

MR. OLINKIEWICZ: Those two questions, correct.

MR. CONNOLLY: I mean, 2 and 3 are essentially the same question.

MR. OLINKIEWICZ: Correct.

MS. MOORE: Yes.

MR. OLINKIEWICZ: So I have one question. If you don't vote on it tonight, then you vote on it next month, does that then push the can down
another two months to look for a variance and keep rolling?

    MS. MOORE: No. We want to have that -- the variance for next month.

    MR. OLINKIEWICZ: Right. But if they don't vote on it this time, then the Attorney can't draw up the paperwork to be able to put it to a vote.

    So it's going to --

    MS. MOORE: Well, we're trying to --

    MR. OLINKIEWICZ: You know, just pushes it month to month.

    MS. MOORE: Yeah. Why don't you decide as much as you can?

    MEMBER TASKER: I'm not interested in adding time to this.

    MEMBER CORWIN: Nor am I.

    MEMBER GORDON: Did you second?

    CHAIRMAN SALADINO: Could have fooled me.

    MEMBER TASKER: I mean, months.

    CHAIRMAN SALADINO: Arthur, the process is what the process is. If we defer the discussion until next month, we convey our opinion to the Attorney, the Attorney drafts the resolutions. He's not going to do it that night at the table while we're doing this, we've got to give him a
couple of hours to do it, and they won't be ready until the following month. So, I mean, the process is the process.

MEMBER GORDON: Did you second the motion?

CHAIRMAN SALADINO: He did.

MEMBER NEFF: He did.

MEMBER CORWIN: I just -- I'll tell you how I would think about these two things right now. Whether installation of a dividing wall along the property line and proposed addition to the existing building structure built prior to 1991 is exempt from parking regulations, and I don't see why it wouldn't, because everything else in the Village seems to be.

And the second one is whether the proposed -- whether the proposed addition to an existing building structure built prior to 2002 allows additional accessory apartments on the second floor. But I don't think they're necessarily properly coupled together, but I would answer no to that one.

MEMBER TASKER: If the question were built prior to 2002 allows a second accessory apartment on the second floor, then you can get a -- you can probably get an affirmative answer from the Board,
because it's consistent with what --

MEMBER NEFF: Yes.

MEMBER TASKER: -- you're willing to agree to.

MEMBER NEFF: Yes.

MR. OLINKIEWICZ: But we have two different properties, so each are going to have two apartments, as I've already agreed to.

MEMBER TASKER: Yeah, I think that's what we're saying. That's what I'm saying.

MR. OLINKIEWICZ: Right.

MEMBER TASKER: Change -- to change that not to additional accessory apartments, to up to two, a second, somewhere.

MS. MOORE: Oh, up to two.

MR. OLINKIEWICZ: Up to two on each.

MS. MOORE: All right.

MR. OLINKIEWICZ: On each piece of property.

MEMBER TASKER: Yes. Yes, on each.

MR. OLINKIEWICZ: Oh, that's fine.

That's --

MS. MOORE: But that can be your interpretation. You can choose to use that language or modify it however you want. I mean, that just got us here -- that just got us to the
hearing, and then you can choose how you -- you
know, again, it's very specific in this case.

CHAIRMAN SALADINO: I didn't think that we
could change the code. And the code, in my mind,
this Board had already made an interpretation
about the amount of apartments allowed over
commercial space in the Commercial Retail
District.

MR. OLINKIEWICZ: Correct.

CHAIRMAN SALADINO: So I didn't think that
by saying yeah, we can, we can -- you're allowed,
because this is not a new building, this building
was in effect -- was there prior to 2002. It's
not like we're giving -- in my mind, it's not like
we're giving the contractor free rein to put 11
apartments up there, or seven apartments. We
could be --

MS. MOORE: We didn't know about your
interpretation, that's why that was put in there.

MR. OLINKIEWICZ: That's why --

MS. MOORE: If we had known --

CHAIRMAN SALADINO: It would be constrained
by the code.

MR. OLINKIEWICZ: Right, right.

MS. MOORE: Right.
MR. OLINKIEWICZ: If I had known that the other interp -- the other decision, I would have just drawn it as two apartments --
MS. MOORE: Right.
MR. OLINKIEWICZ: -- instead of three. I mean, that's just --
CHAIRMAN SALADINO: Does that -- does that --
MEMBER CORWIN: But, see, my problem with the whole thing is the wall. The two separate pieces of property is to maximize the value of the property to get four apartments in there. And maybe, I don't know, but maybe the applicant said, "What the heck, I'll ask for five, I'll tell them four."
CHAIRMAN SALADINO: We can only go -- we can only go by what's in front of us, David.
MEMBER CORWIN: Yes, I know.
MS. MOORE: Or we should ask for six, how's that?
MEMBER CORWIN: Well, you know, the last person that asked for five got nothing, so.
MEMBER NEFF: Yes.
CHAIRMAN SALADINO: There's a motion, it's been seconded. We got to -- we got to fish or cut
bait here. We got to either defer this until next month, or we got to take an extra few minutes and vote on this tonight. So there's -- obviously, you still have some questions. Arthur might still have some questions, I'm not sure. Why don't we just vote and see where we stand.

The motion was do we defer this until next month. It's been seconded. David.

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Diana.

MEMBER GORDON: No.

CHAIRMAN SALADINO: Ellen.

MEMBER NEFF: No.

CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: No.

CHAIRMAN SALADINO: And I vote no. Let's do it.

MEMBER TASKER: Well, all right. Can I propose this resolution, Mr. Chairman? It is the resolution as follows, and I'll ask the stenographer to give it back to us, I mean, a copy separately so the attorney can follow it.

It is the sense of the Zoning Board of Appeals that installation of a dividing wall in between the properties in question -- and we'll
add the --

    MS. MOORE: Address.

    MEMBER TASKER: Zoning map number. Between the properties in question along the property line and the proposed addition to the existing building structures built prior to 1991 is exempt from parking requirements. Further, it is the sense of the Board --

    MEMBER CORWIN: Excuse me, but if you read, you said parking requirements, and on the paper it said parking regulations.

    MEMBER NEFF: Regulations.

    MEMBER TASKER: Parking regulations, excuse me.

    MEMBER NEFF: Okay.

    MEMBER TASKER: Let's make that correction. Second, it is the sense of the Board -- it is the sense of the Zoning Board of Appeals that the installation of the dividing wall along the property line between the two properties involved in these applications, which numbers we'll put in, and the proposed addition to the existing buildings and structures that were built prior to 1991 are exempt from the parking regulations.

    It is further the sense of the Zoning Board
of Appeals that the proposed addition to the
existing buildings built prior to 2002 permit up
to two accessory apartments on their second
floors, plural. That's the motion that's
before -- that's the resolution that's before the
Board. Is there a second?

MEMBER GORDON: Second.
MEMBER TASKER: Back to you, Mr. Chairman.
You got a motion on the floor
CHAIRMAN SALADINO: I know, I know. I just
want to -- I just want to -- all right. David.
MEMBER CORWIN: No.
CHAIRMAN SALADINO: Dinni.
MEMBER GORDON: Yes.
CHAIRMAN SALADINO: Ellen.
MEMBER NEFF: Yes.
CHAIRMAN SALADINO: Arthur.
MEMBER TASKER: Yes.
CHAIRMAN SALADINO: And I'll vote yes.
MEMBER GORDON: We got something done.
(Laughter)
MR. OLINKIEWICZ: We don't have to read the
five questions, right?
MS. MOORE: No.
MR. OLINKIEWICZ: That's for the variance
that we apply for?

MEMBER GORDON: No, no.

MS. MOORE: And the variance comes -- we come back for the variance.

MEMBER TASKER: We still have one for the variance.

MR. OLINKIEWICZ: Right. We've got to do the variance and all the other stuff. Okay.

MEMBER GORDON: Arthur.

MR. OLINKIEWICZ: Thank you, everybody for sticking with us.

MEMBER GORDON: We still need to -- do we still need to get -- I'm a little confused. Do we still need to get the Lawyer's recitation of the --

MEMBER TASKER: He's going to draft --

MR. CONNOLLY: I'll draft the resolution.

MS. MOORE: Yeah, yeah.

MEMBER TASKER: He'll draft the resolution --

MEMBER GORDON: Okay.

MEMBER TASKER: -- according to our sense.

MEMBER GORDON: Fine.

MR. PALLAS: Question.

CHAIRMAN SALADINO: Mr. Pallas.
MR. PALLAS: Doesn't staff need to now write a new Notice of Disapproval because of the interpretation, because --

MS. MOORE: Oh, that's a good point. That will clean it up.

MR. PALLAS: That's what was discussed, if I remember from the last meeting, that if, depending on the interpretation, if it went this way, that I would need to draft a new Notice of Disapproval.

MR. OLINKIEWICZ: Notice of Disapproval for lot coverage for --

MR. PALLAS: Well, lot coverage. But in order for me to do that, you have to revise your plans in accordance with the two that you committed to, which you said you would.

MR. OLINKIEWICZ: Well, actually, I only have to -- I don't have to change that plan for the Notice of Disapproval, because the Notice of Disapproval was only on the lot on the left. Everything else on the other lot meets approval.

CHAIRMAN SALADINO: But we're going to --

MR. OLINKIEWICZ: Then we're going to put -- we're going to cover this.

CHAIRMAN SALADINO: You're going to have to work it out with Mr. Pallas.
MS. MOORE: Okay.

MR. OLINKIEWICZ: But just the Letter of Disapproval --

CHAIRMAN SALADINO: Because we're going to need a new application.

MS. MOORE: But we have --

MR. OLINKIEWICZ: Right. The Letter of Disapproval just deals with 110 South Street.

CHAIRMAN SALADINO: We don't have it.

MS. MOORE: No, but we have already applied.

MR. OLINKIEWICZ: I'll just amend it, it's easy. I could just amend it.

MS. MOORE: All right, fine, you can --

MR. OLINKIEWICZ: It's just changing -- it's just changing two lines, I got it.

CHAIRMAN SALADINO: We don't -- we don't have the application, so we're going to get a new Notice of Disapproval.

MR. OLINKIEWICZ: Correct.

CHAIRMAN SALADINO: And we're going to get a re--

MR. OLINKIEWICZ: Right.

CHAIRMAN SALADINO: Is it revised or a new application? New application.

MR. OLINKIEWICZ: Then the conditional
variance will have the apartments and all the
other stuff.

CHAIRMAN SALADINO: If you apply -- if we
accept it.

MR. PALLAS: Correct.

(Laughter)

MR. OLINKIEWICZ: Thank you.

MS. MOORE: Look.

MEMBER TASKER: That may be asking too much.

MS. MOORE: Wait, wait, wait. Wait a
second. Because we had the application, we're
just amending the original one, so we don't have
to go back and have you accept it, and it gets
pushed for another month. I mean, I think we
should just get it on for next month so we can
finish.

CHAIRMAN SALADINO: Oh, I don't think so.

MS. LINGG: But I would still need to notice
the hearing.

MR. OLINKIEWICZ: There's a Notice of
Hearing for the variance. We have to do a public
hearing for a variance.

MS. MOORE: No, that's okay.

MS. LINGG: That would have to go back in
for next month, then.
MS. MOORE: Yeah, yeah, yeah. No, we --
MS. LINGG: That wouldn't be possible.
MS. MOORE: Oh, it's already too late?
MS. LINGG: Well, with all of getting new plans and the new Notice of Disapproval approved, there just wouldn't be enough time to get it --
MS. MOORE: We'll wait two months?
MR. OLINKIEWICZ: Well, no. So they're going to accept the application and schedule a public hearing.
MS. MOORE: For next month.
MR. OLINKIEWICZ: Correct. They're going to have --
MS. MOORE: Okay.
MR. OLINKIEWICZ: Because they can't schedule the public hearing today for plans that they don't have.
CHAIRMAN SALADINO: That we don't have.
MEMBER GORDON: Right.
MR. OLINKIEWICZ: And the application hasn't changed, so --
MS. MOORE: You don't care two months? Oh.
MR. OLINKIEWICZ: No. Look, I got one month saved, so it's okay. I'm ready to buy one, get one free.
(Laughter)

CHAIRMAN SALADINO: Before you get -- since you're the only audience left, I'm going to have -- I want to make this announcement. Ellen Neff is leaving the Zoning Board. She decided that she's fed up with Arthur, she doesn't want to be on the Board with him anymore.

(Laughter)

MS. MOORE: Oh, no.

MR. OLINKIEWICZ: And when is she leaving?

CHAIRMAN SALADINO: She served -- she served 12 years on the Board.

MS. MOORE: Oh.

MEMBER NEFF: Possibly more.

CHAIRMAN SALADINO: She's taking -- she's taking her pension.

(Laughter)

CHAIRMAN SALADINO: And we're sorry that she's going.

MEMBER TASKER: To spend more time with her family.

CHAIRMAN SALADINO: So I just wanted to make that announcement.

MS. MOORE: Could you wait until you get somebody to replace you?
1 MEMBER NEFF: It's possible.
2 CHAIRMAN SALADINO: We don't make that --
3 MEMBER NEFF: I'll discuss that with the
4 Mayor.
5 MS. MOORE: Please.
6 CHAIRMAN SALADINO: We don't make that
decision, the Board makes that decision.
7 MR. OLINKIEWICZ: Somebody that I don't have
to explain this whole thing to again.
8 MS. MOORE: Yes.
9 MEMBER NEFF: That's right.
10 (Laughter)
11 MS. MOORE: Oh, gosh.
12 MR. OLINKIEWICZ: A couple of months.
13 That's a couple of months.
14 CHAIRMAN SALADINO: Well, I think -- I
15 think --
16 MR. OLINKIEWICZ: Thank you for your
17 service, Ellen, on the Board.
18 CHAIRMAN SALADINO: Ellen did a great job,
even with all her papers in front of me all the
19 time. I'm sorry --
20 MEMBER NEFF: Thank you for your
21 acknowledgment, John.
22 CHAIRMAN SALADINO: I'm sorry to see her go.
MEMBER NEFF: And I am willing to serve until there is a replacement.

MS. MOORE: Okay.

MEMBER NEFF: And I won't let the Village --

MS. MOORE: Don't let them know that, or they'll never --

(Laughter)

MR. OLINKIEWICZ: The replacement of four months. You need to cut it --

MEMBER NEFF: I'm not going to be reappointed, no. Normally, we would have to do that, yes. Thank you. Thank you.

CHAIRMAN SALADINO: Folks, I'm going to make one last motion here. It's a motion to adjourn, I believe.

MEMBER NEFF: Second.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

(The meeting was adjourned at 9:32 p.m.)
CERTIFICATION

STATE OF NEW YORK )
COUNTY OF SUFFOLK ) SS:

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

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on March 19, 2019.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of March, 2019.

Lucia Braaten
Lucia Braaten

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