

1 VILLAGE OF GREENPORT
2 COUNTY OF SUFFOLK STATE OF NEW YORK

3 -----x
4 ZONING BOARD OF APPEALS

5
6 REGULAR SESSION
7 -----x

8 Old Schoolhouse
9 Greenport, New York

10
11 March 19, 2019
12 6:00 p.m.

13
14 B E F O R E:

- 15 JOHN SALADINO - CHAIRMAN
- 16 DAVID CORWIN - MEMBER
- 17 DINI GORDON - MEMBER
- 18 ELLEN NEFF - MEMBER
- 19 ARTHUR TASKER - MEMBER
- 20
- 21 ROBERT CONNOLLY - ZONING BOARD ATTORNEY
- 22 PAUL PALLAS - VILLAGE ADMINISTRATOR
- 23 KRISTINA LINGG - CLERK TO THE BOARD

24
25

1 (The meeting was called to order at 6:02 p.m.)

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

5 AUDIENCE MEMBER: Yes.

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

8 (Laughter)

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

12 MEMBER NEFF: So moved.

13 MEMBER TASKER: Second.

14 CHAIRMAN SALADINO: All in favor?

15 MEMBER CORWIN: Aye.

16 MEMBER GORDON: Aye.

17 MEMBER NEFF: Aye.

18 MEMBER TASKER: Aye.

19 CHAIRMAN SALADINO: And I'll vote aye.

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

23 MEMBER TASKER: Second.

24 CHAIRMAN SALADINO: All in favor?

25 MEMBER GORDON: Aye.

1 MEMBER NEFF: Aye.

2 MEMBER TASKER: Aye.

3 CHAIRMAN SALADINO: I'll vote aye. Any
4 abstentions?

5 MEMBER CORWIN: Abstain.

6 CHAIRMAN SALADINO: And one abstention.

7 Item No. 3 is Motion to schedule the next
8 Zoning Board of Appeals meeting for Tuesday,
9 April 16, 2019, at 6:00 p.m., at the Third Street
10 Fire Station, Greenport, New York, 11944. So
11 moved.

12 MS. GORDON: Second.

13 CHAIRMAN SALADINO: All in favor?

14 MEMBER CORWIN: Aye.

15 MEMBER GORDON: Aye.

16 MEMBER NEFF: Aye.

17 MEMBER TASKER: Aye.

18 CHAIRMAN SALADINO: And I'll vote aye.

19 Item No. 4 is the continuation of the public
20 hearing regarding area variances applied for by
21 the Miller Family Trust for the property located
22 at 424 Fourth Street, Greenport, New York.
23 Suffolk County Tax Map No. is 1001-6.-6-18.1.

24 For the public that's interested, the public
25 notice should be attached to the -- is attached to

1 the -- to the agenda.

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

8 "Dear Members and Board,

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

17 I am only aware of one event that has been
18 held at Harbor Knolls since I moved to the lane in
19 2013. That was in the summer of 2015, when a
20 wedding was held for the Millers' son. All of the
21 residents of the lane were sent the attached
22 letter" -- "the attached letter, and the event
23 went off as promised. Cars were parked offsite;
24 guests were ferried to the top of the lane and
25 walked down. The music ended exactly at 11," I'm

1 assuming p.m., "and the wedding wrapped up shortly
2 thereafter.

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

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

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

12 MR. OSINSKI: I'd like to speak.

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

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

17 CHAIRMAN SALADINO: Okay.

18 MS. MOORE: -- others.

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

21 MR. OSINSKI: Okay.

22 CHAIRMAN SALADINO: Name and address for the
23 Stenographer.

24 MR. OSINSKI: Sure. Michael Osinski,
25 307 Flint Street. We live two doors south of the

1 Millers. And like the letter said, excellent
2 neighbors. Been there for 20 years, couldn't have
3 better neighbors.

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

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

23 CHAIRMAN SALADINO: Anyone else from the
24 public?

25 MR. KENNEDY: Yeah, I'd like to speak,

1 please. I'm Duncan Kennedy. Hi. I'm president
2 of North Fork Promotion Council. I'm also a motel
3 owner in Jamesport on the North Fork.

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

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

22 To limit and not to approve five rooms in a
23 Bed & Breakfast, where in the State of New York
24 five is an acceptable number, and including some
25 towns in the East End, five is -- you know, is a

1 number that's widely accepted as a number for B&B.
2 I think it should be approved, and I hope that you
3 would do that.

4 I'd like to also mention that given my, you
5 know, experience in the hospitality industry for
6 the past 30 years, if there was any need to, you
7 know, investigate this further, to, you know,
8 maybe look at additional resolutions or additional
9 legislation, I'm always happy to, you know, put my
10 two pence in worth and help out with that.

11 Thank you.

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

15 MR. KENNEDY: So, you know, in like
16 technology, innovation brings disruption at times.
17 So we've seen it in like, for example, in the
18 private hired car and taxi world. We see, you
19 know, disruption with Uber and Lyft. So they come
20 into an established market and established
21 industry and bring a new model. You know, it
22 isn't always regulated at the very beginning,
23 because, you know, Legislators and public
24 officials need time to address and understand what
25 we're dealing with.

1 It's the same in the accommodations world,
2 it has been for the longest time. Expedia and
3 Booking.com were the original disrupters, you
4 know, after 9/11, which all the hoteliers who I
5 worked with, they all had to, you know, contend
6 with that. We're seeing that rise all over again,
7 and actually has been for quite some time, with
8 the Airbnbs, the VRBOs, and all the related ones
9 that don't get a public mention, but there are
10 many, many, many out there. And, you know, that's
11 what I mean by disruption. People can then -- can
12 join into the hospitality world and, you know,
13 using different platforms, which are not always on
14 a fair competitive level with established players.

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

17 MR. KENNEDY: Yeah.

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

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

23 MS. MOORE: Shared economy.

24 CHAIRMAN SALADINO: Shared economy.

25 MR. KENNEDY: Shared?

1 CHAIRMAN SALADINO: Shared economy, how --

2 MR. KENNEDY: Yeah.

3 CHAIRMAN SALADINO: Okay. Thank you.

4 MR. KENNEDY: You're welcome. Thank you.

5 CHAIRMAN SALADINO: Anyone else that -- oh,
6 Isabel.

7 MRS. OSKINSKI: Isabel Osinski, 307 Flint
8 Street. I'm a neighbor of Leueen's, I live two
9 doors away, and they're excellent neighbors. They
10 have a very large property, so five is not a large
11 number, you know, because their property is quite
12 large and they have enough room.

13 And, also, there are a lot of Airbnbs on
14 Fourth Street that I -- that they look like
15 Airbnbs, but you don't really know, but like
16 crowds of people. And that is not a situation
17 that Leueen's property has on the street, where
18 you see people playing volleyball in bathing
19 suits. I mean, it's a very pleasant environment
20 that she has created for both herself and our
21 neighbors.

22 And also brings -- we've got quite a few
23 people that come and visit the oyster farm,
24 because Leueen is a vital part of our community
25 and brings income and tourists into our

1 neighborhood. Thank you.

2 CHAIRMAN SALADINO: Thank you. Anyone else?
3 No? What's the pleasure of the Board, close this
4 public hearing?

5 MEMBER CORWIN: I so move.

6 MEMBER GORDON: Second

7 MEMBER TASKER: Second.

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

11 Item No. --

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

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

22 (Laughter)

23 CHAIRMAN SALADINO: Do you have your agenda?

24 MEMBER GORDON: Yeah, I do.

25 CHAIRMAN SALADINO: That was printed out?

1 MEMBER TASKER: I do. I printed out my own
2 at home.

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

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

7 MR. PALLAS: It's missing a page.

8 (Laughter)

9 CHAIRMAN SALADINO: So Item No. --

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

12 CHAIRMAN SALADINO: Maybe I could have that.

13 MEMBER NEFF: You can have it, John.

14 (Laughter)

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

16 CHAIRMAN SALADINO: Can I see your agenda,
17 Diana.

18 MEMBER GORDON: Sure.

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

24 (Laughter)

25 CHAIRMAN SALADINO: Item No. 5 is 137

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

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

11 MS. LINGG: Correct.

12 CHAIRMAN SALADINO: Right? We have the
13 mailings.

14 MS. LINGG: Yes.

15 CHAIRMAN SALADINO: I'll read the mailings.
16 Village of Greenport, 236 Sixth -- Third Street
17 Greenport, New York, 11944. Christine McCabe, 128
18 Sterling Avenue, Greenport, New York, 11944.
19 123 Sterling, LLC, 219 Miro Place, Port
20 Washington, New York, 11050. Stephen Guyer, 130
21 Sterling Avenue, Greenport, New York 11944.
22 George -- help me out.

23 MEMBER GORDON: Limperis.

24 CHAIRMAN SALADINO: George Limperis, 264
25 Liberty Street, San Francisco, California, 94114.

1 Charles Edwards, 139 Sterling Avenue, Greenport,
2 New York, 11944. And Frank Macken, 229 East
3 4th Street, New York, New York, 10009.

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

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

8 CHAIRMAN SALADINO: Maybe just identify
9 yourself for the Stenographer.

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

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

15 (No Response)

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

18 (No Response)

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

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

24 CHAIRMAN SALADINO: I thought by the public
25 not --

1 MR. MURRAY: John, do you want me to do
2 that?

3 CHAIRMAN SALADINO: Sure.

4 MR. MURRAY: Our application is for three
5 variances, one being a front setback, which is
6 9 feet we're looking for our variance, as
7 discussed at the site meeting, front porch. The
8 side setback is for the side porch that is
9 actually in question, whether or not we need a
10 side deck, because the house cuts in. And I -- so
11 we're looking for a setback for that as well. And
12 the total area for the property over one -- is
13 1.9% greater than 35%. Those are the three
14 variances that we were looking for on this
15 property. That's basically the gist of it.

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

21 MR. MURRAY: Well, the house itself along
22 that street, it's the one house that really is
23 closer to the street than the others. It's a big
24 two-family house. It only has a 6-foot small
25 front porch and we're looking for an 8-foot front

1 covered porch, which is better for furniture, for
2 sitting, sitting on than a 6-foot.

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

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

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

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

24 CHAIRMAN SALADINO: We need the -- within
25 200 feet, we need the two greatest setbacks within

1 200 feet. So you said 17.

2 MR. MURRAY: There was 17 and 15.

3 CHAIRMAN SALADINO: And 15.

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

6 CHAIRMAN SALADINO: So the average is 16.
7 So it's 32, the average is 16. You have what?
8 Refresh our memory, what --

9 MR. MURRAY: Seven.

10 CHAIRMAN SALADINO: Seven. So you need
11 9 feet.

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

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

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

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

20 MEMBER NEFF: Exists.

21 MEMBER GORDON: -- you have now.

22 MR. MURRAY: Correct.

23 MEMBER GORDON: Which -- and I understand
24 your argument for a more generous porch, which
25 would certainly be consonant with the appearance

1 of the street. But there's also the principle of
2 not -- of trying not to make nonconforming uses
3 more nonconforming. So there's -- you know, I
4 think we're weighing this in the balance.

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

7 MEMBER GORDON: Very high

8 MR. MURRAY: I mean, every -- everybody has
9 to get a variance if you want to, you know, do
10 anything, almost, so --

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

13 MR. MURRAY: Well --

14 MEMBER NEFF: Yes.

15 MR. MURRAY: I don't mind saying that.

16 MEMBER NEFF: Not on that street.

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

25 MEMBER TASKER: Oh, there certainly weren't

1 any curbs on that street at the time that house
2 was built.

3 MEMBER NEFF: Right.

4 MR. MURRAY: Exactly, there wasn't.

5 (Laughter)

6 CHAIRMAN SALADINO: Okay. Anybody else?

7 Any -- and the -- and the lot coverage is --

8 refresh our memory with the lot --

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

10 CHAIRMAN SALADINO: So almost 2% lot

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

12 the south side, on the --

13 MEMBER TASKER: East

14 MR. MURRAY: East.

15 CHAIRMAN SALADINO: Is that the south side?

16 MR. MURRAY: East side.

17 MEMBER NEFF: East side, right.

18 MR. MURRAY: And we were 18 feet from the

19 side. On the other side, we're over 10 feet, so

20 we actually have 20 feet. But the house on the --

21 on Al's side cuts in, so we actually have 28, 28

22 feet of side set -- side feet after our porch, but

23 on the one side we're 18 feet. You know, we

24 measured that. It's questionable even if -- it's

25 a question whether or not I even needed a variance

1 for that. Do you remember when we sat down and
2 looked at how the house cuts in on the other side?

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

5 MR. MURRAY: Correct.

6 CHAIRMAN SALADINO: Okay.

7 MR. MURRAY: Yeah.

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

10 MEMBER TASKER: No.

11 CHAIRMAN SALADINO: Ellen?

12 MEMBER NEFF: No.

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

16 MEMBER CORWIN: I so move.

17 MEMBER TASKER: Second.

18 CHAIRMAN SALADINO: All in favor?

19 MEMBER CORWIN: Aye.

20 MEMBER GORDON: Aye.

21 MEMBER NEFF: Aye.

22 MEMBER TASKER: Aye.

23 CHAIRMAN SALADINO: And I'll vote aye.

24 Item No. 6.

25 MR. MURRAY: And 7.

1 MS. MOORE: And 8.

2 CHAIRMAN SALADINO: Don't interrupt.

3 (Laughter)

4 MR. MURRAY: I'll go get coffee.

5 CHAIRMAN SALADINO: Item No. 6 is a public
6 hearing regarding the application of 110 South St.
7 Greenport, Incorporated, for the property located
8 at 110 South Street, Greenport, New York, 11944.
9 The applicant has asked for an interpretation of
10 Sections 150-18A -- 150-18A 18(c), 150-12C,
11 150-16A 1, and 150-21 of the Code of the Village
12 of Greenport, to determine if the proposed
13 improvements require variances. The public notice
14 is attached. The Suffolk County Tax Map No. is
15 1001-4.-6-34.6.

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

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

20 MEMBER NEFF: Yes, yes.

21 MS. MOORE: Okay.

22 MR. OLINKIEWICZ: For everybody?

23 MEMBER NEFF: Yes.

24 MEMBER GORDON: Yes.

25 MR. OLINKIEWICZ: For everybody?

1 MEMBER NEFF: Yes.

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

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

7 MS. MOORE: Concurrent.

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

17 MR. OLINKIEWICZ: James Olinkiewicz.

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

22 MS. LINGG: Yes.

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

1 your story.

2 The mailings are the Village of Greenport,
3 236 Third Street, Greenport, New York. North Fork
4 Housing Alliance, 116 South Street, Greenport, New
5 York. Rita Rooney, 308 Second Street, Greenport,
6 New York. 101 Greenport Properties, LLC, 10 Fort
7 Salonga Road, Fort Salonga, New York, 11768.

8 MEMBER GORDON: Zuleyha Akcay.

9 CHAIRMAN SALADINO: 122 South Street,
10 Greenport, New York, 11944. Kirk Services, LLC,
11 care of Rosicki and Associates, 51 East Bethpage
12 Road, Plainview, New York, 11803. Sweet Liberty,
13 Incorporated, Post Office Box 616, Shelter Island,
14 New York. And Julie Akcay, 122 South Street,
15 Greenport, New York, 11944.

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

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

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

24 MS. MOORE: Okay.

25 CHAIRMAN SALADINO: We -- we're going to

1 give it to the Stenographer to enter it. If you
2 want to read it, you --

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

9 CHAIRMAN SALADINO: Sure.

10 MS. MOORE: Here you go.

11 MS. BRAATEN: Thank you.

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

15 MEMBER TASKER: Pat, excuse me.

16 MS. MOORE: Sure.

17 MEMBER TASKER: Do you have a spare copy?

18 MS. MOORE: Yes.

19 MEMBER TASKER: Please.

20 MEMBER NEFF: If you have a lot --

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

22 Well, I have one extra, one more.

23 CHAIRMAN SALADINO: I have one.

24 MS. MOORE: Anyone else?

25 MR. OLINKIEWICZ: Okay. James Olinkiewicz,

1 110 South Street, and what would be 112, or what
2 is 112 South Street, but it's owned by a different
3 corporation, so just not to confuse people with
4 different names.

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

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

20 So the existing building, if you can see
21 from the front, is an older Victorian, and it has
22 a larger back building. I didn't -- I didn't put
23 the rear on, because I didn't want to confuse
24 people. When we put the brick wall up, or the
25 stone wall in between, like there is between the

1 movie theater and the new hotel, they both have an
2 adjoining concrete wall.

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

9 MEMBER NEFF: No.

10 MEMBER GORDON: We've seen it.

11 MR. OLINKIEWICZ: Okay. So both pieces we
12 have applied to enlarge, so -- and put an addition
13 on the smaller piece, put an addition on the
14 bigger piece, okay? Then we will -- and they will
15 still stay together. So you'll have -- this would
16 be the new look of 112 South Street, this would be
17 new look of 110 South Street, but they'll be
18 adjoined at that concrete wall, okay? So they'll
19 be -- they'll be single and separate buildings
20 with single and separate ownership with -- so the
21 110 South Street, which is the bigger building,
22 will have two commercial spaces downstairs. I had
23 put in my plans for three one-bedroom apartments,
24 but the Zoning Board showed me --

25 MS. MOORE: Let's talk about that, but yes.

1 MR. OLINKIEWICZ: Okay. All right.

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

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

8 (Laughter)

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

12 So with the enlargement, the existing
13 property already has parking for seven cars, which
14 we would not take away when we enlarge the
15 building, okay? But in the Village Code, it says
16 if there is a Certificate of Occupancy prior to
17 1991, land within the CR and WC Districts, which
18 is improved as of January 1st, 1991, shall be
19 entirely exempt from off-street parking
20 requirements.

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

1 property. The sewer comes into the building on
2 the 110 South Street property.

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

9 MS. MOORE: No, you keep that one.

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

22 MEMBER TASKER: The --

23 MR. OLINKIEWICZ: So then we use the --

24 MEMBER TASKER: Excuse me, Mr. Olinkiewicz.

25 The definition that you've printed here in the

1 handout, what is the source of that specifically?

2 MR. OLINKIEWICZ: Webster's Dictionary.

3 MEMBER TASKER: Webster's Dictionary.

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

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

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

25 So -- and then at the work session, when my

1 application was accepted, on the front page there,
2 I was asked for lot coverage of the building once
3 I put the wall up, and then once I did the
4 addition. So on 110 South Street --

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

8 MR. OLINKIEWICZ: The largest lot is 110.

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

11 MR. OLINKIEWICZ: But --

12 MEMBER NEFF: -- is the eastern?

13 MR. OLINKIEWICZ: Correct.

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

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

24 The smaller lot, we have a different issue,
25 which is 112 South Street, which is the -- which

1 is the westerly lot. There is -- the lot is only
2 18, approximately 1800 square feet, 1797. The
3 existing structure that's on it is 640 square
4 feet, which is a 36% lot coverage. To be able to
5 use the property efficiently, we would need to
6 make the structure 1112 square feet, which is a
7 62% lot coverage, which is a variance that we will
8 have to ask for after we have our interpretation
9 done on the parking. But we're here for the
10 interpretation on the parking and the structure
11 that's there, that was built prior to 1991. And,
12 in fact, in the Village Code it doesn't even say
13 that you need a Certificate of Occupancy for that
14 property, it just says that it was built or
15 improved prior to January 1st, 1991, which this
16 clearly was, both pieces, both buildings on each
17 piece of property.

18 So that's our one question. Once we have
19 discussed that, then the next question comes to
20 150-18, the accessory apartment dwelling units
21 above the retail space in the Commercial Business
22 District, as of July 1st, whether they're allowed,
23 how many are allowed. We have that, we have that
24 question.

25 And then our third is -- oh, I'm sorry.

1 MS. MOORE: No, go ahead.

2 MR. OLINKIEWICZ: Our third is that, well,
3 150-12, again, deals with being exempt from
4 off-street parking. But when we're doing the
5 additions to the building, it says -- in
6 150-12(C), it says, "The use, adaptation or change
7 of use of any building within the CR and WC
8 Districts in existence as of January 1st, shall be
9 entirely exempt from any off-street parking
10 requirements." So right in the Village Code it
11 says the use and adaptation or change of use is
12 still entirely exempt.

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

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

1 coverage is going to change.

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

11 CHAIRMAN SALADINO: Okay.

12 MR. OLINKIEWICZ: Any questions?

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

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

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

24 MR. PALLAS: I'm sorry. Paul Pallas,
25 Village Administrator, Village of Greenport.

1 The way we approached this project was by
2 cutting the building in half, putting a concrete
3 wall separating it, it creates two new buildings.
4 So we were -- we look at this as if the -- it
5 never existed, creating a new building on each
6 lot, one new building on each lot, and from that
7 point, all the variances required fell out.

8 MR. OLINKIEWICZ: Can I respond to that?

9 CHAIRMAN SALADINO: Sure.

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

1 me exempt from parking regulations.

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

6 MR. OLINKIEWICZ: Right, right.

7 CHAIRMAN SALADINO: You bought the property
8 after that.

9 MR. OLINKIEWICZ: Sure.

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

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

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

1 if --

2 MEMBER NEFF: Point of information.

3 CHAIRMAN SALADINO: Before I do that, maybe.

4 MEMBER NEFF: How long have you owned the
5 building?

6 MR. OLINKIEWICZ: A year now.

7 MEMBER NEFF: Okay. Thank you.

8 MEMBER TASKER: So you are in title.

9 MR. OLINKIEWICZ: I am in title.

10 MEMBER TASKER: Okay.

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

13 MEMBER NEFF: Two different corporations?

14 MR. OLINKIEWICZ: Correct.

15 MEMBER NEFF: Yeah.

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

18 MEMBER NEFF: Okay.

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

23 MEMBER NEFF: Okay.

24 MS. MOORE: Or sold the property.

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

1 think we've ever had to consider anything like
2 this before.

3 MEMBER NEFF: No.

4 CHAIRMAN SALADINO: I think this is --

5 MR. OLINKIEWICZ: I don't think it's been
6 done too often.

7 MS. MOORE: Right.

8 MR. MURRAY: Who would?

9 CHAIRMAN SALADINO: So can an argument be
10 made? And I'll ask my colleagues. Can an
11 argument -- or maybe I'll ask the Attorney. Can
12 an argument be made that a portion of a building,
13 when it's separated, is inhabitable? There's no
14 -- there's no sanitary, there's no bathroom,
15 there's no kitchen. When that portion of the
16 building is separated from another portion of the
17 building and it becomes a standalone structure on
18 a lot, is that considered -- since we don't have a
19 Village definition of improved property, is there
20 something that we can go by, aside from the
21 dictionary --

22 MR. OLINKIEWICZ: Webster's Dictionary.

23 CHAIRMAN SALADINO: -- that would make that
24 an improved piece of property?

25 MR. CONNOLLY: When the -- when the Village

1 Code or any code doesn't define something, then
2 you are to go by what the common accepted
3 definition is, and, you know, Merriam-Webster's
4 Dictionary is the common accepted --

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

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

12 CHAIRMAN SALADINO: Oh, I'm sorry.

13 MEMBER TASKER: Sorry.

14 CHAIRMAN SALADINO: We've had a situation on
15 a piece of property within recent memory where the
16 applicant used, "Well, can the land be farmed?"
17 And that was his -- he came up with a definition
18 of improved property, because he could plant corn
19 on the property, and it was the corner of Third
20 and Front Street. We didn't think anybody was
21 going to plant corn on Third and Front Street,
22 but -- so improved property, I'm just -- I'm going
23 to --

24 MEMBER NEFF: Well, actually, as I recall,
25 your example about Third and Front Street, when we

1 were -- we for a while looked at was whether
2 certain, I would call them, artifacts, remainder
3 of curbs, or asphalt, or stones were, in fact, a
4 built improvement, not corn. That's how I recall
5 that it, but --

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

9 (Laughter)

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

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

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

23 MR. OLINKIEWICZ: Correct.

24 CHAIRMAN SALADINO: It doesn't say the
25 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

1 building --

2 MR. OLINKIEWICZ: Right.

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

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

8 CHAIRMAN SALADINO: Or fully.

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

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

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

21 MS. MOORE: The addition. So it just -- the
22 smaller lot is narrow, and it takes part of that
23 building. But, clearly, it's no different,
24 really, than any other building here in the
25 Commercial District that has a partition or a

1 firewall that may have started very similar to
2 what is in existence here, and it may have been
3 expanded over the years. That's how you ended up
4 with most of Main Street, that they may have --
5 that you've got 200 years of construction along --
6 along this block, and it's wall-to-wall
7 development. And many times it would be -- there
8 may be a small portion that was built, or maybe
9 there was nothing, but it was expanded along.

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

17 I actually, just for additional information,
18 I called the Assessors today to ask about the
19 property cards, because I noticed that the
20 property card -- and when I spoke to Mr. Sanders
21 on the phone today, he said, "Oh, it actually had
22 been pulled," because they had to make this --
23 clean up the property card. They actually had 90%
24 of the assessment on the small parcel, and they
25 had -- the last time that it had been assessed

1 back in the '80s, when the Village had the
2 property, because they have in 1987, they show --
3 excuse me, I have the wrong one. The -- it was in
4 the '80s that they didn't assess the improvements
5 on the larger parcel. So the property cards have
6 it all messed up. And, in fact, they are asking
7 me if I have a survey that shows the property
8 line, because they have to clean up the assessment
9 and allocate the appropriate square footage to
10 each --

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

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

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

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

1 recently?

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

12 MR. OLINKIEWICZ: And, also --

13 CHAIRMAN SALADINO: Before we -- before
14 we --

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

20 MS. MOORE: Right.

21 MR. OLINKIEWICZ: -- in New York State. You
22 can rebuild, you leave one wall standing, it's not
23 a new house, it's a renovation. So we're just on
24 the side. So we're not tearing down the
25 buildings, we're just enlarging them.

1 CHAIRMAN SALADINO: Jimmy, we're going to
2 put this on hold one second. We're going to
3 ask -- we're going to open it up. Maybe the
4 public wants to have something to say about this,
5 and then if the Board has anymore questions.

6 MR. OLINKIEWICZ: Okay.

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

9 MS. ALLEN: Yeah.

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

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

24 CHAIRMAN SALADINO: So you're saying you
25 would think that when they cut the building --

1 well, they're not cutting it in half, but when we
2 separate the building, when we build this wall --
3 not we, him.

4 MS. ALLEN: Right.

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

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

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

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

1 "Well, it should be."

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

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

22 MS. MOORE: Okay. Well, in our case, it's
23 actually even more compelling, because we're not
24 taking the buildings down, we're actually keeping
25 the building, creating that separation. And as he

1 described at the field inspection, there is the
2 connection, the inter -- the construction that is
3 being proposed is retaining to the maximum extent
4 possible the existing building. You have roofs
5 and ceiling structures that are going to remain.
6 You're going to create additional, I think
7 probably the -- just some side walls that have to
8 be modified

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

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

16 CHAIRMAN SALADINO: Well, I don't think
17 anybody's faulting -- I don't think anybody's
18 faulting you for that. I think the question in
19 front of us is, is the separation of the two
20 buildings, does it create a parcel that someone,
21 this Board, or -- well, the Building Department
22 already made their determination, that they feel
23 that property would be unimproved, it's a new
24 building. Now you're asking this Board to make a
25 decision. It's not about -- to us, it's not about

1 how much is left, it's how much is going up, it's
2 what remains after you put this brick wall up, I
3 think, right? David, do you -- I'm sorry. You
4 have something?

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

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

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

14 MEMBER CORWIN: Yeah, we would keep the --

15 CHAIRMAN SALADINO: Yes.

16 MS. MOORE: Okay.

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

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

21 MR. OLINKIEWICZ: No, close the public
22 hearing.

23 MS. MOORE: No, I don't want to close it,
24 because we're going to continue the conversation.
25 All the conversation should be on the record.

1 CHAIRMAN SALADINO: Yeah, I'm not inclined
2 to close either.

3 MS. MOORE: Yes.

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

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

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

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

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

16 MEMBER NEFF: Sometimes.

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

22 MR. OLINKIEWICZ: At one time.

23 CHAIRMAN SALADINO: -- and taking it all
24 into consideration and not rush through it. I
25 would -- I would -- I don't have a problem

1 adjourning the public hearing and --

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

5 MEMBER CORWIN: Yes, yes.

6 CHAIRMAN SALADINO: I think that they --

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

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

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

14 MR. OLINKIEWICZ: We're here.

15 MS. MOORE: Yeah.

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

18 MR. MURRAY: 'Til the Whiskey closes.

19 (Laughter)

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

22 CHAIRMAN SALADINO: As is your custom?

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

1 back later.

2 I certainly don't have a problem with seeing
3 110, the western side, as a renovation, an
4 extensive renovation, but nonetheless, a
5 renovation. And, you know, for me, the question
6 about what is going on at 112, the part about
7 utilities, it does make it all more complex, but
8 that's just my point of view.

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

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

13 (Laughter)

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

16 MEMBER NEFF: Onward.

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

21 MEMBER GORDON: Second.

22 MEMBER TASKER: Well, come back to what?

23 MEMBER NEFF: Well, the public hearing.

24 CHAIRMAN SALADINO: Reopen -- reconvene the
25 public hearing.

1 MEMBER GORDON: Which is -- which is dealing
2 with the interpretation question.

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

10 MR. OLINKIEWICZ: Right.

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

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

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

21 CHAIRMAN SALADINO: And --

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

24 MS. MOORE: Well, you may -- you may have
25 additional -- so we're not in disagreement with

1 your analysis, but there may -- the Board itself
2 may have questions.

3 MEMBER TASKER: Fine.

4 MS. MOORE: So that's why any questions I
5 want to put on keep on the record, so that --

6 MEMBER TASKER: We're on the record when
7 we -- when we deliberate, we're on the record.

8 CHAIRMAN SALADINO: I just don't understand
9 why -- what to put -- I mean, to close it, first
10 of all, starts a time clock. To close it starts a
11 clock, number one. Perhaps we're not prepared to
12 do that. Number two, I don't understand, to
13 reconvene it in 20 minutes or 30 minutes, after we
14 hear one or two more applications. If the members
15 have some questions, if the -- and then we close
16 it then. I don't foresee this public hearing
17 being -- being, you know, continued until July.

18 MEMBER CORWIN: Well, it's just a courtesy
19 to two applicants.

20 MEMBER NEFF: Yes.

21 MEMBER CORWIN: They want their application
22 approved.

23 CHAIRMAN SALADINO: But we're willing to
24 do --

25 MEMBER CORWIN: For five -- it's five

1 minutes.

2 CHAIRMAN SALADINO: But we're willing to do
3 that.

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

6 MEMBER NEFF: Okay.

7 MEMBER GORDON: A motion has been made and
8 seconded.

9 CHAIRMAN SALADINO: All in favor?

10 MEMBER CORWIN: Aye.

11 MEMBER GORDON: Aye.

12 MEMBER NEFF: Aye.

13 CHAIRMAN SALADINO: I vote aye.

14 MEMBER TASKER: I abstain.

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

17 MR. OLINKIEWICZ: And then come back.

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

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

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

25 CHAIRMAN SALADINO: All right. We're going

1 to -- we're going to take the agenda out of order
2 a little bit and we're going to do 114 North
3 Street. It's a motion to accept the application,
4 schedule a public hearing, and arrange a site
5 visit for the application of Michael and Lauren
6 Nagin -- Nagin?

7 MS. KRAMER: Nagin.

8 CHAIRMAN SALADINO: Nagin, for the property
9 located at 114 North Street, Greenport, New York,
10 11944. The Suffolk County Tax Map No. is
11 1001-2.-6-28.

12 Is the applicant here?

13 MS. KRAMER: Yes.

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

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

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

1 CHAIRMAN SALADINO: Thank you.

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

12 CHAIRMAN SALADINO: No, I don't.

13 MS. KRAMER: The garage?

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

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

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

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

24 MS. KRAMER: And so, typically, what -- the
25 way I've handled Zoning Board applications in the

1 past, and other agencies like the DEC, or Southold
2 Town Board of Appeals or Trustees, is we prepare a
3 site plan and stamp it, and our site plan is -- I
4 am as an Architect certifying that this is based
5 on -- and I have a description of the surveyor,
6 his license number and the date surveyed. But I
7 understand that there may be a policy that the
8 Board is adopting. So I spoke to Mr. Prokop and I
9 have copies of the stamped surveys for you.

10 CHAIRMAN SALADINO: I was under the --

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

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

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

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

23 MEMBER CORWIN: Well, just let me say Meryl
24 had said in the email she stamped her plans, but I
25 see no stamp. And my contention is, and will

1 always be, that the ZBA must get a survey.
2 Architects and Engineers cannot deal with property
3 lines. I've asked the Secretary of the Department
4 of Education about that. Architects and Engineers
5 cannot deal with property lines.

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

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

11 MS. KRAMER: Okay.

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

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

16 MEMBER CORWIN: I didn't see it.

17 MS. KRAMER: Okay.

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

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

20 CHAIRMAN SALADINO: So maybe -- so just to
21 avoid this in the future, maybe going forward, you
22 know, any site plan that -- any application that
23 comes to the Zoning Board. I mean, the
24 instructions on the application says a survey,
25 site plan surveyor must show proposed and existing

1 setbacks, patios, driveways, existing and proposed
2 structures, fences, as certified by a licensed
3 surveyor, engineer or architect. It's in the --

4 MEMBER CORWIN: But --

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

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

11 CHAIRMAN SALADINO: Okay.

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

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

22 MS. KRAMER: Okay.

23 CHAIRMAN SALADINO: The only question I have
24 about an -- about this application, and I can't
25 speak for my colleagues, is an answer on the EAF

1 that maybe you could just explain.

2 MS. KRAMER: Okay.

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

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

15 CHAIRMAN SALADINO: Okay.

16 MEMBER CORWIN: Right. I want to make a
17 note about the Certificate of Occupancy. It was
18 issued because a James Deerkoski, P.E. said the
19 building met all the building codes. But nothing
20 here says that when it was put up, it went before
21 the ZBA, because it doesn't have the required
22 5-foot setbacks from the property line. So that
23 may be an issue at some point in time, which is
24 why I brought it up to you in the first place.

25 MS. KRAMER: Okay.

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

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

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

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

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

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

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

22 CHAIRMAN SALADINO: Sure.

23 MS. KRAMER: I don't think it can go in the
24 application, but you can make it a condition of
25 approval?

1 MEMBER CORWIN: No.

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

6 MEMBER CORWIN: You have the one, yes.

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

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

11 MS. KRAMER: Whatever the Board --

12 CHAIRMAN SALADINO: Would that be okay,
13 that --

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

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

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

21 MS. KRAMER: It doesn't comply.

22 MEMBER CORWIN: Most of these places we go
23 it's an old horse stable, and you can see it's
24 been there 100 years. This is not an old horse
25 stable. It's a pre-manufactured structure

1 probably from up in Peconic that was put on the
2 lot. So when it was done, we don't know.

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

7 MS. KRAMER: Will discuss the shed.

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

11 MEMBER CORWIN: Okay by me.

12 CHAIRMAN SALADINO: So moved.

13 MEMBER GORDON: Second.

14 CHAIRMAN SALADINO: All in favor?

15 MEMBER CORWIN: Aye.

16 MEMBER GORDON: Aye.

17 MEMBER TASKER: Aye.

18 CHAIRMAN SALADINO: Ellen?

19 MEMBER NEFF: Aye.

20 CHAIRMAN SALADINO: And I'll vote aye.

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

23 MS. LINGG: April 16th.

24 CHAIRMAN SALADINO: April 16th. We set them
25 all at 6 o'clock. We'll do a site visit 5:30?

1 MEMBER CORWIN: (Nodded yes)

2 MEMBER GORDON: Yup.

3 CHAIRMAN SALADINO: 5:30 at the property.

4 And whatever needs to be staked out, we would ask
5 that you would do that. Anything else for this
6 applicant?

7 MEMBER CORWIN: And I think the
8 advertisement of a public hearing, maybe I'm going
9 overboard, but I don't see what would stop the
10 applicant -- if the applicant decided she needed
11 to include the setbacks on the garage, let's say
12 in the next two weeks, why couldn't that go into
13 the public hearing, too? In other words,
14 everything here plus the garage, if it's not on
15 the records.

16 MS. KRAMER: The Village does that.

17 CHAIRMAN SALADINO: I think that would be up
18 to the Village. I think -- I think the Building
19 Department could have that discussion with the
20 applicant and --

21 MR. PALLAS: I mean, if the question is can
22 we conclude the research in time to make it to the
23 public hearing, the answer is yes.

24 CHAIRMAN SALADINO: Well, I'm thinking also
25 what David's saying is if the property is -- if

1 the shed is in violation or needs a variance, can
2 that be --

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

5 CHAIRMAN SALADINO: Notice.

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

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

14 MEMBER CORWIN: Right, so the neighbors --

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

17 MR. PALLAS: Correct.

18 MEMBER TASKER: An amended Notice of Denial.

19 MR. PALLAS: Correct.

20 MEMBER TASKER: All right.

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

23 MEMBER CORWIN: Yes.

24 CHAIRMAN SALADINO: And to the applicant?

25 MS. KRAMER: Yes.

1 CHAIRMAN SALADINO: Okay, easy-peasy.

2 MS. KRAMER: Thank you for your time.

3 CHAIRMAN SALADINO: Anything else for her?

4 MEMBER CORWIN: No.

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

8 MEMBER GORDON: Uh-huh.

9 CHAIRMAN SALADINO: 511 Fifth Street, is a
10 motion to accept the application, schedule a
11 public hearing, and arrange a site visit for the
12 application of Jack Martilotta for the property
13 located at 511 Fifth Street, Greenport, New York,
14 11944. The Suffolk County Tax Map No. is
15 1001-6.-1-7.

16 Is the applicant here?

17 MR. MARTILOTTA: Yes, sir.

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

20 MR. MARTILOTTA: Jack Martilotta, 511 Fifth
21 Street.

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

24 MR. MARTILOTTA: Sure. I'm the owner of 511
25 Fifth Street. It's -- we ended up doing major --

1 we attempted to do a major renovation. We got
2 building permits for everything.

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

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

22 Also in that, the Village asked me to ask
23 for a variance. It's built on the original
24 footprint, but it's originally a nonconforming,
25 nonconforming lot, and they wanted me to include

1 that as well. So the setbacks on the front of the
2 house and both north and south side are, you know,
3 what they were. They're there now. I don't
4 remember the exact dimensions, but I do have them
5 in there.

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

8 MR. MARTILOTTA: Yes.

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

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

20 CHAIRMAN SALADINO: So is this whole
21 application because of a set of windows that were
22 originally installed, or a window that was
23 originally installed, it was removed, different
24 windows were put in, and then they were taken out,
25 and the original type window was put in and that

1 exceeded the side yard setback? Am I getting that
2 right, or you weren't listening?

3 (Laughter)

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

6 MEMBER TASKER: Me, too.

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

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

24 MR. MARTILOTTA: I'm sorry, I didn't explain
25 that clearly.

1 CHAIRMAN SALADINO: Okay. Anybody have any
2 questions for this applicant?

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

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

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

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

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

1 you can see it.

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

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

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

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

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

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

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

24 MEMBER CORWIN: That's what I tried to
25 convey to the staff there.

1 MEMBER GORDON: I still don't have a Notice
2 of Disapproval.

3 I guess I also have a process question.
4 This is a case in which the Notice of
5 Disapproval -- Disapproval supersedes a valid
6 building permit.

7 CHAIRMAN SALADINO: I'm sorry.

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

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

24 MEMBER GORDON: So you really wanted a new
25 building permit, or a portion thereof?

1 MR. MARTILOTTA: Well, I -- when we were
2 building -- if I may, when we were building the
3 house, my wife had looked at like other houses
4 in -- because we were trying to keep it looking
5 like houses in Greenport. And she said, "You
6 know, a porch would look really good. Would it be
7 possible to put one on?" I said, "Well, we have
8 to go to the ZBA and ask for a variance for it and
9 then get it approved." I mean, it's -- I mean,
10 it's a small porch, but I figured we'd give it a
11 shot.

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

18 MEMBER GORDON: It looks very nice.

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

21 MEMBER GORDON: Yeah.

22 MR. MARTILOTTA: And, also, we -- I'll be
23 honest with you, I'm not sure. The porch we would
24 like to add, if that is possible. As far as the
25 other variances, we were trying to do our best to

1 comply with what the Building Department was
2 asking for.

3 MEMBER GORDON: Okay. Thank you.

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

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

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

14 MEMBER TASKER: Second.

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

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

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

20 MEMBER GORDON: You can discuss it for a
21 second.

22 CHAIRMAN SALADINO: No, that's fine. That's
23 fine. I -- the only thing I'm going to say, the
24 only thing that I heard just now that I might
25 have -- I might have a problem with, that I'm not

1 sure if I understood correctly, is I don't think
2 there should be a time limit if somewhere along
3 the process, whether the house is just before
4 being built or after it's 90% complete, that if
5 someone finds an error in the building permit,
6 that it -- that it shouldn't be corrected, and I
7 think that's what happened here. I mean, somebody
8 found an error, it's in the process of being
9 corrected. I don't think -- I think that's --
10 that was the correct thing to do. It might have
11 been -- and I'm hoping that we continue to do
12 that.

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

18 (Laughter)

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

23 MR. MARTILOTTA: Sure.

24 CHAIRMAN SALADINO: -- having said that, we
25 have a motion on the table, it's been seconded.

1 All in favor?

2 MEMBER CORWIN: Aye.

3 MEMBER GORDON: Aye.

4 MEMBER NEFF: Aye.

5 MEMBER TASKER: Aye.

6 CHAIRMAN SALADINO: And I'll vote aye.

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

9 MS. LINGG: April 16th.

10 CHAIRMAN SALADINO: April 16th. They
11 schedule them all at 6 o'clock. I'm not even sure
12 if you -- I mean, what's the --

13 MEMBER GORDON: We have a -- we have a
14 schedule. We have one already scheduled for 5:30,
15 so we should go to him at 5, right?

16 CHAIRMAN SALADINO: Sure. You know,
17 that's good.

18 MR. MARTILOTTA: Is that on the same day?
19 I'm sorry to interrupt.

20 CHAIRMAN SALADINO: What's that? Don't do
21 it again.

22 (Laughter)

23 CHAIRMAN SALADINO: We're going to make
24 it -- we're going to make it at 5 o'clock. But,
25 no, I was saying about staking it out. I mean, is

1 there anything to stake out? I mean, their
2 window's in. We could kind of just --

3 MEMBER CORWIN: No, the porch, the porch.

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

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

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

10 MR. MARTILOTTA: Yes.

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

16 MR. MARTILOTTA: Okay, sure.

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

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

22 MR. MARTILOTTA: I turned that in as well.

23 CHAIRMAN SALADINO: What, the porch?

24 MEMBER NEFF: Yes.

25 CHAIRMAN SALADINO: And the windows?

1 MEMBER NEFF: Yes, with hatch marks or
2 whatever.

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

5 MEMBER NEFF: Yes.

6 CHAIRMAN SALADINO: -- porch on the survey?

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

9 MEMBER NEFF: You got that?

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

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

16 MEMBER NEFF: Okay.

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

19 MEMBER NEFF: Then that's sufficient.

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

22 MEMBER CORWIN: Yes.

23 CHAIRMAN SALADINO: Five o'clock.

24 MR. MARTILOTTA: On April 16th?

25 CHAIRMAN SALADINO: The 16th. And the

1 public hearing would be on or about 6 o'clock.

2 MR. MARTILOTTA: Okay.

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

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

6 (Laughter)

7 MR. MARTILOTTA: Thank you.

8 CHAIRMAN SALADINO: So good luck.

9 MR. MURRAY: Good luck, Jack.

10 MR. MARTILOTTA: Thank you.

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

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

22 CHAIRMAN SALADINO: Well, before we even get
23 to that, let's do Sterling, Sterling. I mean,
24 David's application is kind of straightforward.
25 I'm not sure there's going to be many surprises

1 with that. I don't want to overstep my bounds
2 here and say a lot of discussion, because that --
3 that never seems to work for me. All right. So
4 we're going to do -- we're going to take --

5 MEMBER CORWIN: An easy one.

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

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

16 (No Response)

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

20 MEMBER TASKER: Second.

21 CHAIRMAN SALADINO: All in favor?

22 MEMBER CORWIN: Aye.

23 MEMBER GORDON: Aye.

24 MEMBER NEFF: Aye.

25 MEMBER TASKER: Aye.

1 CHAIRMAN SALADINO: And I'll vote aye.

2 I'll make another motion, that -- for the

3 purposes of SEQRA, this is a Type II Action.

4 Right, Type II, Type II Action?

5 MEMBER GORDON: Yeah.

6 CHAIRMAN SALADINO: So moved.

7 MEMBER TASKER: Second.

8 CHAIRMAN SALADINO: All in favor?

9 MEMBER CORWIN: Aye.

10 MEMBER GORDON: Aye.

11 MEMBER NEFF: Aye.

12 MEMBER TASKER: Aye.

13 CHAIRMAN SALADINO: And I'll vote aye.

14 We can do these five questions, and --

15 MEMBER GORDON: Yeah, you got it.

16 CHAIRMAN SALADINO: All right. The five
17 questions are whether an undesirable change will
18 be produced in the character of the neighborhood
19 or a detriment to nearby properties will be
20 created by the granting of the area variance.

21 David.

22 MEMBER CORWIN: No.

23 CHAIRMAN SALADINO: Dinni

24 MEMBER GORDON: No.

25 CHAIRMAN SALADINO: Ellen

1 MEMBER NEFF: No.

2 CHAIRMAN SALADINO: Arthur.

3 MEMBER TASKER: No.

4 CHAIRMAN SALADINO: And I'll vote know.

5 Whether the benefit sought by the applicant

6 can be achieved by some method, feasible for the

7 applicant to pursue, other than an area variance.

8 David.

9 MEMBER CORWIN: No.

10 CHAIRMAN SALADINO: Dinni.

11 MEMBER GORDON: No.

12 CHAIRMAN SALADINO: Ellen.

13 MEMBER NEFF: No.

14 CHAIRMAN SALADINO: Arthur.

15 MEMBER TASKER: No.

16 CHAIRMAN SALADINO: And I'll vote no.

17 Whether the requested area variance is

18 substantial. David.

19 MEMBER CORWIN: No.

20 CHAIRMAN SALADINO: Dinni.

21 MEMBER GORDON: No.

22 CHAIRMAN SALADINO: Ellen.

23 MEMBER NEFF: No.

24 CHAIRMAN SALADINO: Arthur.

25 MEMBER TASKER: No.

1 CHAIRMAN SALADINO: And I'll vote no.
2 Whether the proposed variance will have an
3 adverse effect or impact on the physical or
4 environmental conditions in the neighborhood or
5 district. David.

6 MEMBER CORWIN: No.

7 MEMBER GORDON: No.

8 CHAIRMAN SALADINO: Dinni, no.

9 MEMBER NEFF: No.

10 CHAIRMAN SALADINO: Ellen, no?

11 MEMBER NEFF: No.

12 CHAIRMAN SALADINO: Okay. Arthur.

13 MEMBER TASKER: No.

14 CHAIRMAN SALADINO: And I'll vote no.

15 Whether the alleged difficulty was
16 self-created, which consideration shall be
17 relevant to the decision of the Board of Appeals,
18 but shall not necessarily preclude the granting of
19 the area variance. David.

20 MEMBER CORWIN: Yes.

21 CHAIRMAN SALADINO: Dinni.

22 MEMBER GORDON: Yes.

23 CHAIRMAN SALADINO: Ellen.

24 MEMBER NEFF: Yes.

25 CHAIRMAN SALADINO: Arthur.

1 MEMBER TASKER: Yes.

2 CHAIRMAN SALADINO: And I'll vote yes.

3 I'm going to make a motion that we grant the
4 area variances.

5 MEMBER TASKER: Second.

6 CHAIRMAN SALADINO: All in favor?

7 MEMBER CORWIN: Aye.

8 MEMBER GORDON: Aye.

9 MEMBER NEFF: Aye.

10 MEMBER TASKER: Aye.

11 CHAIRMAN SALADINO: And I'll vote aye.

12 MR. MURRAY: Thank you.

13 CHAIRMAN SALADINO: You're welcome.

14 All right. Next up is -- I'm sorry, I have
15 a cold, I have to get my hanky back. Where are
16 we at?

17 MEMBER GORDON: Next page.

18 CHAIRMAN SALADINO: No. You want to do
19 this?

20 MEMBER GORDON: Oh, discussion, yeah.
21 Sorry.

22 CHAIRMAN SALADINO: We're going to do
23 Ms. Miller.

24 MEMBER NEFF: Would this be an appropriate
25 time to ask for a five-minute break or not?

1 MEMBER TASKER: Sure.

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

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

6 CHAIRMAN SALADINO: No, that would be
7 critical.

8 (Laughter)

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

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

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

15 We're going to do Item No. 8, 424 Fourth
16 Street. Discussion and possible motion on the
17 area variances applied for by the Miller Family
18 Trust for the property located at 424 Fourth
19 Street Greenport, New York, 11944. And the
20 Suffolk County Tax Map No. is 1001-6.-6-18.1.

21 Does the Board have any comments about this?
22 I have a few, but --

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

25 That's a very interesting building there. I

1 guess it was a hotel at one time. But that whole
2 area was subdivided, which kind of changed the use
3 of that building.

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

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

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

19 And the -- we did approve, I voted no, for
20 one on Main Street for four rooms. And I might
21 even be more inclined to go for four rooms, since
22 we did it once, so I voted no. But other than
23 that, I'm finding this a very difficult
24 application to make up my mind on, and that's kind
25 of it.

1 CHAIRMAN SALADINO: Thank you, David. I
2 have -- to expand on David's comments, the Village
3 Board held two public hearings on this subject,
4 whether to increase the B&B capacity from three to
5 five, one in 2011, one in 2016, I believe. Both
6 times they decided to keep the capacity as it was.

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

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

22 It's mentioned that Southold Town, five
23 rooms is okay. That's kind of Bed & Breakfast --
24 actually, I might be getting the terminology of
25 the code wrong. They're not permitted, they're

1 only allowed by special exception, and then a
2 statutory board decides how many rooms they're
3 allowed to have up to five, so it's not exactly as
4 of right.

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

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

25 The other thing I would like to say is this

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

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

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

19 MEMBER GORDON: I think it's wonderful that
20 you did this research about surrounding
21 communities. I certainly did not know any of
22 that. I think what the -- what you might say
23 about the result of your research is that there's
24 a lot of ambivalence about this question, some
25 places going one way, some places going another,

1 some subtleties about how the results -- what the
2 results are.

3 It seems to me that we shouldn't be overly
4 influenced by the two hearings in Greenport in
5 2011 and 2016, because the last one was three
6 years ago, and the Airbnb situation has changed
7 dramatically in the last three years. And we have
8 been very concerned about the Airbnb situation and
9 have taken steps legislatively to impose a
10 different kind of standard from what we had in the
11 past. And it seems to me that the unfairness of
12 the Airbnb situation for B&Bs is a real issue that
13 we haven't really addressed very, very directly.

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

21 And I guess I think if we decided to --
22 well, either way, it seems to me we should be
23 sending a message to the Board that they've got to
24 look at this again, and to take into consideration
25 the current situation with respect to competition

1 for B&Bs. And I think, you know, we can -- that
2 is part of our responsibility, to send messages to
3 the Board. So either way, I would recommend that.

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

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

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

11 MEMBER NEFF: Okay.

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

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

20 And the fact they did hold two -- I don't
21 think it could be discounted that they did hold
22 two public hearings. And the fact that there's an
23 influx of shared economy, or Airbnb, or VRBO, and
24 there are different standards, again, I go back to
25 the point, none of us ran for the Village Board,

1 none of us ran for Mayor. And we're an
2 administrative board, it's -- I just don't believe
3 in crossing crafts. I mean, I just kind of think
4 that's their job and we should do our job. And,
5 you know, and usurping their authority I honestly
6 don't believe falls under -- I don't think we have
7 the authority to do that.

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

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

19 And I think that weighing the different
20 aspects of this job, as I have performed it over
21 the years, we look at the neighborhood, we look at
22 the individual parcel, and the particulars of that
23 parcel. And I find in this instance, if I was
24 being asked about four bedrooms, weighing again
25 2016 in that decision, I don't have a hard time.

1 There are very few, as my colleague, Mr. Corwin
2 stated, properties that approach the dimensions of
3 this property, the configuration of this house.

4 So on the other -- so, in other words, four
5 seems to me not in a huge stretch, and I -- again,
6 I appreciate you talking about administrative and
7 what's the purpose, but five, because it happens
8 to be, you know, what the State spells out, I
9 don't go there. I do appreciate the Chairman's
10 review of some of the neighboring jurisdictions.
11 So that's my point of view about this property.

12 MEMBER TASKER: Mr. Chairman, may I?

13 CHAIRMAN SALADINO: Yes, sir. Yes.

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

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

1 he owned that entire area of the property, it was
2 never a hotel.

3 MS. MILLER: Maybe I could just correct
4 that.

5 MEMBER TASKER: Well --

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

8 MEMBER TASKER: Well --

9 MS. MILLER: Okay.

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

12 MS. MILLER: Yes.

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

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

21 I was interested to note that the original
22 Notice of Disapproval for this called for the --
23 it says, stated as follows: "The additional
24 proposed rooms are greater than the permitted
25 rooms for a Bed & Breakfast, requiring a use

1 variance."

2 At some point, I think there was discussion
3 of this at the time that the application was
4 considered for acceptance by the Board, and that
5 was changed to an area variance. I disagreed with
6 that, but it's not necessarily material to this,
7 except from this standpoint.

8 If it were a use variance that was required,
9 and if it were granted, this would be an
10 A-number-one spot zoning situation. And spot
11 zoning essentially takes away the Legislative
12 authority from the Legislators and takes it into
13 the hands of an administrative board, as
14 Mr. Saladino has pointed out. That's why I want
15 to affirm an even greater, a stronger reason as to
16 why we should consider the discussions and debates
17 that have taken place on this, probably since --
18 when was the B&B ordinance put in place, was it
19 2011?

20 CHAIRMAN SALADINO: 1989.

21 MEMBER TASKER: 1989.

22 MS. MILLER: No, not 19 -- 2001.

23 MEMBER TASKER: 2001, was it? I'm sure that
24 that debate took place at the time as to the
25 number of rooms, and further in -- when it was

1 considered for modification in later years.

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

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

21 Another -- and the Airbnb question, as the
22 Village tried -- has taken a good first step in
23 doing, is to create an ordinance that should
24 restrict the extent of short-term rentals in the
25 Village. And it becomes an enforcement question,

1 and it is up to the Village to enforce this law,
2 the Airbnb law, the short-term rental law, to see
3 that it is brought into control, so that it takes
4 the heat off of people who have an -- who have a
5 traditional Bed & Breakfast in the Village.

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

24 CHAIRMAN SALADINO: Okay.

25 MEMBER GORDON: Could I -- I would like to

1 ask Arthur a question.

2 CHAIRMAN SALADINO: Sure.

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

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

14 CHAIRMAN SALADINO: Just to comment on that,
15 and I'm not sure if we should go off on that
16 tangent, but just to comment on that, when the --
17 when the original application in two -- not the
18 original, it's the one I remembered in 2016 or
19 2015, came up to convert a fourth bedroom into a
20 B&B space at -- on Main Street, the original
21 Notice of Disapproval was for a use variance, and
22 it raised questions and somehow it became an area
23 variance. And since that's all that we had to go
24 on for this -- this is the only other application
25 that we've had in the last three or four years for

1 the same variance since we applied the area
2 variance standard in 2016. I think that's why we
3 did it here this time, so.

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

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

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

18 MEMBER TASKER: We can do it on --

19 (Laughter)

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

22 CHAIRMAN SALADINO: We can, but we -- from
23 past experience, we found that sometimes that
24 raises some controversy, and since this doesn't
25 seem like that pressing an issue, maybe we'll wait

1 for a Village Official to ask us for that
2 interpretation.

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

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

11 CHAIRMAN SALADINO: So what do you mean?
12 What, are you leaving town?

13 (Laughter)

14 MEMBER CORWIN: That's an idea.

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

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

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

22 CHAIRMAN SALADINO: I apologize.

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

1 personal.

2 It is -- you're right, it's a legislative
3 problem, but I think that the ordinance has now
4 changed completely with short-term rental.

5 Owner-occupants are allowed to rent rooms, no
6 limitation on the number of rooms. So she could
7 open up today and do short-term rental.

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

16 CHAIRMAN SALADINO: I think Thursday night.

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

1 CHAIRMAN SALADINO: First of all, first
2 things first.

3 MS. MOORE: Yeah.

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

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

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

10 MS. MOORE: Right.

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

13 MS. MOORE: Yeah.

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

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

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

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

22 CHAIRMAN SALADINO: Well, I'm not --

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

25 CHAIRMAN SALADINO: Listen, you're not going

1 to be surprised how I vote, but I'm only one vote,
2 you know.

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

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

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

11 CHAIRMAN SALADINO: Sure.

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

20 CHAIRMAN SALADINO: That's true, that's
21 certainly true. But as I explained, this is not a
22 situation about a house for moderately tailored
23 relief that was built prior to zoning. This is
24 something that the Village Board has reaffirmed
25 twice, that they would like only three rooms in a

1 Bed & Breakfast establishment. I think that that
2 is legislating.

3 MR. CONNOLLY: Then what they should have --

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

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

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

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

19 MS. MOORE: I guess --

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

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

25 CHAIRMAN SALADINO: Oh. Oh, I'm sorry, Rob.

1 Did I cut you off?

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

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

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

20 CHAIRMAN SALADINO: That was never part of
21 the equation

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

24 CHAIRMAN SALADINO: Well, I reread the
25 minutes twice for both public hearings and that

1 was never part of the equation. That was part of
2 the equation with the merger of lots and more
3 recent -- another, that they said if you want
4 relief, you should go to the -- to the Zoning
5 Board, but that was never -- I would have never
6 brought it up if that was part of the -- their
7 thinking.

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

15 MEMBER NEFF: Vote.

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

1 have the kind of precedent-setting implication
2 that has concerned me.

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

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

25 CHAIRMAN SALADINO: I didn't know that.

1 (Laughter)

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

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

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

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

24 MEMBER TASKER: I don't know what you're
25 saying.

1 MS. MOORE: Look at my notices.

2 CHAIRMAN SALADINO: I asked for extended
3 mailings.

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

7 MEMBER TASKER: Right.

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

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

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

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

17 MS. MOORE: Okay.

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

20 MS. MOORE: Okay.

21 MEMBER TASKER: Not how many -- not the
22 scope of -- geographic scope of how many your
23 further survey necessarily covered, but the ones
24 that -- those who would be most closely or
25 immediately impacted. How big is that area that

1 we have to consider in terms of the effect on the
2 neighborhood?

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

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

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

10 MRS. MILLER: Full-time.

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

14 MEMBER TASKER: No.

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

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

22 MS. MOORE: Okay.

23 CHAIRMAN SALADINO: Folks, what are we
24 thinking here? Ellen, you want to vote tonight?
25 Arthur?

1 MEMBER NEFF: That's my point of view.

2 MEMBER TASKER: Yes.

3 CHAIRMAN SALADINO: Diana, you want to vote
4 tonight?

5 MEMBER GORDON: Yeah.

6 CHAIRMAN SALADINO: David, what do you
7 think? I know you want to leave town, but what do
8 you think? You want to vote tonight?

9 MEMBER CORWIN: Well, this discussion maybe
10 brought something to mind that I shouldn't
11 mention, so I've kind of made up my mind.

12 CHAIRMAN SALADINO: All right. So we'll do
13 SEQRA. So the consensus of the Board is we're
14 going to vote on this evening, okay.

15 MEMBER GORDON: Uh-huh.

16 MEMBER NEFF: Uh-huh.

17 CHAIRMAN SALADINO: So we'll do SEQRA. I
18 make a motion that the Zoning Board of Appeals
19 declares itself Lead Agency for the purposes of
20 SEQRA. So moved.

21 MEMBER NEFF: Second.

22 CHAIRMAN SALADINO: All in favor?

23 MEMBER CORWIN: Aye.

24 MEMBER GORDON: Aye.

25 MEMBER NEFF: Aye.

1 MEMBER TASKER: Aye.

2 CHAIRMAN SALADINO: Aye.

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

6 MEMBER TASKER: Second.

7 CHAIRMAN SALADINO: All in favor?

8 MEMBER CORWIN: Aye.

9 MEMBER GORDON: Aye.

10 MEMBER NEFF: Aye.

11 MEMBER TASKER: Aye.

12 CHAIRMAN SALADINO: Aye.

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

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

21 MEMBER CORWIN: Yes.

22 CHAIRMAN SALADINO: Dinni.

23 MEMBER GORDON: No.

24 CHAIRMAN SALADINO: Ellen.

25 MEMBER NEFF: No.

1 CHAIRMAN SALADINO: Arthur.

2 MEMBER TASKER: Yes.

3 CHAIRMAN SALADINO: I vote yes.

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

8 MEMBER CORWIN: No.

9 CHAIRMAN SALADINO: Diana.

10 MEMBER GORDON: No.

11 CHAIRMAN SALADINO: Ellen.

12 MEMBER NEFF: No.

13 CHAIRMAN SALADINO: Arthur.

14 MEMBER TASKER: No.

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

17 Whether the requested area variance is
18 substantial. David.

19 MEMBER CORWIN: Yes.

20 CHAIRMAN SALADINO: Dinni.

21 MEMBER GORDON: Yes.

22 CHAIRMAN SALADINO: Ellen.

23 MEMBER NEFF: Yes.

24 CHAIRMAN SALADINO: Arthur.

25 MEMBER TASKER: Yes.

1 CHAIRMAN SALADINO: And I'm going to
2 vote yes.

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

7 MEMBER CORWIN: Yes.

8 CHAIRMAN SALADINO: Dinni.

9 MEMBER GORDON: No.

10 CHAIRMAN SALADINO: Ellen.

11 MEMBER NEFF: No.

12 CHAIRMAN SALADINO: Arthur.

13 MEMBER TASKER: Yes.

14 CHAIRMAN SALADINO: And I'm going to
15 vote yes.

16 Whether the alleged difficulty was
17 self-created, which consideration shall be
18 relevant to the decision of the Board of Appeals,
19 but shall not necessarily preclude the granting of
20 an area variance. David.

21 MEMBER CORWIN: Yes.

22 CHAIRMAN SALADINO: Dinni.

23 MEMBER GORDON: Yes.

24 CHAIRMAN SALADINO: Ellen.

25 MEMBER NEFF: Yes.

1 CHAIRMAN SALADINO: Arthur.

2 MEMBER TASKER: Yes.

3 CHAIRMAN SALADINO: And I'll vote yes.

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

6 MEMBER TASKER: Second.

7 CHAIRMAN SALADINO: David. Second.

8 MEMBER CORWIN: No.

9 CHAIRMAN SALADINO: Dinni.

10 MEMBER GORDON: Yes.

11 CHAIRMAN SALADINO: Ellen.

12 MEMBER NEFF: Yes.

13 CHAIRMAN SALADINO: Arthur.

14 MEMBER TASKER: No.

15 CHAIRMAN SALADINO: And I'll vote no.

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

19 MEMBER NEFF: I think so. Only man
20 standing.

21 CHAIRMAN SALADINO: Let's adjourn until next
22 month.

23 (Laughter)

24 CHAIRMAN SALADINO: Only kidding. Only
25 kidding.

1 All right. The public hearing for
2 Mr. Olinkiewicz is still open. Yeah, I got to be
3 honest with you, I lost my place.

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

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

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

23 CHAIRMAN SALADINO: Okay. What's your
24 argument to the Village? What's your response to
25 the Village if now we just -- now we look at 150-9

1 where the Village's contention is that this is a
2 new building. And, you know, isn't that -- isn't
3 that part of the discussion here, too?

4 MR. OLINKIEWICZ: 150-9.

5 MS. MOORE: Well, 150-9 --

6 CHAIRMAN SALADINO: Isn't that --

7 MS. MOORE: I just --

8 CHAIRMAN SALADINO: For the residential over
9 commercial?

10 MR. OLINKIEWICZ: That's one --

11 MS. MOORE: No.

12 CHAIRMAN SALADINO: 150-9-18?

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

14 MS. MOORE: Yeah.

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

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

24 MR. OLINKIEWICZ: Well, it would have to
25 be -- it would have to go to the Planning Board

1 for site plan, if I get --

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

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

6 CHAIRMAN SALADINO: No, no.

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

9 CHAIRMAN SALADINO: I'm saying --

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

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

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

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

21 MR. OLINKIEWICZ: Right, accessory
22 apartment --

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

24 CHAIRMAN SALADINO: Is not a -- sorry. It's
25 not a permitted use in the --

1 MS. MOORE: Right.

2 CHAIRMAN SALADINO: -- in the Commercial
3 Retail District.

4 MS. MOORE: Right.

5 CHAIRMAN SALADINO: Waterfront Commercial.

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

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

14 MR. OLINKIEWICZ: Front Street.

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

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

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

25 CHAIRMAN SALADINO: With Richard Israel's

1 property, just so we're on the same page, there
2 was never a variance granted for that property.

3 Are we talking Center Street, Center and --

4 MR. OLINKIEWICZ: No.

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

7 MR. OLINKIEWICZ: Main Street. Main Street.

8 CHAIRMAN SALADINO: Main and Center?

9 MEMBER CORWIN: That's Center and Main
10 Street.

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

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

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

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

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

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

22 CHAIRMAN SALADINO: We're not talking
23 about --

24 MS. MOORE: I'm sorry.

25 CHAIRMAN SALADINO: We're not talking about

1 the code.

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

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

7 MS. MOORE: Yeah.

8 MEMBER NEFF: Okay.

9 MS. MOORE: Okay?

10 MEMBER NEFF: It was a gas station.

11 MS. MOORE: Yes.

12 CHAIRMAN SALADINO: Yes.

13 MEMBER NEFF: Yes.

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

15 CHAIRMAN SALADINO: Business.

16 MS. MOORE: It was converted to a
17 restaurant.

18 MEMBER NEFF: Yes.

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

24 MR. OLINKIEWICZ: There's two.

25 CHAIRMAN SALADINO: All I'm saying is

1 that -- and David might have a better
2 recollection. There was never -- you know what,
3 that's there, and we're talking about here. I
4 don't want to open up that can of worms, so it's
5 not --

6 MR. OLINKIEWICZ: So, really, the apartment
7 upstairs stemmed from the decision on whether the
8 Board feels that the property was improved before
9 1991, and that they are exempt from parking.
10 Because if the Board accepts --

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

13 MR. OLINKIEWICZ: Yeah, but if the --

14 CHAIRMAN SALADINO: One about parking --

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

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

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

21 MR. OLINKIEWICZ: Right. If the Board --

22 MS. MOORE: Right.

23 MR. OLINKIEWICZ: Right. If the Board
24 accepts that these are improved -- it was improved
25 land prior to 1991, then that settles the issue of

1 the use variance for the apartments upstairs,
2 right? So to discuss the use variance on the
3 apartments, we shouldn't even really discuss it
4 until we decide whether the parking is -- if it's
5 an improved piece of property.

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

9 MR. OLINKIEWICZ: Right, the Building --

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

12 MR. OLINKIEWICZ: Correct. Well, that --
13 right. The only way --

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

16 MS. MOORE: But it's --

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

22 MR. OLINKIEWICZ: Right.

23 CHAIRMAN SALADINO: -- we want to use to
24 make an improved lot, an improved property. Not
25 an improved building, an improved property, as the

1 code says, but then we have to decide what
2 constitutes a new building. You know, could it be
3 an improved property? But a vacant lot with
4 utilities going to it, in some of our minds, that
5 would be an improved property. But once you add a
6 building to it, that becomes a new building.

7 MS. MOORE: I don't --

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

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

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

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

15 CHAIRMAN SALADINO: I think you do.

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

21 MR. OLINKIEWICZ: Six hundred.

22 MS. MOORE: Six hundred.

23 MR. OLINKIEWICZ: Six hundred and forty
24 square feet.

25 MS. MOORE: Footprint. Footprint, plus a

1 second floor. So we haven't given you the actual
2 total square footage of what's there, but a
3 footprint that's actually on the one parcel and --

4 MEMBER NEFF: But which parcel are you
5 talking about?

6 MS. MOORE: The small one.

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

9 MR. OLINKIEWICZ: That is the west --

10 MS. MOORE: Yes, thank you.

11 MEMBER NEFF: It becomes confusing.

12 MS. MOORE: Yes, the small one.

13 MR. OLINKIEWICZ: That's the western one,
14 112.

15 MEMBER NEFF: I understand now.

16 MS. MOORE: Yes, thank you.

17 MEMBER NEFF: But don't leave that out.

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

20 MEMBER NEFF: Okay.

21 MS. MOORE: So we have actual square footage
22 of first story and second story on the smaller
23 parcel, and we have significant amount of the
24 building on the larger parcel, including the
25 parking. So I don't think we have any dispute

1 that the -- I think -- I think your issue is not
2 so much the larger parcel, because a significant
3 part of that building, it's got to be improved and
4 there's -- I mean, it's got all its indicia of the
5 building. You put a line there, it could operate
6 just the way it is, there's no issue.

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

14 MR. OLINKIEWICZ: And the one --

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

25 When the code is clear, the interpretation

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

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

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

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

19 MS. MOORE: Absolutely.

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

22 MS. MOORE: But they shouldn't be using a
23 different definition that's not in the code.
24 That's where I dispute the -- and why we've come
25 to you for an interpretation and essentially an

1 appeal of that interpretation, because it's like,
2 well, you know, sometimes I -- you and I can
3 disagree, but I try to, you know, understand
4 the -- you know, well, all right, I can understand
5 it. But, in this case, when we go back to the
6 code language, that, again, is pretty
7 straightforward, it's improved. So, if, again,
8 you're concerned about legislating, you'd be
9 legislating based on the way the Building
10 Inspector's interpreting it, rather than what the
11 code is saying. So using your --

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

15 (Laughter)

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

25 CHAIRMAN SALADINO: And could we --

1 MS. MOORE: No, that's not accurate.

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

6 MR. CONNOLLY: I mean --

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

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

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

13 CHAIRMAN SALADINO: You just let him off the
14 hook.

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

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

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

24 MS. MOORE: Okay.

25 MEMBER NEFF: Please, I am very interested

1 in your point of view

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

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

10 MEMBER TASKER: Can I -- can I interject?

11 CHAIRMAN SALADINO: Sure.

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

20 Let me see. Let me ask this question of
21 you. We're going to spend a lot of time debating
22 the meaning of "improved", and we're going to
23 spend a lot of time debating whether or not
24 150-18, it relates to multi-family homes, is going
25 to apply to this or not, because it's in the --

1 because it's a residential over commercial,
2 instead of a freestanding residential, and, you
3 know, we could spend a lot of time on that.

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

9 MR. OLINKIEWICZ: You're right.

10 MS. MOORE: Yeah.

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

13 MS. MOORE: 110.

14 MEMBER NEFF: It's 110, right.

15 MR. OLINKIEWICZ: Right.

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

23 MS. MOORE: Grant an easement?

24 MEMBER TASKER: An easement of sorts for the
25 building that has no parking to be continued to

1 permit --

2 MEMBER NEFF: 112, right.

3 MEMBER TASKER: To be continued to permit --
4 be permitted to use the existing parking as well.
5 So you got three --

6 MS. MOORE: I understand.

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

9 MR. OLINKIEWICZ: So --

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

15 MEMBER TASKER: Well --

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

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

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

22 MR. OLINKIEWICZ: It doesn't matter.

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

25 MR. OLINKIEWICZ: Right.

1 MS. MOORE: I would dispute your
2 multi-family definition in this scenario --

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

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

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

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

21 MEMBER NEFF: Twelve.

22 MR. OLINKIEWICZ: Right? So I had not put
23 into the -- into my thought process on giving
24 unlimited usage of the parking lot for -- for 110
25 to 112. It was solely just going to be for

1 handicapped, and that would have been put in the
2 deeds to each one in case these ever get sold off
3 separately. That was -- because the handicapped
4 to me is the most important.

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

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

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

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

25 MR. OLINKIEWICZ: The number is -- the

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

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

10 MR. OLINKIEWICZ: It becomes moot. If you
11 say that it's improved land, that becomes moot,
12 but I would want to put a handicapped spot in at
13 112 to use for 110.

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

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

18 CHAIRMAN SALADINO: Is anything but a
19 parking lot.

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

24 MEMBER TASKER: But that's exactly my point
25 on that.

1 MR. OLINKIEWICZ: Right, right, I understand
2 that. So -- but we still are stuck on, first,
3 improved property. So once we --

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

6 MR. OLINKIEWICZ: Right.

7 CHAIRMAN SALADINO: Jim, we're moving.

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

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

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

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

22 MS. MOORE: Right.

23 MR. OLINKIEWICZ: Correct.

24 MS. MOORE: That's pretty much it.

25 MR. OLINKIEWICZ: Right, everything goes

1 away.

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

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

10 MEMBER NEFF: True.

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

15 CHAIRMAN SALADINO: Well, the other answer
16 to --

17 MEMBER TASKER: That's what I said.

18 MR. OLINKIEWICZ: Right, right.

19 (Laughter)

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

23 MR. OLINKIEWICZ: You can do that as well.

24 CHAIRMAN SALADINO: Well, isn't that why we
25 get the big money, to decide --

1 MEMBER NEFF: That's why we get the big --
2 no.

3 CHAIRMAN SALADINO: That's why we get --

4 MEMBER GORDON: We certainly don't have much
5 public comment there.

6 MS. MOORE: You have us.

7 MEMBER GORDON: Valiant --

8 MR. OLINKIEWICZ: In the back.

9 MEMBER GORDON: Yes, valiant Chatty in the
10 back.

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

14 MR. OLINKIEWICZ: Facebook and on their
15 other --

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

21 MS. ALLEN: They would have been directed
22 here.

23 MEMBER GORDON: Yes.

24 CHAIRMAN SALADINO: They would have been
25 sent here. So I don't have a problem with closing

1 this and -- but, again, I'm only one vote. What
2 is the -- what do my colleagues --

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

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

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

13 MR. OLINKIEWICZ: Correct, correct.

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

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

21 MR. OLINKIEWICZ: Correct.

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

23 CHAIRMAN SALADINO: Make it --

24 MS. MOORE: Good point.

25 MEMBER TASKER: No. We can -- we can issue

1 variances with conditions.

2 MR. OLINKIEWICZ: Sure.

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

5 MEMBER TASKER: Yeah.

6 MS. MOORE: Yeah.

7 MEMBER TASKER: Yeah.

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

11 (Laughter)

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

14 MEMBER GORDON: So moved.

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

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

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

25 MEMBER CORWIN: The question is, are these

1 new buildings or are they improved buildings, or,
2 rather, what's an improved? And the way I always
3 understood that part of the code that Mayor Kapell
4 put in place was there are a lot of vacant
5 buildings in the Village, and every time -- and I
6 was on the Planning Board, and every time somebody
7 would come in and they wanted to change maybe a
8 building, one thing to another, and the parking
9 question came up, and Mr. Kapell said, "Well,
10 let's kind of get rid of the parking question."
11 And the way I always understood it was that you
12 had an existing building, maybe it was a gift
13 shop, and you want to turn it into a restaurant,
14 well, now you needed 20 parking spaces. So how
15 are you going to do that? Because you didn't have
16 the room. And the payment in lieu of parking
17 thing was my idea, and the Village Board passed
18 it, and at the time it was probably what a parking
19 space was worth, it is not today, but just as a
20 little background.

21 But my understanding was it was here's the
22 existing building, you don't need parking, if you
23 want to change its use from a gift shop to
24 restaurant, or if you want a bar, or whatever, to
25 try to fill up vacant buildings, right?

1 So I -- and I don't have a lot of problems
2 with these, this whole idea. I don't see it as a
3 detriment to the community. Office space down
4 there, fine. The parking, it's a never ending
5 struggle. But my understanding was always it was
6 to accommodate -- if Mr. Olinkiewicz wanted to put
7 a restaurant in there, he'd need 30 parking
8 places. Well, never mind, he can put a restaurant
9 in. That was always my understanding. And I
10 think that's a question we'll have to hear. I
11 don't know.

12 My solution to the problem would be to merge
13 the two lots. I don't see it, it just doesn't
14 make any sense the way it is. And we see every
15 time we'd have a meeting, something that happened
16 10, 20 years ago, that the Village didn't do
17 something quite right. And they got something
18 over on Third Street going now that didn't get
19 done right. That's just the way it is. And I
20 don't think it's unique to the Village of
21 Greenport, but it is.

22 So I'm saying I'd like to see the two lots
23 merged. If the Village of Greenport has to -- or
24 the Zoning Board, or whoever, has to find a way to
25 accommodate that, then I'd say great. And I'd say

1 if they come up with a crazy fee, waive the fees,
2 just let the gentleman do it, because I know the
3 fee for a subdivision is like \$2500 or something.
4 That's a lot of money, I think.

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

9 MEMBER NEFF: Be what?

10 CHAIRMAN SALADINO: Sprinkled.

11 MEMBER CORWIN: Sprinkled.

12 MEMBER NEFF: Sprinkled.

13 MR. OLINKIEWICZ: They will be. Yes, they
14 have to be by New York State Code.

15 MEMBER CORWIN: They have to be because of
16 people --

17 MR. OLINKIEWICZ: New York State Code.

18 MS. MOORE: Right.

19 MEMBER TASKER: Entire building, residential
20 and commercial portion?

21 MR. OLINKIEWICZ: Yeah. Yeah, that's a
22 building -- actually, yes.

23 MS. MOORE: The apartments do have to be
24 sprinkled?

25 MR. OLINKIEWICZ: Yeah, the whole thing has

1 to be sprinkled.

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

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

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

10 MS. MOORE: I apologize.

11 CHAIRMAN SALADINO: We knew it was you.

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

14 (Laughter)

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

18 MS. MOORE: Oh, okay.

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

21 MS. MOORE: One-sided.

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

25 MS. MOORE: I apologize.

1 MEMBER CORWIN: -- I'm corrected on that
2 one.

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

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

14 MS. MOORE: Yes.

15 MR. OLINKIEWICZ: Pretty much, I mean.

16 MEMBER NEFF: Right, who has to live
17 somewhere.

18 MS. MOORE: Yes.

19 MR. OLINKIEWICZ: Right.

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

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

24 MEMBER CORWIN: One apartment upstairs. And
25 I guess that's all I have to say, other than to

1 emphasize my solution. And I got no problem with
2 what you want to do downstairs. You can certainly
3 make an argument for upstairs.

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

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

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

1 So --

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

5 MEMBER CORWIN: All right.

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

8 MEMBER NEFF: Right, right.

9 CHAIRMAN SALADINO: Whatever you charge is
10 your business.

11 MR. OLINKIEWICZ: Right.

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

14 MR. OLINKIEWICZ: No, I understand.

15 CHAIRMAN SALADINO: Yes.

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

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

1 a lot -- we had a law that said you couldn't merge
2 lots. Then the Village Law --

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

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

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

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

16 MEMBER GORDON: Yes.

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

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

20 MEMBER NEFF: Let him say it, please.

21 CHAIRMAN SALADINO: He's going to --

22 MR. OLINKIEWICZ: Well, if you actually
23 merge the two lots, then the building that's
24 existing, again, is built prior to 1991, so it's
25 exempt from parking. So you could come in and

1 request a major expansion of that building without
2 any ramifications, and you could request to make
3 it -- and actually take out the whole parking lot
4 and go to a 12-foot driveway.

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

7 MS. MOORE: Exactly.

8 (Laughter)

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

12 CHAIRMAN SALADINO: Okay.

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

15 MEMBER TASKER: That's okay.

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

18 MEMBER NEFF: From --

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

21 MR. OLINKIEWICZ: Come here, come here for
22 10 months to merge it.

23 MS. MOORE: Yeah.

24 MR. OLINKIEWICZ: You'd have to go to
25 Planning and merge it and go through all of that.

1 Then I'd have to go back and I'd have to go to
2 Planning, and then get kicked back to Zoning for
3 expansion.

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

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

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

12 MR. OLINKIEWICZ: Two is better than one.

13 MS. MOORE: Two is better than one.

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

16 MR. OLINKIEWICZ: Two is better than one.

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

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

24 MR. OLINKIEWICZ: It's an interpretation
25 from the Village.

1 MEMBER GORDON: Yes.

2 MS. MOORE: Correct. Interpretation, right.

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

5 MS. MOORE: Correct, correct.

6 MEMBER GORDON: And it seems to me --

7 MR. OLINKIEWICZ: What the Building
8 Inspector decided.

9 MS. MOORE: Yes.

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

12 MEMBER GORDON: Okay. I'm sorry.

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

15 MEMBER GORDON: Village Administrator's
16 Office.

17 MEMBER TASKER: He represents the Village.

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

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

23 MEMBER TASKER: No one said it.

24 MEMBER GORDON: I was thinking of the
25 Building Department and the Village

1 Administrator's Office. And it just seems to me
2 that that's -- we need to get back to that,
3 because that's our task.

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

11 MEMBER GORDON: I think we should vote on
12 that.

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

15 MEMBER NEFF: Okay.

16 CHAIRMAN SALADINO: And we'll vote on it.

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

19 CHAIRMAN SALADINO: We can -- we can --

20 MEMBER TASKER: If you think about it.

21 MEMBER NEFF: Why not?

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

24 MEMBER TASKER: I don't think so.

25 MS. MOORE: Please don't keep thinking.

1 (Laughter)

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

4 MEMBER TASKER: Not to burden anyone too
5 badly.

6 MS. MOORE: Oh, gosh.

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

10 MEMBER NEFF: Second.

11 CHAIRMAN SALADINO: All in favor?

12 MEMBER CORWIN: Aye.

13 MEMBER GORDON: Aye.

14 MEMBER NEFF: Aye.

15 MEMBER TASKER: Aye.

16 CHAIRMAN SALADINO: Aye.

17 Now, the question is are we going to have a
18 discussion? Actually there's a -- there's an
19 agenda number. If -- we'll do it Jimmy's way.
20 110 and 112, is --

21 MEMBER TASKER: Ten and 11.

22 CHAIRMAN SALADINO: A discussion and
23 possible motion on the interpretations resulting
24 from the public hearing regarding the property
25 located at 112 and 110 South Street, Greenport,

1 New York, 11944. And the Suffolk -- to make it
2 official, the Suffolk County Tax Map No. is
3 1001-4.-6-32.

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

10 MEMBER NEFF: Mr. Chairman.

11 CHAIRMAN SALADINO: Yes.

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

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

17 MEMBER NEFF: Yes, yes.

18 (Laughter)

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

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

24 (Laughter)

25 MEMBER TASKER: I disagree with Mark

1 Zuckerberg's approach of moving fast and breaking
2 things, because I think one is a concept, one
3 is --

4 CHAIRMAN SALADINO: Well --

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

10 MR. OLINKIEWICZ: Correct.

11 CHAIRMAN SALADINO: We get it.

12 MEMBER TASKER: But you wanted that now.

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

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

18 MEMBER TASKER: Okay.

19 MS. MOORE: Right.

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

22 MR. OLINKIEWICZ: We would come back to you.

23 MS. MOORE: Right.

24 CHAIRMAN SALADINO: He'll re -- he'll apply
25 and --

1 MS. MOORE: Well, we already applied. The
2 application is there. You have to --

3 CHAIRMAN SALADINO: Ms. Moore, whatever.

4 MS. MOORE: Here.

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

7 MR. OLINKIEWICZ: Right.

8 MS. MOORE: Right.

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

12 MR. OLINKIEWICZ: We'll move on.

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

16 MR. OLINKIEWICZ: We did.

17 MS. MOORE: You did.

18 CHAIRMAN SALADINO: Okay. So --

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

25 MS. MOORE: No. There were previous --

1 MEMBER TASKER: Have they been separated?

2 CHAIRMAN SALADINO: Well, maybe we don't
3 have the second application there.

4 MS. MOORE: You don't have the second one.
5 Didn't you have like -- you had multiple
6 application forms from him.

7 MR. OLINKIEWICZ: Yeah.

8 MS. MOORE: Yeah.

9 MEMBER TASKER: Well, that could be.

10 MS. MOORE: Yeah.

11 MEMBER TASKER: And maybe I'm not --

12 MS. MOORE: You may not have the one that
13 was the variance, because you wanted the
14 interpretation first.

15 MR. OLINKIEWICZ: Correct, they wanted --

16 CHAIRMAN SALADINO: Arthur. Arthur,
17 regardless, regardless if we have the application
18 in front of us or not, he can't go forward until
19 he gets a building permit from the Building
20 Department, and he can't get a building permit
21 from the Building Department until the variance is
22 satisfied.

23 MR. OLINKIEWICZ: Correct.

24 CHAIRMAN SALADINO: So if we have it front
25 of us today, that's fine. If we don't, that's

1 kind of okay, too, you know, unless I'm getting --
2 sorry.

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

6 MEMBER GORDON: On the interpretation.

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

9 CHAIRMAN SALADINO: All right.

10 MEMBER GORDON: The interpretation.

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

13 (Laughter)

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

16 MEMBER NEFF: About the interpretation.

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

21 MEMBER TASKER: All five of them.

22 CHAIRMAN SALADINO: I'm sorry?

23 MEMBER TASKER: All five that are requested.

24 MR. OLINKIEWICZ: Yes, all five, all the
25 interpretations.

1 MEMBER TASKER: We're ready to go on all
2 five?

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

5 MEMBER TASKER: I understand.

6 MS. MOORE: Okay.

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

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

11 CHAIRMAN SALADINO: I have --

12 MS. MOORE: -- as interpretations.

13 CHAIRMAN SALADINO: I know.

14 MS. MOORE: Okay.

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

18 MEMBER NEFF: This is for a new building.

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

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

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

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

1 building.

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

4 MEMBER NEFF: I know that. I know that.

5 CHAIRMAN SALADINO: He's glad to hear it.

6 MS. MOORE: You're caging yourself in?

7 (Laughter)

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

12 MEMBER CORWIN: Notice of Disapproval?

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

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

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

21 MR. OLINKIEWICZ: Correct.

22 MEMBER TASKER: -- noted for interpretation.
23 So that -- so the operative document is yours,
24 dated February 19. Okay. And that -- that asked
25 for a variance, an interpretation and a variance.

1 MR. OLINKIEWICZ: Right. And we're only --

2 MS. MOORE: It did.

3 MR. OLINKIEWICZ: And we're only doing the
4 interpretation tonight, then the variance at the
5 next step.

6 MS. MOORE: According to last month's --

7 MR. OLINKIEWICZ: Right.

8 MS. MOORE: -- suggestion.

9 MEMBER TASKER: Okay.

10 CHAIRMAN SALADINO: Let me ask the Attorney,
11 do you see a problem with us doing it? Arthur has
12 concerns. Some of us don't, because our
13 intentions are part of the public record. Do you
14 see a problem?

15 MR. CONNOLLY: No. No, because at the last
16 meeting, that's what you decided to do, is go
17 forward with the interpretations, and then once
18 the interpretation for --

19 CHAIRMAN SALADINO: Do you see something
20 that by us doing this is out there going to bite
21 us if we do this?

22 MEMBER TASKER: Yeah, because we're going to
23 make interpretations that we're going to be bound
24 by in the future, and we should get them correct.
25 How are we going to -- just pick one at random,

1 one of the four that are in question here, and
2 what are we going to interpret? What's our
3 response going to be if we interpret 150-12(C) as
4 follows? We got to decide what "as follows" is
5 going to be, in the same way that we did when we
6 looked at 150-18 in July.

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

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

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

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

1 have more than one?

2 CHAIRMAN SALADINO: We have one for each
3 property.

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

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

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

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

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

24 MEMBER NEFF: -- as a new building.

25 MR. CONNOLLY: Then you would -- then I

1 think you would interpret it as --

2 MEMBER NEFF: That it is improved property.

3 MR. CONNOLLY: It is improved.

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

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

13 MEMBER TASKER: Maybe you can get me to
14 agree.

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

17 MEMBER TASKER: Define --

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

20 MEMBER TASKER: Define --

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

23 MEMBER TASKER: Define five resolutions, the
24 text of five resolutions in response to his
25 request for interpretation and I'm ready to go.

1 MEMBER NEFF: I think we start all over.

2 MR. OLINKIEWICZ: Can I ask a question?

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

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

13 MEMBER TASKER: Probably.

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

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

1 MR. CONNOLLY: Yeah, I think so.

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

8 CHAIRMAN SALADINO: What do you think,
9 Dinni?

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

11 CHAIRMAN SALADINO: Ellen, what do you
12 think?

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

14 MS. MOORE: Okay.

15 CHAIRMAN SALADINO: Arthur?

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

18 (Laughter)

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

21 MEMBER TASKER: Yes.

22 MS. MOORE: That's the problem.

23 CHAIRMAN SALADINO: Well, the last thing I
24 heard you say was that you wanted the five
25 resolutions drafted and --

1 MEMBER TASKER: Or the functional equivalent
2 thereof. But so that we're addressing each of the
3 questions in a way that we don't hamstring
4 ourselves, that we are in synch with what we're
5 permitting, broadly speaking, the applicant to go
6 ahead with, and we don't create a --

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

9 CHAIRMAN SALADINO: Well, wait a second.

10 MS. MOORE: Well, wait.

11 CHAIRMAN SALADINO: Wait a second.

12 MS. MOORE: Wait, wait.

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

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

18 (Laughter)

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

22 MEMBER TASKER: No, John. Excuse me. I was
23 agreeing with the suggestion to let the Board's
24 Attorney propose responses to the four requests
25 for interpretation, ready for next month's

1 meeting, at which time we can probably also
2 consider the variance applications in the same
3 meeting. And all this time --

4 CHAIRMAN SALADINO: Oh, I thought it was --

5 MEMBER TASKER: And all this time we get to
6 do it right.

7 CHAIRMAN SALADINO: I thought it was let our
8 intentions be known about the four interpretations,
9 and then we --

10 MS. MOORE: You should give him a clue as to
11 what he's going to write.

12 MEMBER TASKER: We can have a resolution
13 that's the sense of the Board that the following
14 things are appropriate.

15 MEMBER GORDON: The sense of the Board.

16 MEMBER NEFF: Yes.

17 CHAIRMAN SALADINO: Well, I thought that's
18 what I was saying. I thought we let our
19 intentions be known, we convey that to the
20 Attorney, he drafts the four responses and --

21 MS. MOORE: Correct.

22 MR. OLINKIEWICZ: Then it gets voted
23 through.

24 MS. MOORE: Yes.

25 CHAIRMAN SALADINO: And then we voted at the

1 next meeting.

2 MS. MOORE: Exactly.

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

5 MS. MOORE: Right.

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

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

10 (Laughter)

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

13 MEMBER NEFF: Yes.

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

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

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

21 MS. MOORE: Yes.

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

25 MS. MOORE: That's exactly what I was just

1 looking for, because that's what I crafted to --
2 for Prokop, which was identifying this particular
3 application, so it would -- with that
4 interpretation, then the rest of it falls into,
5 into mind.

6 MEMBER GORDON: Which page?

7 MS. MOORE: Page 2 of the --

8 ADMINISTRATOR PALLAS: Of the notice.

9 MS. MOORE: Of the notice.

10 MR. PALLAS: The public hearing notice.

11 CHAIRMAN SALADINO: The public notice.

12 MS. MOORE: No, it's not the February --
13 it's not February 8th, I think it was later,
14 that's why. Is it February 8th?

15 MEMBER NEFF: Yeah, I don't know what we're
16 talking about.

17 MS. MOORE: I couldn't find it.

18 MS. LINGG: The legal notice.

19 MEMBER TASKER: You're talking about the
20 three notices that were attached to the agenda,
21 correct?

22 MS. LINGG: Yes, the second page. Looks
23 like this.

24 CHAIRMAN SALADINO: This is the legal
25 notice. We got the two questions that were

1 resolved.

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

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

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

14 MS. MOORE: That was our condition.

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

17 MS. MOORE: Right.

18 CHAIRMAN SALADINO: Not a condition of the
19 interpretation.

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

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

23 MS. MOORE: Right.

24 MEMBER TASKER: All right.

25 CHAIRMAN SALADINO: We're going to have to

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

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

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

11 (Laughter)

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

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

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

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

1 question in the affirmative, we upset that
2 interpretation.

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

5 CHAIRMAN SALADINO: Sure.

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

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

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

23 CHAIRMAN SALADINO: That's what engineers
24 do. I'm at the point where I'm going to make a
25 motion that we defer this decision until next

1 month. I'm not sure. If we vote no, then we'll
2 take the question up tonight. If we vote yes,
3 we'll do it next month.

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

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

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

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

24 MR. OLINKIEWICZ: Right, right.

25 MS. MOORE: Right.

1 CHAIRMAN SALADINO: You know, rather than
2 proposed addition to the existing building
3 schedule --

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

8 MR. OLINKIEWICZ: -- two apartments

9 MS. MOORE: -- add apartments.

10 CHAIRMAN SALADINO: I'm understanding --

11 MS. MOORE: Yeah.

12 MR. OLINKIEWICZ: Two.

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

15 MS. MOORE: Right.

16 MEMBER NEFF: Right.

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

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

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

23 MEMBER GORDON: I'm not hearing a second.
24 Is there a second?

25 CHAIRMAN SALADINO: I didn't hear one.

1 (Laughter)

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

6 MS. MOORE: You're right.

7 MR. OLINKIEWICZ: That's correct.

8 MS. MOORE: Yes.

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

11 MEMBER TASKER: So --

12 CHAIRMAN SALADINO: The public notice?

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

16 MS. MOORE: These two questions, correct.

17 MR. OLINKIEWICZ: Those two questions,
18 correct.

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

21 MR. OLINKIEWICZ: Correct.

22 MS. MOORE: Yes.

23 MR. OLINKIEWICZ: So I have one question.
24 If you don't vote on it tonight, then you vote on
25 it next month, does that then push the can down

1 another two months to look for a variance and keep
2 rolling?

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

5 MR. OLINKIEWICZ: Right. But if they don't
6 vote on it this time, then the Attorney can't draw
7 up the paperwork to be able to put it to a vote.
8 So it's going to --

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

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

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

14 MEMBER TASKER: I'm not interested in adding
15 time to this.

16 MEMBER CORWIN: Nor am I.

17 MEMBER GORDON: Did you second?

18 CHAIRMAN SALADINO: Could have fooled me.

19 MEMBER TASKER: I mean, months.

20 CHAIRMAN SALADINO: Arthur, the process is
21 what the process is. If we defer the discussion
22 until next month, we convey our opinion to the
23 Attorney, the Attorney drafts the resolutions.
24 He's not going to do it that night at the table
25 while we're doing this, we've got to give him a

1 couple of hours to do it, and they won't be ready
2 until the following month. So, I mean, the
3 process is the process.

4 MEMBER GORDON: Did you second the motion?

5 CHAIRMAN SALADINO: He did.

6 MEMBER NEFF: He did.

7 MEMBER CORWIN: I just -- I'll tell you how
8 I would think about these two things right now.
9 Whether installation of a dividing wall along the
10 property line and proposed addition to the
11 existing building structure built prior to 1991 is
12 exempt from parking regulations, and I don't see
13 why it wouldn't, because everything else in the
14 Village seems to be.

15 And the second one is whether the
16 proposed -- whether the proposed addition to an
17 existing building structure built prior to 2002
18 allows additional accessory apartments on the
19 second floor. But I don't think they're
20 necessarily properly coupled together, but I would
21 answer no to that one.

22 MEMBER TASKER: If the question were built
23 prior to 2002 allows a second accessory apartment
24 on the second floor, then you can get a -- you can
25 probably get an affirmative answer from the Board,

1 because it's consistent with what --

2 MEMBER NEFF: Yes.

3 MEMBER TASKER: -- you're willing to
4 agree to.

5 MEMBER NEFF: Yes.

6 MR. OLINKIEWICZ: But we have two different
7 properties, so each are going to have two
8 apartments, as I've already agreed to.

9 MEMBER TASKER: Yeah, I think that's what
10 we're saying. That's what I'm saying.

11 MR. OLINKIEWICZ: Right.

12 MEMBER TASKER: Change -- to change that not
13 to additional accessory apartments, to up to two,
14 a second, somewhere.

15 MS. MOORE: Oh, up to two.

16 MR. OLINKIEWICZ: Up to two on each.

17 MS. MOORE: All right.

18 MR. OLINKIEWICZ: On each piece of property.

19 MEMBER TASKER: Yes. Yes, on each.

20 MR. OLINKIEWICZ: Oh, that's fine.

21 That's --

22 MS. MOORE: But that can be your
23 interpretation. You can choose to use that
24 language or modify it however you want. I mean,
25 that just got us here -- that just got us to the

1 hearing, and then you can choose how you -- you
2 know, again, it's very specific in this case.

3 CHAIRMAN SALADINO: I didn't think that we
4 could change the code. And the code, in my mind,
5 this Board had already made an interpretation
6 about the amount of apartments allowed over
7 commercial space in the Commercial Retail
8 District.

9 MR. OLINKIEWICZ: Correct.

10 CHAIRMAN SALADINO: So I didn't think that
11 by saying yeah, we can, we can -- you're allowed,
12 because this is not a new building, this building
13 was in effect -- was there prior to 2002. It's
14 not like we're giving -- in my mind, it's not like
15 we're giving the contractor free rein to put 11
16 apartments up there, or seven apartments. We
17 could be --

18 MS. MOORE: We didn't know about your
19 interpretation, that's why that was put in there.

20 MR. OLINKIEWICZ: That's why --

21 MS. MOORE: If we had known --

22 CHAIRMAN SALADINO: It would be constrained
23 by the code.

24 MR. OLINKIEWICZ: Right, right.

25 MS. MOORE: Right.

1 MR. OLINKIEWICZ: If I had known that the
2 other interp -- the other decision, I would have
3 just drawn it as two apartments --

4 MS. MOORE: Right.

5 MR. OLINKIEWICZ: -- instead of three. I
6 mean, that's just --

7 CHAIRMAN SALADINO: Does that -- does
8 that --

9 MEMBER CORWIN: But, see, my problem with
10 the whole thing is the wall. The two separate
11 pieces of property is to maximize the value of the
12 property to get four apartments in there. And
13 maybe, I don't know, but maybe the applicant said,
14 "What the heck, I'll ask for five, I'll tell them
15 four."

16 CHAIRMAN SALADINO: We can only go -- we can
17 only go by what's in front of us, David.

18 MEMBER CORWIN: Yes, I know.

19 MS. MOORE: Or we should ask for six, how's
20 that?

21 MEMBER CORWIN: Well, you know, the last
22 person that asked for five got nothing, so.

23 MEMBER NEFF: Yes.

24 CHAIRMAN SALADINO: There's a motion, it's
25 been seconded. We got to -- we got to fish or cut

1 bait here. We got to either defer this until next
2 month, or we got to take an extra few minutes and
3 vote on this tonight. So there's -- obviously,
4 you still have some questions. Arthur might still
5 have some questions, I'm not sure. Why don't we
6 just vote and see where we stand.

7 The motion was do we defer this until next
8 month. It's been seconded. David.

9 MEMBER CORWIN: Yes.

10 CHAIRMAN SALADINO: Diana.

11 MEMBER GORDON: No.

12 CHAIRMAN SALADINO: Ellen.

13 MEMBER NEFF: No.

14 CHAIRMAN SALADINO: Arthur.

15 MEMBER TASKER: No.

16 CHAIRMAN SALADINO: And I vote no. Let's
17 do it.

18 MEMBER TASKER: Well, all right. Can I
19 propose this resolution, Mr. Chairman? It is the
20 resolution as follows, and I'll ask the
21 stenographer to give it back to us, I mean, a copy
22 separately so the attorney can follow it.

23 It is the sense of the Zoning Board of
24 Appeals that installation of a dividing wall in
25 between the properties in question -- and we'll

1 add the --

2 MS. MOORE: Address.

3 MEMBER TASKER: Zoning map number. Between
4 the properties in question along the property line
5 and the proposed addition to the existing building
6 structures built prior to 1991 is exempt from
7 parking requirements. Further, it is the sense of
8 the Board --

9 MEMBER CORWIN: Excuse me, but if you read,
10 you said parking requirements, and on the paper it
11 said parking regulations.

12 MEMBER NEFF: Regulations.

13 MEMBER TASKER: Parking regulations,
14 excuse me.

15 MEMBER NEFF: Okay.

16 MEMBER TASKER: Let's make that correction.
17 Second, it is the sense of the Board -- it is the
18 sense of the Zoning Board of Appeals that the
19 installation of the dividing wall along the
20 property line between the two properties involved
21 in these applications, which numbers we'll put in,
22 and the proposed addition to the existing
23 buildings and structures that were built prior to
24 1991 are exempt from the parking regulations.

25 It is further the sense of the Zoning Board

1 of Appeals that the proposed addition to the
2 existing buildings built prior to 2002 permit up
3 to two accessory apartments on their second
4 floors, plural. That's the motion that's
5 before -- that's the resolution that's before the
6 Board. Is there a second?

7 MEMBER GORDON: Second.

8 MEMBER TASKER: Back to you, Mr. Chairman.
9 You got a motion on the floor

10 CHAIRMAN SALADINO: I know, I know. I just
11 want to -- I just want to -- all right. David.

12 MEMBER CORWIN: No.

13 CHAIRMAN SALADINO: Dinni.

14 MEMBER GORDON: Yes.

15 CHAIRMAN SALADINO: Ellen.

16 MEMBER NEFF: Yes.

17 CHAIRMAN SALADINO: Arthur.

18 MEMBER TASKER: Yes.

19 CHAIRMAN SALADINO: And I'll vote yes.

20 MEMBER GORDON: We got something done.

21 (Laughter)

22 MR. OLINKIEWICZ: We don't have to read the
23 five questions, right?

24 MS. MOORE: No.

25 MR. OLINKIEWICZ: That's for the variance

1 that we apply for?

2 MEMBER GORDON: No, no.

3 MS. MOORE: And the variance comes -- we
4 come back for the variance.

5 MEMBER TASKER: We still have one for the
6 variance.

7 MR. OLINKIEWICZ: Right. We've got to do
8 the variance and all the other stuff. Okay.

9 MEMBER GORDON: Arthur.

10 MR. OLINKIEWICZ: Thank you, everybody for
11 sticking with us.

12 MEMBER GORDON: We still need to -- do we
13 still need to get -- I'm a little confused. Do we
14 still need to get the Lawyer's recitation of
15 the --

16 MEMBER TASKER: He's going to draft --

17 MR. CONNOLLY: I'll draft the resolution.

18 MS. MOORE: Yeah, yeah.

19 MEMBER TASKER: He'll draft the
20 resolution --

21 MEMBER GORDON: Okay.

22 MEMBER TASKER: -- according to our sense.

23 MEMBER GORDON: Fine.

24 MR. PALLAS: Question.

25 CHAIRMAN SALADINO: Mr. Pallas.

1 MR. PALLAS: Doesn't staff need to now write
2 a new Notice of Disapproval because of the
3 interpretation, because --

4 MS. MOORE: Oh, that's a good point. That
5 will clean it up.

6 MR. PALLAS: That's what was discussed, if I
7 remember from the last meeting, that if, depending
8 on the interpretation, if it went this way, that I
9 would need to draft a new Notice of Disapproval.

10 MR. OLINKIEWICZ: Notice of Disapproval for
11 lot coverage for --

12 MR. PALLAS: Well, lot coverage. But in
13 order for me to do that, you have to revise your
14 plans in accordance with the two that you
15 committed to, which you said you would.

16 MR. OLINKIEWICZ: Well, actually, I only
17 have to -- I don't have to change that plan for
18 the Notice of Disapproval, because the Notice of
19 Disapproval was only on the lot on the left.
20 Everything else on the other lot meets approval.

21 CHAIRMAN SALADINO: But we're going to --

22 MR. OLINKIEWICZ: Then we're going to put --
23 we're going to cover this.

24 CHAIRMAN SALADINO: You're going to have to
25 work it out with Mr. Pallas.

1 MS. MOORE: Okay.

2 MR. OLINKIEWICZ: But just the Letter of
3 Disapproval --

4 CHAIRMAN SALADINO: Because we're going to
5 need a new application.

6 MS. MOORE: But we have --

7 MR. OLINKIEWICZ: Right. The Letter of
8 Disapproval just deals with 110 South Street.

9 CHAIRMAN SALADINO: We don't have it.

10 MS. MOORE: No, but we have already applied.

11 MR. OLINKIEWICZ: I'll just amend it, it's
12 easy. I could just amend it.

13 MS. MOORE: All right, fine, you can --

14 MR. OLINKIEWICZ: It's just changing -- it's
15 just changing two lines, I got it.

16 CHAIRMAN SALADINO: We don't -- we don't
17 have the application, so we're going to get a new
18 Notice of Disapproval.

19 MR. OLINKIEWICZ: Correct.

20 CHAIRMAN SALADINO: And we're going to get
21 a re --

22 MR. OLINKIEWICZ: Right.

23 CHAIRMAN SALADINO: Is it revised or a new
24 application? New application.

25 MR. OLINKIEWICZ: Then the conditional

1 variance will have the apartments and all the
2 other stuff.

3 CHAIRMAN SALADINO: If you apply -- if we
4 accept it.

5 MR. PALLAS: Correct.

6 (Laughter)

7 MR. OLINKIEWICZ: Thank you.

8 MS. MOORE: Look.

9 MEMBER TASKER: That may be asking too much.

10 MS. MOORE: Wait, wait, wait. Wait a
11 second. Because we had the application, we're
12 just amending the original one, so we don't have
13 to go back and have you accept it, and it gets
14 pushed for another month. I mean, I think we
15 should just get it on for next month so we can
16 finish.

17 CHAIRMAN SALADINO: Oh, I don't think so.

18 MS. LINGG: But I would still need to notice
19 the hearing.

20 MR. OLINKIEWICZ: There's a Notice of
21 Hearing for the variance. We have to do a public
22 hearing for a variance.

23 MS. MOORE: No, that's okay.

24 MS. LINGG: That would have to go back in
25 for next month, then.

1 MS. MOORE: Yeah, yeah, yeah. No, we --

2 MS. LINGG: That wouldn't be possible.

3 MS. MOORE: Oh, it's already too late?

4 MS. LINGG: Well, with all of getting new
5 plans and the new Notice of Disapproval approved,
6 there just wouldn't be enough time to get it --

7 MS. MOORE: We'll wait two months?

8 MR. OLINKIEWICZ: Well, no. So they're
9 going to accept the application and schedule a
10 public hearing.

11 MS. MOORE: For next month.

12 MR. OLINKIEWICZ: Correct. They're going to
13 have --

14 MS. MOORE: Okay.

15 MR. OLINKIEWICZ: Because they can't
16 schedule the public hearing today for plans that
17 they don't have.

18 CHAIRMAN SALADINO: That we don't have.

19 MEMBER GORDON: Right.

20 MR. OLINKIEWICZ: And the application hasn't
21 changed, so --

22 MS. MOORE: You don't care two months? Oh.

23 MR. OLINKIEWICZ: No. Look, I got one month
24 saved, so it's okay. I'm ready to buy one, get
25 one free.

1 (Laughter)

2 CHAIRMAN SALADINO: Before you get -- since
3 you're the only audience left, I'm going to
4 have -- I want to make this announcement. Ellen
5 Neff is leaving the Zoning Board. She decided
6 that she's fed up with Arthur, she doesn't want to
7 be on the Board with him anymore.

8 (Laughter)

9 MS. MOORE: Oh, no.

10 MR. OLINKIEWICZ: And when is she leaving?

11 CHAIRMAN SALADINO: She served -- she served
12 12 years on the Board.

13 MS. MOORE: Oh.

14 MEMBER NEFF: Possibly more.

15 CHAIRMAN SALADINO: She's taking -- she's
16 taking her pension.

17 (Laughter)

18 CHAIRMAN SALADINO: And we're sorry that
19 she's going.

20 MEMBER TASKER: To spend more time with her
21 family.

22 CHAIRMAN SALADINO: So I just wanted to make
23 that announcement.

24 MS. MOORE: Could you wait until you get
25 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
7 decision, the Board makes that decision.

8 MR. OLINKIEWICZ: Somebody that I don't have
9 to explain this whole thing to again.

10 MS. MOORE: Yes.

11 MEMBER NEFF: That's right.

12 (Laughter)

13 MS. MOORE: Oh, gosh.

14 MR. OLINKIEWICZ: A couple of months.
15 That's a couple of months.

16 CHAIRMAN SALADINO: Well, I think -- I
17 think --

18 MR. OLINKIEWICZ: Thank you for your
19 service, Ellen, on the Board.

20 CHAIRMAN SALADINO: Ellen did a great job,
21 even with all her papers in front of me all the
22 time. I'm sorry --

23 MEMBER NEFF: Thank you for your
24 acknowledgment, John.

25 CHAIRMAN SALADINO: I'm sorry to see her go.

1 MEMBER NEFF: And I am willing to serve
2 until there is a replacement.

3 MS. MOORE: Okay.

4 MEMBER NEFF: And I won't let the Village --

5 MS. MOORE: Don't let them know that, or
6 they'll never --

7 (Laughter)

8 MR. OLINKIEWICZ: The replacement of four
9 months. You need to cut it --

10 MEMBER NEFF: I'm not going to be
11 reappointed, no. Normally, we would have to do
12 that, yes. Thank you. Thank you.

13 CHAIRMAN SALADINO: Folks, I'm going to make
14 one last motion here. It's a motion to adjourn, I
15 believe.

16 MEMBER NEFF: Second.

17 MEMBER TASKER: Second.

18 CHAIRMAN SALADINO: All in favor?

19 MEMBER CORWIN: Aye.

20 MEMBER GORDON: Aye.

21 MEMBER NEFF: Aye.

22 MEMBER TASKER: Aye.

23 CHAIRMAN SALADINO: And I'll vote aye.

24 (The meeting was adjourned at 9:32 p.m.)

25

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