VILLAGE OF GREENPORT
COUNTY OF SUFFOLK  STATE OF NEW YORK

ZONING BOARD OF APPEALS

REGULAR SESSION

Old Schoolhouse
Greenport, New York

April 16, 2019
6:00 p.m.

BEFORE:
JOHN SALADINO - CHAIRMAN
DAVID CORWIN - MEMBER
DINI GORDON - MEMBER
JACK REARDON - MEMBER
ARTHUR TASKER - MEMBER

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

CHAIRMAN SALADINO: Folks, it's 6 o'clock. I think we're going to start. This is the regular meeting of the Village of Greenport Zoning Board of Appeals.

Item No. 1 is a motion to accept the minutes of the March 19th, 2019 Zoning Board of Appeals meeting. So moved.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER REARDON: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye. Item No. 2 is a motion to approve the minutes of the February 19th, 2019 Zoning Board of Appeals meeting. So moved.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER GORDON: Aye.

MEMBER REARDON: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: I'll vote aye. Any abstentions?
MR. CORWIN: Abstain

CHAIRMAN SALADINO: And one abstention.

Item No. 3 is a motion to schedule the next Zoning Board of Appeals meeting for Tuesday, May 21st, 2019 at 6 p.m. at the Third Street Fire Station, Greenport, New York, 11944. So moved.

MEMBER GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER REARDON: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

I -- before I read this, I apologize to the public. We have a new member, Jack Reardon.

MEMBER REARDON: (Raised hand)

CHAIRMAN SALADINO: So if you're wondering what happened to Ellen and who this guy is.

Item No. 4 is 110 and 112 South Street. A motion to accept the -- actually, we have a few of them, but I'll read this motion.

A motion to accept the findings and determinations to the interpretations rendered on March 19, 2019 for the properties located at...
110 and 112 South Street, Greenport, New York. The Suffolk County Tax Map No. is 1001-4.-6-32 and 1001-4.-6-34.6.

The members, we got the findings a few minutes -- because of an internet problem, we got them a few minutes late. Are the members comfortable on both of those tonight?

MEMBER GORDON: Yeah.

MR. CORWIN: I am not. I didn't get them until 2:30 as an email, which I had just finished working and there was no way I could print them out and look at them.

CHAIRMAN SALADINO: Okay. So I'm going to make a motion that we -- that we accept these findings and determinations, and if the other members are comfortable, we'll vote on them. So moved.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER GORDON: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: I'll vote aye.

MEMBER REARDON: I will abstain from that issue.

CHAIRMAN SALADINO: And David?
MR. CORWIN: Abstain.

CHAIRMAN SALADINO: Okay. So we're going to do that. Kristina, you can have this. And we have two more, if the members are comfortable. If everyone's read them, and the members are comfortable, we'll vote on them also.

This is a motion to accept the findings and determination in the matter of the application of the Miller Family Irrevocable Trust. The Suffolk County Tax Map No. is 1001-6.-6-18-1 (sic). So moved.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER GORDON: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: I'll vote aye.

MEMBER REARDON: Abstain from that one.

MR. CORWIN: Abstain.

CHAIRMAN SALADINO: And that motion carries.

The third finding we have is for the matter of Jim -- what's his name? Getches? Getches? Getches?

MEMBER GORDON: Getches.

CHAIRMAN SALADINO: Getches. In the matter of the application of Jim Getches. The Suffolk County Tax Map No. is 1001-3-5-11. So moved.
MEMBER TASKER: Second.
MEMBER GORDON: Second.
CHAIRMAN SALADINO: All in favor?
MEMBER TASKER: Aye.
MEMBER GORDON: Aye.
CHAIRMAN SALADINO: And I'll vote aye.
MEMBER REARDON: I abstain.
CHAIRMAN SALADINO: And --
MR. CORWIN: Abstain.
CHAIRMAN SALADINO: And two abstentions.

That motion carries. Kristina, thank you.

Item No. 5. Item No. 5 is the --
MR. CORWIN: What about 4?
CHAIRMAN SALADINO: We did that.
MEMBER GORDON: Oh, we did that. Sorry.
CHAIRMAN SALADINO: Item No. 5 is a public hearing for the application of Jack Martilotta for the property located at 511 Fifth Street, Greenport, New York, 11944. The Suffolk County Tax Map No. is 1001-6.-1-7.

And for the members of the public that are interested, I believe the public notice is attached to the agenda.

Before we -- before we open the public hearing, Jack is the applicant who signed the
application, Jack Martilotta. The public notice was published?

MS. LINGG: Yes.

CHAIRMAN SALADINO: And we saw it in front of the building. We have the mailings.

MS. LINGG: The other one.


We're going to open this public hearing.

Kristina, we're going to open this public hearing. Is the applicant here?

MR. MARTILOTTA: Yes, sir.

CHAIRMAN SALADINO: You want to start? Do you have anything to tell us, or --
MR. MARTILOTTA: Sure. Okay. For the house on 511 Fifth Street --

CHAIRMAN SALADINO: Just ident -- Jack.

MR. MARTILOTTA: I'm sorry.

CHAIRMAN SALADINO: Identify yourself for the Stenographer.


We purchased the house 12 years ago?

MRS. MARTILOTTA: (Nodded yes)

MR. MARTILOTTA: Twelve years ago. And in that time, we've -- we originally moved in without a family. We've had kids since then. It was an older house. Near as we could tell, it was built in the early 1800s. About -- I'd say about nine years ago, the foundation collapsed, and as the foundation collapsed, we got a building permit, we rebuilt the foundation. And when we rebuilt the foundation, we made it level and we put in footings, which hadn't been there before. After we made it level and put in footings, the house started to fall apart. It had been sitting on an uneven foundation, I guess, for however long, and it had been about four -- we figured about four buildings, Hon?
MRS. MARTILOTTA: (Nodded yes)

MR. MARTILOTTA: And the four buildings started to separate. In addition, the original front house started to collapse from the middle. And we kept trying to fix that as well as we could, and it got to a point one day we went in the kitchen and the stove was about six inches lower.

We called the engineer and he said there really wasn't much we could do. It wasn't -- it wasn't constructed as one unit. He recommended we tear -- we tear the back off. We attempted to do that, and hoping to save some of the front of the house.

The issue we ran in with the front of the house is, for reasons I don't understand, the walls were filled with bricks, and those bricks had, I assumed, got condensation over the years, and it rotted everything inside, as well as it seemed to have crushed the sill. So took the house down with a permit and rebuilt it.

So what we're looking for now is a variance for the front porch. We'd like a front porch to be on there, we think it would look good with the neighborhood.
And, in addition, we do have a building permit, but it seems there may have been a mistake with the bump-out for the bay window, which has been there when we first moved in. And we would just like to get that taken care of, but we're asking for, for that -- for those two variances. Fair enough?

CHAIRMAN SALADINO: It's your time, Jack.

MR. MARTILOTTA: That's it. Thank you.

CHAIRMAN SALADINO: Okay. We're going to -- we have one letter? We have one letter --

MS. LINGG: Yes.

CHAIRMAN SALADINO: -- from Joyce Croak.

We're going to read the letter, then we're going to open the meeting up to the public.

This is, "Attention: John Saladino, Chairperson, Zoning Board of Appeals, Village of Greenport. From: Joyce Croak, property owner, 506 Wiggins Street, Greenport, New York.

While it was fully my intention to be present" -- is -- Ms. Croak, is she here?

MS. WILMSHURST: No, she's not.

CHAIRMAN SALADINO: No.

MS. WILMSHURST: She says --

CHAIRMAN SALADINO: I thought maybe she
came.

"While it was fully my attention to be present at the hearing, due to take place April 16, 2019, and I had traveled out to Greenport to do so, there has been an unexpected death in my family, which requires me to depart tomorrow. I am requesting my letter be read into the record in my absence.

I reside at 506 Wiggins Street, and my back property line borders fully against the Martilotta property.

October 2018: Notice" -- "no notice of demolition. While this may not be required by law, it seems common courtesy for a neighbor sharing a property line.

October 26, 2018: Demolition had begun on October 22nd while I was in residence. I thought incorrectly that only the extension was being torn down. When I returned on the 26th, it was defined" -- "the whole structure had been taken down and two sections of my fence were down. See attached photo. I went to talk to the crew on Monday morning and they told me it must have blown down in a storm over the weekend. They also
pointed out one of my fence posts had rotted. On this, the section of the fence where the rot was, was standing, the section that was fully down had a perfectly sound post that remains.

While there was a storm that weekend with high winds, there were no problems with my fence during Hurricane Sandy, so it seemed unlikely this lesser storm would have caused the damage. With no proof and wanting to be a good neighbor, and not cause trouble for the landscapers who were doing the excavation, I had the section of fence and second pole replaced at my expense. I did tell Jill Dunbar, my realtor and local resident, of my thinking at the time."

Bullet point: "Footprint. While I understand that the ruling will come and when a new survey is done at the end of this project, and compared to the old survey, I can tell you anecdotally, as someone who" -- "who looked at this project and compared" -- "and compared to the old survey," oh, I'm sorry. "As someone who looked at this house from my back deck for nine years, both the side and back are not at the original footprint."

Another bullet point. "Back: My estimate
is 6 to 10 feet further back. There was a very large tree removed about a year ago growing there. There is one photo attached from my back deck showing the tree and Mr. Martilotta's backyard that previously aligned with the east side of my deck. The back of this house is now aligned with that side of my deck."

Another bullet point. "Side: This is a tougher call, but I would say without the bay window, it is three to five feet closer to my fence line.

Notice of Hearing: I received no notice in Greenport, and as of 4/11/19, believe I also did not receive notice at my New York City address, which is on file with the Village and where I receive my water and electric bills.

Response to nonconforming construction: As it affects my property, with a two-foot-nine-inch setback of the bay window on the south side facing my backyard, I would consider to agree to the variance if a sizable tree, 12 to 15 feet, of my choosing and direction, to be purchased and installed, along with other landscaping changes that would require" -- "be required to accommodate that planting at Mr. Martilotta's upfront expense.
This would allow for some privacy and screening as a way of mitigating the zoning violation."
This is not signed, but we have the address and the name of the person that sent it.
I'm -- before I open, I just want to ask the Building Clerk, do we have a receipt that the mailing was sent?
MS. LINGG: To that address, yes, we do.
CHAIRMAN SALADINO: Okay. At this time, if there's someone from the public that would like to speak, we'd be glad to listen.
MR. STEUERWALD: Good evening. Do you want me to step up?
CHAIRMAN SALADINO: Wherever you're comfortable.
MR. STEUERWALD: Okay. My name is Harold Steuerwald, I'm an Attorney, 2 Station Court, Bellport, New York. I'm here for the neighboring property at 513 for Theresa Wilmshurst, who is present as well.
First, I'm going to submit that based upon the testimony of the applicant, there's truly been no basis for the relief requested. I've not heard any testimony or documentation submitted which would support under the laws of New York the
relief requested from this Board.

I also submit that it's further troubling in that both the application to this Board, as well as the initial application to the Building Department, does not tell the whole story and is not truthful as to what has occurred on this property, with all due respect to the applicant. And as outlined in that letter that you just received from another property owner, it is clear that this particular applicant demolished the previously existing structure which was on that property.

From my review of the Building Department records, it appears that there was a small one-and-a-half story cape structure on that property. It did not have a full two story out the back towards the west side of the rear property.

When the applicant -- I'd like to make this part of the record, if I can approach, and these are photographs taken by Ms. Wilmshurst. When he removed the entire structure -- you can mark these two photographs as part of your record, which shows nothing left but a foundation.

CHAIRMAN SALADINO: Do you have the dates
MR. STEUERWALD: Mrs. Wilmshurst can give you the dates, and I have a timeline I can submit also, if I could. Let me get that for you. This is a timeline with other photos indicating the dates taken. Those particular photographs were taken in September and November of 2018. If we can make that timeline by Ms. Wilmshurst part of the record as well.

I submit, under the Zoning Code of the Village of Greenport, that once the applicant tore the structure down voluntary, and I submit that his initial application to the Building Department did not indicate that he was removing the whole structure, but he then went and tore the whole thing down. At that point, he lost any benefit of any type of nonconforming use under Section 150-20, nonconforming uses of the Village of Greenport.

At that point, the Building Department and the former Building Inspector, when that application was submitted, should have denied that request. And if the applicant wanted to put the house that he has now constructed on that property, this application initially, at the time
the building permit was filed on December 12th, 2017, should have been referred for a variance for relief to this Board. The former Building Inspector did not do that. In fact, on the same date that the application for the building permit was submitted, the building permit was, in fact, issued to the applicant.

And it should be disclosed as part of the record that we have an applicant that is a Trustee of the Village, as well as I believe the Deputy Mayor.

MEMBER TASKER: He was not at the time, though.

MR. STEUERWALD: So, at that point, when he lost the nonconforming uses present in the R-2 District, he had to comply with all the zoning setbacks under 150-12. The lot is a nonconforming in that it doesn't have the lot area requested and required by the zoning district. It doesn't have 7500 square foot, doesn't have the width of 60 foot, doesn't have a front yard setback of 30, certainly doesn't have a side yard of 10 feet, and a combined side yard of 25 feet.

And what you have here is an applicant now that not only removed the entire structure, but
has, in fact, increased the footprint of the structure. I submit, as set forth in the previous letter you received, on the west side of the structure, where you can see the new foundation in the photographs I submitted. By increasing that footprint, that further necessitated him appearing before this Board for relief before he started any construction.

The Building Inspector, with all due respect, and she's not the Building Inspector any longer, I believe that was her last day, did not do her job. The checks and balances in place in the Village of Greenport Zoning Code were not followed. The applicant was issued a building permit and allowed to build not a small one-and-a-half story dwelling that was there, but a full two-story dwelling, which is now present on the property, despite the fact that Ms. Wilmshurst, when she saw what was going on, continuously complained to the Village of Greenport. There are notes and emails in the file of the Building Department.

I had hoped, when I had FOILed the records from the Village Clerk on March 26th, that I would have received those records by today to submit
them to this Board. I would ask that those
records be made part of this record. And you will
see all the complaints that were ignored by the
Code Enforcement Officer, as well as the Building
Department.

The construction should have been stopped,
it should not have been allowed to continue. And
despite Ms. Wilmshurst's complaints, she had to go
as far as, when all her complaints were ignored,
to reach out to me, even though she has been a
resident and lived at the premises for over 35
years. She is now left with a structure which now
blocks her views, denies the light that previously
came into her property, to her detriment.

In addition, now the fact that although you
had a small one-and-a-half story nonconforming
dwelling on this property, you now have a full
two-story dwelling on the property, which does not
take into account that you have maybe two feet on
each side yard. God forbid that there is an
emergency which requires a vehicle to get to the
back of that property.

Once the applicant lost the nonconforming
use, the health and safety issues required should
have been addressed by the Building Department.
He should not have been allowed to put up a full two-story dwelling on that property.

Although I have written two letters to the Mayor, had a meeting with the Village Attorney, Mr. Prokop, I have not heard a response. Once we wrote a letter to the Village on March 9th, and then after having a meeting on March 26th, the construction should have stopped. Nothing has taken place by the Village.

In fact, what has happened now is I have been delayed getting records. And, in fact, based on my conversations with my client, the construction at the site has now increased at a tremendous speed in an effort to complete the structure, despite the fact that the Village is cognizant of the fact that the building permit does not and should not authorize that dwelling on the property.

Just by the fact, even if you take home everything I said, that there are two points on that structure based on the application submitted to you, which were not authorized and required a variance, construction should have been halted, it should not have been allowed to continue.

I'm going to ask that my letters of
March 9th and March 27th to the Village of this year be made part of this record, which outline what I had stated in regards to the Zoning Code of the Village of Greenport, and the fact that this entire structure does not comply with your Zoning Code. Any type of nonconforming ability for that structure to exist was lost when that structure was demolished.

And I further submit that based upon the application that was submitted, it is not a truthful application for the relief requested from you, because it does not, in fact, outline the fact that the total structure was removed, the fact that this is a self-created hardship by the applicant for his own benefit.

If you need Ms. Wilmshurst to testify in regards to the fact that she took the photographs, I can have her do so.

CHAIRMAN SALADINO: It's -- it would be her choice.

MR. STEUERWALD: Ms. Wilmshurst, the photograph that I just submitted to the Board, did you take those photographs?

MS. WILMSHURST: Yes, I did.

MR. STEUERWALD: And do they accurately
1 reflect what you saw?
2 MS. WILMSHURST: Yes, they do.
3 MS. WILMSHURST: Okay. And as well as the
4 photocopies set forth in the timeline?
5 MS. WILMSHURST: Yes.
6 MR. STEUERWALD: And did you create that
7 timeline?
8 MS. WILMSHURST: Yes, I did.
9 MR. STEUERWALD: One moment. Anything else?
10 Anything else?
11 MS. WILMSHURST: No. It's just an invasion
12 of privacy.
13 MS. WILMSHURST: In addition, my client also
14 points out that given the fact that you now have a
15 full two-story dwelling, and I have some more
16 photographs to submit to you, since she is
17 adjacent to that property, privacy of her home has
18 been invaded, as now it's a full two story out the
19 back that can look directly into her yard that did
20 not exist previously. Thank you.
21 CHAIRMAN SALADINO: Thank you. Is there a
22 date for this photograph? I mean, is this the --
23 MS. WILMSHURST: Yesterday.
24 CHAIRMAN SALADINO: Is there anyone else
25 from the public that would like to speak? Chatty,
name and address.

MS. ALLEN: Chatty Allen, Third Street.

Full disclosure, I've lived there my entire life, close to 60 years.

I know this home, I know people that have lived in this home through the years. There originally was a bay window. Unfortunately, years ago, which the neighbor who wrote the letter may have acquired the house on Wiggins Street after it happened, but the Martilotta's went to open a window and it collapsed. That's why, when it was demolished, there was no bay window. In the original footprint, there was a bay window. So I just want to put that on the record, that there was an original bay window on this property.

I don't feel Mr. Martilotta should be penalized for a Building Inspector who approved it without thoroughly looking at it. And then, all of a sudden, it's constructed, oh, you're two feet over.

As far as this neighbor's fence, the past few storms we've had have done some really freaky things to people's yards and homes. Without physical proof that workers damaged it, I feel bad, but you got to take that into consideration,
I grew up on Fifth Street. This neighborhood's one of my old stomping grounds. I'm a school bus driver. Fifth Street is also one of the roads that I drive on every day. The job that they have done on this home will bring up the property value in that neighborhood. And that's why I am also for granting the variance for them to extend the porch, to make it look more like the original building was, to bring it the full view of this home.

I also happened to read, because, as Board members know, I go to every meeting. I also read everything before a Planning Board, ZBA, Village work sessions and Village Board meetings, and the Village Board lists all of the complaints that are filed within the Village. I read every complaint against the Martilotta's. It lists the number where the complaint came from, who it's against, and what the action is. Every action didn't apply, didn't apply, didn't apply. Complaining about work times, complaining about things on property, all unfounded complaints.

Now, I'm a regular citizen and I got that information, so I don't understand how a lawyer
couldn't get that kind of information. When someone files a complaint with the Village, an action is taken. It's either founded or unfounded, what you are complaining about.

I went through every one of those and was floored, first of all, with some of the things being done. I also have firsthand knowledge that there's a common driveway, yet only one of the two homes uses that driveway all the time.

I understand when people build something, your view might get obstructed. Going in the back, you wouldn't need a variance because of how much more backyard he has. He could put a big garage back there and it will obstruct someone's view. That's just part of building and living somewhere.

And I feel very bad for an applicant that's being penalized, because he was given -- they were given approval, and now, uh-oh, someone made a mistake somewhere along the line. I don't care who the applicant is, it could be the Mayor himself. If it was done to him, I would be saying the same thing as any common person, that you're given the wrong information.

I personally, I will -- okay, I'll put it on
the record. I personally know the Martilottas. I know they are not going to do something underhanded. They follow the rules the way that they're supposed to be. They were given a building permit and said, "Yes, this is" -- "you're allowed to do this." And now, they've been living elsewhere with three young children, trying to transport them to school, to babysitters, and everything else. They're just trying to put their family back together in a home that, in my feel -- my personal feeling, definitely brings that neighborhood back up. It will bring property values up.

The house on the corner was just redone, and I think that needs to be taken into consideration as well. If they have followed everything, as soon as they were told, "Uh", that was the first thing they did is file the application to come to the ZBA. Thank you.

CHAIRMAN SALADINO: Thank you, Chatty. Is there anyone else that would like to speak?

MR. MARTILOTTA: Sir.

CHAIRMAN SALADINO: Did you -- do you think you might want to respond to some of these --

MR. MARTILOTTA: Sure. Jack Martilotta,
from Fifth Street again.

For the letter that was from Joyce Croak, Ms. Croak, I just want to be clear, it's in the exact same footprint, it hasn't moved an inch. We were able to -- we were able to keep most of the foundation. Some of the back of it had to be replaced, the reason being we put in a brick foundation to try and keep the original look when the original foundation collapsed. We were bringing the house down and the brick just had no torsion strength. So as it twisted, some of it cracked, and it just -- it was an amazingly painful process to lay all those bricks, and it wasn't something we were -- we were going to do again immediately. So the back has a poured foundation, but to the exact same footprint.

I can't speak to the -- I can't speak to the fence. But I just want to be clear with everyone, I applied for a building permit, and I had met with the Building Department several times to make sure that I had everything that I needed, and the building permit says that we could demolish the house, build another one. And as soon as there seemed to be some question about it, I immediately filled out the paperwork and came to you, because
even if there was a mistake, I'd like for it to be rectified. I think that's the right way to do it, as far as the bay window.

And as far as the porch, so when we first moved in, the woman who was raised there was Mrs. White, married to Bob White, who had a hardware store, and we used to see her at church. And she explained to us that she had lived there. Her father's grocery store was the brick building next door immediately to the north. And she'd come over and like shown us the house, and, you know, where it used to be.

And, again, you know, we've tried to be -- we've tried to take as good care of it as we could. The house, it needed more -- it needed more than could be done. I mean, we've even saved as many of the timbers and beams as we could, so we could put them inside, and try and keep it, like, you know, as much of the original stuff around as we can. But we're trying to follow everything, and I think that we have so far.

And I think that -- I think that the porch, I think that the porch is a reasonable request. The building to my north, I think, was 106 inches off the sidewalk, the building to my south was
145 inches off. This one would be approximately 12 feet. Ours was -- ours would be set back further than either building on either side.

And, again, we think it -- we think it would keep the original look. That's why we kept the bay window on the one side, that's why we kept the flat roof on the other, because it's important.

You know, it's the community. We want to make sure it fit in as well as possible, and we think we've accomplished that. So I hope you guys will consider that when you're -- when you're looking at the porch. And thank you.

If you have any questions for me, please feel free to shoot.

CHAIRMAN SALADINO: Do any of the members have any questions for the applicant?

MR. CORWIN: I have a couple of questions.

MR. MARTILOTTA: Sure.

MR. CORWIN: For Ms. Wilham's (sic) Attorney. And what's before the ZBA tonight is a little bit of bump-out for a bay window on the south side, and a porch on the east side on Fifth Street. Is that what you are objecting to?

And then, after you answer that question, what would you suggest the ZBA do, because I can't
see the questions that you raised, while they might be legitimate, are anything to do with the Zoning Board of Appeals.

MR. STEUERWALD: I am objecting to the two points of the application that are directly before you, because the criteria needed for a variance under the laws of the State of New York have not been met by the applicant. Making statements of hearsay and references to conversations are not sufficient evidence. I have not seen any engineer reports, I haven't seen any documentation.

What I am giving the Board is the complete picture, which has not been followed by this Village. The relief that should have been before you is for the entire structure, not just for the porch and the bay window.

It was incumbent upon the former Building Inspector, and I can't say why, maybe some day we will learn why, reviewing that application saw that by demolishing the structure -- and the application that he submitted is not clear. It doesn't state the whole structures being demolished, it just underlines "demolished", "addition", things of that nature. But she, I would think, would also have the benefit of the
construction plans.

However, based upon my review of the file, and I don't know if you have one before you, because although I FOILed and got some record for your file for this application, I do not see a as-built survey of what's there now, nor do I see a survey of what existed previously. I submit, based upon records which I reviewed, which I were not able to take copies of when I reviewed it, and told they would be forthcoming, it is clear that the original footprint has been expanded.

You have the duty as a Zoning Board to ensure that the rules and regulations of the Zoning Code are followed. It is -- you are the last step to ensure that if it's a variation of what's set forth under a particular zoning district, the relief has to be given by you, you have that authority. I'm submitting that the steps that should have been taken weren't taken.

I believe that this whole application should be denied and should be sent back to the Building Department, with the proper applications submitted, and the proper review of the original survey and the original footprint of the original structure be compared with what is there now.
But even if you only are going to say there's a small bump-out, by increasing the size of that structure, once you demolish the previous structure, you do not meet the requirements. The lot area itself is under 7500 square feet. You could not put that structure up without getting relief from you. It does not have the required setbacks through the rear, doesn't have the front, doesn't have the side yards. And God forbid now that we have a new structure, that something happens, an emergency vehicle needs to get to the back, it can't.

Even though this was a new construction, even though this was an application before the Building Department, and they should have tooken that in consideration, they failed to do so. I which I had all the records that I could submit to you, it was my intention to do so. I made that application on March 26th and I still don't have the records.

CHAIRMAN SALADINO: Would you --

MR. STEUERWALD: Thank you.

CHAIRMAN SALADINO: Would you agree that as an Administrative Board, we're obligated to deal with what's in front of us now? We don't -- we
can't expand on the denial that we have in front of us now.

MR. STEUERWALD: I understand that, but I'm submitting that the application is not truthful in that it does not tell the whole story. Even the applicant --

CHAIRMAN SALADINO: But that's not the information that we have. We have -- we have a Notice of Disapproval from the Building Department of the Incorporated Village of Greenport.

MR. STEUERWALD: Right. But when you look at that and take in the applicant's application that he submitted to the Building Department, it's not truthful. He tore down the original structure. Doesn't submit that in his application. This is a self-created hardship, he doesn't acknowledge that. It's an incomplete application, and is not truthful in that it is not forthcoming as to everything that has transpired.

You have Counsel. If you decide that based upon the evidence, that you want to approve it, that's your prerogative. I submit as an attorney, based upon what I have seen, that the evidence hasn't been presented, even for the minor relief being sought by the applicant for those two
variances. Thank you.

MR. CORWIN: Mr. Chairman.

CHAIRMAN SALADINO: Yes, David.

MR. CORWIN: I agree with one thing the Attorney said. We do need an as-built survey. We have a survey that was originally submitted. It's stamped, but the configuration has been changed, and I think we need an as-built survey of what is there now. And, in particular, if you note the -- where the Bilco door is, and we saw that it's not as where it's shown on the survey.

CHAIRMAN SALADINO: Anyone else have any comments?

MEMBER TASKER: I'm not sure what Mr. Corwin's concern about the issue with the Bilco door is. I look at the survey of 2007, it shows two Bilco doors in the backyard, as the entrance.

And the dimensions on the survey of 2007, which appeared to have been the survey that was taken at the time the Martilotta's purchased the property, shows no substantial difference that I could see, visiting the site just before this meeting, in terms of the side yard setbacks. On the north it shows that you got 2.3 feet to the
center of the driveway, the common driveway, and on the south, it shows that there is approximately two-and-a-half feet of setback. The question of the bow window isn't clear from this survey to me. So the suggestion that there's been substantial increase in the size of the building, certainly laterally, cannot be so.

And while I've got -- Mr. Steuerwald, this, this picture that your client took today, I believe you said, where is -- where was that taken from?

MS. WILMSHURST: That was taken from my backyard?

MEMBER TASKER: And where is that located, ma'am?

MS. WILMSHURST: Located behind my building.

MEMBER TASKER: And where is that?

MS. WILMSHURST: 513 Fifth Street, on the north side of the Martilottas.

MEMBER TASKER: Okay. Thank you.

MEMBER REARDON: I have a question for you --

MR. MARTILOTTA: Yes.

MEMBER REARDON: -- Mr. Martilotta. Could you just elaborate a little bit on the porch that
you're looking to get a -- some relief for?

MR. MARTILOTTA: Sure. On the -- we have a stoop going up to the front door. The top -- this is not a step.

MRS. MARTILOTTA: It's slab of bluestone.

MR. MARTILOTTA: Slab, there's a slab of bluestone up top, approximately 8 feet off of the building. We would like to extend that, stopping, I believe it's 24 inches short of the building -- short of the corner of the building, so keeping it back from the driveway. So we'd like to bump out about 8 feet from the front, and -- pardon me -- and stop approximately 24 inches from the end of the house.

MEMBER REARDON: Okay. Thank you.

MR. MARTILOTTA: Yes, sir.

MEMBER GORDON: As has been said before, what is before us are these two requests for -- requests for these two variances, and I think it is our duty only to deal with those.

Really, I -- this is addressing the Lawyer's comments. You know, we have a previous meeting at which we decide whether or not to accept the application, and we did accept the application. So I cannot imagine the situation in which we
could retract our acceptance of the application, even if it's not complete.

I don't know how you would deal with that, but this is -- I mean, I understand. I think your arguments, and some of them may have some validity about the way this was handled in the first place, but I don't think that relates to what we're to -- the remedy that we're supposed to provide for a limited set of variances.

MR. STEUERWALD: Well, if I may speak, my client actually attempted to get information in regards to the original application when it was referred to you, and when she put that FOIL request in, she was told by the Village Clerk no such record existed. We only found out after the fact, during my meeting with the Village Attorney on March 26th, that that had occurred, despite my previous letter. I submit, based on -- I don't know the member's name all the way to the left, that if you do not have --

MEMBER TASKER: Arthur Tasker.

MR. STEUERWALD: Thank you. If you do not have in your possession an as-built survey, or a survey showing where the proposed structure is actually going to go, that you, as a Board, cannot
make a determination, because that would be arbitrary and capricious in and of itself. Since this structure has already been constructed, I submit you need an as-built survey. You cannot just do this eyeball, especially when you're dealing with the close proximity of lot lines to begin with. Every inch is going to count here. And this is already a situation where the structure is -- clearly not fit the dimensional requirements for that zoning district based upon your own Village Code. So that alone shows that the application is insufficient if you do not have that in your possession. Thank you.

MR. MARTILOTTA: May I?
CHAIRMAN SALADINO: Sure.
MR. MARTILOTTA: I did provide a site survey where we plan to put the porch and the window.
CHAIRMAN SALADINO: We have that.
MR. MARTILOTTA: Okay. So, I mean --
MRS. MARTILOTTA: For the record.
MR. MARTILOTTA: Yeah.
CHAIRMAN SALADINO: What's the pleasure of this Board? Keep this public hearing open, or we're going to close it?
MEMBER TASKER: For what?
CHAIRMAN SALADINO: Are we going to keep it open?

MEMBER TASKER: For?

CHAIRMAN SALADINO: Or are we going to close it?


CHAIRMAN SALADINO: So, is -- Jack, any --

David? Jack?

MEMBER REARDON: The purview of the committee seems to be pretty straightforward.

MR. CORWIN: I will make a motion that we close the public hearing. I do have to insist that we have an as-built survey, what is there now, before we make a decision on this.

CHAIRMAN SALADINO: All right. One step at a time. Let's -- I'll make a motion that we close this public hearing. So moved.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER REARDON: Aye.

MEMBER TASKER: Aye.

MEMBER GORDON: Aye.

CHAIRMAN SALADINO: And I'll vote aye. We
have -- we have a request that the applicant provide an as-built survey. We can -- we have -- we have 62 days to make the decision. There's no doubt in my mind that we're going to come to a conclusion before then. We're going to -- there's an agenda item later to discuss this. At that time, we'll decide on David's motion and --

MEMBER CORWIN: Suggestion.

MEMBER GORDON: He didn't make a motion.

CHAIRMAN SALADINO: Oh, I thought it was part of the motion. All right, on David's suggestion. All right. Last shot.

MR. MARTILOTTA: Sure. As far as the survey, just so you guys know, at each point, I've had an inspection by the Building Inspector to ensure that the work that we've done has been true to the plans. So the initial plans that we had has within the footprint, and we've passed everything through, the utilities, insulation, all inspections have been passed. If we had changed the footprint, which is reflected in the blueprints that it's the same footprint, then I would think we would have been stopped at that point. Does that make -- am I making sense, or is
this just ridiculous?

MEMBER TASKER: I'm concerned that we're about to head off into the bailiwick of the Building Department, and I don't know enough about that to get there.

CHAIRMAN SALADINO: I'm not going to let that happen. That's -- we're going to deal with what's in front of us here now.

All right. So this public hearing is closed.

Item No. -- what item are we on?

MEMBER TASKER: Six.

CHAIRMAN SALADINO: Item No. 6. Item No. 6 is a public -- I'll wait for you guys.

Okay. Item No. 6 is 114 North Street. It's a public hearing for the application of Michael and Lauren Nagin for the property located at 114 North Street, Greenport, New York, 11944. The Suffolk County Tax Map No. is 1001-2.-6-28.

And for the public that's interested, the public notice is attached to the agenda. We have --

MEMBER GORDON: Meryl Kramer.

CHAIRMAN SALADINO: I'm sorry?

MEMBER GORDON: Meryl Kramer.
CHAIRMAN SALADINO: Well, we're going to do
a couple of things first. We're going to get the
assurance from the Building Department that the
public notice was published.

MS. LINGG: Yes.

CHAIRMAN SALADINO: And we have something in
the application that Ms. Kramer is representing
the applicant. Okay. And I'll read the mailings.

Gillian Wood, 110 North Street, Greenport,
New York, 11944. Floyd Memorial Library, 539
First Street, Greenport, New York, 11944. Sarah
Cumming, 49 West 69th Street, New York, New York.
MEMBER GORDON: Aegberg.

CHAIRMAN SALADINO: Excuse the
pronunciation. Second Aegberg, LLC, 215 Thompson
Street, New York, New York, 10012. Sean Rodger --
Rodger, 611 First Street, Greenport, New York,
11944. And Stacey Tesseyman, 36 Morton Street,
New York, New York, 10014.

Is the applicant ready?

MS. KRAMER: Yes. Ready?

CHAIRMAN SALADINO: We're ready.

MS. KRAMER: Okay. My name is Meryl Kramer.

I'm the Architect and the Agent for Lauren and
Michael Nagin.
We did receive one of the letters back --

MS. LINGG: Okay.

MS. KRAMER: -- from the post office.

So I do have -- I don't know if everybody still has their copies. I know -- I don't know if you have this.

MEMBER REARDON: I don't have that, but I'm familiar with what's going on. I have a copy of the plans. I reviewed them, I know what's going on.

MS. KRAMER: Okay. So I would like to say that, again, we discussed this at the site visit, that we are applying for a relatively small addition to the footprint of the house. We're asking for a three-foot-deep addition on the rear, the north of the property. And we're also looking for a second floor addition that is approximately 75 square feet on the second floor that's going to fill in the area to the west, which is what is causing our nonconforming -- increasing our degree of nonconformity as well on that side.

I feel that the -- the gain that the owners are going to get from this addition is substantial, as opposed to the small impact, I believe small impact that the addition will have
on the overall mass of the house. And I believe we have neighbors that are -- well, we have two letters. I don't -- you didn't read the letters.

CHAIRMAN SALADINO: I will after you.

MS. KRAMER: Oh, okay. One is supporting the application, and the second one was concerned about a pathway on the side. As far as addressing that concern, we will definitely not use that side of the house for construction access. But I would imagine that the people who are constructing will need to be on that side of the house to do their job. We will try to make as little impact as possible on that side of the property, and we'll instruct the contractor to minimize their access on that side to respect the neighbor's privacy.

I don't -- I don't know. If you have any other questions, I'm happy to answer them.

CHAIRMAN SALADINO: Do any Members have any questions for the architect?

(No Response)

CHAIRMAN SALADINO: No. We have two letters. Thank you. One second.

MS. CUMMING: I'm next door.

CHAIRMAN SALADINO: Are you Mrs. Cummming?

MS. CUMMING: Yes.
CHAIRMAN SALADINO: Ms. Cumming. Would you like to read your letter to the --

MS. CUMMING: I'm sorry. No, I would like to speak, and my friends have something to say.

CHAIRMAN SALADINO: I'm going to read -- I'm going to read these two letters to the Board, and then we're going to open it up to the public to speak. How's that? Okay?

All right. The first letter we have is from Stacey Tesseyman and Florence P. Roth. They live at 512 Second Street in Greenport, New York.

And it's, "Our neighbors at 114 North Street, Lauren and Michael Nagin, are requesting a second story addition to their home, which requires variances. We are writing to say that we are the property" -- "we are the property to the north of theirs and we support their request. All the best, Stacey Tesseyman and Florence P. Roth."

The second letter we have is from Sarah Cumming, 116 North Street.

"Dear Mr. Saladino, my house, 116 North Street, is separated from 114 by a very narrow pathway. I bought the house in 1993, and up until now, it has not had foot traffic. The area was
covered with weeds, small bushes, and those were cleared last year for a sale of No. 114.

I have two windows facing this pathway, and one window was damaged, and an interior painting fell down, breaking" -- "breaking frame due to activity on the path. I would feel safer about this renovation if that pathway was not used by the workers. They could just use the main driveway entrance.

Thank you. And I will be at the meeting.
If you have any advice, I would appreciate it.
Sincerely, Sarah Cumming, 116 North Street."

At this time, we're going to open it up to the public. Anyone wish to speak? Name and address for the Stenographer.

MS. CUMMING: Okay. My house is --
CHAIRMAN SALADINO: Name and address for the Stenographer.

MS. CUMMING: I'm sorry?

MS. MONSELL: Name and address.
CHAIRMAN SALADINO: Name and address for the Stenographer.

MS. MONSELL: Your name and address.
CHAIRMAN SALADINO: Your name and your address.
MS. CUMMING: I'm Sarah Cumming, 116 North Street.

CHAIRMAN SALADINO: Thank you.

MS. CUMMING: Immediately, closely next door to 114 by 30 inches away.

I only saw the notice last week for the public meeting, so that letter didn't express everything I'm upset about. My kitchen windows, two of them, face where the proposed building will be, and it will definitely impact the light in the kitchen and the value of my house, should I choose to sell it.

It's a very old house, and I've lived there for 26 years. And my neighbor was the same neighbor until last summer, when he was deceased. He never did anything at all, and so this came as somewhat of a shock.

And I'd like my friend, Gail Horton, to fill in a bit for me. She's a longtime resident, as is Carole Monsell.

CHAIRMAN SALADINO: Sure.

MS. CUMMING: Okay.

MS. HORTON: Hi. My name is Gail Horton. I'm from 190 Sterling Street in Greenport.

And I think this is a very dangerous
application for many reasons, some not so
dangerous, some more, more dangerous.

First thing, it blocks the light into the
kitchen of Ms. Cumming's house, and then lessens
property value. And it is historic in nature, and
we're all concerned about -- you know, we have an
Historic Law that was passed, and this is just
outside of that, and it is an historic house. And
it would be out of character with homes in -- you
know, similar homes to have another roof on it.

So it's 30 inches, 30 inches between the two
houses, as it is now. And I feel -- so I feel
that it's really a very bad thing. It would
impact her -- Sarah's living there, and it would
impact the community having to do with historic
preservation. So I think it's a poor idea and a
poor precedent for the rest of Greenport.

CHAIRMAN SALADINO: Gail, Ms. Horton, this
house isn't -- this house is in the Historic
District?

MS. KRAMER: No.

MS. HORTON: No. Just outside the Historic
District.

CHAIRMAN SALADINO: I misunderstood.

MS. HORTON: Yeah, I didn't make any claim
that this falls in the Historic District.

CHAIRMAN SALADINO: Is there anyone else in
the public that would like to speak?

MS. CUMMING: Carole.

MS. MONSELL: Yes. My name is Carole
Monsell, 525 First Street, Greenport. Sarah is a
friend of mine. She came to me today to support
her, if I could.

I think it's a quality of life issue,
because the building, if it was built, she can't
even look out her kitchen window. It would be I
don't know how many inches away, or 30 inches
away. It's a quality of life issue, I believe.
You know, not that there's any light coming into
her kitchen, but on top of it, it's too close.
And I really think it's a quality of life issue.
Thank you.

MS. CUMMING: Thanks, Carole.

CHAIRMAN SALADINO: Just so we're on the
same page here, I'm looking at a survey that says
from the property line it's 4 feet 6 inches, so
that would be 54 inches. Ms. Cumming, is your --
is your -- just so it's clear in my mind, is your
kitchen on the second floor?

MS. CUMMING: No, no, it's on the ground
CHAIRMAN SALADINO: It's on the ground floor?

MS. CUMMING: With two windows.

CHAIRMAN SALADINO: Okay.

MS. CUMMING: And the bottom is the bathroom, which is not a problem.

MEMBER TASKER: And, John, in addition to the 4.4 foot -- 4.6 feet from the property line on the applicant's side, there's an additional 1.4 feet to Ms. Cumming's residence on the other side.

So the total space between the two buildings is 6 feet.

MS. CUMMING: Six feet?

MEMBER TASKER: We -- yeah, 6 feet. We have the advantage of the surveys, which you may not have in the numbers that you quoted.

MS. WATKINS: If I may, to put that in perspective --

CHAIRMAN SALADINO: Name and address for the --

MS. WATKINS: I'm sorry. Lois Watkins, 630 Third Street, Greenport. It's that far, to put it in perspective (demonstrating).

MEMBER TASKER: And it's always been that
far since the two houses were built.

MS. WATKINS: Correct.

MEMBER TASKER: And it wasn't --

MS. WATKINS: Without -- without a second

story on that particular part of the building.

MS. KRAMER: I'm Meryl Kramer. Just I'd

like to address the historic aspect. Part of my

client's desire is to try and address some of the

things that were done to the property prior to

their purchase.

We are going to be removing the vinyl siding

and trim outside the house and putting wood back

on. And we're going to be replicating all of the

historic details on the front of the house, on the

rear of the house, as well as providing some

windows on what is now an existing blank facade.

And, again, just to address the issue of --

we do have a preexisting nonconforming setback of

4 foot 6 inches and we are not going to go beyond

that.

CHAIRMAN SALADINO: Any member have any

questions for the applicant?

MEMBER REARDON: I have a question or two

for Mrs. Cumming. Could you tell me where your

kitchen is in your house?
MS. CUMMING: It's at the back of the house, which is facing north. It's facing --
MEMBER REARDON: It's in the back of your house?
MS. CUMMING: Yeah, it's in the back of my house, and it has windows on either side.
MEMBER REARDON: So your kitchen --
MS. CUMMING: On the west side and the east side is where the variance is desired. And then my property line, there's a fence. And then very close, as you saw, is the next -- is the next house. And so at the eye level of the windows in the kitchen, I have my fence, my property line, but they're going to go up higher, so there won't be any light coming in, which will definitely impact the kitchen.
MEMBER REARDON: Doesn't that house in question already consist of two stories?
MS. CUMMING: It does. Next door, you mean, 114?
MEMBER REARDON: Yes.
MS. CUMMING: Yes. There's a sort of area there that they want to build on.
MEMBER REARDON: So could you --
MS. CUMMING: But the house was originally
built too close to my house.

MEMBER REARDON: Can you explain to me, can you make it clear to me how this renovation is going to impede or interact to reduce the amount of light into your kitchen?

MS. CUMMING: Well, my fence, property line fence is on ground level where the windows are, and then they're building another story above it, want to build a story above it, so that's where the light comes from.

MEMBER REARDON: Okay. I mean, we were there today. The house is already two stories and they're looking to, yes, make it three feet longer, but it's already two stories.

MS. CUMMING: But not -- the area they're going to build on is directly -- the second story that they want to build is --

MEMBER REARDON: Uh-huh.

MS. CUMMING: -- directly above the window level.

MEMBER REARDON: Right, I understand, but then just beyond that is the rest of their house.

MS. CUMMING: Yes.

MEMBER REARDON: So it already goes to the peak of the house, already casting a shadow.
1  MS. CUMMING: Yeah, probably.
2  MEMBER REARDON: Okay.
3  MS. CUMMING: But, I mean, I don't want it
to be darker.
4  MS. WATKINS: If I may.
5  CHAIRMAN SALADINO: Once again, name and
6  address.
7  MS. WATKINS: Lois Watkins, 630 Third
8  Street.
9  The back of the house is one level on
10  Sarah's side for like a room, and then it almost
11  looks like an addition, although it might not be.
12  Then the rest of the house is two stories,  
correct, but that's set far enough back from her
13  kitchen window, which is a primary concern, that
14  it's not that noticeable. Adding another wall, if
15  you will, that close to the property line is
16  what's the concern.
17  MEMBER REARDON: Thank you.
18  CHAIRMAN SALADINO: Any other member, any
19  questions for the applicant? No?
20  (No Response)
21  MS. KRAMER: I actually -- one other thing.
22  Since this is on the north side, I'm wondering how
23  much impact we will really have, because the sun
comes from the south shining. I'm not sure that it's actually going to cast anymore shadow on the kitchen side of the neighboring property, because it's already on the north side, and I don't know if we're going to have a significant impact.

MEMBER TASKER: Just to pursue that, your thought a little bit further, if I may. I had the same thought with respect to the arc of the sun and knowing the position of the building. And looking at the survey, Ms. Cumming's house comes about halfway as deep as the applicant's house. And that certainly puts it behind the two-story portion of the existing building. When you look at the arc of the sun, which is going to be on the east side, and the arc of the sun is going to come around and set in the west, I'm a little bit lost as to how that's going to affect the amount of sunlight in her northwest -- northeast corner kitchen.

CHAIRMAN SALADINO: And maybe we'll talk about that --

MEMBER TASKER: Yeah.

CHAIRMAN SALADINO: -- in our discussion.

MEMBER TASKER: But I just want to follow on the applicant's architect's comment.
CHAIRMAN SALADINO: Is there anyone else from the public that would like to speak?
(No Response)
CHAIRMAN SALADINO: If not, what's the pleasure of the Board? Do you want to close this public hearing?
MEMBER CORWIN: I make a motion we close the public hearing.
CHAIRMAN SALADINO: We have a motion to close the public hearing. So moved. All in favor?
MEMBER TASKER: Second.
CHAIRMAN SALADINO: Oh, I'm sorry, second. Arthur seconds it. All in favor?
MEMBER CORWIN: Aye.
MEMBER GORDON: Aye.
MEMBER REARDON: Aye.
MEMBER TASKER: Aye.
CHAIRMAN SALADINO: And I'll vote aye.
Item No. 7 is -- before we get into the discussion about these two public hearings, do we want to go out of order on this agenda and consider accepting these --
MEMBER CORWIN: Yes.
MEMBER GORDON: Yes.
MEMBER TASKER: Yes.
AUDIENCE MEMBER: Yes.
CHAIRMAN SALADINO: We're going -- we're going to put her down for a yes, too, whoever.

(Laughter)
CHAIRMAN SALADINO: So we're going to hold off on Item No. 7 and Item No. 8, and go to Item No. 9, is 110 South Street. It's a Motion to accept the application, schedule a public hearing, and arrange a site visit for the application of 110 South Street, Incorporated for the property located at 110 South Street, Greenport, New York, 11944. The Suffolk County Tax Map No. is 1001-4-6-34.6.

More drawings?
MR. OLINKIEWICZ: I'm just going to use the same ones. James Olinkiewicz, 110 South Street, Greenport.

So as we had our discussions at a couple of other meetings about -- I don't know if that's going to stay -- about what I was going to need for variance-wise, 110 South Street has been asked for a variance on the front yard setback going to the porch.

We have given you a letter from Sherman
Engineering stating about the average front yard setback, because in the Village Code of 150-14(C), it says, "Existing setback. No proposed nonresidential building need to have a setback greater than the average setback of the two existing nonresidential buildings with the greatest setbacks within 200 feet of each side of the said proposed nonresidential building on the same side of the street and within the same block and the same district."

So Mr. Sherman did that evaluation for the Board to show that the average setback, the two greatest is 60 inches, and on this property it is 5-foot-three-and-a-quarter, which is on your surveys, which -- and it's noted, notated by Mr. Sherman, as an actually stamped, engineer stamped copies of all of this that you were supposedly given, and it was given to the Village, right? So that that shows that -- because they have to be stamped by an engineer to be accepted. And it says 5-foot-three-and-one-quarter, which is 63-and-a-quarter inches from the front yard, and the other average is 60 inches.

We don't feel that we need a variance, but the -- it was brought up that it's some type of
the interpretation on -- and I'm not going into
the whole interpretation, I'm just going to ask
for the variance.

CHAIRMAN SALADINO: Thank you, God.

MR. OLINKIEWICZ: Okay. Because it was
brought up that no proposed nonresidential
building, that the code doesn't say whether it's
an existing residential building or a new
residential building. So the Building
Department's interpreting that it's only for new
residential buildings, not if it's an existing
building.

So I'm applying for a variance for front
yard setback, which I think was accidentally left
out on the other application. It was supposed to
have both lots on this. Because the same setback
front yard is on 112, and I -- it was supposed to
be listed on both of them. But I don't want to
get hung up that this gets found out later on,
three meetings down the line, that -- because on
112 South Street my front yard setback is 5 foot.

And Greg had brought it up to me. It had
been left -- it had been on the original Notice of
Disapproval, the past one that we went on our
interpretations. But it's my understanding that
it was an oversight by him not to leave it on 112 as well. So I just wanted to bring that to the Board, so that could be amended, because I'll be needing a variance for that, if I need a variance for this.

CHAIRMAN SALADINO: Jim, just so it's clear in my mind, you have -- you have an interp -- you have an opinion from the Building Department that because this is a new residential building --

MR. OLINKIEWICZ: No. Because it's an old residential building --

CHAIRMAN SALADINO: It's an old resident?

MR. OLINKIEWICZ: -- it doesn't qualify for the average setbacks. That was what was discussed or told to my Office Manager, and that that's how come we needed to get a variance for both of the front yards, even though we are back further than what the code says for nonresidential building regulations.

CHAIRMAN SALADINO: Okay.

MR. OLINKIEWICZ: And that's a --

CHAIRMAN SALADINO: So -- hold one second.

MR. OLINKIEWICZ: And that's a regulation that's both in Commercial and Residential Districts.
CHAIRMAN SALADINO: Okay. So you're looking for the front yard setback, a variance of nine inches.

MR. OLINKIEWICZ: Correct.

CHAIRMAN SALADINO: For both properties?

MR. OLINKIEWICZ: The one -- it's nine inches for 110, and it's 12 inches for one -- or 11 1/2 inches for 112 that was -- yeah, 11, 11 1/2 inches for 112.

CHAIRMAN SALADINO: Well, I'm going to ask the Attorney, how do we --

MEMBER GORDON: Well, wouldn't we need a rewritten Notice of Disapproval?

CHAIRMAN SALADINO: How do we deal -- we don't have a Notice of Disapproval.

MR. OLINKIEWICZ: You have it on the original Notice of Disapproval that was given to you that we did the interpretation on. So it's on the Notice of Disapproval, it just wasn't transferred onto this Notice of Disapproval for 112.

CHAIRMAN SALADINO: I apologize. I have to look at the original Notice of Disapproval.

MR. OLINKIEWICZ: Right, right. So I just want to make sure everything gets --
CHAIRMAN SALADINO: So 110, 110, the Notice of Disapproval is correct.

MR. OLINKIEWICZ: 110, the Notice of Disapproval is correct.

CHAIRMAN SALADINO: 112, 112 on the original Notice of Disapproval, the front yard setback is mentioned, but on the revised Notice of Disapproval, it's not.

MR. OLINKIEWICZ: Right. He accidentally left it out.

MEMBER GORDON: So this is the -- the one we should be relying on for this is the one dated February 8th, rather than the recent ones.

MR. OLINKIEWICZ: Or you can accept that the Attorney allows one from each.

MS. LINGG: No. If I may.

CHAIRMAN SALADINO: Sure.

MS. LINGG: That was not my understanding. It was just one -- I'm sorry. 110 needed the front yard setback.

CHAIRMAN SALADINO: That was my understanding --

MS. LINGG: Yeah.

CHAIRMAN SALADINO: -- talking to the Building Department, also.
MS. LINGG: I don't believe that's changed.

MR. OLINKIEWICZ: Okay. Well, we're good.

Then only 110 needs a front yard setback. I'm okay with that.

CHAIRMAN SALADINO: But we're going to talk about lot coverage with the other one.

MR. OLINKIEWICZ: Right.

MS. MOORE: Yes.

MR. OLINKIEWICZ: Yeah, lot coverage.

Right. So, okay, no problem.

CHAIRMAN SALADINO: All right. So could I put these papers away?

MR. OLINKIEWICZ: You can put it all away on the back. We're printing smaller these days, did you notice?

CHAIRMAN SALADINO: Just killed 11 trees.

All right. So --

MR. OLINKIEWICZ: So my application is for front yard setback of 9 1/2 or 8 1/2 inches for 110 South Street.

CHAIRMAN SALADINO: Okay. Does -- do the members have any questions for Mr. Olinkiewicz?

MEMBER TASKER: Is that the only variance that we're left with at this point?

CHAIRMAN SALADINO: At one -- at 110.
MR. OLINKIEWICZ: 110.
MEMBER TASKER: At 110.
MR. OLINKIEWICZ: Correct.
MEMBER TASKER: Okay.
CHAIRMAN SALADINO: No questions?
(No Response)
CHAIRMAN SALADINO: Okay. I'm going to make
a motion that we accept this application. So
moved.
MEMBER REARDON: I'll second.
CHAIRMAN SALADINO: All in favor?
MEMBER CORWIN: Aye.
MEMBER GORDON: Aye.
MEMBER REARDON: Aye.
MEMBER TASKER: Aye.
CHAIRMAN SALADINO: And I'll vote aye.
Jimmy, we're going to schedule a public
hearing for -- Kristina, help me out.
MS. LINGG: May 21st.
MR. OLINKIEWICZ: First.
CHAIRMAN SALADINO: May 21st at 6 o'clock.
MR. OLINKIEWICZ: Six o'clock is the
meetings, so you want to do it at 5:30?
CHAIRMAN SALADINO: Well, we're talking
about the public hearing.
MR. OLINKIEWICZ: Oh, the public hearing.

CHAIRMAN SALADINO: Then we're going to do the site visit --

MR. OLINKIEWICZ: Oh, I'm sorry.

CHAIRMAN SALADINO: -- at 5:30. Let's square away the public hearing. We set them all at 6 o'clock, you know that, so -- and if you could just stake out the 9 inches for us.

(Laughter)

CHAIRMAN SALADINO: Let us know.

MR. OLINKIEWICZ: All right.

CHAIRMAN SALADINO: All right. So May 21st at 6 o'clock, and we'll see you at the site at 5:30.

MR. OLINKIEWICZ: Okay.

CHAIRMAN SALADINO: You're going to stay up there. So now we have -- we have --

MR. OLINKIEWICZ: 112 South.

CHAIRMAN SALADINO: 112 South Street. Item No. 10 is 112 South Street. It's a motion to accept the application, schedule a public hearing, and arrange a site visit for the application of 622 First Street, Greenport, Incorporated for the property located at 112 South Street, Greenport, New York, 11944. The Suffolk County Tax Map No.
MR. OLINKIEWICZ: James Olinkiewicz, again, for 112 South Street.

As was -- previously been discussed, because it's an existing building, we went through stuff in the last few meetings, but we have an existing small commercial lot that meets the Village's side requirements.

So the existing building that's on there right now is 640 square feet, with a 36% lot coverage. I am applying to enlarge it, make a very usable structure. Again, this is in the Commercial District where buildings sometimes go property line to property line, and front to back. But I'm applying to increase the lot coverage percentage to 62% for the building, and the handicapped ramp for accessibility into the -- into the side of a commercial structure. So -- and there would be a two-story addition, which will then have two one-bedroom workforce housing apartments above it. But we're asking for a variance to increase the lot coverage from 36% to 62%.

MEMBER GORDON: And the proposed lot coverage for 62% includes the ramps?
MR. OLINKIEWICZ: Includes everything, yes.

MEMBER GORDON: Okay.

MR. OLINKIEWICZ: Structure, ramps and porches comes to 62%. So it would be much less than that, probably about 48% if it was for just the structure. And if you want me to find out, figure out that number, I will for the next meeting, and for the next meeting I can have that done.

Again, this was submitted to you and was also stamped by Max Sherman of Sherman Engineering, that the Building Department has, and each of you have a smaller rendition of the stamped copy of this plan.

CHAIRMAN SALADINO: What's the pleasure of the Board? Anybody else have any questions?

MEMBER TASKER: Yes, excuse me, I do.

CHAIRMAN SALADINO: I'm sorry.

MEMBER TASKER: Pardon me. Just when we met last and talked about this, we had reached a meeting of the minds, for want of a better word --

MR. OLINKIEWICZ: Correct.

MEMBER TASKER: -- as to how to proceed on this. And I just want to confirm that the conditions that are going to be part of the
variances are still on the table as we discussed.

MR. OLINKIEWICZ: They are on the table.

You actually have a new set of plans for the second floor at 110 South Street. It shows two apartments instead of three.

MEMBER TASKER: Okay.

MR. OLINKIEWICZ: And that we will then also put the other covenants. But we still have to have the public hearing and all the discussion --

MEMBER TASKER: Perfect.

MR. OLINKIEWICZ: -- and work our way through that.

MEMBER TASKER: So --

MR. OLINKIEWICZ: But all of that is on the table.

MEMBER TASKER: With respect to the parking, two family -- two units on each building --

MR. OLINKIEWICZ: Correct.

MEMBER TASKER: -- and so forth. Fine.

Thank you.

CHAIRMAN SALADINO: Anybody else? No?

Everybody's good?

(No Response)

CHAIRMAN SALADINO: All right. I'll make a motion that we accept this, this application. So
moved.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER REARDON: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: I'll vote aye.

We set them all at 6 o'clock. May 21st, 6 o'clock. We'll be at the property at 5:25.

MR. OLINKIEWICZ: Okay. And I'll stake it.

CHAIRMAN SALADINO: 5:15.

MR. OLINKIEWICZ: And stake out the other addition?

CHAIRMAN SALADINO: And stake out the --

MR. OLINKIEWICZ: The addition. Would you like the -- stake the addition, and then with different color stakes, to stake the ramp, just so you -- or is it just to stake just --

MEMBER CORWIN: That would be wonderful.

MR. OLINKIEWICZ: That would be wonderful?

CHAIRMAN SALADINO: That would be good.

MR. OLINKIEWICZ: Right. So we'll flag -- we'll flag the addition, then we'll flag the ramp, just so that everybody could see what's -- what's
involved.

CHAIRMAN SALADINO: Sounds good. Thank you.

MR. OLINKIEWICZ: Okay. Thank you.

CHAIRMAN SALADINO: All right. I lost my place. Oh, we have an application to accept -- Item No. 11 is 178 Sterling Street. A motion to accept the application, schedule a public hearing, and arrange a site visit for the application of Lisa Gillooly and Tony Spiridakis. Did I get that right?

MS. GILLOOLY: You got that right.

CHAIRMAN SALADINO: For the property located at 178 Sterling Street, Greenport, New York, 11944. The Suffolk County Tax Map No. is 1001-2.-3-15. Is the applicant here?

MS. GILLOOLY: I am. Hi. I'm Lisa Gillooly, 178 Sterling Street. Tony Spiridakis and I bought a home a year ago. At the time, our garage was in somewhat of disrepair. We met with Eileen Wingate prior to the sale, which I'd like to just mention, to see what we could and couldn't do, and didn't think it would at all be a problem what we asked.

What we're asking for is to raise the roof of our garage 6 feet and create a storage loft,
not to change the footprint, not to do anything except make a beautiful, attractive building.

Our garage happens to be on Sterling Street, because the way -- we're a waterfront property, so we have the garage, then our home, and then the water. And I -- so the garage, we're not like -- I don't know, that's it. We're just asking for a variance for -- to raise the roof 6 feet.

CHAIRMAN SALADINO: Okay. I'm reading the Notice of Disapproval and we're faced with the -- an accessory building in the front yard, other than the required yard.

MS. GILLOOLY: Yes, we have a fully permitted guesthouse existing on the property.

MEMBER TASKER: Huh?

MS. ALLEN: No, that's not what he said.

CHAIRMAN SALADINO: I don't know. I'm not sure what we're talking about.

MS. GILLOOLY: We have a full -- fully permitted existing accessory building on the property as well.

CHAIRMAN SALADINO: I'm talking about the garage in the front yard.

MS. GILLOOLY: Oh, I'm sorry.

CHAIRMAN SALADINO: We're not allowed to --
you're not allowed to have an accessory building
in your front yard, so you would need a -- I don't
know.

MS. GILLOOLY: Yeah.

CHAIRMAN SALADINO: You would need a
variance for that. I'm also reading -- I'm also
reading that you want to raise the roof to 21
feet. So, you know, the height for an accessory
building is 15 feet.

And, also, the Notice of Disapproval says
that a storage building is not a permitted use in
the Residential District, that would require a use
variance. What this Board is faced with now, and
I'm going to talk to the members about it, is
we -- we have a -- an application for an area
variance, and for us to consider this application,
you would need an application for a use variance.

MS. GILLOOLY: That was not explained to us
even through this process. And there are lots of
garages on this street with second stories, so
they're a residential area. I don't -- I don't --

CHAIRMAN SALADINO: Well, the thing is we --
we deal with the application that's in front of us
now.

MS. GILLOOLY: Understood.
CHAIRMAN SALADINO: We don't -- we don't -- in the discussion it might come up. In the neighbor's discussion it might come up. At the public hearing it might come up. You can say what you want. But, right now, we have to deal with the denial that's in front of us, for the appeal that's in front of us, and the denial that's in front of us is -- is for -- is for an accessory structure in the front yard, for a height variance, and --

MS. KRAMER: Am I allowed to ask a question?

MEMBER CORWIN: No.

MS. GILLOOLY: Yes.

CHAIRMAN SALADINO: No.

MS. KRAMER: Really?

CHAIRMAN SALADINO: Not yet.

MS. KRAMER: Okay.

CHAIRMAN SALADINO: Not yet.

MS. ALLEN: This is just the Board that talks about this.

MEMBER GORDON: You say that you did not know that there was a problem with the use and -- but it does say in this document, which it was -- which is the Notice of Disapproval, that this would require a use variance.
MS. GILLOOLY: I didn't know a use variance was different than the Board that I'm before right now.

MEMBER GORDON: Okay.

MEMBER CORWIN: Well, I move that we don't accept this application, give the applicant an opportunity to fine tune what was presented.

CHAIRMAN SALADINO: The problem in front of us is for us to accept an application, it has to be complete and correct. As it stands right now, this application is -- because of the third variance that you would need, is not complete and it's not correct.

MS. GILLOOLY: It's very surprising, because we worked with Frank Uellendahl, and we also -- we've been at this for four months. We were sent to the Historic Review Board first by the Town Clerk, so we lost two months in front of the Historic Committee, then we were sent to the ZBA. We were not given any clear instructions when we got our Notice of Disapproval. I was asked to pay, I think, $700, plus $1,000. My application was checked, and to arrive tonight and find out that it's incomplete is -- is a difficult thing. We're already four months into trying to
just get heard and see, you know, what's appropriate and what's not. So --

MEMBER CORWIN: Let me just --

CHAIRMAN SALADINO: Your architect -- excuse me one second, David.

MS. GILLOOLY: Yeah.

CHAIRMAN SALADINO: Your architect has been in front of this Board many, many times. He was issued, or if -- if I -- if I understand it, he is your architect. He was issued -- you were issued this Notice of Disapproval. It's not in -- it's not a secret what it says here. It says that, "The addition of a second story storage area on a second floor existing two car garage creates a use that is not a permitted use in the R-2 District. This would require a use variance for the addition of a second story storage facility in the R-2 District." He would certainly understand that.

MS. GILLOOLY: Okay. So is there a use variance committee?

CHAIRMAN SALADINO: No. There's a -- no. What there is, is there's a use variance application. You can fill out the application, you could present it to this Board. You can go to the Building Department, fill out the application.
They'll explain to you exactly the criteria to be granted a use variance. It's involved. It's not as -- it's not as -- I don't want to use the word --

MEMBER CORWIN: It's not an easy as an area variance.

CHAIRMAN SALADINO: I didn't want to use the word "easier". I didn't want to use the word "easy", but it's not as easy as an area variance. There's a lot less latitude involved. But right now, that's not the question.

MS. GILLOOLY: So, from a design point of view, if -- because we have a squatty, little garage, and if we wanted to do nothing on the second floor, would you accept the drawings as they are without a storage loft?

CHAIRMAN SALADINO: That's a question for the Building Inspector. That's a question for the --

MS. GILLOOLY: Or is that --

CHAIRMAN SALADINO: That's a question --

MS. GILLOOLY: How did use variance even come up? I mean, we made a really attractive -- we could take the dormers -- I mean, maybe we could still move forward with this.
CHAIRMAN SALADINO: We can't -- we can't design your project for you.

MR. CONNOLLY: It doesn't matter what it looks like, it matters what you're going to be using it as, and the Building Department has determined that you're using it for a use that's not permitted in the Residential District that the property is located in.

MS. GILLOOLY: You can't put kayaks and things above in your garage? Like, you can't -- all right. I'm just learning, I apologize. It just sounds like incredible, you know, onerous on us to have to defend just -- I mean, we just wanted to beautify the neighborhood and have a little bit of storage. I -- so the use variance is something that we were not aware of, and we will have to do whatever we have to do.

CHAIRMAN SALADINO: Okay. And just -- I'm getting -- I'm thinking that this application is not going to be accepted tonight. But just to expand on it a little bit, you submitted an EAF with it, an Environmental Assessment Form, that --

MEMBER CORWIN: There are a couple of things wrong in there.

CHAIRMAN SALADINO: There's a multitude of
questions that have to be answered, at least in my mind, differently, so you might want to look at that again.

   MS. GILLOOLY: Do you have a marked up copy, or is that --

   (Laughter)

   MS. ALLEN: A how-to.

   MS. GILLOOLY: Well, I mean, not a how-to, but it was done by an architect, so --

   MEMBER TASKER: Much as we might like to assist you, I don't think that could be our role.

   MS. GILLOOLY: Okay.

   CHAIRMAN SALADINO: So I'm going to make a motion that --

   MEMBER CORWIN: I made the motion.

   MEMBER GORDON: Yes.

   CHAIRMAN SALADINO: Oh, you did? Does it say -- did you say --

   MEMBER CORWIN: It has not been seconded.

   CHAIRMAN SALADINO: Can you make it again, David, just --

   MEMBER CORWIN: I make a motion we do not accept this application, we give the applicant a month to fine tune her application.

   CHAIRMAN SALADINO: Is there a second? Is
there a second?

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER TASKER: Aye.

MEMBER REARDON: Aye.

MEMBER GORDON: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

MEMBER CORWIN: Let me just say one thing before we close this discussion. The burden is on you to know the code and read it, or hire a professional who knows it, it's not on us to straighten these things out.

And when a Building Inspector tells you something that's not correct, it's just too bad. I'm not trying to be a wiseguy here. The law just says if a Building Inspector makes a mistake, it's too bad on the applicant, not on the Village Building Inspector. So that's why I'm saying to you, you've got to read and understand the code.

MS. GILLOOLY: Thank you.

CHAIRMAN SALADINO: I'm not -- and I would just like to add to that. No one here is suggesting that the Building Inspector made a mistake, I'm not, anyway. I read the Notice of
Disapproval. We're all familiar with the property. In my mind, the Notice of Disapproval kind of goes along with what's -- with what you're asking for and what's in place there right now. So I'm hoping we're not suggesting that the Building Department made a mistake, just -- I mean, just --

MEMBER CORWIN: Well, let me say, the applicant said the Building Inspector, the former Building Inspector said you can do whatever you want to do.

CHAIRMAN SALADINO: That's hearsay.

MEMBER CORWIN: And that is not the case.

CHAIRMAN SALADINO: That's hearsay.

MS. GILLOOLY: Right, as long as you don't expand the footprint. So we just thought by asking for -- I mean, there were a lot of disapprovals for -- and we were just asking to raise the roof. So I guess it had -- I'll have to look up the usage. But thank you, appreciate your time.

CHAIRMAN SALADINO: Sure. All right. So we're going to do -- we're going to -- what are we going to do here? Jack is waiting patiently, and Ms. Kramer is waiting patiently here. Do we want
to take these out of turn, do North Street, or we
can do Fifth Street. What do we want to do first,
folks?

MEMBER REARDON: Chronologically.
CHAIRMAN SALADINO: In the order that it
was? All right.

So Item No. 7 is 511 Fifth Street. It's a
discussion and possible motion on the area
variances applied for by Jack Martilotta for the
property located at 511 Fifth Street Greenport,
New York, 11944. The Suffolk County Tax Map No.
is 1001-6.-1-7.

What are we thinking here, folks?

MEMBER CORWIN: I am thinking that we need
an up-to-date survey. We have one from 2007,
which seems to show slightly different structures
than have been built. And in light of the fact
this may go down the road we aren't interested in
going down, I think we should do everything
correctly.

MEMBER TASKER: On the other hand, we have
the survey of 2007, which is ostensibly the
condition, location, etcetera, of the building on
the lot at the time the Martilottas purchased the
property. We have a set of building plans that
were, I believe, approved by the Building Inspector, so it is up to the Building Inspector to see that it's built to those plans.

MEMBER CORWIN: Yeah, but I don't -- I contend the Building Inspector was not qualified to produce the survey.

MEMBER TASKER: Oh, I won't necessarily disagree with you.

MEMBER GORDON: Is it possible --

MEMBER TASKER: But --

MEMBER GORDON: Go ahead.

CHAIRMAN SALADINO: I wasn't saying anything.

MEMBER TASKER: Whose job is it anyway?

MEMBER GORDON: Is it possible to make a ruling on the bay window and the porch conditional on -- if we're going to approve them, conditional on the provision of a current survey before 62 days?

MEMBER TASKER: No.

MEMBER GORDON: Can we do that?

MR. CONNOLLY: I've done that before.

CHAIRMAN SALADINO: Well, yeah. And I'm kind of thinking --

MEMBER TASKER: But then, where does this --
where does this lead? We get a survey that says, "Oops." Then what do we do? Are the variances that we may have granted no longer valid?

CHAIRMAN SALADINO: Well --

MEMBER CORWIN: Exactly.

CHAIRMAN SALADINO: We have a -- we have a survey from two -- from August 7th, 2007. We have a site plan from February 28th, 2019. The structures that David's concerning himself about, that we should concern ourselves with, are the Bilco door?

MEMBER CORWIN: That's what I noticed is different than what was there, so that says to me there could be other different things.

CHAIRMAN SALADINO: Well, from looking at the survey and looking at the site plan, the footprint, to me, which is what we should be concerned about, appears to be the same, the side yards, the front yard. We're not really concerned about the rear yard, except for the Bilco door, and seem to coincide, the site plan seems to coincide with the survey.

MEMBER GORDON: But the site plan is presumably based on the 2007 survey.

CHAIRMAN SALADINO: That's true. Well, are
we disputing the 2007 survey?

MEMBER GORDON: Well --

MEMBER CORWIN: It was accurate in 2007. Is it accurate in 2019?

CHAIRMAN SALADINO: Well, if we -- if we use -- well, if we go -- if the 2019 site plan is based on the 2007 survey, and no one seems to be disputing that --

MEMBER CORWIN: Well, the problem is, one problem is one of the neighbors is making --

MEMBER TASKER: Allegations.

MEMBER CORWIN: Allegations that may or may not be accurate.

CHAIRMAN SALADINO: Well, that's the other thing.

MEMBER TASKER: Without any -- I haven't seen the measurement to support those allegations.

CHAIRMAN SALADINO: Well, that was my next question. Why is that testimony more valid than the empirical data that we have in front of us?

MEMBER TASKER: Well, that's a great --

CHAIRMAN SALADINO: So, you know, just off the top of my head, the Attorney says it's an undersized lot. I'm looking here now. This area,
this lot is 7800 square --

MEMBER GORDON: Right.

CHAIRMAN SALADINO: He said it was less than 7500 square feet, and here it says that it's 7800 square feet.

MEMBER GORDON: 7875.

CHAIRMAN SALADINO: 7875. He disputed the side yards, and we have -- we have that here, that -- so I'm -- I mean, the variances, regardless, regardless of the contention of the neighbor, her attorney, and perhaps a letter that we received, what's in front of us right now is a relatively, in my mind, a relatively minor ask.

MEMBER CORWIN: Well, let's make a motion, then, John, and get it over with.

CHAIRMAN SALADINO: Well, wait a second. Wait a second. Wait a second, David. Before we make a motion, maybe somebody else wants to say something. Maybe we'll hear from someone else, and then we could have a little more, you know, involved, as far as we can -- our discussion should include the five -- you know, how this property -- how does these variances relate to the five questions, and we can -- we can do that, too, before we make a motion. So --
MEMBER TASKER: Or after we make a motion.
CHAIRMAN SALADINO: We could put the cart before the -- I mean, you know, we can kind of square away all the questions and everything, make a motion.
MEMBER TASKER: Yeah.
CHAIRMAN SALADINO: And that motion will be clear in everyone's mind and we can vote on it.
MEMBER TASKER: The -- I would like to go back to one point that you raise about there is -- of the apparent conflict in testimony, if we could leave it at that. It's up to us to choose what information is accurate and reliable on which to base our decision. We're like a jury in that regard.
CHAIRMAN SALADINO: I agree. I agree. Also, no one's sworn here, I mean, you know, so --
MEMBER TASKER: Hearsay evidence is admissible in all administrative hearings, you just give it the weight that it's worth.
CHAIRMAN SALADINO: Well, does anyone else have any comments? No?
MEMBER REARDON: John, I feel sort of like you, that, you know, the plans don't show any -- any question or a reasonable question about a
change of footprint. And I would trust the site
plan and the survey to be -- I trust it to be
accurate, as opposed to someone saying, "Uh, it
seems to be this many feet bigger or smaller."

MEMBER CORWIN: But are you going to require
an as-built survey at some point in time? Because
we've had a lawyer in here and a neighbor that is
not very happy, so we don't know where this is
going to end up.

CHAIRMAN SALADINO: Well, we have a
top-notch attorney to square those problems away.

MEMBER GORDON: Two of them.

CHAIRMAN SALADINO: Two of them, actually,
to square those problems away.

MEMBER GORDON: The other --

CHAIRMAN SALADINO: The other thing I would
like to -- just to get back to the survey and the
site plan one or two minutes. There was a time in
the recent past that I could remember on the
Zoning Board, and I'm sure David remembers and
Dinni, maybe not you, that the previous Building
Department, the previous head of the Building
Department didn't count Bilco doors as part of the
structure, didn't count chimney chases as part of
the structure. So we're -- and this Bilco door is
in a rear yard. Well, it's not a required yard, but it's in the back of the house. So if this Bilco door is on the survey in a different location than -- and I'm not sure that -- you know, I'm looking at this and I'm not really sure that it is.

But I would just add that, that, you know, to hold up this application, or not to vote on this application one way or the other because of the placement of a Bilco door in the rear yard, to me, we're obligated to deal with what's in front of us.

MEMBER GORDON: But that's not --

CHAIRMAN SALADINO: What's in front of us is a side yard variance and a front yard variance. What happened in 2017, 2000 -- 2017, is -- perhaps will be a problem for the Village and a neighbor, or maybe not. I don't know. I don't know.

But having said that --

MEMBER GORDON: I would like to add that in addition, we were talking about weighing the evidence of the changes that might or might not have been made. And another piece of our evidence is that the applicant, the homeowner says firmly that there has not been a change in the footprint.
I think it's a good idea to have an as-built survey, not just -- not because I think there will be a significant difference in the infrastructure here, but, as, you know, for the historical purpose of the Village later on. So I think it would be reasonable to strike a compromise and have our vote, and if we approve the variances, make that conditional on an as-built, as-built survey, which our Lawyer has just said he's done in the past.

CHAIRMAN SALADINO: That's a permissible condition for us to impose?

MR. CONNOLLY: Yeah, sure.

CHAIRMAN SALADINO: Have the applicant at some point --

MR. CONNOLLY: Yeah, you can approve it upon the applicant providing a survey showing the setbacks as they are, and if they -- if the setbacks are not what the Board approves, then the determination is void without prejudice, and they can come re-- come back to the Board and reapply for what they actually do need.

MEMBER CORWIN: But more than this --

MEMBER TASKER: And you're talking about the two setbacks in front of us right now, the porch
and the bow window, correct?

   MR. CONNOLLY: Yes.

   CHAIRMAN SALADINO: Once they -- once they make --

   MEMBER CORWIN: More than that, the whole thing. The whole thing needs a new survey for the reason Dinni said, to do this right, because we may end up in court, or the Village maybe end up in court, not the Zoning Board of Appeals.

   CHAIRMAN SALADINO: David, I have no problem with suggesting that as a condition, especially if we can get away with it.

   MR. CONNOLLY: They're going to need a new survey for the C of O anyway, so it's kind of --

   CHAIRMAN SALADINO: So, I mean, that becomes part of the deal

   MEMBER CORWIN: Fine.

   CHAIRMAN SALADINO: And --

   MEMBER TASKER: Then we don't need the condition.

   MR. CONNOLLY: Well, no. You want a condition so that the variance is valid. If the survey comes back and shows that the relief needed is more than what was requested, then --

   MEMBER TASKER: On those two items.
MR. CONNOLLY: Exactly.

CHAIRMAN SALADINO: So -- and just -- I just want to -- I just want to bring up a couple of points that are in my mind to add to our discussion here.

You know, we go through these five questions and we kind of take them for granted. I heard some stuff from a few members of the public that, you know, privacy and light, and, unfortunately, for a lot of neighbors, Greenport doesn't have a pyramid law. So, you know, whatever, whatever side yards are there, whatever rear yards are there, whatever -- you know, we have a height requirement, as long as the building is not taller than 35 feet. We can take those into consideration, but, you know, one of the -- one of the five questions is how it affects the neighborhood. I mean, my house is -- and I only to say that because it's a tall house.

MS. ALLEN: It is a bit of a mansion.

CHAIRMAN SALADINO: It's tall. You know, so -- and we're in the same neighborhood, so I don't think -- and most of the houses on our street -- I live on Sixth Street -- on Fourth, Fifth and Sixth Street are that tall. So I don't
see that as being as out of character in the neighborhood, the house that's under construction now.

Are the variances substantial? I think we're looking, you know, at --

MEMBER CORWIN: Well, let's move it along, make a motion.

CHAIRMAN SALADINO: Well, we want -- David, since you're concerned about a lawsuit, because you're concerned about judicial review, we should present a narrative in the record, which is the only thing an Administrative Law Judge can go by is the record. We should create a narrative in the record justifying the five questions with our opinions. And this way, you know, we make it easier if and when someone has to defend this case.

MEMBER GORDON: But can't we -- can't we do that with -- with the recitation of the five questions?

CHAIRMAN SALADINO: Under normal circumstances, I would say yeah, but sometimes we just get -- we just -- for the sake of brevity, we just say yes or no, and --

MEMBER CORWIN: I'll make the motion. I
made the motion that the Zoning Board of Appeals
approves the bump-out on the south side for the
bay window.

    CHAIRMAN SALADINO: No. First, we're going
to -- first we're going to -- we're going to do
SEQRA first.

    MEMBER CORWIN: Okay.

    CHAIRMAN SALADINO: We're going to do SEQRA
first, then we're going to go through the five
questions, and then we're going to vote on a
variance that we'll let you do.

    MEMBER TASKER: Okay, Joe.

    MEMBER CORWIN: No, no.

    CHAIRMAN SALADINO: How's that?

    MEMBER CORWIN: Make the motion before the
five -- all right. Let's just move along.

    CHAIRMAN SALADINO: All right. I'm going to
make a motion that the ZBA declare itself Lead
Agency for the purposes of SEQRA. So moved.

    MEMBER TASKER: Second.

    CHAIRMAN SALADINO: All in favor?

    MEMBER CORWIN: Aye.

    MEMBER GORDON: Aye.

    MEMBER REARDON: Aye.

    MEMBER TASKER: Aye.
1 CHAIRMAN SALADINO: And I'll vote aye.
2 I'm going to make a motion that this is a
3 Type II Action for the purposes of SEQRA. So
4 moved.
5 MEMBER GORDON: Second.
6 CHAIRMAN SALADINO: All in favor?
7 MEMBER CORWIN: Aye.
8 MEMBER GORDON: Aye.
9 MEMBER REARDON: Aye.
10 MEMBER TASKER: Aye.
11 CHAIRMAN SALADINO: And I'll vote aye.
12 We're going to -- we're going to go through
13 these five questions. Is that the consensus of
14 the Board?
15 MEMBER CORWIN: We've always made the motion
16 first, then go into the five questions.
17 CHAIRMAN SALADINO: That's not --
18 MEMBER CORWIN: It's getting late and you're
19 tired and I'm tired.
20 CHAIRMAN SALADINO: Actually, I'm not that
21 tired, I'm pretty good.
22 (Laughter)
23 CHAIRMAN SALADINO: But that's not my
24 recollection, but you can -- so you want to vote
25 on the variance that you -- you're saying you want
MEMBER TASKER: No.

CHAIRMAN SALADINO: You're saying that the ZBA approves the bump-out and the front porch variance? Is that what I heard you say before?

MEMBER CORWIN: Well, that's what I had in my mind, yes.

MEMBER GORDON: Maybe we should vote on the provision.

MEMBER CORWIN: With the condition that it is not approved for a Certificate of Occupancy until as an as-built survey is produced.

CHAIRMAN SALADINO: I'll entertain that motion after we go through these five questions. I think we should -- we're mandated to go through these --

MEMBER TASKER: Absolutely.

CHAIRMAN SALADINO: -- five questions first.

MEMBER TASKER: Absolutely.

CHAIRMAN SALADINO: David, we can't -- we can't act on that motion until we go through these, these first.

MEMBER CORWIN: Okay.

MEMBER TASKER: I think what David is suggesting, make a motion to have it on the floor,
address the five questions, answer the five questions, then vote on the motion. I think that's the procedural step that he's proposing.

CHAIRMAN SALADINO: Okay. But, you know, to keep it simple, why not just do this, and then you can make any motion you want, and we could vote on the variance, and this way it's -- we're following a straight path, instead of a convoluted one.

I'm going to go through these questions. And I write it at the top, before David interrupts, "Do SEQRA." So we did SEQRA, right?

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

I kind of said what I had to say about -- about the neighborhood. I don't think -- I don't think the neighborhood's going to change, or the character of the neighborhood's going to change with this design or style of this house. So --

MEMBER GORDON: Well, I thought -- sorry. I thought Chatty made a good point, that probably building a nice new house in this spot, where there was a kind of crumby old one, will improve the neighborhood.
MS. ALLEN: I didn't call it crumby.

MEMBER GORDON: Excuse me.

CHAIRMAN SALADINO: They're sitting --

they're right here, Dinni. They're sitting --

(Laughter)

MEMBER GORDON: I think they just said it, too.

CHAIRMAN SALADINO: Anyone else? Does that kind of say it?

MEMBER TASKER: I say we don't see it as there's going to be any -- quite the contrary.

It's going to be --

MEMBER CORWIN: Usually you poll the Board.

CHAIRMAN SALADINO: I am.

MEMBER TASKER: I don't believe there's going to be any detriment to the quality of the -- quality of life or the quality of the neighborhood by these changes that are before us.

CHAIRMAN SALADINO: Jack.

MEMBER REARDON: No undesirable change.

CHAIRMAN SALADINO: David.

MEMBER CORWIN: No.

CHAIRMAN SALADINO: All right. So we'll vote on this. David votes -- you vote no?

MEMBER CORWIN: No.
CHAIRMAN SALADINO: Dinni.
MEMBER GORDON: No.
CHAIRMAN SALADINO: Jack, no?
MEMBER REARDON: Clarify what I'm voting on.
CHAIRMAN SALADINO: Whether an undesirable change will be --
MEMBER REARDON: Oh, yeah. No.
CHAIRMAN SALADINO: Arthur.
MEMBER TASKER: No.
CHAIRMAN SALADINO: And I'll vote no.
Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.
MEMBER GORDON: What else is there?
CHAIRMAN SALADINO: Well, he could -- he could --
MS. ALLEN: Take it down and start again.
CHAIRMAN SALADINO: No coaching. He could. He could take the window out, but that doesn't seem reasonable, you know. And for the front porch --
MS. ALLEN: It's not there.
MEMBER TASKER: But then --
CHAIRMAN SALADINO: It's not even clear in my mind that he needs a variance for the front
porch.

MEMBER TASKER: I agree with you on that.

CHAIRMAN SALADINO: So we're going to talk about that in a second or two. So I'm not seeing any -- any other way for him to get this without an area variance.

MEMBER TASKER: Yeah. Scaling back would not be an answer.

CHAIRMAN SALADINO: So I'll call the vote. David.

MEMBER CORWIN: No.

CHAIRMAN SALADINO: Dinni.

MEMBER GORDON: No.

CHAIRMAN SALADINO: Jack.

MEMBER REARDON: No.

CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: No.

CHAIRMAN SALADINO: And I'll vote no.

Whether the requested area variance is substantial.

The two that are in front of us I think are relatively minor. I think, again, with -- perhaps with a little discussion, we decide that maybe he doesn't need a variance for the front porch. The side yard variance is -- is -- what did we see it
staked out as?

MEMBER TASKER: Foot-and-a-half or so. I mean, the depth of the bow window, not the variance.

CHAIRMAN SALADINO: So I'm not -- in my mind, this is not -- the variance is not substantial. So, David, what do you think?

MEMBER CORWIN: No.

CHAIRMAN SALADINO: Dinni.

MEMBER GORDON: No

CHAIRMAN SALADINO: Jack.

MEMBER REARDON: Not substantial.

CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: No.

CHAIRMAN SALADINO: And I'll vote no.

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

Again, with no pyramid law, I mean, we don't regulate the view, the sunlight. The code allows a certain height. I'm not sure what environmental conditions can -- I'm willing to listen. Do we have any concerns about the -- no?

(No Response)
CHAIRMAN SALADINO: David.
MEMBER CORWIN: No.
CHAIRMAN SALADINO: Dinni.
MEMBER GORDON: No.
CHAIRMAN SALADINO: Jack.
MEMBER REARDON: No.
CHAIRMAN SALADINO: Arthur.
MEMBER TASKER: No.
CHAIRMAN SALADINO: And I'll vote no.
Whether the alleged difficulty was
self-created, which consideration shall be
relevant to the decision of the Board of Appeals,
but shall not necessarily preclude the granting of
an area variance. David.
MEMBER CORWIN: Yes.
CHAIRMAN SALADINO: Dinni.
MEMBER GORDON: Yes.
CHAIRMAN SALADINO: Jack.
MEMBER REARDON: No.
CHAIRMAN SALADINO: Arthur.
MEMBER TASKER: Yes.
CHAIRMAN SALADINO: And I'm going to
vote yes.
You want to make that motion, David?
MEMBER CORWIN: I make a motion that the
variance for Mr. -- for the applicant for the bay window bump-out on the south side, and for the area variance for the front porch be approved, subject to the submission of a completed survey, a completed as-built survey.

MEMBER GORDON: Second.
CHAIRMAN SALADINO: David.
MEMBER CORWIN: Yes.
CHAIRMAN SALADINO: Dinni.
MEMBER GORDON: Yes.
CHAIRMAN SALADINO: Jack.
MEMBER REARDON: No.
CHAIRMAN SALADINO: Arthur.
MEMBER TASKER: Yes.
CHAIRMAN SALADINO: And I'll vote yes. Easy peasy.
So you're going to get the survey and you're going to give it to them.
MRS. MARTILOTTA: We'd like to move in, so I think we need the survey.
(Laughter)
CHAIRMAN SALADINO: Hopefully, hopefully, we're done, you know.
MR. MARTILOTTA: Thank you very much.
CHAIRMAN SALADINO: No problem.
And Item No. 8? 8. Anyway, discussion and possible motion on the area variances applied for by Michael and Lauren Nagin for the property located at 114 North Street, Greenport, New York, 11944. Suffolk County Tax Map No. is 1001-2-6-28.

Is there any can discussion?

MEMBER CORWIN: I'll note two things on this one. I was kind of disappointed it wasn't staked out. I could see the three feet in my mind for the building, but what I didn't see in my mind at the time was the stoop and the steps, and I'm wondering whether they were even included in the coverage of the building coverage. That's one thing that concerns me, that's minor.

And as to the question of the light in the kitchen, the north light -- and which way was the kitchen? I want to go back to the survey and see which way the kitchen faced. It faced east, I guess, of the neighbor. The neighbor's kitchen faced east, but the neighbor's lot line is like 1. -- building line is 1.4 feet off the lot line, if I remember correctly.

CHAIRMAN SALADINO: I think it was 1.4 feet from the fence.
MEMBER TASKER: No, from the building line.

CHAIRMAN SALADINO: From the building line?

Was the fence on --

MEMBER CORWIN: So I've got one here. I understand the applicant neighbor's concern, but the problem is one we run into frequently, where these houses were all built really to the north side of the lots, when they're required to be that way, but they were all built right up to lot lines. And this is what you end up with and it's not always what you want.

CHAIRMAN SALADINO: My thought is, is that I remember the neighbor saying that the kitchen was on -- was in the north of the house, was on the north side of the house. I don't remember -- I don't remember if the windows faced east --

MEMBER GORDON: It was both.

CHAIRMAN SALADINO: -- or if there was north windows.

MEMBER GORDON: It's both. It's on the corner, right, and it faces both north and east.

CHAIRMAN SALADINO: I have to --

MEMBER GORDON: It's on that corner.

CHAIRMAN SALADINO: No. According to the statement, and according to -- I don't -- at our
site visit, I just don't remember, and I probably
should have, I don't remember looking at the house
next door to see where the windows were.

    MEMBER CORWIN: I didn't either. And if we
had had this information before, we would have all
looked, but it didn't seem pertinent at that point
in time.

    CHAIRMAN SALADINO: Again, if we have no
pyramid law, I mean, we can't -- I'm not really
concerned about the steps.

    Does anyone else have any comments about
this application? No?

    (No Response)

    CHAIRMAN SALADINO: All right. I'll make a
motion that the ZBA declare itself Lead Agency for
the purposes of SEQRA. So moved.

    MEMBER TASKER: Second.

    CHAIRMAN SALADINO: All in favor?

    MEMBER CORWIN: Aye.

    MEMBER GORDON: Aye.

    MEMBER REARDON: Aye.

    MEMBER TASKER: Aye.

    CHAIRMAN SALADINO: Aye.

    I'll make a motion that this is a Type II --
Type II applica -- action for the purposes of
SEQRA. So moved.

MEMBER GORDON: Second.

CHAIRMAN SALADINO: We'll go through the five questions.

MEMBER TASKER: All in favor?

CHAIRMAN SALADINO: Oh, I'm sorry. All in favor? I guess I am tired. All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER REARDON: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye. I'll go through the five questions.

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

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Dinni.

MEMBER GORDON: No.

CHAIRMAN SALADINO: Jack.

MEMBER REARDON: No.

CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: No.

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

David.

MEMBER CORWIN: No.
CHAIRMAN SALADINO: Diana.
MEMBER GORDON: No.
CHAIRMAN SALADINO: Jack.
MEMBER REARDON: No.
CHAIRMAN SALADINO: Arthur.
MEMBER TASKER: No.
CHAIRMAN SALADINO: And I'll vote no.

Whether the requested area variance is substantial. David.

MEMBER CORWIN: Yes.
CHAIRMAN SALADINO: Dinni.
MEMBER GORDON: Yes.
CHAIRMAN SALADINO: Jack.
MEMBER REARDON: No.
CHAIRMAN SALADINO: Arthur.
MEMBER TASKER: No.
CHAIRMAN SALADINO: And I'm going to vote no.

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

MEMBER CORWIN: No.

CHAIRMAN SALADINO: Dinni.

MEMBER GORDON: No.

CHAIRMAN SALADINO: Jack.

MEMBER REARDON: No.

CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: No.

CHAIRMAN SALADINO: And I'll vote no.

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

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Dinni.

MEMBER GORDON: Yes.

CHAIRMAN SALADINO: Jack.

MEMBER REARDON: Yeah.


MEMBER TASKER: Yes.

CHAIRMAN SALADINO: And I'll vote yes.

I'll make a motion that we grant the area
variances.
MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER REARDON: Aye.

MEMBER TASKER: Aye.

MEMBER GORDON: Yes, aye.

CHAIRMAN SALADINO: Any opposed?

MEMBER CORWIN: I'm going to abstain. I was not happy that the project was not marked out.

CHAIRMAN SALADINO: And I'm going to vote aye.

Okay. So we have four yeses and one abstention.

Item No. 12 is any other Zoning Board of Appeals business that might properly come before the Board. Anybody, anything? No?

MEMBER CORWIN: Mr. Chairman.

CHAIRMAN SALADINO: Sure, David.

MEMBER CORWIN: I have a couple of things I'd like to bring up. I just assume bring them up off the record when the Stenographer and the camera is gone, they're minor things.

CHAIRMAN SALADINO: I don't think we can do that. I mean, if we're convened, we're public, this is a public meeting. I mean, if we're discussing as a Board, it's a public meeting.
MEMBER CORWIN: All right. Let me bring them up.

CHAIRMAN SALADINO: Okay.

MEMBER CORWIN: The instructions we have now, I think I might have lost it.

CHAIRMAN SALADINO: These?

MEMBER CORWIN: The third, the third paragraph, I guess it is, says survey or site plans, survey/site plan. And what occasionally happens is people come in and say, "Oh, I can just do a site plan, I don't need a survey." So you have to have a survey, that's my contention, and I think that instruction sheet needs to be changed.

I looked at the Town of Southold's procedures today and that paragraph was taken out by somebody of a much longer list of Town of Southold stuff that included a survey. So, if nothing else, our instructions should say "survey".

The Town of Southold law has -- also has a long list of things for the applicant to bring in, and I think the Village could adopt that. Doesn't necessarily need every item, but I think it would be helpful for applicants if they had a little more guidance than they have now.
And I got to tell you, one of the things I occasionally do is go up to the Assessor's Office and get the property cards. On the Town of Southold's application checklist, the applicant has to provide the Assessor's cards, which I think they should all be provided. And I went in there this morning, I told the Clerk, "Gee, I'm going up to Southold Town to get the Assessor's card. I think you should do that." And the Clerk didn't like that a bit. She didn't want to do that. I don't know, maybe it was just a poor reaction to me. But I got to tell you, I'm paying money to people in the office and I think that's a reasonable request, and just didn't like my interaction with the Clerk this morning.

CHAIRMAN SALADINO: Are you talking the Building Clerk or are you talking the Village Clerk?

MEMBER CORWIN: The Clerk of the Boards.

CHAIRMAN SALADINO: Clerk of the Boards. Do you have any -- I'm --

MEMBER TASKER: I think that's a policy issue that goes beyond Kristina, in her defense.

CHAIRMAN SALADINO: I think -- I think until someone in authority -- do you remember -- do you
remember what was on the Southold application that's not on the Greenport application that you would submit to the Building Department to add?

MEMBER CORWIN: Not offhand, not offhand.

CHAIRMAN SALADINO: No? I'm reading, I'm reading the instructions, there's seven of them. I don't know if you count the checklist seven. That says -- it says, "Survey/site plan: Surveyor must show proposed and existing setbacks, patios/driveways, wetland buffers, parcel size, lot dimensions. Surveys submitted must show all existing structures, dimensions of existing and proposed structures, fences, tanks, chimneys as certified by a licensed surveyor, engineer or architect."

MEMBER CORWIN: And there is part of the problem.

MEMBER TASKER: Yes.

CHAIRMAN SALADINO: I agree. I agree with you 100%. A lot of times the architect --

MEMBER CORWIN: And the one thing it says on the Southold Town instructions is "new survey". Now I'm not necessarily asking for a new survey, but when a survey gets 10, 20 years old, and somebody builds a porch on, or something like
CHAIRMAN SALADINO: Well, wouldn't --

MEMBER CORWIN: -- then the survey's a little too old.

CHAIRMAN SALADINO: Well, wouldn't it -- wouldn't it be -- wouldn't saying, "Survey submitted must show all existing structures, dimensions of existing and proposed structures, fences, tanks and chimneys," wouldn't that kind of mandate a new survey if something's been added on and --

MEMBER CORWIN: It would, but I don't think it always happens.

CHAIRMAN SALADINO: Okay.

MEMBER GORDON: Are you through?

MEMBER CORWIN: Yeah.

MEMBER GORDON: I would like to add something. I'm not sure whether it's the instructions which should deal with it, or what else, but we have had several instances recently, not just this evening, but other evenings, when I felt that the applicant was at a disadvantage without having a professional with the applicant to help guide this person through what is sometimes a pretty complicated process. And I
don't know whether that's something that would be
informally said by the Building Inspector, if we
had one, or whether it's something that should --
we should put in the instructions that is couched
as a suggestion for the applicants, because I have
watched some, you know, flailing around. And just
tonight there were a couple of instances where it
just seemed to me that the applicant would have
been much better off with a -- with the aid of a
professional for this complicated process.

MEMBER TASKER: Well, that could be as
simple as get counsel from a knowledgeable person.

CHAIRMAN SALADINO: I just -- I just don't
know if we're over -- you know, if we're
overstepping. You know, it's fine to have a
suggestion. I mean, on the Village's instruction
sheet, or when they come to see the Building Clerk
or the Code Enforcement Officer with an
application, to have them suggest to them, you
know, you might want to have a professional look
this over and stuff, I think we would be
overstepping. We're making the suggestion now, I
mean, but to make it anymore formal than a
suggestion I think would be kind of overstepping
our bounds. You know, who are we to suggest to
somebody how they spend their money?

MEMBER CORWIN: I agree with you. I don't want to tell anybody, other than a surveyor doing the survey. If they want to do the plans themselves, fine. And the problem with saying a knowledgeable person or a prof -- they often don't know the rules and regulations any better than the applicant.

CHAIRMAN SALADINO: Well, we've had -- we had testimony --

MEMBER TASKER: Well, that's why I said knowledgeable.

CHAIRMAN SALADINO: Well, we had testimony tonight from an applicant that, I mean, it was in black and white what was required. I mean, I felt terrible that we couldn't accept -- I didn't feel that terrible, I mean, you know, it should be right. But, you know --

MEMBER CORWIN: Well, the applicant can read. She should have -- and I've said this several times. People that come in here with an application should come to one or two meetings before they even send the application in.

CHAIRMAN SALADINO: I don't know, David. To -- I understand where your heart and your head
is on that, but, I mean, to suggest to somebody who wants put a --

MEMBER CORWIN: No, it's not compulsory.

It's not compulsory.

CHAIRMAN SALADINO: No, no, I understand, but I don't think --

MEMBER CORWIN: But if you know what you're doing, you go in there and see how things work and --

MEMBER TASKER: Unless you don't.

CHAIRMAN SALADINO: No, absolutely. But somebody that wants to put in -- and this doesn't relate to any specific applicant -- wants to put in a new bay window, or wants to, you know, put a small porch on their -- on their back, then I don't think they're going to think, you know, like, "Well, let me show up at the ZBA for two meetings and see what the deal is to put this porch on," as opposed to go to the Building Department and say, "Hey, what's the deal? What do I have to do to put this porch on my house?"

MEMBER CORWIN: Then they learn the hard way.

CHAIRMAN SALADINO: And I'm kind of okay with that, too, you know.
MEMBER CORWIN: So am I.

CHAIRMAN SALADINO: We have our job and other people have theirs, you know. So if someone is confused by the process, the easiest thing, the easiest thing to do is ask, ask, "I don't know what's going on here, what do I have to do?" And maybe get a second opinion, too. We saw what happened when somebody wanted to rebuild their house and asked a Village Official that turned out to be mildly confusing.

So if -- anyone else, anything?

MEMBER TASKER: I move we adjourn.

CHAIRMAN SALADINO: Item Number, whatever it is --

MS. LINGG: Fifteen.

CHAIRMAN SALADINO: -- is a motion to adjourn.

MEMBER CORWIN: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER REARDON: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

(The meeting was adjourned at 8:16 p.m.)
CERTIFICATION

STATE OF NEW YORK )

) SS:

COUNTY OF SUFFOLK )

I, LUCIA BRAATEN, a Court Reporter and
Notary Public for and within the State of New
York, do hereby certify:

THAT, the above and foregoing contains a
true and correct transcription of the proceedings
taken on April 16, 2019.

I further certify that I am not related to
any of the parties to this action by blood or
marriage, and that I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of April, 2019.

Lucia Braaten

Lucia Braaten
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