

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

3 -----x

4 ZONING BOARD OF APPEALS

5

6 REGULAR SESSION

7 -----x

8 Old Schoolhouse
9 Greenport, New York

10

11 April 16, 2019

12 6:00 p.m.

13

14 B E F O R E:

15 JOHN SALADINO - CHAIRMAN

16 DAVID CORWIN - MEMBER

17 DINI GORDON - MEMBER

18 JACK REARDON- MEMBER

19 ARTHUR TASKER - MEMBER

20

21 ROBERT CONNOLLY - ZONING BOARD ATTORNEY

22 KRISTINA LINGG - CLERK TO THE BOARD

23

24

25

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

2 CHAIRMAN SALADINO: Folks, it's 6 o'clock.

3 I think we're going to start. This is the regular
4 meeting of the Village of Greenport Zoning Board
5 of Appeals.

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

9 MEMBER TASKER: Second.

10 CHAIRMAN SALADINO: All in favor?

11 MEMBER CORWIN: Aye.

12 MEMBER GORDON: Aye.

13 MEMBER REARDON: Aye.

14 MEMBER TASKER: Aye.

15 CHAIRMAN SALADINO: And I'll vote aye.

16 Item No. 2 is a motion to approve the
17 minutes of the February 19th, 2019 Zoning Board of
18 Appeals meeting. So moved.

19 MEMBER TASKER: Second.

20 CHAIRMAN SALADINO: All in favor?

21 MEMBER GORDON: Aye.

22 MEMBER REARDON: Aye.

23 MEMBER TASKER: Aye.

24 CHAIRMAN SALADINO: I'll vote aye. Any
25 abstentions?

1 MR. CORWIN: Abstain

2 CHAIRMAN SALADINO: And one abstention.

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

7 MEMBER GORDON: Second.

8 CHAIRMAN SALADINO: All in favor?

9 MEMBER CORWIN: Aye.

10 MEMBER GORDON: Aye.

11 MEMBER REARDON: Aye.

12 MEMBER TASKER: Aye.

13 CHAIRMAN SALADINO: And I'll vote aye.

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

16 MEMBER REARDON: (Raised hand)

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

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

23 A motion to accept the findings and
24 determinations to the interpretations rendered on
25 March 19, 2019 for the properties located at

1 110 and 112 South Street, Greenport, New York.
2 The Suffolk County Tax Map No. is 1001-4.-6-32 and
3 1001-4.-6-34.6.

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

8 MEMBER GORDON: Yeah.

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

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

18 MEMBER TASKER: Second.

19 CHAIRMAN SALADINO: All in favor?

20 MEMBER GORDON: Aye.

21 MEMBER TASKER: Aye.

22 CHAIRMAN SALADINO: I'll vote aye.

23 MEMBER REARDON: I will abstain from that
24 issue.

25 CHAIRMAN SALADINO: And David?

1 MR. CORWIN: Abstain.

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

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

12 MEMBER TASKER: Second.

13 CHAIRMAN SALADINO: All in favor?

14 MEMBER GORDON: Aye.

15 MEMBER TASKER: Aye.

16 CHAIRMAN SALADINO: I'll vote aye.

17 MEMBER REARDON: Abstain from that one.

18 MR. CORWIN: Abstain.

19 CHAIRMAN SALADINO: And that motion carries.

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

22 MEMBER GORDON: Getches.

23 CHAIRMAN SALADINO: Getches. In the matter
24 of the application of Jim Getches. The Suffolk
25 County Tax Map No. is 1001-3-5-11. So moved.

1 MEMBER TASKER: Second.

2 MEMBER GORDON: Second.

3 CHAIRMAN SALADINO: All in favor?

4 MEMBER TASKER: Aye.

5 MEMBER GORDON: Aye.

6 CHAIRMAN SALADINO: And I'll vote aye.

7 MEMBER REARDON: I abstain.

8 CHAIRMAN SALADINO: And --

9 MR. CORWIN: Abstain.

10 CHAIRMAN SALADINO: And two abstentions.

11 That motion carries. Kristina, thank you.

12 Item No. 5. Item No. 5 is the --

13 MR. CORWIN: What about 4?

14 CHAIRMAN SALADINO: We did that.

15 MEMBER GORDON: Oh, we did that. Sorry.

16 CHAIRMAN SALADINO: Item No. 5 is a public
17 hearing for the application of Jack Martilotta for
18 the property located at 511 Fifth Street,
19 Greenport, New York, 11944. The Suffolk County
20 Tax Map No. is 1001-6.-1-7.

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

24 Before we -- before we open the public
25 hearing, Jack is the applicant who signed the

1 application, Jack Martilotta. The public notice
2 was published?

3 MS. LINGG: Yes.

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

6 MS. LINGG: The other one.

7 CHAIRMAN SALADINO: And the mailings are
8 Teresa Wilmshurst -- Wilmshurst, 513 Fifth Street,
9 Greenport, New York, 11944. The North Fork
10 Housing Alliance, 116 South Street, Greenport, New
11 York, 11944. Geoffrey Miles, 510 Wiggins Street,
12 Greenport, New York, 11944. Wiggins -- 514
13 Wiggins LLC, 1233 Beech Street, Atlantic Beach,
14 New York, 11509. Saint Agnes Roman Catholic
15 Church, 50 North Park Avenue, Post Office Box
16 9023, Rockville Centre, New York, 11571. Joyce
17 Croak, 60 East 12th Street, New York, New York,
18 10003. And Carole Marcus, 506 Fifth Street,
19 Greenport, New York, 11944.

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

23 MR. MARTILOTTA: Yes, sir.

24 CHAIRMAN SALADINO: You want to start? Do
25 you have anything to tell us, or --

1 MR. MARTILOTTA: Sure. Okay. For the house
2 on 511 Fifth Street --

3 CHAIRMAN SALADINO: Just ident -- Jack.

4 MR. MARTILOTTA: I'm sorry.

5 CHAIRMAN SALADINO: Identify yourself for
6 the Stenographer.

7 MR. MARTILOTTA: I apologize. Jack
8 Martilotta, 511 Fifth Street in Greenport.

9 We purchased the house 12 years ago?

10 MRS. MARTILOTTA: (Nodded yes)

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

1 MRS. MARTILOTTA: (Nodded yes)

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

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

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

22 So what we're looking for now is a variance
23 for the front porch. We'd like a front porch to
24 be on there, we think it would look good with the
25 neighborhood.

1 And, in addition, we do have a building
2 permit, but it seems there may have been a mistake
3 with the bump-out for the bay window, which has
4 been there when we first moved in. And we would
5 just like to get that taken care of, but we're
6 asking for, for that -- for those two variances.
7 Fair enough?

8 CHAIRMAN SALADINO: It's your time, Jack.

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

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

12 MS. LINGG: Yes.

13 CHAIRMAN SALADINO: -- from Joyce Croak.
14 We're going to read the letter, then we're going
15 to open the meeting up to the public.

16 This is, "Attention: John Saladino,
17 Chairperson, Zoning Board of Appeals, Village of
18 Greenport. From: Joyce Croak, property owner,
19 506 Wiggins Street, Greenport, New York.

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

22 MS. WILMSHURST: No, she's not.

23 CHAIRMAN SALADINO: No.

24 MS. WILMSHURST: She says --

25 CHAIRMAN SALADINO: I thought maybe she

1 came.

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

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

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

16 October 26, 2018: Demolition had begun on
17 October 22nd while I was in residence. I thought
18 incorrectly that only the extension was being torn
19 down.

20 When I returned on the 26th, it was
21 defined" -- "the whole structure had been taken
22 down and two sections of my fence were down. See
23 attached photo. I went to talk to the crew on
24 Monday morning and they told me it must have blown
25 down in a storm over the weekend. They also

1 pointed out one of my fence posts had rotted. On
2 this, the section of the fence where the rot was,
3 was standing, the section that was fully down had
4 a perfectly sound post that remains.

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

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

25 Another bullet point. "Back: My estimate

1 is 6 to 10 feet further back. There was a very
2 large tree removed about a year ago growing there.
3 There is one photo attached from my back deck
4 showing the tree and Mr. Martilotta's backyard
5 that previously aligned with the east side of my
6 deck. The back of this house is now aligned with
7 that side of my deck."

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

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

17 Response to nonconforming construction: As
18 it affects my property, with a two-foot-nine-inch
19 setback of the bay window on the south side facing
20 my backyard, I would consider to agree to the
21 variance if a sizable tree, 12 to 15 feet, of my
22 choosing and direction, to be purchased and
23 installed, along with other landscaping changes
24 that would require" -- "be required to accommodate
25 that planting at Mr. Martilotta's upfront expense.

1 This would allow for some privacy and screening as
2 a way of mitigating the zoning violation."

3 This is not signed, but we have the address
4 and the name of the person that sent it.

5 I'm -- before I open, I just want to ask the
6 Building Clerk, do we have a receipt that the
7 mailing was sent?

8 MS. LINGG: To that address, yes, we do.

9 CHAIRMAN SALADINO: Okay. At this time, if
10 there's someone from the public that would like to
11 speak, we'd be glad to listen.

12 MR. STEUERWALD: Good evening. Do you want
13 me to step up?

14 CHAIRMAN SALADINO: Wherever you're
15 comfortable.

16 MR. STEUERWALD: Okay. My name is Harold
17 Steuerwald, I'm an Attorney, 2 Station Court,
18 Bellport, New York. I'm here for the neighboring
19 property at 513 for Theresa Wilmshurst, who is
20 present as well.

21 First, I'm going to submit that based upon
22 the testimony of the applicant, there's truly been
23 no basis for the relief requested. I've not heard
24 any testimony or documentation submitted which
25 would support under the laws of New York the

1 relief requested from this Board.

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

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

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

25 CHAIRMAN SALADINO: Do you have the dates

1 for these?

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

10 I submit, under the Zoning Code of the
11 Village of Greenport, that once the applicant tore
12 the structure down voluntary, and I submit that
13 his initial application to the Building Department
14 did not indicate that he was removing the whole
15 structure, but he then went and tore the whole
16 thing down. At that point, he lost any benefit of
17 any type of nonconforming use under Section
18 150-20, nonconforming uses of the Village of
19 Greenport.

20 At that point, the Building Department and
21 the former Building Inspector, when that
22 application was submitted, should have denied that
23 request. And if the applicant wanted to put the
24 house that he has now constructed on that
25 property, this application initially, at the time

1 the building permit was filed on December 12th,
2 2017, should have been referred for a variance for
3 relief to this Board. The former Building
4 Inspector did not do that. In fact, on the same
5 date that the application for the building permit
6 was submitted, the building permit was, in fact,
7 issued to the applicant.

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

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

14 MR. STEUERWALD: So, at that point, when he
15 lost the nonconforming uses present in the
16 R-2 District, he had to comply with all the zoning
17 setbacks under 150-12. The lot is a nonconforming
18 in that it doesn't have the lot area requested and
19 required by the zoning district. It doesn't have
20 7500 square foot, doesn't have the width of
21 60 foot, doesn't have a front yard setback of 30,
22 certainly doesn't have a side yard of 10 feet, and
23 a combined side yard of 25 feet.

24 And what you have here is an applicant now
25 that not only removed the entire structure, but

1 has, in fact, increased the footprint of the
2 structure. I submit, as set forth in the previous
3 letter you received, on the west side of the
4 structure, where you can see the new foundation in
5 the photographs I submitted. By increasing that
6 footprint, that further necessitated him appearing
7 before this Board for relief before he started any
8 construction.

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

23 I had hoped, when I had FOILED the records
24 from the Village Clerk on March 26th, that I would
25 have received those records by today to submit

1 them to this Board. I would ask that those
2 records be made part of this record. And you will
3 see all the complaints that were ignored by the
4 Code Enforcement Officer, as well as the Building
5 Department.

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

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

23 Once the applicant lost the nonconforming
24 use, the health and safety issues required should
25 have been addressed by the Building Department.

1 He should not have been allowed to put up a full
2 two-story dwelling on that property.

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

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

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

25 I'm going to ask that my letters of

1 March 9th and March 27th to the Village of this
2 year be made part of this record, which outline
3 what I had stated in regards to the Zoning Code of
4 the Village of Greenport, and the fact that this
5 entire structure does not comply with your Zoning
6 Code. Any type of nonconforming ability for that
7 structure to exist was lost when that structure
8 was demolished.

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

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

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

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

24 MS. WILMSHURST: Yes, I did.

25 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,

1 name and address.

2 MS. ALLEN: Chatty Allen, Third Street.

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

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

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

21 As far as this neighbor's fence, the past
22 few storms we've had have done some really freaky
23 things to people's yards and homes. Without
24 physical proof that workers damaged it, I feel
25 bad, but you got to take that into consideration,

1 may or may not.

2 I grew up on Fifth Street. This
3 neighborhood's one of my old stomping grounds.
4 I'm a school bus driver. Fifth Street is also one
5 of the roads that I drive on every day. The job
6 that they have done on this home will bring up the
7 property value in that neighborhood. And that's
8 why I am also for granting the variance for them
9 to extend the porch, to make it look more like the
10 original building was, to bring it the full view
11 of this home.

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

24 Now, I'm a regular citizen and I got that
25 information, so I don't understand how a lawyer

1 couldn't get that kind of information. When
2 someone files a complaint with the Village, an
3 action is taken. It's either founded or
4 unfounded, what you are complaining about.

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

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

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

25 I personally, I will -- okay, I'll put it on

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

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

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

22 MR. MARTILOTTA: Sir.

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

25 MR. MARTILOTTA: Sure. Jack Martilotta,

1 from Fifth Street again.

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

17 I can't speak to the -- I can't speak to the
18 fence. But I just want to be clear with everyone,
19 I applied for a building permit, and I had met
20 with the Building Department several times to make
21 sure that I had everything that I needed, and the
22 building permit says that we could demolish the
23 house, build another one. And as soon as there
24 seemed to be some question about it, I immediately
25 filled out the paperwork and came to you, because

1 even if there was a mistake, I'd like for it to be
2 rectified. I think that's the right way to do it,
3 as far as the bay window.

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

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

22 And I think that -- I think that the porch,
23 I think that the porch is a reasonable request.
24 The building to my north, I think, was 106 inches
25 off the sidewalk, the building to my south was

1 145 inches off. This one would be approximately
2 12 feet. Ours was -- ours would be set back
3 further than either building on either side.

4 And, again, we think it -- we think it would
5 keep the original look. That's why we kept the
6 bay window on the one side, that's why we kept the
7 flat roof on the other, because it's important.
8 You know, it's the community. We want to make
9 sure it fit in as well as possible, and we think
10 we've accomplished that. So I hope you guys will
11 consider that when you're -- when you're looking
12 at the porch. And thank you.

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

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

17 MR. CORWIN: I have a couple of questions.

18 MR. MARTILOTTA: Sure.

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

24 And then, after you answer that question,
25 what would you suggest the ZBA do, because I can't

1 see the questions that you raised, while they
2 might be legitimate, are anything to do with the
3 Zoning Board of Appeals.

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

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

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

1 construction plans.

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

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

20 I believe that this whole application should
21 be denied and should be sent back to the Building
22 Department, with the proper applications
23 submitted, and the proper review of the original
24 survey and the original footprint of the original
25 structure be compared with what is there now.

1 But even if you only are going to say
2 there's a small bump-out, by increasing the size
3 of that structure, once you demolish the previous
4 structure, you do not meet the requirements. The
5 lot area itself is under 7500 square feet. You
6 could not put that structure up without getting
7 relief from you. It does not have the required
8 setbacks through the rear, doesn't have the front,
9 doesn't have the side yards. And God forbid now
10 that we have a new structure, that something
11 happens, an emergency vehicle needs to get to the
12 back, it can't.

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

21 CHAIRMAN SALADINO: Would you --

22 MR. STEUERWALD: Thank you.

23 CHAIRMAN SALADINO: Would you agree that as
24 an Administrative Board, we're obligated to deal
25 with what's in front of us now? We don't -- we

1 can't expand on the denial that we have in front
2 of us now.

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

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

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

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

1 variances. Thank you.

2 MR. CORWIN: Mr. Chairman.

3 CHAIRMAN SALADINO: Yes, David.

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

12 CHAIRMAN SALADINO: Anyone else have any
13 comments?

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

19 And the dimensions on the survey of 2007,
20 which appeared to have been the survey that was
21 taken at the time the Martilotta's purchased the
22 property, shows no substantial difference that I
23 could see, visiting the site just before this
24 meeting, in terms of the side yard setbacks. On
25 the north it shows that you got 2.3 feet to the

1 center of the driveway, the common driveway, and
2 on the south, it shows that there is approximately
3 two-and-a-half feet of setback. The question of
4 the bow window isn't clear from this survey to me.
5 So the suggestion that there's been substantial
6 increase in the size of the building, certainly
7 laterally, cannot be so.

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

12 MS. WILMSHURST: That was taken from my
13 backyard?

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

16 MS. WILMSHURST: Located behind my building.

17 MEMBER TASKER: And where is that?

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

20 MEMBER TASKER: Okay. Thank you.

21 MEMBER REARDON: I have a question for
22 you --

23 MR. MARTILOTTA: Yes.

24 MEMBER REARDON: -- Mr. Martilotta. Could
25 you just elaborate a little bit on the porch that

1 you're looking to get a -- some relief for?

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

5 MRS. MARTILOTTA: It's slab of bluestone.

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

15 MEMBER REARDON: Okay. Thank you.

16 MR. MARTILOTTA: Yes, sir.

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

21 Really, I -- this is addressing the Lawyer's
22 comments. You know, we have a previous meeting at
23 which we decide whether or not to accept the
24 application, and we did accept the application.
25 So I cannot imagine the situation in which we

1 could retract our acceptance of the application,
2 even if it's not complete.

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

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

21 MEMBER TASKER: Arthur Tasker.

22 MR. STEUERWALD: Thank you. If you do not
23 have in your possession an as-built survey, or a
24 survey showing where the proposed structure is
25 actually going to go, that you, as a Board, cannot

1 make a determination, because that would be
2 arbitrary and capricious in and of itself.

3 Since this structure has already been
4 constructed, I submit you need an as-built survey.
5 You cannot just do this eyeball, especially when
6 you're dealing with the close proximity of lot
7 lines to begin with. Every inch is going to count
8 here. And this is already a situation where the
9 structure is -- clearly not fit the dimensional
10 requirements for that zoning district based upon
11 your own Village Code. So that alone shows that
12 the application is insufficient if you do not have
13 that in your possession. Thank you.

14 MR. MARTILOTTA: May I?

15 CHAIRMAN SALADINO: Sure.

16 MR. MARTILOTTA: I did provide a site survey
17 where we plan to put the porch and the window.

18 CHAIRMAN SALADINO: We have that.

19 MR. MARTILOTTA: Okay. So, I mean --

20 MRS. MARTILOTTA: For the record.

21 MR. MARTILOTTA: Yeah.

22 CHAIRMAN SALADINO: What's the pleasure of
23 this Board? Keep this public hearing open, or
24 we're going to close it?

25 MEMBER TASKER: For what?

1 CHAIRMAN SALADINO: Are we going to keep it
2 open?

3 MEMBER TASKER: For?

4 CHAIRMAN SALADINO: Or are we going to
5 close it?

6 MEMBER TASKER: Yeah. Keep it open for
7 what? Rhetorically.

8 CHAIRMAN SALADINO: So, is -- Jack, any --
9 David? Jack?

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

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

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

19 MEMBER TASKER: Second.

20 CHAIRMAN SALADINO: All in favor?

21 MEMBER CORWIN: Aye.

22 MEMBER REARDON: Aye.

23 MEMBER TASKER: Aye.

24 MEMBER GORDON: Aye.

25 CHAIRMAN SALADINO: And I'll vote aye. We

1 have -- we have a request that the applicant
2 provide an as-built survey. We can -- we have --
3 we have 62 days to make the decision. There's no
4 doubt in my mind that we're going to come to a
5 conclusion before then.

6 We're going to -- there's an agenda item
7 later to discuss this. At that time, we'll decide
8 on David's motion and --

9 MEMBER CORWIN: Suggestion.

10 MEMBER GORDON: He didn't make a motion.

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

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

1 this just ridiculous?

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

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

9 All right. So this public hearing is
10 closed.

11 Item No. -- what item are we on?

12 MEMBER TASKER: Six.

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

15 Okay. Item No. 6 is 114 North Street. It's
16 a public hearing for the application of Michael
17 and Lauren Nagin for the property located at
18 114 North Street, Greenport, New York, 11944. The
19 Suffolk County Tax Map No. is 1001-2.-6-28.

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

23 MEMBER GORDON: Meryl Kramer.

24 CHAIRMAN SALADINO: I'm sorry?

25 MEMBER GORDON: Meryl Kramer.

1 CHAIRMAN SALADINO: Well, we're going to do
2 a couple of things first. We're going to get the
3 assurance from the Building Department that the
4 public notice was published.

5 MS. LINGG: Yes.

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

9 Gillian Wood, 110 North Street, Greenport,
10 New York, 11944. Floyd Memorial Library, 539
11 First Street, Greenport, New York, 11944. Sarah
12 Cumming, 49 West 69th Street, New York, New York.

13 MEMBER GORDON: Aegberg.

14 CHAIRMAN SALADINO: Excuse the
15 pronunciation. Second Aegberg, LLC, 215 Thompson
16 Street, New York, New York, 10012. Sean Rodger --
17 Rodger, 611 First Street, Greenport, New York,
18 11944. And Stacey Tesseyman, 36 Morton Street,
19 New York, New York, 10014.

20 Is the applicant ready?

21 MS. KRAMER: Yes. Ready?

22 CHAIRMAN SALADINO: We're ready.

23 MS. KRAMER: Okay. My name is Meryl Kramer.
24 I'm the Architect and the Agent for Lauren and
25 Michael Nagin.

1 We did receive one of the letters back --

2 MS. LINGG: Okay.

3 MS. KRAMER: -- from the post office.

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

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

11 MS. KRAMER: Okay. So I would like to say
12 that, again, we discussed this at the site visit,
13 that we are applying for a relatively small
14 addition to the footprint of the house. We're
15 asking for a three-foot-deep addition on the rear,
16 the north of the property. And we're also looking
17 for a second floor addition that is approximately
18 75 square feet on the second floor that's going to
19 fill in the area to the west, which is what is
20 causing our nonconforming -- increasing our degree
21 of nonconformity as well on that side.

22 I feel that the -- the gain that the owners
23 are going to get from this addition is
24 substantial, as opposed to the small impact, I
25 believe small impact that the addition will have

1 on the overall mass of the house. And I believe
2 we have neighbors that are -- well, we have two
3 letters. I don't -- you didn't read the letters.

4 CHAIRMAN SALADINO: I will after you.

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

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

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

20 (No Response)

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

23 MS. CUMMING: I'm next door.

24 CHAIRMAN SALADINO: Are you Mrs. Cumming?

25 MS. CUMMING: Yes.

1 CHAIRMAN SALADINO: Ms. Cumming. Would you
2 like to read your letter to the --

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

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

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

12 And it's, "Our neighbors at 114 North
13 Street, Lauren and Michael Nagin, are requesting a
14 second story addition to their home, which
15 requires variances. We are writing to say that we
16 are the property" -- "we are the property to the
17 north of theirs and we support their request.

18 All the best, Stacey Tesseyman and
19 Florence P. Roth."

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

22 "Dear Mr. Saladino, my house, 116 North
23 Street, is separated from 114 by a very narrow
24 pathway. I bought the house in 1993, and up until
25 now, it has not had foot traffic. The area was

1 covered with weeds, small bushes, and those were
2 cleared last year for a sale of No. 114.

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

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

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

16 MS. CUMMING: Okay. My house is --

17 CHAIRMAN SALADINO: Name and address for the
18 Stenographer.

19 MS. CUMMING: I'm sorry?

20 MS. MONSELL: Name and address.

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

23 MS. MONSELL: Your name and address.

24 CHAIRMAN SALADINO: Your name and your
25 address.

1 MS. CUMMING: I'm Sarah Cumming, 116 North
2 Street.

3 CHAIRMAN SALADINO: Thank you.

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

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

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

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

21 CHAIRMAN SALADINO: Sure.

22 MS. CUMMING: Okay.

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

25 And I think this is a very dangerous

1 application for many reasons, some not so
2 dangerous, some more, more dangerous.

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

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

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

21 MS. KRAMER: No.

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

24 CHAIRMAN SALADINO: I misunderstood.

25 MS. HORTON: Yeah, I didn't make any claim

1 that this falls in the Historic District.

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

4 MS. CUMMING: Carole.

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

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

18 MS. CUMMING: Thanks, Carole.

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

25 MS. CUMMING: No, no, it's on the ground

1 floor.

2 CHAIRMAN SALADINO: It's on the ground
3 floor?

4 MS. CUMMING: With two windows.

5 CHAIRMAN SALADINO: Okay.

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

8 MEMBER TASKER: And, John, in addition to
9 the 4.4 foot -- 4.6 feet from the property line on
10 the applicant's side, there's an additional 1.4
11 feet to Ms. Cumming's residence on the other side.
12 So the total space between the two buildings is
13 6 feet.

14 MS. CUMMING: Six feet?

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

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

20 CHAIRMAN SALADINO: Name and address for
21 the --

22 MS. WATKINS: I'm sorry. Lois Watkins,
23 630 Third Street, Greenport. It's that far, to
24 put it in perspective (demonstrating).

25 MEMBER TASKER: And it's always been that

1 far since the two houses were built.

2 MS. WATKINS: Correct.

3 MEMBER TASKER: And it wasn't --

4 MS. WATKINS: Without -- without a second
5 story on that particular part of the building.

6 MS. KRAMER: I'm Meryl Kramer. Just I'd
7 like to address the historic aspect. Part of my
8 client's desire is to try and address some of the
9 things that were done to the property prior to
10 their purchase.

11 We are going to be removing the vinyl siding
12 and trim outside the house and putting wood back
13 on. And we're going to be replicating all of the
14 historic details on the front of the house, on the
15 rear of the house, as well as providing some
16 windows on what is now an existing blank facade.

17 And, again, just to address the issue of --
18 we do have a preexisting nonconforming setback of
19 4 foot 6 inches and we are not going to go beyond
20 that.

21 CHAIRMAN SALADINO: Any member have any
22 questions for the applicant?

23 MEMBER REARDON: I have a question or two
24 for Mrs. Cumming. Could you tell me where your
25 kitchen is in your house?

1 MS. CUMMING: It's at the back of the house,
2 which is facing north. It's facing --

3 MEMBER REARDON: It's in the back of your
4 house?

5 MS. CUMMING: Yeah, it's in the back of my
6 house, and it has windows on either side.

7 MEMBER REARDON: So your kitchen --

8 MS. CUMMING: On the west side and the east
9 side is where the variance is desired. And then
10 my property line, there's a fence. And then very
11 close, as you saw, is the next -- is the next
12 house. And so at the eye level of the windows in
13 the kitchen, I have my fence, my property line,
14 but they're going to go up higher, so there won't
15 be any light coming in, which will definitely
16 impact the kitchen.

17 MEMBER REARDON: Doesn't that house in
18 question already consist of two stories?

19 MS. CUMMING: It does. Next door, you mean,
20 114?

21 MEMBER REARDON: Yes.

22 MS. CUMMING: Yes. There's a sort of area
23 there that they want to build on.

24 MEMBER REARDON: So could you --

25 MS. CUMMING: But the house was originally

1 built too close to my house.

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

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

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

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

18 MEMBER REARDON: Uh-huh.

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

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

23 MS. CUMMING: Yes.

24 MEMBER REARDON: So it already goes to the
25 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
4 to be darker.

5 MS. WATKINS: If I may.

6 CHAIRMAN SALADINO: Once again, name and
7 address.

8 MS. WATKINS: Lois Watkins, 630 Third
9 Street.

10 The back of the house is one level on
11 Sarah's side for like a room, and then it almost
12 looks like an addition, although it might not be.
13 Then the rest of the house is two stories,
14 correct, but that's set far enough back from her
15 kitchen window, which is a primary concern, that
16 it's not that noticeable. Adding another wall, if
17 you will, that close to the property line is
18 what's the concern.

19 MEMBER REARDON: Thank you.

20 CHAIRMAN SALADINO: Any other member, any
21 questions for the applicant? No?

22 (No Response)

23 MS. KRAMER: I actually -- one other thing.
24 Since this is on the north side, I'm wondering how
25 much impact we will really have, because the sun

1 comes from the south shining. I'm not sure that
2 it's actually going to cast anymore shadow on the
3 kitchen side of the neighboring property, because
4 it's already on the north side, and I don't know
5 if we're going to have a significant impact.

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

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

22 MEMBER TASKER: Yeah.

23 CHAIRMAN SALADINO: -- in our discussion.

24 MEMBER TASKER: But I just want to follow on
25 the applicant's architect's comment.

1 CHAIRMAN SALADINO: Is there anyone else
2 from the public that would like to speak?

3 (No Response)

4 CHAIRMAN SALADINO: If not, what's the
5 pleasure of the Board? Do you want to close this
6 public hearing?

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

9 CHAIRMAN SALADINO: We have a motion to
10 close the public hearing. So moved. All in
11 favor?

12 MEMBER TASKER: Second.

13 CHAIRMAN SALADINO: Oh, I'm sorry, second.
14 Arthur seconds it. All in favor?

15 MEMBER CORWIN: Aye.

16 MEMBER GORDON: Aye.

17 MEMBER REARDON: Aye.

18 MEMBER TASKER: Aye.

19 CHAIRMAN SALADINO: And I'll vote aye.

20 Item No. 7 is -- before we get into the
21 discussion about these two public hearings, do we
22 want to go out of order on this agenda and
23 consider accepting these --

24 MEMBER CORWIN: Yes.

25 MEMBER GORDON: Yes.

1 MEMBER TASKER: Yes.

2 AUDIENCE MEMBER: Yes.

3 CHAIRMAN SALADINO: We're going -- we're
4 going to put her down for a yes, too, whoever.

5 (Laughter)

6 CHAIRMAN SALADINO: So we're going to hold
7 off on Item No. 7 and Item No. 8, and go to Item
8 No. 9, is 110 South Street. It's a Motion to
9 accept the application, schedule a public hearing,
10 and arrange a site visit for the application of
11 110 South Street, Incorporated for the property
12 located at 110 South Street, Greenport, New York,
13 11944. The Suffolk County Tax Map No. is
14 1001-4.-6-34.6.

15 More drawings?

16 MR. OLINKIEWICZ: I'm just going to use the
17 same ones. James Olinkiewicz, 110 South Street,
18 Greenport.

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

25 We have given you a letter from Sherman

1 Engineering stating about the average front yard
2 setback, because in the Village Code of 150-14(C),
3 it says, "Existing setback. No proposed
4 nonresidential building need to have a setback
5 greater than the average setback of the two
6 existing nonresidential buildings with the
7 greatest setbacks within 200 feet of each side of
8 the said proposed nonresidential building on the
9 same side of the street and within the same block
10 and the same district."

11 So Mr. Sherman did that evaluation for the
12 Board to show that the average setback, the two
13 greatest is 60 inches, and on this property it is
14 5-foot-three-and-a-quarter, which is on your
15 surveys, which -- and it's noted, notated by
16 Mr. Sherman, as an actually stamped, engineer
17 stamped copies of all of this that you were
18 supposedly given, and it was given to the Village,
19 right? So that that shows that -- because they
20 have to be stamped by an engineer to be accepted.
21 And it says 5-foot-three-and-one-quarter, which is
22 63-and-a-quarter inches from the front yard, and
23 the other average is 60 inches.

24 We don't feel that we need a variance, but
25 the -- it was brought up that it's some type of

1 the interpretation on -- and I'm not going into
2 the whole interpretation, I'm just going to ask
3 for the variance.

4 CHAIRMAN SALADINO: Thank you, God.

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

13 So I'm applying for a variance for front
14 yard setback, which I think was accidentally left
15 out on the other application. It was supposed to
16 have both lots on this. Because the same setback
17 front yard is on 112, and I -- it was supposed to
18 be listed on both of them. But I don't want to
19 get hung up that this gets found out later on,
20 three meetings down the line, that -- because on
21 112 South Street my front yard setback is 5 foot.

22 And Greg had brought it up to me. It had
23 been left -- it had been on the original Notice of
24 Disapproval, the past one that we went on our
25 interpretations. But it's my understanding that

1 it was an oversight by him not to leave it on 112
2 as well. So I just wanted to bring that to the
3 Board, so that could be amended, because I'll be
4 needing a variance for that, if I need a variance
5 for this.

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

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

12 CHAIRMAN SALADINO: It's an old resident?

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

20 CHAIRMAN SALADINO: Okay.

21 MR. OLINKIEWICZ: And that's a --

22 CHAIRMAN SALADINO: So -- hold one second.

23 MR. OLINKIEWICZ: And that's a regulation
24 that's both in Commercial and Residential
25 Districts.

1 CHAIRMAN SALADINO: Okay. So you're looking
2 for the front yard setback, a variance of nine
3 inches.

4 MR. OLINKIEWICZ: Correct.

5 CHAIRMAN SALADINO: For both properties?

6 MR. OLINKIEWICZ: The one -- it's nine
7 inches for 110, and it's 12 inches for one -- or
8 11 1/2 inches for 112 that was -- yeah, 11, 11 1/2
9 inches for 112.

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

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

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

16 MR. OLINKIEWICZ: You have it on the
17 original Notice of Disapproval that was given to
18 you that we did the interpretation on. So it's on
19 the Notice of Disapproval, it just wasn't
20 transferred onto this Notice of Disapproval for
21 112.

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

24 MR. OLINKIEWICZ: Right, right. So I just
25 want to make sure everything gets --

1 CHAIRMAN SALADINO: So 110, 110, the Notice
2 of Disapproval is correct.

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

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

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

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

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

16 MS. LINGG: No. If I may.

17 CHAIRMAN SALADINO: Sure.

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

21 CHAIRMAN SALADINO: That was my
22 understanding --

23 MS. LINGG: Yeah.

24 CHAIRMAN SALADINO: -- talking to the
25 Building Department, also.

1 MS. LINGG: I don't believe that's changed.

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

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

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

7 MR. OLINKIEWICZ: Right.

8 MS. MOORE: Yes.

9 MR. OLINKIEWICZ: Yeah, lot coverage.
10 Right. So, okay, no problem.

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

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

16 CHAIRMAN SALADINO: Just killed 11 trees.
17 All right. So --

18 MR. OLINKIEWICZ: So my application is for
19 front yard setback of 9 1/2 or 8 1/2 inches for
20 110 South Street.

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

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

25 CHAIRMAN SALADINO: At one -- at 110.

1 MR. OLINKIEWICZ: 110.

2 MEMBER TASKER: At 110.

3 MR. OLINKIEWICZ: Correct.

4 MEMBER TASKER: Okay.

5 CHAIRMAN SALADINO: No questions?

6 (No Response)

7 CHAIRMAN SALADINO: Okay. I'm going to make
8 a motion that we accept this application. So
9 moved.

10 MEMBER REARDON: I'll second.

11 CHAIRMAN SALADINO: All in favor?

12 MEMBER CORWIN: Aye.

13 MEMBER GORDON: Aye.

14 MEMBER REARDON: Aye.

15 MEMBER TASKER: Aye.

16 CHAIRMAN SALADINO: And I'll vote aye.

17 Jimmy, we're going to schedule a public
18 hearing for -- Kristina, help me out.

19 MS. LINGG: May 21st.

20 MR. OLINKIEWICZ: First.

21 CHAIRMAN SALADINO: May 21st at 6 o'clock.

22 MR. OLINKIEWICZ: Six o'clock is the
23 meetings, so you want to do it at 5:30?

24 CHAIRMAN SALADINO: Well, we're talking
25 about the public hearing.

1 MR. OLINKIEWICZ: Oh, the public hearing.

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

4 MR. OLINKIEWICZ: Oh, I'm sorry.

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

9 (Laughter)

10 CHAIRMAN SALADINO: Let us know.

11 MR. OLINKIEWICZ: All right.

12 CHAIRMAN SALADINO: All right. So May 21st
13 at 6 o'clock, and we'll see you at the site at
14 5:30.

15 MR. OLINKIEWICZ: Okay.

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

18 MR. OLINKIEWICZ: 112 South.

19 CHAIRMAN SALADINO: 112 South Street. Item
20 No. 10 is 112 South Street. It's a motion to
21 accept the application, schedule a public hearing,
22 and arrange a site visit for the application of
23 622 First Street, Greenport, Incorporated for the
24 property located at 112 South Street, Greenport,
25 New York, 11944. The Suffolk County Tax Map No.

1 is 1001-4.-6-32.

2 MR. OLINKIEWICZ: James Olinkiewicz, again,
3 for 112 South Street.

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

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

24 MEMBER GORDON: And the proposed lot
25 coverage for 62% includes the ramps?

1 MR. OLINKIEWICZ: Includes everything, yes.

2 MEMBER GORDON: Okay.

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

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

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

17 MEMBER TASKER: Yes, excuse me, I do.

18 CHAIRMAN SALADINO: I'm sorry.

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

22 MR. OLINKIEWICZ: Correct.

23 MEMBER TASKER: -- as to how to proceed on
24 this. And I just want to confirm that the
25 conditions that are going to be part of the

1 variances are still on the table as we discussed.

2 MR. OLINKIEWICZ: They are on the table.
3 You actually have a new set of plans for the
4 second floor at 110 South Street. It shows two
5 apartments instead of three.

6 MEMBER TASKER: Okay.

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

10 MEMBER TASKER: Perfect.

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

13 MEMBER TASKER: So --

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

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

18 MR. OLINKIEWICZ: Correct.

19 MEMBER TASKER: -- and so forth. Fine.
20 Thank you.

21 CHAIRMAN SALADINO: Anybody else? No?
22 Everybody's good?

23 (No Response)

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

1 moved.

2 MEMBER TASKER: Second.

3 CHAIRMAN SALADINO: All in favor?

4 MEMBER CORWIN: Aye.

5 MEMBER GORDON: Aye.

6 MEMBER REARDON: Aye.

7 MEMBER TASKER: Aye.

8 CHAIRMAN SALADINO: I'll vote aye.

9 We set them all at 6 o'clock. May 21st,
10 6 o'clock. We'll be at the property at 5:25.

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

12 CHAIRMAN SALADINO: 5:15.

13 MR. OLINKIEWICZ: And stake out the other
14 addition?

15 CHAIRMAN SALADINO: And stake out the --

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

20 MEMBER CORWIN: That would be wonderful.

21 MR. OLINKIEWICZ: That would be wonderful?

22 CHAIRMAN SALADINO: That would be good.

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

1 involved.

2 CHAIRMAN SALADINO: Sounds good. Thank you.

3 MR. OLINKIEWICZ: Okay. Thank you.

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

11 MS. GILLOOLY: You got that right.

12 CHAIRMAN SALADINO: For the property located
13 at 178 Sterling Street, Greenport, New York,
14 11944. The Suffolk County Tax Map No. is
15 1001-2.-3-15. Is the applicant here?

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

24 What we're asking for is to raise the roof
25 of our garage 6 feet and create a storage loft,

1 not to change the footprint, not to do anything
2 except make a beautiful, attractive building.

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

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

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

15 MEMBER TASKER: Huh?

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

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

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

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

24 MS. GILLOOLY: Oh, I'm sorry.

25 CHAIRMAN SALADINO: We're not allowed to --

1 you're not allowed to have an accessory building
2 in your front yard, so you would need a -- I don't
3 know.

4 MS. GILLOOLY: Yeah.

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

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

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

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

25 MS. GILLOOLY: Understood.

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

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

12 MEMBER CORWIN: No.

13 MS. GILLOOLY: Yes.

14 CHAIRMAN SALADINO: No.

15 MS. KRAMER: Really?

16 CHAIRMAN SALADINO: Not yet.

17 MS. KRAMER: Okay.

18 CHAIRMAN SALADINO: Not yet.

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

21 MEMBER GORDON: You say that you did not
22 know that there was a problem with the use and --
23 but it does say in this document, which it was --
24 which is the Notice of Disapproval, that this
25 would require a use variance.

1 MS. GILLOOLY: I didn't know a use variance
2 was different than the Board that I'm before
3 right now.

4 MEMBER GORDON: Okay.

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

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

14 MS. GILLOOLY: It's very surprising, because
15 we worked with Frank Uellendahl, and we also --
16 we've been at this for four months. We were sent
17 to the Historic Review Board first by the Town
18 Clerk, so we lost two months in front of the
19 Historic Committee, then we were sent to the ZBA.

20 We were not given any clear instructions
21 when we got our Notice of Disapproval. I was
22 asked to pay, I think, \$700, plus \$1,000. My
23 application was checked, and to arrive tonight and
24 find out that it's incomplete is -- is a difficult
25 thing. We're already four months into trying to

1 just get heard and see, you know, what's
2 appropriate and what's not. So --

3 MEMBER CORWIN: Let me just --

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

6 MS. GILLOOLY: Yeah.

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

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

21 CHAIRMAN SALADINO: No. There's a -- no.
22 What there is, is there's a use variance
23 application. You can fill out the application,
24 you could present it to this Board. You can go to
25 the Building Department, fill out the application.

1 They'll explain to you exactly the criteria to be
2 granted a use variance. It's involved. It's not
3 as -- it's not as -- I don't want to use the
4 word --

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

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

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

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

20 MS. GILLOOLY: Or is that --

21 CHAIRMAN SALADINO: That's a question --

22 MS. GILLOOLY: How did use variance even
23 come up? I mean, we made a really attractive --
24 we could take the dormers -- I mean, maybe we
25 could still move forward with this.

1 CHAIRMAN SALADINO: We can't -- we can't
2 design your project for you.

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

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

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

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

25 CHAIRMAN SALADINO: There's a multitude of

1 questions that have to be answered, at least in my
2 mind, differently, so you might want to look at
3 that again.

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

6 (Laughter)

7 MS. ALLEN: A how-to.

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

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

12 MS. GILLOOLY: Okay.

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

15 MEMBER CORWIN: I made the motion.

16 MEMBER GORDON: Yes.

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

19 MEMBER CORWIN: It has not been seconded.

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

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

25 CHAIRMAN SALADINO: Is there a second? Is

1 there a second?

2 MEMBER TASKER: Second.

3 CHAIRMAN SALADINO: All in favor?

4 MEMBER CORWIN: Aye.

5 MEMBER TASKER: Aye.

6 MEMBER REARDON: Aye.

7 MEMBER GORDON: Aye.

8 CHAIRMAN SALADINO: And I'll vote aye.

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

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

21 MS. GILLOOLY: Thank you.

22 CHAIRMAN SALADINO: I'm not -- and I would
23 just like to add to that. No one here is
24 suggesting that the Building Inspector made a
25 mistake, I'm not, anyway. I read the Notice of

1 Disapproval. We're all familiar with the
2 property. In my mind, the Notice of Disapproval
3 kind of goes along with what's -- with what you're
4 asking for and what's in place there right now.
5 So I'm hoping we're not suggesting that the
6 Building Department made a mistake, just -- I
7 mean, just --

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

12 CHAIRMAN SALADINO: That's hearsay.

13 MEMBER CORWIN: And that is not the case.

14 CHAIRMAN SALADINO: That's hearsay.

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

22 CHAIRMAN SALADINO: Sure. All right. So
23 we're going to do -- we're going to -- what are we
24 going to do here? Jack is waiting patiently, and
25 Ms. Kramer is waiting patiently here. Do we want

1 to take these out of turn, do North Street, or we
2 can do Fifth Street. What do we want to do first,
3 folks?

4 MEMBER REARDON: Chronologically.

5 CHAIRMAN SALADINO: In the order that it
6 was? All right.

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

13 What are we thinking here, folks?

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

21 MEMBER TASKER: On the other hand, we have
22 the survey of 2007, which is ostensibly the
23 condition, location, etcetera, of the building on
24 the lot at the time the Martilottas purchased the
25 property. We have a set of building plans that

1 were, I believe, approved by the Building
2 Inspector, so it is up to the Building Inspector
3 to see that it's built to those plans.

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

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

9 MEMBER GORDON: Is it possible --

10 MEMBER TASKER: But --

11 MEMBER GORDON: Go ahead.

12 CHAIRMAN SALADINO: I wasn't saying
13 anything.

14 MEMBER TASKER: Whose job is it anyway?

15 MEMBER GORDON: Is it possible to make a
16 ruling on the bay window and the porch conditional
17 on -- if we're going to approve them, conditional
18 on the provision of a current survey before
19 62 days?

20 MEMBER TASKER: No.

21 MEMBER GORDON: Can we do that?

22 MR. CONNOLLY: I've done that before.

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

25 MEMBER TASKER: But then, where does this --

1 where does this lead? We get a survey that says,
2 "Oops." Then what do we do? Are the variances
3 that we may have granted no longer valid?

4 CHAIRMAN SALADINO: Well --

5 MEMBER CORWIN: Exactly.

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

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

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

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

25 CHAIRMAN SALADINO: That's true. Well, are

1 we disputing the 2007 survey?

2 MEMBER GORDON: Well --

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

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

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

11 MEMBER TASKER: Allegations.

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

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

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

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

21 MEMBER TASKER: Well, that's a great --
22 that's an excellent point.

23 CHAIRMAN SALADINO: So, you know, just off
24 the top of my head, the Attorney says it's an
25 undersized lot. I'm looking here now. This area,

1 this lot is 7800 square --

2 MEMBER GORDON: Right.

3 CHAIRMAN SALADINO: He said it was less than
4 7500 square feet, and here it says that it's 7800
5 square feet.

6 MEMBER GORDON: 7875.

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

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

16 CHAIRMAN SALADINO: Well, wait a second.
17 Wait a second. Wait a second, David. Before we
18 make a motion, maybe somebody else wants to say
19 something. Maybe we'll hear from someone else,
20 and then we could have a little more, you know,
21 involved, as far as we can -- our discussion
22 should include the five -- you know, how this
23 property -- how does these variances relate to the
24 five questions, and we can -- we can do that, too,
25 before we make a motion. So --

1 MEMBER TASKER: Or after we make a motion.

2 CHAIRMAN SALADINO: We could put the cart
3 before the -- I mean, you know, we can kind of
4 square away all the questions and everything, make
5 a motion.

6 MEMBER TASKER: Yeah.

7 CHAIRMAN SALADINO: And that motion will be
8 clear in everyone's mind and we can vote on it.

9 MEMBER TASKER: The -- I would like to go
10 back to one point that you raise about there is --
11 of the apparent conflict in testimony, if we could
12 leave it at that. It's up to us to choose what
13 information is accurate and reliable on which to
14 base our decision. We're like a jury in that
15 regard.

16 CHAIRMAN SALADINO: I agree. I agree.
17 Also, no one's sworn here, I mean, you know, so --

18 MEMBER TASKER: Hearsay evidence is
19 admissible in all administrative hearings, you
20 just give it the weight that it's worth.

21 CHAIRMAN SALADINO: Well, does anyone else
22 have any comments? No?

23 MEMBER REARDON: John, I feel sort of like
24 you, that, you know, the plans don't show any --
25 any question or a reasonable question about a

1 change of footprint. And I would trust the site
2 plan and the survey to be -- I trust it to be
3 accurate, as opposed to someone saying, "Uh, it
4 seems to be this many feet bigger or smaller."

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

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

12 MEMBER GORDON: Two of them.

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

15 MEMBER GORDON: The other --

16 CHAIRMAN SALADINO: The other thing I would
17 like to -- just to get back to the survey and the
18 site plan one or two minutes. There was a time in
19 the recent past that I could remember on the
20 Zoning Board, and I'm sure David remembers and
21 Dinni, maybe not you, that the previous Building
22 Department, the previous head of the Building
23 Department didn't count Bilco doors as part of the
24 structure, didn't count chimney chases as part of
25 the structure. So we're -- and this Bilco door is

1 in a rear yard. Well, it's not a required yard,
2 but it's in the back of the house. So if this
3 Bilco door is on the survey in a different
4 location than -- and I'm not sure that -- you
5 know, I'm looking at this and I'm not really sure
6 that it is.

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

13 MEMBER GORDON: But that's not --

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

19 But having said that --

20 MEMBER GORDON: I would like to add that in
21 addition, we were talking about weighing the
22 evidence of the changes that might or might not
23 have been made. And another piece of our evidence
24 is that the applicant, the homeowner says firmly
25 that there has not been a change in the footprint.

1 I think it's a good idea to have an as-built
2 survey, not just -- not because I think there will
3 be a significant difference in the infrastructure
4 here, but, as, you know, for the historical
5 purpose of the Village later on. So I think it
6 would be reasonable to strike a compromise and
7 have our vote, and if we approve the variances,
8 make that conditional on an as-built, as-built
9 survey, which our Lawyer has just said he's done
10 in the past.

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

13 MR. CONNOLLY: Yeah, sure.

14 CHAIRMAN SALADINO: Have the applicant at
15 some point --

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

23 MEMBER CORWIN: But more than this --

24 MEMBER TASKER: And you're talking about the
25 two setbacks in front of us right now, the porch

1 and the bow window, correct?

2 MR. CONNOLLY: Yes.

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

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

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

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

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

17 MEMBER CORWIN: Fine.

18 CHAIRMAN SALADINO: And --

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

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

25 MEMBER TASKER: On those two items.

1 MR. CONNOLLY: Exactly.

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

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

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

21 CHAIRMAN SALADINO: It's tall. You know,
22 so -- and we're in the same neighborhood, so I
23 don't think -- and most of the houses on our
24 street -- I live on Sixth Street -- on Fourth,
25 Fifth and Sixth Street are that tall. So I don't

1 see that as being as out of character in the
2 neighborhood, the house that's under construction
3 now.

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

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

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

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

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

25 MEMBER CORWIN: I'll make the motion. I

1 made the motion that the Zoning Board of Appeals
2 approves the bump-out on the south side for the
3 bay window.

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

7 MEMBER CORWIN: Okay.

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

12 MEMBER TASKER: Okay, Joe.

13 MEMBER CORWIN: No, no.

14 CHAIRMAN SALADINO: How's that?

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

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

20 MEMBER TASKER: Second.

21 CHAIRMAN SALADINO: All in favor?

22 MEMBER CORWIN: Aye.

23 MEMBER GORDON: Aye.

24 MEMBER REARDON: Aye.

25 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

1 to --

2 MEMBER TASKER: No.

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

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

8 MEMBER GORDON: Maybe we should vote on the
9 provision.

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

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

17 MEMBER TASKER: Absolutely.

18 CHAIRMAN SALADINO: -- five questions first.

19 MEMBER TASKER: Absolutely.

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

23 MEMBER CORWIN: Okay.

24 MEMBER TASKER: I think what David is
25 suggesting, make a motion to have it on the floor,

1 address the five questions, answer the five
2 questions, then vote on the motion. I think
3 that's the procedural step that he's proposing.

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

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

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

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

21 MEMBER GORDON: Well, I thought -- sorry. I
22 thought Chatty made a good point, that probably
23 building a nice new house in this spot, where
24 there was a kind of crummy old one, will improve
25 the neighborhood.

1 MS. ALLEN: I didn't call it crumby.

2 MEMBER GORDON: Excuse me.

3 CHAIRMAN SALADINO: They're sitting --
4 they're right here, Dinni. They're sitting --

5 (Laughter)

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

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

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

13 MEMBER CORWIN: Usually you poll the Board.

14 CHAIRMAN SALADINO: I am.

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

19 CHAIRMAN SALADINO: Jack.

20 MEMBER REARDON: No undesirable change.

21 CHAIRMAN SALADINO: David.

22 MEMBER CORWIN: No.

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

25 MEMBER CORWIN: No.

1 CHAIRMAN SALADINO: Dinni.

2 MEMBER GORDON: No.

3 CHAIRMAN SALADINO: Jack, no?

4 MEMBER REARDON: Clarify what I'm voting on.

5 CHAIRMAN SALADINO: Whether an undesirable
6 change will be --

7 MEMBER REARDON: Oh, yeah. No.

8 CHAIRMAN SALADINO: Arthur.

9 MEMBER TASKER: No.

10 CHAIRMAN SALADINO: And I'll vote no.

11 Whether the benefit sought by the applicant
12 can be achieved by some method feasible for the
13 applicant to pursue, other than an area variance.

14 MEMBER GORDON: What else is there?

15 CHAIRMAN SALADINO: Well, he could -- he
16 could --

17 MS. ALLEN: Take it down and start again.

18 CHAIRMAN SALADINO: No coaching. He could.
19 He could take the window out, but that doesn't
20 seem reasonable, you know. And for the front
21 porch --

22 MS. ALLEN: It's not there.

23 MEMBER TASKER: But then --

24 CHAIRMAN SALADINO: It's not even clear in
25 my mind that he needs a variance for the front

1 porch.

2 MEMBER TASKER: I agree with you on that.

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

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

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

11 MEMBER CORWIN: No.

12 CHAIRMAN SALADINO: Dinni.

13 MEMBER GORDON: No.

14 CHAIRMAN SALADINO: Jack.

15 MEMBER REARDON: No.

16 CHAIRMAN SALADINO: Arthur.

17 MEMBER TASKER: No.

18 CHAIRMAN SALADINO: And I'll vote no.

19 Whether the requested area variance is
20 substantial.

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

1 staked out as?

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

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

8 MEMBER CORWIN: No.

9 CHAIRMAN SALADINO: Dinni.

10 MEMBER GORDON: No

11 CHAIRMAN SALADINO: Jack.

12 MEMBER REARDON: Not substantial.

13 CHAIRMAN SALADINO: Arthur.

14 MEMBER TASKER: No.

15 CHAIRMAN SALADINO: And I'll vote no.

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

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

25 (No Response)

1 CHAIRMAN SALADINO: David.

2 MEMBER CORWIN: No.

3 CHAIRMAN SALADINO: Dinni.

4 MEMBER GORDON: No.

5 CHAIRMAN SALADINO: Jack.

6 MEMBER REARDON: No.

7 CHAIRMAN SALADINO: Arthur.

8 MEMBER TASKER: No.

9 CHAIRMAN SALADINO: And I'll vote no.

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

15 MEMBER CORWIN: Yes.

16 CHAIRMAN SALADINO: Dinni.

17 MEMBER GORDON: Yes.

18 CHAIRMAN SALADINO: Jack.

19 MEMBER REARDON: No.

20 CHAIRMAN SALADINO: Arthur.

21 MEMBER TASKER: Yes.

22 CHAIRMAN SALADINO: And I'm going to
23 vote yes.

24 You want to make that motion, David?

25 MEMBER CORWIN: I make a motion that the

1 variance for Mr. -- for the applicant for the bay
2 window bump-out on the south side, and for the
3 area variance for the front porch be approved,
4 subject to the submission of a completed survey, a
5 completed as-built survey.

6 MEMBER GORDON: Second.

7 CHAIRMAN SALADINO: David.

8 MEMBER CORWIN: Yes.

9 CHAIRMAN SALADINO: Dinni.

10 MEMBER GORDON: Yes.

11 CHAIRMAN SALADINO: Jack.

12 MEMBER REARDON: No.

13 CHAIRMAN SALADINO: Arthur.

14 MEMBER TASKER: Yes.

15 CHAIRMAN SALADINO: And I'll vote yes. Easy
16 peasy.

17 So you're going to get the survey and you're
18 going to give it to them.

19 MRS. MARTILOTTA: We'd like to move in, so I
20 think we need the survey.

21 (Laughter)

22 CHAIRMAN SALADINO: Hopefully, hopefully,
23 we're done, you know.

24 MR. MARTILOTTA: Thank you very much.

25 CHAIRMAN SALADINO: No problem.

1 And Item No. 8? 8. Anyway, discussion and
2 possible motion on the area variances applied for
3 by Michael and Lauren Nagin for the property
4 located at 114 North Street, Greenport, New York,
5 11944. Suffolk County Tax Map No. is
6 1001-2.-6-28.

7 Is there any can discussion?

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

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

24 CHAIRMAN SALADINO: I think it was 1.4 feet
25 from the fence.

1 MEMBER TASKER: No, from the building line.

2 CHAIRMAN SALADINO: From the building line?

3 Was the fence on --

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

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

17 MEMBER GORDON: It was both.

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

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

22 CHAIRMAN SALADINO: I have to --

23 MEMBER GORDON: It's on that corner.

24 CHAIRMAN SALADINO: No. According to the
25 statement, and according to -- I don't -- at our

1 site visit, I just don't remember, and I probably
2 should have, I don't remember looking at the house
3 next door to see where the windows were.

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

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

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

13 (No Response)

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

17 MEMBER TASKER: Second.

18 CHAIRMAN SALADINO: All in favor?

19 MEMBER CORWIN: Aye.

20 MEMBER GORDON: Aye.

21 MEMBER REARDON: Aye.

22 MEMBER TASKER: Aye.

23 CHAIRMAN SALADINO: Aye.

24 I'll make a motion that this is a Type II --
25 Type II applica -- action for the purposes of

1 SEQRA. So moved.

2 MEMBER GORDON: Second.

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

5 MEMBER TASKER: All in favor?

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

8 MEMBER CORWIN: Aye.

9 MEMBER GORDON: Aye.

10 MEMBER REARDON: Aye.

11 MEMBER TASKER: Aye.

12 CHAIRMAN SALADINO: And I'll vote aye.

13 I'll go through the five questions.

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

18 MEMBER CORWIN: Yes.

19 CHAIRMAN SALADINO: Dinni.

20 MEMBER GORDON: No.

21 CHAIRMAN SALADINO: Jack.

22 MEMBER REARDON: No.

23 CHAIRMAN SALADINO: Arthur.

24 MEMBER TASKER: No.

25 CHAIRMAN SALADINO: And I'll vote no.

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

5 MEMBER CORWIN: No.

6 CHAIRMAN SALADINO: Diana.

7 MEMBER GORDON: No.

8 CHAIRMAN SALADINO: Jack.

9 MEMBER REARDON: No.

10 CHAIRMAN SALADINO: Arthur.

11 MEMBER TASKER: No.

12 CHAIRMAN SALADINO: And I'll vote no.

13 Whether the requested area variance is
14 substantial. David.

15 MEMBER CORWIN: Yes.

16 CHAIRMAN SALADINO: Dinni.

17 MEMBER GORDON: Yes.

18 CHAIRMAN SALADINO: Jack.

19 MEMBER REARDON: No.

20 CHAIRMAN SALADINO: Arthur.

21 MEMBER TASKER: No.

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

24 Whether the proposed -- whether the proposed
25 variance will have an adverse effect or impact on

1 the physical or environmental conditions in the
2 neighborhood or district. David.

3 MEMBER CORWIN: No.

4 CHAIRMAN SALADINO: Dinni.

5 MEMBER GORDON: No.

6 CHAIRMAN SALADINO: Jack.

7 MEMBER REARDON: No.

8 CHAIRMAN SALADINO: Arthur.

9 MEMBER TASKER: No.

10 CHAIRMAN SALADINO: And I'll vote no.

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

16 MEMBER CORWIN: Yes.

17 CHAIRMAN SALADINO: Dinni.

18 MEMBER GORDON: Yes.

19 CHAIRMAN SALADINO: Jack.

20 MEMBER REARDON: Yeah.

21 CHAIRMAN SALADINO: Okay. Arthur.

22 MEMBER TASKER: Yes.

23 CHAIRMAN SALADINO: And I'll vote yes.

24 I'll make a motion that we grant the area
25 variances.

1 MEMBER TASKER: Second.

2 CHAIRMAN SALADINO: All in favor?

3 MEMBER REARDON: Aye.

4 MEMBER TASKER: Aye.

5 MEMBER GORDON: Yes, aye.

6 CHAIRMAN SALADINO: Any opposed?

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

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

11 Okay. So we have four yeses and one
12 abstention.

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

16 MEMBER CORWIN: Mr. Chairman.

17 CHAIRMAN SALADINO: Sure, David.

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

22 CHAIRMAN SALADINO: I don't think we can do
23 that. I mean, if we're convened, we're public,
24 this is a public meeting. I mean, if we're
25 discussing as a Board, it's a public meeting.

1 MEMBER CORWIN: All right. Let me bring
2 them up.

3 CHAIRMAN SALADINO: Okay.

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

6 CHAIRMAN SALADINO: These?

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

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

20 The Town of Southold law has -- also has a
21 long list of things for the applicant to bring in,
22 and I think the Village could adopt that. Doesn't
23 necessarily need every item, but I think it would
24 be helpful for applicants if they had a little
25 more guidance than they have now.

1 And I got to tell you, one of the things I
2 occasionally do is go up to the Assessor's Office
3 and get the property cards. On the Town of
4 Southold's application checklist, the applicant
5 has to provide the Assessor's cards, which I think
6 they should all be provided. And I went in there
7 this morning, I told the Clerk, "Gee, I'm going up
8 to Southold Town to get the Assessor's card. I
9 think you should do that." And the Clerk didn't
10 like that a bit. She didn't want to do that. I
11 don't know, maybe it was just a poor reaction to
12 me. But I got to tell you, I'm paying money to
13 people in the office and I think that's a
14 reasonable request, and just didn't like my
15 interaction with the Clerk this morning.

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

19 MEMBER CORWIN: The Clerk of the Boards.

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

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

24 CHAIRMAN SALADINO: I think -- I think until
25 someone in authority -- do you remember -- do you

1 remember what was on the Southold application
2 that's not on the Greenport application that you
3 would submit to the Building Department to add?

4 MEMBER CORWIN: Not offhand, not offhand.

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

16 MEMBER CORWIN: And there is part of the
17 problem.

18 MEMBER TASKER: Yes.

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

21 MEMBER CORWIN: And the one thing it says on
22 the Southold Town instructions is "new survey".
23 Now I'm not necessarily asking for a new survey,
24 but when a survey gets 10, 20 years old, and
25 somebody builds a porch on, or something like

1 that --

2 CHAIRMAN SALADINO: Well, wouldn't --

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

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

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

14 CHAIRMAN SALADINO: Okay.

15 MEMBER GORDON: Are you through?

16 MEMBER CORWIN: Yeah.

17 MEMBER GORDON: I would like to add
18 something. I'm not sure whether it's the
19 instructions which should deal with it, or what
20 else, but we have had several instances recently,
21 not just this evening, but other evenings, when I
22 felt that the applicant was at a disadvantage
23 without having a professional with the applicant
24 to help guide this person through what is
25 sometimes a pretty complicated process. And I

1 don't know whether that's something that would be
2 informally said by the Building Inspector, if we
3 had one, or whether it's something that should --
4 we should put in the instructions that is couched
5 as a suggestion for the applicants, because I have
6 watched some, you know, flailing around. And just
7 tonight there were a couple of instances where it
8 just seemed to me that the applicant would have
9 been much better off with a -- with the aid of a
10 professional for this complicated process.

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

13 CHAIRMAN SALADINO: I just -- I just don't
14 know if we're over -- you know, if we're
15 overstepping. You know, it's fine to have a
16 suggestion. I mean, on the Village's instruction
17 sheet, or when they come to see the Building Clerk
18 or the Code Enforcement Officer with an
19 application, to have them suggest to them, you
20 know, you might want to have a professional look
21 this over and stuff, I think we would be
22 overstepping. We're making the suggestion now, I
23 mean, but to make it anymore formal than a
24 suggestion I think would be kind of overstepping
25 our bounds. You know, who are we to suggest to

1 somebody how they spend their money?

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

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

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

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

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

24 CHAIRMAN SALADINO: I don't know, David.
25 To -- I understand where your heart and your head

1 is on that, but, I mean, to suggest to somebody
2 that wants a -- who wants put a --

3 MEMBER CORWIN: No, it's not compulsory.
4 It's not compulsory.

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

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

10 MEMBER TASKER: Unless you don't.

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

22 MEMBER CORWIN: Then they learn the
23 hard way.

24 CHAIRMAN SALADINO: And I'm kind of okay
25 with that, too, you know.

1 MEMBER CORWIN: So am I.

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

11 So if -- anyone else, anything?

12 MEMBER TASKER: I move we adjourn.

13 CHAIRMAN SALADINO: Item Number, whatever it
14 is --

15 MS. LINGG: Fifteen.

16 CHAIRMAN SALADINO: -- is a motion to
17 adjourn.

18 MEMBER CORWIN: Second.

19 CHAIRMAN SALADINO: All in favor?

20 MEMBER CORWIN: Aye.

21 MEMBER GORDON: Aye.

22 MEMBER REARDON: Aye.

23 MEMBER TASKER: Aye.

24 CHAIRMAN SALADINO: And I'll vote aye.

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

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

1
2
3 STATE OF NEW YORK)
4) SS:
5 COUNTY OF SUFFOLK)
6

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

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

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

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

19
20 Lucia Braaten
21 Lucia Braaten
22
23
24
25

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