VILLAGE OF GREENPORT  
COUNTY OF SUFFOLK STATE OF NEW YORK  
----------------------------------------x
ZONING BOARD OF APPEALS  
REGULAR MEETING  
----------------------------------------x

School House  
Greenport, New York  

April 19, 2016  
5:00 P.M.  

BEFORE:  

J O H N  S A L A D I N O - CHAIRMAN  
E L L E N  N E F F - MEMBER  
D A V I D  C O R W I N - MEMBER  
D I N N I  G O R D O N - MEMBER  
D O U G  M O O R E - MEMBER (EXCUSED)  

P A U L  P A L L A S - V I L L A G E  A D M I N I S T R A T O R  
J O S E P H  P R O K O P - V I L L A G E  A T T O R N E Y  


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CHAIRMAN SALADINO: We're going to start the regular meeting for ZBA for April. It's 5:15. Present is the attorney, Ms. Neff, Ms. Gordon, Mr. Corwin and myself.

The first item of business is Item No. 1. Motion to accept an application for an area variance, publicly notice and schedule a public hearing for James Gleason, 144 Central Avenue; SCTM # 1001-5-1-16.1. The applicant proposes to install an in ground swimming pool and an addition of 94.25 square feet. With an additional 5.5 feet. For new exterior entry stair, to replace a covered porch and existing exterior cellar door. The proposed swimming pool setback is 11.2 feet on the north property line, requiring an area variance of 8.8 feet.
Section 150-7c.(3a) of the Village of Greenport Code requires the edge of the pool shall be kept a distance of not less than 20 feet. From all property lines, in the R-2 District. The proposed swimming pool setback is 8.2 feet on the west property line, requiring an area variance of 11.8 feet. Section 150-7c.(3a) of the Village of Greenport Code requires the edge of the pool shall be kept a distance of not less than 20 feet. From all property lines, in the R-2 District. The proposed aggregate side yard setback is 12.7 feet. Requiring a 12.3 feet. Combined side yard variance for the new 94.25 square feet addition. The variance includes 5.5 feet. For new exterior side entry stairs.
Section 150-12 A. Of the
Village of Greenport Code
requires a 25 feet. Combined
side yard setback in the R-2
District. This house is
located within the Historic
District. Plans were reviewed
by the Historic Preservation
Commission. Plans for all
proposed exterior changes and
materials were approved with
the exception of the metal
porch roof. The applicant and
Historic Preservation
Commission will continue the
discussion at the May meeting
of that Board.

Is the applicant here?

MR. RINGER: My name is
Kurt Ringer. I am the
architect for the applicant. I
would like to make one comment.
The addition 5.5 feet of
stairs, we actually eliminated
and rotated to the back of the
residence. So we didn't go that additional 5 feet.

CHAIRMAN SALADINO: I think we have that. I believe we have the updated drawings.

MR. RINGER: I believe you do.

MEMBER CORWIN: I just want to note that you said on the plan you're going to change your garage to a pool house but you don't have any interior plans or site elevations for the pool house. Any plumbing connections or electricity.

MR. RINGER: Okay. We can provide that.

CHAIRMAN SALADINO: And the other thing that we would ask, perhaps in another drawing, is the distance perhaps from the edge of the pool to the pool house and the edge of the pool to the proposed patio.

MR. RINGER: Okay.
Absolutely.

CHAIRMAN SALADINO: Anything else?

MEMBER GORDON: The framed garage is coming out? That is what is being renovated?

MR. RINGER: Correct.

MEMBER GORDON: The 5 foot accessory building is the same? The accessory 5 foot setback? The setback is 5 feet?

CHAIRMAN SALADINO: This is preexisting.

MEMBER GORDON: Okay. It's irrelevant. Even though everything that you are doing is indoors.

MEMBER NEFF: Actually, I do have a question. The mechanicals for the proposed pool, where are they? In other words, they should be shown.

CHAIRMAN SALADINO: I believe David asked for a drawing of the pool house.

MR. RINGER: We could locate
it on the plan and if we need to
create structures to conceal it, we
could that.

MEMBER CORWIN: Just so you
know, we have had neighbors come in
and complain about noise from the
pumps. So that is where I am at.

MR. RINGER: Understood.

MR. PROKOP: I think what we
have done in the past and please
correct me if I am wrong, you can
get a gradient system and including
a decibel rating and how you intend
to back flow --

MR. RINGER: Absolutely.

MEMBER CORWIN: We all need to
do an inspection.

CHAIRMAN SALADINO: If we
accept the application, we're going
to set the time for a public
hearing and site inspection. And
if you could stake it out. The
pool house, I believe the HPC said
they were going to rule on the pool
house separately. You will see
them before you come back to the
Board.

What is the pleasure of this
Board?

MEMBER CORWIN: I will make a
motion to accept the application
for James Gleason, 144 Central
Avenue and the additions
noted.

MEMBER GORDON: Second.

CHAIRMAN SALADINO: All in
favor?

MEMBER CORWIN: Aye.
MEMBER GORDON: Aye.
MEMBER NEFF: Aye.

CHAIRMAN SALADINO: Aye.

MR. RINGER: Thank you very
much.

CHAIRMAN SALADINO: We're going
to set the time -- just so you can
leave if you want. We're going to
have the public hearing at our next
meeting at 6:00 p.m. at our
May 17th, and it will be at
6:00 p.m. It will be at Station 1,
the firehouse on Third Street.

And what is convenient for a site visit?

MEMBER CORWIN: Let’s make it 5:40.

MEMBER NEFF: We might have some other site visits possibly.

CHAIRMAN SALADINO: 5:40.

MR. RINGER: Okay.

MEMBER NEFF: Can I ask one question. We have the plans with color. We have another set of plans. Are the most recent ones clear? Is there a date on it?

There is a lot --

CHAIRMAN SALADINO: I believe the latest plans that we got, I got them today. The revised plans, I got them today. I am sure if I got them, everybody got them.

MEMBER NEFF: I have three sets. We can figure them out later.

MR. RINGER: We’re going to
submit another set of plans
with the revisions that you
requested. The latest revision
was April 12th and they're both
noted on there. And we will
provide full scale plans.

Thank you.

CHAIRMAN SALADINO: Thank
you.

Item No. 2, Motion to accept
an application for an area
variance, publicly notice and
schedule a public hearing for
238 Fifth Ave Greenport, Inc.,
238 Fifth Avenue, SCTM 1001-4-8-3.
The applicant requests several area
variances required to subdivide an
existing lot and construct a
nonconforming house. This
subdivision will create 2 new
substandard lots requiring area
variances as follows:

Lot 1: The proposed
subdivision creates lot 1, which
has an area of 5,389.5 square feet.
Where section 150-12 (A) of the Greenport Village Code requires a min. Lot size of 7,500 square feet, requiring an area variance of 2,110.50 square feet.

The proposed lot width is 50 feet. Where Section 150-12 (A) of the Greenport Village Code requires a minimum lot width of 60 feet. Requiring an area variance of 10 feet.

The proposed lot coverage is 37% (2,024 square feet). Section 150-12 (A) of the Greenport Village Code requires a minimum of 35% lot coverage for a two family house in the R-2 District requiring an area variance of 2% (107.75 square feet).

Lot No. 2, The proposed subdivision creates lot 2 which has an area of 4,022 square feet, where Section 150-12 (A) of the Greenport Village Code requires a minimum lot size of 7,500 square feet,
requiring an area variance of 3,478 square feet.

The proposed lot depth is 50 feet. Where Section 150-12 (A) of the Greenport Village Code requires a minimum lot depth of 100 feet. Requiring an area variance of 50 feet. The proposed cottage is 15 feet. From the front (west) property line, where Section 150-12(A) of the Greenport Village Code requires a minimum 30' front yard setback; requiring a 15 feet. Front yard setback variance. The proposed cottage is 10 feet. From the rear (east) property line, where section 150-12(A) of the Greenport Village Code requires a minimum 30' rear yard setback; requiring a 20 feet. Rear yard setback area variance. This Property is not located within the Historic District.

The applicant?

MS. REA: Kimberlea Shaw
Rea of Westervelt & Rea,
Shelter Island on behalf of the applicant. All of the variances that you have cited are not significant and would create two lots that are very much consistent with the other lots in the neighborhood.

MEMBER CORWIN: I think you are off track. We are just accepting the application tonight and I think that is what we should be discussing.

MS. REA: Okay. We would ask that the Board accept it then and set it for public hearing.

CHAIRMAN SALADINO: The problem that we have with this application is that the application is not complete and correct. The Notice of Disapproval mentions the variances needed, specifically rear yard setback. On your application, you don't request a rear yard setback variance.
MS. REA: The application that was submitted -- sir, I believe the application that was submitted asked for the appropriate variances. There were some that were denied by the Planning Board. So it's my understanding that whatever the Planning Board denied and requires variances for those, we are asking for those.

CHAIRMAN SALADINO:

Unfortunately the Zoning Board and the code requires a 30 foot setback. Your application doesn't ask for that. The supplied drawings ask for 10 feet. The Notice of Disapproval says 15, notes that.

MS. REA: I am just not sure. What is the ZBA just not aware of and what you are asking for?

CHAIRMAN SALADINO: Lot #2, you have a proposed cottage on it. The front of the cottage requires a 15 foot front yard setback
variance. The rear yard, you have
10 feet between the property line
and the house. The rear lot line
is required to be 30 feet from the
house. You don't ask for a
variance. The application is
incomplete.

MS. REA: We would like to
have that considered. Would it be
possible to make that verbally?

CHAIRMAN SALADINO: I don't
believe so. I am not inclined --

MR. PROKOP: Does somebody
have a copy of the application?

CHAIRMAN SALADINO: I do.

MS. REA: I am just not sure
what is clear here.

CHAIRMAN SALADINO: It's not
noted on the application that you
submitted. I don't think we should
be expected --

MS. REA: This is the rear and
front yard setbacks that are
mentioned here?

CHAIRMAN SALADINO: The front
yard setback is mentioned. The rear yard is missing.

MS. REA: Does that really render this application insufficient at this time? I think that the Planning Board ruled on this.

CHAIRMAN SALADINO: Did they make a ruling? They sent it to us, I believe.

MS. REA: We will amend this application then and bring it before you next time. When is the next meeting, sir?

CHAIRMAN SALADINO: May 17th at 6:00 p.m. at the firehouse.

MS. REA: Okay. We will resubmit that and ask that it be considered that time and at that time, accept it.

CHAIRMAN SALADINO: Just so it's clear for the stenographer, are we withdrawing this application?

MS. REA: No. No. We will
supplement it at the next meeting.

MR. PROKOP: So my recommendation would be that you vote to not accept it and to be resubmitted or corrected.

MEMBER NEFF: And my question is about the proposed flag lot, the proposed cottage, I don't see how we can consider that proposal without plans for the cottage. And in a flag lot, what is the front yard?

CHAIRMAN SALADINO: I am hesitant to take any testimony.

MEMBER NEFF: If you want to have a more complete application, I think it has to include what exactly the variances are requested and if there is a proposal, what are you proposing to build exactly?

CHAIRMAN SALADINO: Not to get into the specifics of the application, she mentions -- we don't have the plans for the cottage but it mentions a 800
square footprint, the cottage.
Since we're not accepting it, I think the ownness is on the applicant.

MS. REA: The building plans, would be, I believe before the Planning Board.

MR. PROKOP: No. We would need at least the elevations to determine it.

MS. REA: I think the elevations have been given here. They are all here.

CHAIRMAN SALADINO: I don't have them.

MS. REA: We submitted them. I believe we did.

CHAIRMAN SALADINO: We would need more complete drawings.

MS. REA: Could you tell me how complete because these are the contours that were -- were required by the Greenport Village Code. So if these are not complete, I need to know specifically --
CHAIRMAN SALADINO: For this Board to accept the application, you would have to either submit a set of plans to this Board or have the plans that he submitted to the Planning Department, submitted to this Board. This is not sufficient for us. That is not to accept the --

MS. REA: You are talking about building plans after we submit the application?

CHAIRMAN SALADINO: Right. If it's accepted.

MEMBER NEFF: If the applicant submitted --

MS. REA: I believe we did.

MEMBER NEFF: There is not a proposed cottage except the word proposed cottage. Here we deal with setbacks and area variances. And if it's important to make a complete application in my view.

CHAIRMAN SALADINO: You're a 100% right, Ellen, but the ownmess
is on the applicant.

MS. REA: Our submission was based upon code requirements. I believe we submitted everything according to the code. If there is something to the elevations of this map, I would really like to know in advance because this has gone back to the surveyor on a number of times and be certain that we have it in accordance with the code.

The building elevations are not --

MR. PROKOP: We need to see what the impact would be on the neighbors, how high it's going to be and how deep. The roof line and things like that.

MS. REA: We are trying to do this in accordance with the code. I understand. So we will do that.

CHAIRMAN SALADINO: The application should reflect what is going to happen on the property and right now, we don't.

MR. PROKOP: It's important to
have that to determine the impact.

MS. REA: Very well, we will do that.

MS. MACATEE: Joanne Macatee. May I just make a comment here?

CHAIRMAN SALADINO: Not at this time.

MS. MACATEE: ZBA cannot reject this.

CHAIRMAN SALADINO: We are rejecting the application. We have no idea what is going to happen in the future.

MS. MACATEE: My one question is, regardless, the ZBA does have a right to reject this completely based on a lot size being 175 square feet and they having two homes on two lots. And 15,000 square feet. This is only a 9400 square foot --

CHAIRMAN SALADINO: Joanne, we're not going to take testimony until the public hearing. To
answer your question, the ZBA can
either reject a variance or grant a
variance. Once we have the
application in hand and once we
have the public hearing and have
testimony and answers, then we will
vote.

    MEMBER CORWIN: I will make a
motion to reject the application
for 238 Fifth Avenue, as presented.

    MEMBER GORDON: Second.

    CHAIRMAN SALADINO: All in
favor?

    MEMBER CORWIN: Aye.

    MEMBER GORDON: Aye.

    MEMBER NEFF: Aye.

    CHAIRMAN SALADINO: Aye.

    Item No. 3, Motion to accept
an application for an area
variance, publicly notice, and
schedule a public hearing, for
James Olinkiewicz, 221 Fifth
Avenue, SCTM # 1001-4-4-29.

    The applicant requests
several area variances required to
subdivide an existing lot and
construct a conforming house. This
subdivision will create 2 new
substandard lots requiring area
variances as follows:

Lot #1, The proposed subdivision creates lot 1 with an
area of 6,587 square feet. Where Section 150-12 (A) of the
Greenport Village Code requires a minimum lot size of 7,500 square
feet, requiring a lot area variance of 913 square feet. The proposed
lot width of Lot 1 is 47.82 feet. Where Section 150-12 (A) of the
Greenport Village Code requires a minimum lot width of 60 feet.,
requiring a lot width variance of 12.18 feet.

Lot #2, The proposed lot width is 52.35 feet. Where
Section 150-12(A) of the Greenport Village Code requires a minimum
lot width of 60 feet., requiring a lot width variance of 7.65
feet.

The proposed combined side yard is 17.9 feet. Where section 150-12(A) of the Greenport Village Code requires a combine side yard setback of 25’, requiring a combined side yard setback variance of 7.10 feet. The property is not located in the Historic District.

Does this Board have any questions?

MEMBER NEFF: By reviewing the application, I am looking to see where it's noted, perhaps you can help me, Mr. Chairman, there is a building located on Lot #1 that will move to Lot #2.

CHAIRMAN SALADINO: An accessory building?

MEMBER NEFF: It's a building that exists. I didn't see it when I read it -- I read it in one place and didn't see it in the application.

CHAIRMAN SALADINO: This
building?

MEMBER NEFF: This one. This one is moving to there.

CHAIRMAN SALADINO: Well, we have not been there. My understanding is, that building is moved. The existing shed is already moved.

MS. REA: That’s right.

AUDIENCE MEMBER: That building has not been moved.

It's still there.

CHAIRMAN SALADINO: There is just a question of building or shed. What is it?

MEMBER NEFF: It's a shed. I am just saying, where foes it say that on the application?

CHAIRMAN SALADINO: So it's our understanding that the applicant wants to split this lot. Preexisting house on one of the lots. His proposal is to build one of the lots that will need no variance.
MS. REA: No, it will need a variance.

CHAIRMAN SALADINO: That is not what the application says.

MS. REA: It requires a side yard setback of 25 feet. Requiring a combined side yard setback. There is also the variance for a lot with variance of 7.65 feet. And the lot width that requires a variance.

CHAIRMAN SALADINO: What is the pleasure of this Board?

MEMBER CORWIN: Don’t look at me.

MEMBER NEFF: My question is in the applicants project description, Item No. 5, states proposed reconstruction to build a single family residential home on single lot. That is the lot. I think it's Lot #1, I think. I don't see a detailed plan of the house. The proposed house.

MS. REA: They were not
submitted. We didn't realize that was necessary.

MEMBER CORWIN: Lot #1 is going 6,587 square feet where the code requires 7500 square feet?

CHAIRMAN SALADINO: Right.

MEMBER CORWIN: Now I am truing to do the arithmetic on Lot #2 and I come 6,494 square feet. So that would require a variance too.

MS. REA: Our application was based upon the Planning Board's denial. And I believe that we used the language that the Planning Board used. I will check it to be certain that we did. I am certain that we did.

MEMBER CORWIN: We have a little problem here. We're finding more and more problems with these applications and you're saying the Planning Board, but we're the Zoning Board of Appeals. Can you tell me what
you're finding that is inconsistent. Mr. Corwin and I will be glad to address it?

MEMBER CORWIN: I did the arithmetic and I am not saying that it's right but it looks to me that Lot #2 is unde the 7500 square feet.

MS. REA: I believe it's a little bit over, if I am not mistaken.

CHAIRMAN SALADINO: The application states that it's over --

MEMBER GORDON: So does the survey.

CHAIRMAN SALADINO: I am also uncomfortable with this application that we don't have any plans. You are asking us to okay a substandard lot and you're asking for a house on it and we have -- we would like to see some plans. The same --

MS. REA: Very well. As with 238 Fifth, you need the plans and
we will submit those. We will be
glad to do that. I want to be
prepared for the next one. So what
this Board is saying with the
survey notation of 7,619 square
feet for Lot #2 incorrect?

CHAIRMAN SALADINO: I am
content to accept the stamped
survey that that lot is 7,619
square feet. The fact of the
matter is, I have a feeling that
we're not going to accept this
application because of the lack of
plans. Regardless what the
Planning Board has, we don't even
have a notation --

AUDIENCE MEMBER: I have
what the Planning Board said if
you would like me to read that
out for you?

CHAIRMAN SALADINO: No, that
is fine.

MS. REA: It's part of the
application.

MEMBER GORDON: We have their
CHAIRMAN SALADINO: You did not have house plans. We did not submit those. We didn't know that it was necessary. On prior applications, we had submitted house plans. A previous application that was withdrawn.

MEMBER CORWIN: To correct what I had said, I had left 18 feet out.

MS. REA: Okay. So it's correct. Good. Is there anything else that the Board needs to see so that we can be sure that it's complete for you to be considered for the next time?

MR. PROKOP: When they went to the Planning Board they had the initial application, which I don't believe -- requires one survey showing both lots. I don't think it included separate surveys for each of the properties -- the proposed lots. So what this Board
will be doing is granting relief, I think what the applicant has to do is provide -- they did provide this one survey but also provide individual surveys for each of the lots.

MS. REA: There isn't any requirement anywhere in the code that I am aware of.

MR. PROKOP: It's in the subdivision regulations because in effect what you're doing -- your subdivision was denied by the Planning Board. A sketch plan --

MS. REA: That's right.

MR. PROKOP: So we really have a survey of both of the properties.

MS. REA: Is there a requirement in the Greenport Village Code that requires two surveys?

MR. PROKOP: Yes.

MS. REA: Okay. So you need that as well?

MR. PROKOP: Please. For both
applications. There is just too
many things going on in this little
rendering to try and figure out the
application. And also the
elevations of the building.

MS. REA: You know, I am just questioning this. I understand
what you are saying and the scale. Although what we provided is the
scale that is required by the Village.

CHAIRMAN SALADINO: Actually, it's not. To build on any lot, you
would need a complete set.

MS. REA: I am not talking about the plans. I am talking about the survey. When we submit the final subdivision plans to the county assuming that they were granted, it would be the one survey. So I am not sure why you would need two, and the County, that’s going to be the legally controlling --

MR. PROKOP: Because in our
subdivision code, if I am
incorrect, which I don't think I
am, I apologize. But what happens
was, when you went to the sketch
plan level which doesn't require
separate surveys for the lot. You
made it to the next level, which
requires separate surveys. And
because you were rejected at the
sketch plan level, you did not
submit separate surveys. Now this
Board, we're stepping in as the
Planning Board and looking at your
proposal to subdivide a
nonconforming lot. In order to do
that properly, we should have that
next level of documentation.

MS. REA: Could you give me
that citation later? I won't
trouble you later.

MR. PROKOP: It's in the code
--

MS. REA: Fair enough. Is
there anything else that this Board
requires when we resubmit?
CHAIRMAN SALADINO: I believe we have covered it. The application has to be submitted 25 days before the next meeting. I also have one more question, we were all supplied with a map of the Village of certain houses. Do you want us to make that part of the application?

MS. REA: I think that was provided for another application and we will make that part of our comments for supporting our application. We will refer to it then.

CHAIRMAN SALADINO: Okay.

MS. REA: We will address that in time for the public hearing. I think that is where it belongs probably.

CHAIRMAN SALADINO: Can I get a motion on this?

MEMBER CORWIN: I make a motion that we reject the application for 121 Fifth Avenue,
SCTM #1001-4-4-29 for changes as noted with the application will be resubmitted for the next meeting at May or if time does not allow, for the meeting in June.

CHAIRMAN SALADINO: Is there a second?

MEMBER GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN SALADINO: Aye.

Thank you.

Item No. 4, is a continued Public Hearing on the application for of SAKD Holdings, LLC.

Can you just state your name again?

MR. PENNESSI: Daniel Pennessi, president of SAKD. We can certify that we sent out the re-notices.

CHAIRMAN SALADINO: The public
hearing is open. We are at the point for the interpretations. The Building Inspector is not here tonight. The Building Department is here. We both decided you conceded interpretation No. 1?

MR. PENNESSI: Yes. Good evening, Mr. Chairman, members of the Board. I would like to clarify after having reviewed the minutes and I apologize that we did not do it last time. And I would like to give you an idea of what has transpired since the last meeting. As you know, this is our third public hearing on this application, fourth appearance before the Zoning Board. We had initially submitted Site Plan approval by the Planning Board. And what we had been asking for is a simultaneous review by both boards in order to proceed because of the various overlapping issues. We had submitted -- as a result, we had
submitted formal site plan approval
for the application on
March 3, 2016 in time for the
April Planning Board meeting. It's
my understanding that the Planning
Board decided off the record that
we would not be on the agenda for
the site plan approval until after
the Zoning Board of Appeals, until
all such items have had a decision
made on them. As a result, we
would ask that if you could close
the public hearing tonight and
continue to make decisions on the
interpretations of the variances.
The reason being is that we're
unable to continue with the
simultaneous review. We would love
to proceed with the approval. And
it's hard to decouple the
interpretations from the variances
in order to proceed with the
Planning Board. And that is kind
of where we are now. I did make a
statement that we would concede to
keep the public hearing open but I don't know -- I would like the Zoning Board to tell me what would change for the public to respond differently based on the decision of the interpretation?

CHAIRMAN SALADINO: Well, it would be up to the State if they would like to comment -- we would like to wait for their comments. We have no idea on what they would have to say.

MR. PENNESSI: On the State that is not really a decision that will impact the variances. The Village and the Zoning Board has the authority to make on the variances. What the State may have on the decision would be the Site Plan and methods of construction, but it wouldn't have any bearing on what the Zoning Board decides on the interpretations for the variances. They have received this notice as well as other agencies as
a result of this coordinated
review, as the Zoning Board
identified themselves as lead
agency for procedural purposes.
That SEQRA process doesn't end with
the completion of the Zoning
Board’s piece here. That
coordinated review will continue
through site plan approval. And
certainly that site plan approval
may be continuous for other agencies
to respond.

CHAIRMAN SALADINO:
Mr. Pennessi, I am not going to
guarantee you that we're going to
close the public hearing tonight.
We will discuss it and review what
you have to say and we will review
on the interpretations. And if the
Board sees fit, we will close the
public hearing.

MR. PENNESSI: I appreciate
that and we are prepared to discuss
all these items. Understood. I
just wanted to put on the record
the request. We are prepared to
discuss the interpretations and the
variances if we have time tonight.
So we did decide after speaking
with the Building Department
initially that we would forgo
seeking an interpretation on the
lot coverage, which leaves us with
parking, loading and height. What
I would request -- how would you
prefer to go through these?
Would you like me to give my
position on all three or break it
up --

CHAIRMAN SALADINO: Well, we
would like to hear what you have to
say. We would like to hear from
the Village also, the Building
Department and perhaps the
attorney. And if the Board
decides, you can speak to all three
and then they could speak to all
three and we can vote on all three
at a time or separate. We can do
it one at a time and I think it
would be better

MR. PENNESSI:  Sure.

MEMBER GORDON:  I have a
question.  Is your position
basically going to be what you
stated in your letter of
December 31st?

MR. PENNESSI:  Yes.

MEMBER GORDON:  I don't know
how carefully everybody else has
ready them but -- that letter, but
it certainly sets out, what I
think, your position on the
principle points and what they are.
If they have changed, I guess I
would like to how that has changed
in the last few months?  As opposed
to the tedious review?

MR. PENNESSI:  I guess the
response is, the basis of the
positions have not changed.
However, as a result of the review,
we have gone ahead and expanded the
reasons why we want interpretations
and should be adopted by the Board.
For example, we have gone ahead and engaged a planning engineer. So I would like to get into that. In my mind, the loading and the parking are intertwined. And I would -- maybe the height we can discuss first. It's an --

CHAIRMAN SALADINO: I am not sure I would agree, the parking and the loading. Why?

MR. PENNESSI: Well, we have gone ahead and looked at the design and we believe we -- if the Board is not inclined to grant our interpretation for the variance, we have considered alternative plans to include a loading area that would reduce the parking on the site that is currently proposed.

CHAIRMAN SALADINO: Do you have it?

MR. PENNESSI: No, not yet.

MR. PROKOP: The last time that we got together on this for substantial discussion, which I
think part of this refers to, one of the things that came up was that there was a prior decision by the Board, which interpreted the issue that you are raising and interpreted in favor of what the Building Inspector said. That there is a parking requirement. So how did that change from February to now?

MR. PENNESSI: Well, if you would like to get into parking right now, we certainly can. At the last meeting, I had mentioned that we submitted a FOIL request for those resolutions. And I have here, a FOIL request for which we asked for a copy of all applications made to the Planning Board or the Zoning Board of Appeals and all resolutions and minutes related thereto for a proposed lot development that is the property that we are talking about here. I never received any
such resolution or evidence that
this Board actually made a
determination that the off-street
parking we are relying on did not
apply to this property. At the
last meeting, I did at the last
meeting, re-request a copy of that
on the record. It was not
forthcoming. So I don't believe
that the Zoning Board has made a
decision on this property that has
an off-street parking requirement
based on a prior application or
resolution. And I would ask that
the Village deliver that, nearly
immediately. It significantly
impacts this application.

CHAIRMAN SALADINO: I don't
know. I don't know why if there is
an interpretation why it wasn't
delivered. I can't answer that.

MR. PENNESSI: As a result, I
would consider this a matter of
first impression by the Board for
this property. And I think it
should be reviewed as such.

CHAIRMAN SALADINO: I would
be willing to hear that. I would
hear what you have to say. To hear
a response from the Building
Department and make a decision -- I
would ask the Board and we would
make a decision since there was no
prior decision.

MR. PROKOP: It's in the
records of the -- there was a
project where we denied -- we
determined that there was a parking
requirement. They obtained
off-site parking. It was off the
street and it was off-site.

CHAIRMAN SALADINO: If he has
made two FOIL request and we can't
provide the information, I am not
sure what this Board’s
responsibility to the applicant.

MR. PROKOP: Do you have a
copy of the receipt?

MR. PENNESSI: I have this
copy but it's written on. I can
get you a clean copy.

MR. PROKOP: It's okay.

CHAIRMAN SALADINO: I would ask the Board, are we going to wait --

MR. PROKOP: We don't FOIL ourselves.

MEMBER GORDON: I think we should move this along and treat this as a matter of first impression.

CHAIRMAN SALADINO: I agree.

MR. PENNESSI: Would you like to start with height?

MEMBER CORWIN: Let’s move this along. What is your position on height and then let’s ask anybody in the audience and then let’s ask ourselves.

MR. PENNESSI: So I am aware of the prior decision on a determination on how -- where the height is measured to. And our request is to ask the Board to reconsider what is the height. So
the Zoning Code requires the building to be no greater than two stories or 35 feet in height. According to the code, height is the vertical distance measured from the road to the highest point of the roof. And this proposed project -- the focus is on the definition of roof. This proposed project has a height to the parapet wall of 35 feet. That is above the horizontal closure of the roof of the building. The architect Tom Pedrazzi is here if the Board would like to get more specific. So essentially there is roof that closes the building. Then there is a parapet wall, which is higher. So the height of the roof and the parapet would be in compliance with the application. Beyond the 35 foot height limitation is a safety fence for the proposed roof deck at 36 feet 9 inches. The mechanical equipment,
HVAC units and are at 36 feet 11 inches. The proposed trellis around the roof deck at 42 feet 9 inches. And then in order to access the roof deck, we're proposing to have the elevator and stairwell go to the roof, which requires a bulkhead, which has a height of 46 feet 8 inches. Clearly some of those items are not considered roof. Our question is, what is -- how is the roof defined for these purposes and of course depending on that determination, we would be seeking the variances for those specific variances. As I mentioned the last time on this particular issue that we would not be seeking a 46 foot 8 inch total clearance, which would enable us to put another floor on the roof. Not what we're requesting. Those additional height limitations are specifically for those items.

MEMBER CORWIN: It's the
enclosure needed for the elevator
and it's some sort of fence or
guardrail around the building --

MR. PENNESSI: And the
trellis.

MEMBER CORWIN: I don't
remember the trellis.

MR. PENNESSI: So what is
being proposed up there is that the
roof deck would be used by the
hotel guests. We have significant
interests from a fairly well known
restaurant to come in and utilize
the area. They have expressed the
interest of maybe having a fresh
garden up there. So that is the
way it would be used. We would
need to put security fencing around
those areas. So the people
wouldn't get to portions of the
roof deck that they shouldn't be
going to for safety purposes. And
then the trellis is just an
architectural detail.

MEMBER GORDON: It seems to
me, if you have a pretty good case
if you took out the protections of
the roof deck. If you eliminate
the roof deck, you eliminate three
of these problems. They are minor
problems but they're still
problems. With the bulkhead for
the stairwell for the elevator to
the roof deck. That is the big
thing. The 48 feet, as opposed to
the 35 feet. So that is the
problem. And you say that the New
York State Building Code does not
consider a stairwell or elevator
bulkhead and shaft as part of the
roof. So here I would like to turn
to Mr. Prokop. Is that your
understanding as well? Because it
seems to me if we get rid of the
problems of the roof deck and we
just don't have the roof deck. And
all you have is the elevator shaft
and that’s correct state law, then
you have a very good case.

MR. PENNESSI: Just to be
specific, the request and perhaps I wasn't clear. The request is that, if we can determine the definition for a roof, and if it is in fact the flat roof of the building or even the top of the parapet wall, we would be in compliance with this portion of the code. Not withstanding the fact that certain elements that are not roof exceed the 35 feet.

CHAIRMAN SALADINO: From reading the building code, when I had first read it, the safety railing, the parapet and I believe the mechanical equipment weren't taken into consideration. The bulkhead and the elevator shaft and the stairway were.

MR. PROKOP: The stairway has a roof and the elevator shaft has a roof, then that is the highest point of the roof.

MR. PENNESSI: That is for interpretation. That is what we're
asking, right? That is what we're asking the Board to make a decision on. That that is in fact what the Village Code says.

MR. PROKOP: It's the crown of the highest roof not --

MR. PENNESSI: It's the crown of the road. The code says from the road to the roof.

MR. PROKOP: The highest point of the roof is not the roof that you want us to use. The highest point of the roof is either the one that covers the elevator shaft and the stairway. And I am saying that without looking at the plans. Just visualizing what you're talking about.

MR. PENNESSI: I would say that the roof of the elevator shaft or the stairwell, bulkhead is not in fact of the proposed building. The roof of the proposed building is the horizontal membrane and enclosing the building, which is
what the New York State Building
Code describes a roof as. And that
an elevator bulkhead would exceed
the height of the roof and not be
considered a roof for purposes of
determining the building.

MR. PROKOP: Based on what I
am hearing, you are really on
dangerous ground with this -- what
I am looking at what is a potential
fourth floor because you put on the
record a number of uses for this
fourth floor, which I guess you are
calling a roof deck. And tonight
you said it was an organic garden
--

MR. PENNESSI: The potential
tenant has expressed interest in
using it for that. The restaurant
tenant suggested putting boxes up
there with herbs and vegetables.
They would not be putting anything
on the trellis. It's not a full
building floor. The plans were
submitted showing a roof deck that
is much smaller of the entire roof
of the building.

MR. PROKOP: Just because it's
one that I know of. I think Smith
and Walinsky's has an eating area
on the upper floor or outside deck.
It has a restaurant that goes into
an eating area and upper deck.
Smith and Walinsky would never have
told the Building Department of the
City of New York that it's a roof
deck with organic garden boxes and
trellises and started using it as
restaurant seating or any other
kind of seating. Who are the
people going to be up there and
what is it going to be used for?

MR. PENNESSI: As we have said
on numerous occasions, it's being
proposed for a hotel guests only.
More recently, we have been asked
by the proposed tenant if they
would be able to have an employee
or two walk up there to maintain
garden boxes for the restaurant.
MEMBER GORDON: How do you deal with what Mr. Prokop suggested that it really amount to a fourth floor?

MR. PENNESSI: Respectfully, I couldn't disagree more. It's not a fourth floor on the building. It's simply a means of ingress and egress. There is no rooms. There is not going to be proposed restaurant tables. It's a passive recreation area. And the only way to have it used as a deck area, the expansive views that it's afforded--

MEMBER GORDON: So people couldn't sit down?

MR. PENNESSI: They could sit down but they're not being served by the restaurant.

MEMBER GORDON: But if they're sitting down, they have to have chairs. Then they have to have some place to put their drinks.

MR. PENNESSI: Sure. What we
have proposed in the design is a propane fire pit.

MEMBER GORDON: It's getting very busy up there.

CHAIRMAN SALADINO: It's just hard to imagine that on a nice evening, looking at the water and sitting around a fire pit, that perhaps a restaurant, a high-end North fork restaurant won't decide to bring food up there. Now it turns into an extension of the restaurant.

MR. PENNESSI: That is something that the Village has the control. We're trying to work with the Village here. People would love to access it. It was my understanding that that was something that the Village doesn't want but if that’s something that the Village would be interested in --

CHAIRMAN SALADINO: No. It's hard for me to listen to you and
hear this is our intention and this
is what we expect to happen and
then something totally different
happen.

MR. PENNESSI: Depending on
what the approvals state, I would
be in risk of CO violations if
someone was using it in a way that
they should not be using it.

MEMBER CORWIN: The problem is
with the statements that you're
making, in my past experience,
people get a variance to do
whatever and then they go and start
serving the meals and the drinks
and start having the parties up
there and I have complained to the
Building Department and they have a
hard time enforcing it.

MR. PENNESSI: It's not only
as a matter of using the space in
violation of the approval, the size
of the roof is designed as such,
you can't have a public assembly
area up there. We're not designing
this for maximum occupancy. We're
talking about 16 hotels rooms that
would have --

CHAIRMAN SALADINO: I am not
sure that is what David suggested.
That's it's going to be a public
use but you're going to have 16
hotel rooms and presumably you're
going to have at least 16 guests.
And you say it is for guest use.
There are scenarios where the
entire hotel might be taken over by
one particular party and that party
wants to hang out on the roof. To
be fair to you, that’s --

MR. PENNESSI: My only point
is suggesting that, it's just
another way of how it's going to be
used. We have the approvals that
will bind us how we can use it. We
have the elements of how we can use
it. We have the fire department on
the maximum occupancy. If people
start to use it in violation of all
of those things, we would have a
party. We do think it would be a
nice addition.

CHAIRMAN SALADINO: I have --
my concern is not the mechanicals
going up 35 feet or the wall going
up 35 feet.

MR. PENNESSI: The parapet

wall.

MR. PEDRAZZI: Tom
Pedrazzi, architect. The
parapet is above 3 foot above
the roof. We needed an
additional fence of 42 inches
in a public area or a
guardrail. We were doing some
studies on how we can do that.
This was the one that we had
thought about previously. We
are trying to solve this area.
We would probably do a mansard
roof and soften up those
corners. We added this little
piece. This is pretty spot on.
Our software is very
complicated and complex and
gives us every true renderings.
All 3-D models. That is the bulkhead.

CHAIRMAN SALADINO: If you want to refer to the application, that A0103. There is an elevation showing the height of each element over 35 feet.

MEMBER CORWIN: Listen, we can discuss this all night, Mr. Chairman. I would ask you to call on the audience and see if they have anything to do to this and then I would like to make a motion.

CHAIRMAN SALADINO: This is for the height. Is there a member of the audience that would like to make an interpretation for the height?

MR. REED: The rendering is beautiful. I am Mike Reed, 430 Front Street. Now my only question, are you putting -- this here --

MR. PEDRAZZI: This is 35
feet.

MR. PENNESSI: This is a different rendering. Tom has been working on softening the facade. This is the fencing. This is going to be set off back. So you will never see it.

MR. REED: Sunk in here then?

MR. PEDRAZZI: This is going to be back here.

MR. PENNESSI: The height from this wall of the theater is 45 feet. So the only element that would exceed the wall of the theater, is this, the bulkhead. A103 shows the dimensions of the elevator and the roof of the building.

CHAIRMAN SALADINO: Right now, we're concerned with the definition of the roof. I would ask that the Building Department -- can we hear from the municipality? Can we hear the specifics?

MR. PALLAS: I am going to be
tотally honest. I don't know the specifics. I know the roof of the equipment, that was the issue.

MEMBER NEFF: Isn't there a proposed gazebo --

MR. PEDRAZZI: This is it.

MEMBER NEFF: And there would be shading above that?

MR. PEDRAZZI: Architectural pergola. It's an open roof.

CHAIRMAN SALADINO: Does the attorney have anything to add?

MR. PROKOP: No. If I said anything, I think -- I know the Building Inspector is the code official of the Village and she rendered an interpretation of the code based on that --

CHAIRMAN SALADINO: A decision.

MR. PROKOP: Right. A decision based on that. Her position as the code officer of the Village. And I wouldn't say anything that contradicted -- this
is not really law. This is New
York State Code that she is
certified to apply.

MR. PENNESSI: We are not
asking you to interpret the
building code.

CHAIRMAN SALADINO: No. The
Building Inspector made a decision
in the Notice of Disapproval and it
would be up to us to other agree
with that or agree with you. Isn't
that what we are doing.

MR. PENNESSI: If you could
just give me a second?

CHAIRMAN SALADINO: Sure.

MR. PENNESSI: Because I think
it's important to make sure that
everybody is familiar with what
decision the Zoning -- the Board is
inclined to rely on a prior
decision that was made in
connection with the Harbor Front
End. We should all be clear on
what the decision was.

CHAIRMAN SALADINO: Well, I
don't have it in front of me but it was my understanding that interpretation affirmed that they would need a variance and also to comply with the 35 feet.

MR. PENNESSI: What elements have to comply with the 35 foot?

That’s the issue.

CHAIRMAN SALADINO: I am not sure.

MEMBER CORWIN: We started out with what is called a widow’s watch, which was much higher. And apparently that was kind of a stumbling block. They took that out.

MR. PENNESSI: I do believe they eliminated that. It was a usable interior area of the hotel that was going to exceed 35 feet and it was going to be imperative to the project. They eliminated the use of that area of the hotel to get the 35 feet --

MEMBER CORWIN: They lowered
the number of units too.

MR. PROKOP: See, you're not just asking us to overlook the roof over the stairway and the elevator bulkhead. You are asking us to also overlook the whole area over the gazebo also? Is that what is happening here?

MR. PENNESSI: I am not asking the Board to overlook anything. What we are asking the Board to do is make an interpretation of the definition of roof in the Village Zoning Code, which we contend is the flat roof of the building which is below the 35 feet. And as a result, the elements that we have described which include the parapet wall, which is to comply with the security regulations. The fencing, the trellis above the roof deck and the mechanical equipment and the elevator/stairwell shaft, does not in fact need a variance because those items do not constitute the
rooftop the building.

MR. PROKOP: We are not talking about a 5x5 structure. You're talking about 20% of the roof. You are just selecting a roof that you want us to use as a basis. It's actually is a roof structure as is a gazebo. It's not really an interpretation. You are just asking us to pick the lower roof and said why don't we use the higher one.

MR. PENNESSI: That is what we're asking the Board to interpret and our position is in reliance to the New York State Building Code, which defines a square roof as a horizontal portion of the roof, which serves as the top closure of this building. And that it doesn't intact include the bulkhead and the shaft. That is what we are asking the Board to determine.

MEMBER CORWIN: I know what I would like to say. I would like to
move it along.

CHAIRMAN SALADINO: We can make a tentative interpretation and then it would be and then we could vote on this decision. I am going to make this motion that I will let the Board vote. We will -- my motion is going to be that we tentatively deny the applicants appeal contingent upon the Village Attorney drafting a written resolution of our decision for our next meeting and the ZBA adopting that resolution with any modifications at the next meeting.

It's the opinion that the applicant has failed to comply or offer any convincing evidence in support of the request for interpretation or to support any position contrary to the denial’s issued by the Building Inspector. The Zoning Board determines that with respect to the interpretation in Notice 1, the section 150-2, the Building
Inspector is correct in denying this application with respect to that point and that a variance is required. So moved.

MEMBER CORWIN: I second the motion.

MEMBER NEFF: Your motion is not just for building height; is that correct?

CHAIRMAN SALADINO: It's about the building height.

MEMBER NEFF: It's only about that. Okay. Thank you.

MEMBER GORDON: I am going to vote for the motion. I want to say that I would have voted for it if it were just -- I think the definition of roof is the one that I would accept but only if it were -- included only a shaft.

CHAIRMAN SALADINO: So there is a motion and it's seconded. So we're going to vote. First we will do SEQRA. We will -- the ZBA is lead agency.
MR. PENNESSI: We will eliminate the trellis if that is causing concern. The safety fencing -- the parapet is within the 35 feet and that is --

CHAIRMAN SALADINO: Yes.

MR. PENNESSI: The security --

CHAIRMAN SALADINO: We have a motion and it's seconded. We are going to vote and then we will talk about that depending on how the vote goes for the variance.

MR. PENNESSI: Unless the Board would entertain another vote on the variance if we were to eliminate the trellis --

MEMBER CORWIN: I don't think those are your issues.

CHAIRMAN SALADINO: I don't believe so either. I am going to call the vote. Then if the applicant changes when we discuss the variance -- so.

MEMBER NEFF: Can you just repeat the motion? I apologize.
CHAIRMAN SALADINO: Would you like me to repeat it?

MEMBER NEFF: Actually, if you could repeat the very first part of it.

CHAIRMAN SALADINO: The ZBA moves to tentatively deny the applicant’s appeal contingent upon the Village Attorney drafting a written resolution of our decision for our next meeting and the ZBA adopting that resolution with any modifications at the next meeting. This is to get the decision in. So we don't have to draft a decision wording tonight.

MEMBER NEFF: We are talking about the interpretation of height only; right?

CHAIRMAN SALADINO: Interpretation regarding height limitations. We made that Item No. 1.

MEMBER NEFF: Okay. I just didn't hear that.
CHAIRMAN SALADINO: Did I do SEQRA?

MR. PROKOP: I am looking. Just one second. I think that an interpretation is a Type II Action. So as part of the motion, you can determine that the interpretation is a Type II action. Amend the motion to determine that this is a Type II action for purposes of SEQRA. If we proceed to a variance, we will have to have a separate variance review. You know what, I will handle it in a written decision. Because it's a Type II, we will adopt it as part of the written decision.

CHAIRMAN SALADINO: Okay. I will call the roll. Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRMAN SALADINO: Ms. Neff?

MEMBER NEFF: No.
CHAIRMAN SALADINO: And I am going to vote, yes.

Mr. Moore is not here. We will move on? Your choice.

MR. PENNESSI: Is it the Board’s choice to proceed with all the interpretations?

CHAIRMAN SALADINO: That’s fine.

MR. PENNESSI: Okay. The loading berth -- the Village Code requires one loading area for each 25,000 square feet livable area. Our position is that the code does not state that it's for each 25,000 square feet livable floor area or portion thereof. If they did, then the results would be that a 1,000 square feet building would require a loading berth. It requires dimensions of 12 feet wide, 31 feet long. It would seem impractical to require a loading berth having those dimensions for a building less than 25,000 square feet of
floor area. So our request for an interpretation is for this building being less than half of the livable floor area, if by code, requires a loading berth. We would say that it does not.

CHAIRMAN SALADINO: Well, does the Building Department have anything to say?

MR. PALLAS: That is why we said what we have to say.

CHAIRMAN SALADINO: I don't know how you could say you don't require a loading berth.

MR. PENNESSI: We don't have 25,000 square feet.

CHAIRMAN SALADINO: But it's for each 25,000 square feet.

MR. PENNESSI: I agree.

CHAIRMAN SALADINO: So from 1 to 24,999, you would need one loading berth. From 25,000 and on, you would need another one.

MR. FELPS: Bryan Felps, from Felps & Associates, 4400 Veterans
April 19, 2016 Regular Meeting

1 Memorial Highway. I represent the
2 owners of Stirling Commons.
3
4 MEMBER CORWIN: Let me ask you
5 a question. Obviously, there is
6 going to be a loading. If you get
7 a restaurant, there is going to be
8 trucks going in there. More trucks
9 going in there for hotel rooms.
10 Your retail space is going to be
11 minimal, but certainly there will
12 be trucks. There will be loading
13 going on in that space. Right now,
14 how are you going to handle that?
15
16 MR. PENNESSI: There would be
17 deliveries, certainly. And I
18 should note that based on
19 discussions with the Building
20 Department, we have revised the
21 number of calculations for seats
22 for the restaurant. It was 80. We
23 are now determining that there is
24 room for 58. There wold be
25 deliveries. They would use the
26 parking area behind the hotel
27 without the need for a loading
MEMBER CORWIN: So what that would mean is, your 12 parking places, if you have all your guests that are parked in those 12 parking places, you have no way to load unless you throw somebody out of their parking place?

MR. PENNESSI: Perhaps move. It would be rather limited deliveries. Perhaps we can work on when deliveries made.

CHAIRMAN SALADINO: The portion of the code, you're going to have a restaurant and a hotel, which kind of makes it a mixed use.

MR. PENNESSI: Absolutely.

CHAIRMAN SALADINO: Is it the standard less, for a mixed use?

MR. PENNESSI: For a loading zone?

CHAIRMAN SALADINO: Yes.

MEMBER CORWIN: Well, what is the square footage?

MR. PENNESSI: Let's look at
the code, 150-15, under
requirements. Buildings with
offices, retail establishment under
25,000 square feet of floor area,
one additional berth for each
additional 25,000 square feet of
floor area or fraction thereof --
MR. PROKOP: That’s it. The
fraction thereof applies.
MR. PENNESSI: Our service
establishment is 875 square feet.
CHAIRMAN SALADINO: That is
true. But you are asking us to
interpret the code and we have to
go by what the code says. If the
interpretation should go against
you and the argument that the
building is 500 square feet, that
becomes an argument for a variance.
MR. PENNESSI: I will say --
that is why I thought this would
tie into parking a little bit
because we have work studies that
if a loading zone was required, we
think we could squeeze in a loading
zone in the parking lot that would reduce the number of off-street parking places on the property. 12 to 11.

CHAIRMAN SALADINO: I think if you suggest that or have suggested that, I would guess that the majority of the public opinion would be not in favor. The loading zone is a concern for some but not all. Parking seems to be the concern for everyone. So I wouldn't pitch reducing my parking area to have a loading zone as a reason. I wouldn't do that. I am not sure how we could interpret this any other way. The interpretation in my mind is clear. To argue for the variance is certainly your right. I think we should vote on that now.

MR. PENNESSI: We can look at the denial, but the denial did not reference B-1-C.

MEMBER GORDON: I think it's
bad drafting. And my inclination would be to be more flexible since it's bad drafting. Obviously if you have a 1,000 square feet property you would not have to have -- nobody --

CHAIRMAN SALADINO: But Dinni, we can't legislate that.

MEMBER GORDON: I agree. Of course we can't. We can be more flexible in our interpretation.

CHAIRMAN SALADINO: We can be more flexible when it comes to vote for the variance. If we deny his interpretation appeal and say that he does need a loading berth -- it's two bites at the apple. He's asking us to make an interpretation and if that doesn't work out, then we will rule on a variance. And whether the Board goes against him for the interpretation, then certainly. Vote for the time of the variance.

MEMBER CORWIN: Are you going
to call on the audience?

CHAIRMAN SALADINO: Does anyone have an opinion on the loading zone? We are going to let Chatty go first.

MS. ALLEN: Chatty Allen. I am 11 Fifth Avenue. I have a big problem with the loading zone.

CHAIRMAN SALADINO: Just the wording of the code.

MS. ALLEN: The interpretation that I have been hearing, it's up to a certain amount that you have to have a loading zone.

CHAIRMAN SALADINO: Correct.

MS. ALLEN: That is how he should be. If he wants to apply for more than that, then he can. But you're definitely going to get pushed back from people given where the site is. And I said, go with the code. He needs one loading berth.

MEMBER NEFF: The need for a loading berth, such as we find in
the Village, like behind the IGA for instance. They're marked in such a way that no one can park there except someone loading. And I think what we're really looking for on this kind of a site. The site here, for this proposal is space for deliveries rather than a designated very large loading zone. And I have a problem seeing even deliveries happening in that site. Particularly since that lane of Front Street is really a turning lane for traffic for the ferry. So it has to be on the side. And even small deliveries trucks that we see, are going to have trouble fitting in a parking place, a 10x20.

MEMBER GORDON: You realize you are speaking to the variance not to the interpretation?

MEMBER NEFF: The interpretation, what did we mean by loading zone? A loading zone -- are
we specifying it's number of feet
and does it have to be marked off
--

CHAIRMAN SALADINO: No. We're
specifying right now for this
interpretation that the code
actually says for this particular
piece of property needs a loading
zone.

MEMBER NEFF: There is a
loading zone with a certain number
of feet, painted to only be used
for loading?

CHAIRMAN SALADINO: Yes.

MR. PENNESSI: 12 feet long --

MEMBER NEFF: Which is not
possible on this site.

CHAIRMAN SALADINO: Depending
on the vote of the Board, he is not
withdrawing the application, he is
just asking is to interpret the
code the way that he would like us,

as opposed to what we feel it says.

And then he certainly has the right
to ask for a variance. Mike, from
the public wanted to say something.

MR. REED: Mike Reed, 430 Front Street. Just two part question. By using that loading, you're taking away a parking spot?

CHAIRMAN SALADINO: That was the second proposal.

MR. REED: My other question was, when all this was being done, was an impact study being done with the traffic through New York State?

CHAIRMAN SALADINO: Yes.

MR. REED: And what did they say?

MEMBER CORWIN: Not from New York State.

MR. REED: Okay.

MEMBER CORWIN: That is in the works.

CHAIRMAN SALADINO: There is a parking study.

MR. PENNESSI: If I could clarify? We had a professional traffic engineer from Westhampton Beach prepare a traffic study on
site. That is -- that is the
acceptable method to deliver
evidence onto the record as to
parking and traffic for a
particular site. And we can analyze
this once we get into the parking.
I believe what the State’s response
was, it's reviewing that, if we
were to perform work on the State
road, that we would require a State
permit. Currently, we're not
proposing to do any work on the
State road. If we had to do some
work with the utilities, we would
obtain a State permit, but that
doesn't impact the traffic study
for this purpose.

MEMBER CORWIN: Just so you
know what State road is, it's Front
Street and it's Third Street, which
is Route 114. And you have to put
in a sewer line in at some point.

CHAIRMAN SALADINO: Right now,
the traffic study is dealing more
with what is happening in front of
the building and what is happening
next to the building and not so
much on the property and the
loading zone, to me, is about the
8,750 square feet property.

MS. JAGGAR: Maryanne Jaggar,
430 Front Street. This loading
dock, it would be plausible, if
people came and delivered before
six in the morning. You could get
away with it. After that, it
becomes very dangerous trying to
get that traffic coming out of that
side thing with the other. So I
know it is.

CHAIRMAN SALADINO: It's about
being required to have a specific
area on the property for trucks to
load and unload.

MS. JAGGAR: Right. Then he
is knocking out a couple of parking
spots. And isn't there a rule when
you start at 34 --

CHAIRMAN SALADINO: Not an
issue right now.
MS. JAGGAR: I was just curious on how that worked.

MS. MACATEE: Joanne Macatee, Fifth Avenue. Can he decide or can he do an off the property area? Can he rent a space somewhere else or rent another lot locally or within his area.

CHAIRMAN SALADINO: There is a portion of the code that says that he can provide off-street parking, if the property is within 200 feet of the principal property and he has to be the owner. That would be up to the applicant to decide. So he could rent within 200 feet and he can knock the old Meson Ole building down and that becomes a lot. I was just giving an example. He certainly has the right to buy that property and use it for parking, use it for loading. As long as the hotel was there. I am sure Mr. Pennessi knows that
option. Anybody else about the interpretation or the loading zone?

(No Response.)

CHAIRMAN SALADINO: So I am going to make the same motion.

MEMBER CORWIN: Can we do SEQRA first?

MR. PROKOP: This is a Type II action. Just the first part of the motion should say that the interpretation is a Type II action and does not require SEQRA.

CHAIRMAN SALADINO: Okay. The ZBA declares itself as lead agency and it's a Type II action with no negative impact on the environment.

And I move that.

Can I get a second?

MEMBER NEFF: Second.

MEMBER CORWIN: The attorney is saying that should be part of the whole thing.

MR. PROKOP: That could be part of the motion or you could do it separately. Doesn't matter.
MEMBER CORWIN: Then let’s do it separately. It's been seconded.

CHAIRMAN SALADINO: Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRMAN SALADINO: Ms. Neff?

MEMBER NEFF: Yes.

CHAIRMAN SALADINO: Mr. Moore is not here. I am going to vote, yes.

I am going to make a motion that the ZBA tentatively deny the applicant appeal contingent upon the Village Attorney drafting a written resolution of our decision for our next meeting and the ZBA adopting that resolution with any modifications at the next meeting. The applicant has failed to comply or offer any convincing evidence in support of the request for interpretation or to support any
position contrary to the denial’s
issued by the Building Inspector.
The Zoning Board of Appeals
determines that with respect to the
interpretation No. 2, the section
150-16, B, E. The Building
Inspector was correct in denying
this application with respect to
that point and that a variance is
required. So moved.

MEMBER CORWIN: Can I ask you
to amend that to include paragraph
C to, which is the square feet
paragraph?

CHAIRMAN SALADINO: Do I have
to make an amended motion.

MEMBER CORWIN: You should say
the part you're amending I think.

CHAIRMAN SALADINO: So we're
going to add to Section 150-16 B, E
and C. So moved.

MEMBER CORWIN: Second.

CHAIRMAN SALADINO: Mr.

Corwin?

MEMBER CORWIN: Yes.
CHAIRMAN SALADINO: Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRMAN SALADINO: Ms. Neff?

MEMBER NEFF: Yes.

CHAIRMAN SALADINO: And I will vote, yes.

Parking. The applicant requests an interpretation of 150-12C to determine whether the project is exempt from the Greenport Village Code.

MR. PENNESSI: If I could, I would like to present them both?

CHAIRMAN SALADINO: Sure.

MR. PENNESSI: 150-12C, the relevant part of it. States that the use adaptation or change of use for any building within the CR or WC District, which this property is within the WC District, in existence as of January 1, 1991, shall be entirely exempt from any off-street parking requirements as provided in this or any other.
This shall apply to improved parcels only and not unimproved parcels. Not withstanding any other provisions to the contrary. Section 150-16A1, states that accessory off street parking spaces, open or closed, shall be provided for any specified below for land which is unimproved within the CR and WC District’s and for all other land in all other districts improved or unimproved. And the relevant part says, land within the CR or WC District’s which is improved as of January 1, 1991 shall be entirely exempt from off street parking requirements and from payments in lieu thereof. Each of these sections was adopted on November 15, 1990. As I had mentioned before, we FOIL’d all resolutions applying to this property and hadn't received any resolutions indicating that the Zoning Board had in fact, these
sections did not apply to this particular property. We also FOIL’s the resolutions as to the Harbor Front End. And significantly, the October 28, 2002 Planning Board site plan approval for the Harbor Front End references a decision by the Zoning Board of Appeals dated March 20, 2002 for some reason I didn’t receive this resolution. Although it was FOIL’d. The decision states that, March 20, 2002, the Zoning Board determined that the subject property, is exempt from the Village’s off street parking requirements pursuant to Section 1-16 of the Village Code. Significantly as we have stated previously, this property has been improved from as early as I could tell 1880’s. It was improved at that time by the Peconic Hotel. We have reviewed sand-born fire maps dated 1890, 1897, 1902 and 1964.
All of which showed some improvement or another on the property. A service station through the 40’s. We reviewed aerial photography from the mid 50’s. Thereafter, the carousel existed on the property. And more recently, 3,000 square foot village storage area. And now, village transformers, paving and the foundation. As a result, we feel very confidently that Section 150-12C would require that there is no off street parking required for this property. And even if the Village Zoning Board was to determine that 150-12C did not apply to this property, that 150-16A1 would indicate that no off street parking is required on this property. Now, if I could, we haven't been able to spend too much time on the Dunn Engineering study, but it was referenced before. Dunn Engineering had prepared a parking
study when the Greenport Gateway project was proposed in 2008. And we had hired Dunn Engineering to update that report as a traffic study. So we have submitted to the Board a study dated March 8, 2016, which indicates in a number of places that the parcel is improved by paved parking area, utilities and that -- and I can go into the number of spaces. There is a number of on street parking on Front Street, public parking spaces on Adams Street, at the Greenport Railroad Station and MTA lot south thereof. What we can tell is that there is approximately 60 on street spaces. Parking -- the location or distance of parking to a particular property is reviewed by a level of service that a parking provides to a particular property. The best possible parking is within 400 feet of the property. So we estimated that approximately 60 spaces
between on street and Adams lot.  60spaces at the railroad station
and countless at the MTA lot. Dunn Engineering found in their report
the following conclusions and if
you would humor me, I would just
like to read them in? I will read
very quickly. There are 7. Based
on the foregoing, the proposed
devoteent would be expected to
generate a small amount of new
traffic that should have minimal
impact on operating conditions on
the roadway and near the site. The
parking provided in combination
with the bailable on street and
municipal parking is expected to be
sufficient to accommodate demand.
Furthermore, that 12 parking spaces
on site meets and exceeds the
Village’s parking requirements.
Since no off street parking is in
fact required on the site. As can
be seen, the analysis estimates
that during the weekday, A.M.
peek, a total of 16 trips would be generated. 8 entering and 8 exiting. Similarly during the weekday P.M. peek, 34 trips would be generated, 20 entering, 14 exiting. Finally on Saturday’s, it’s estimated that the proposed development will generate 43 trips. 25 entering and 18 exiting. A small amount of traffic considering the current condition on surrounding roads. It’s not expected to have a significant impact on operating conditions on the site. The addition of 43 new vehicle trips under a worse case scenario would not represent a significant increase in traffic and would therefore overall traffic impacts would not expected to be significant. Higher than one would expect to occur. The location of the site access on Third Street conforms to the access management plan of New York State
Transportation. Since the site access driveway will be located on the lower volume side street rather than on Front Street. Locating the driveway on Front Street would have the greater traffic impact. The proposed use has less or equal traffic impacts than the previous application of Greenport Gateway. Comparing the traffic generated by the previous application of retail and apartments and the traffic generated by the proposed uses indicate that the previous uses generated substantially more traffic adoring the AM hours and approximately the same amount of traffic during the P.M. and Saturday afternoon peak hours. As noted in the trip generation section of this report, yes, patrons will utilize, taxies, the Long Island Railroad, buses, the North Ferry and Hampton Jitney. While this is expected to reduce
the trips to the site, no credit was taken into analysis that is contained in the report for this affect. And finally, the parking provided on site exceeds the onsite parking required by code and in combination with the on street and public parking's supplied, it is expected to be sufficient to accommodate the demand. Finally, we touched on the LWRP last time, and understand that it has not been adopted by the Village but it identifies this property and what should be there, which is a mixed use project with a retail engaged street scape and potentially residential. To be specific about the Zoning Code interpretation that we are asking you to make, I think it's important for 150-12C to focus on what it means to be improved as of January 1, 1991. As for both existing buildings under Section 12C --
CHAIRMAN SALADINO: What you said about the parking survey and stuff, would seem it goes more towards asking for a variance then asking for the interpretation. To me, what this Board has to do is whether to approve this or not.

MEMBER GORDON: We also, I think, need something to consider legally whether something could become improved -- could become unimproved and then re-improved. I think one would submit that this parking surface is unimproved but I would say that once something is improved, it's always improved. But I would like to know if there is any legal definition of what improved suggest.

CHAIRMAN SALADINO: Well, the applicant’s contention is once it's improved, it's always improved.

MR. PENNESSI: We are dealing with an engaged well built, well defined Village with depth and
infracture and the improvements on this -- yes, I do think an improved property can be returned to an unimproved state.

CHAIRMAN SALADINO: Well, to me, and it's just my thought, that it's hard to envision a parking lot that is there now is being improved as of -- there is a portion of the code, that once a piece of property reverts to the requirement -- that would be parking --

MR. PROKOP: One of the things that I would like to point out, if I could? Again, we had this conservation a couple of months ago when the applicant suggested that rural -- his verbal account was not going to be sufficient and that the property was improved at a certain time.

MR. PENNESSI: I wasn't aware that there was a request for paper documentation but I can deliver the fire born sand maps to show as of
1882, if you would like?

MR. PROKOP: I think the relevant date is 1991; right?

MR. PENNESSI: That is what we are asking for an interpretation on. Why don't we look specifically to the code sections that are asking to be interpreted? Because that is what the Zoning Board is charged with. They are charged with telling me whether they agree with my interpretation of Section 12C.

CHAIRMAN SALADINO: How can you dispute that in 1991 there was a building there and now in 2016, there is no building there? How can you say that property continues to be improved?

MR. PENNESSI: Because that is the control date that the Village Board determined for purposes of this code section. That as long as it's been -- it was improved by that date, that is the
interpretation that we are asking
you guys to make. Since it was
improved by 1991, the Village Board
has determined that it's exempt
from off street parking.

MEMBER GORDON: 150-16 applies
that to land. Within the CR and WC
Districts,

MR. PENNESSI: I would agree
with you. And that goes back to
what we said before. If the Board
determines that 12C does not apply
to this property certainly Al
would.

MR. PROKOP: Could I see your
copy?

MEMBER GORDON: Sure.

MEMBER NEFF: May I just make
a point? This was pulled out of
the package. I can't say exactly
where it was. The date this
photograph -- I don't know what it
is. The building that I recall
being there and not a long time
ago, is certainly an improvement.
It was a metal building and there for at least a decade.

MS. JAGGAR: It was there for a couple of years.


MEMBER NEFF: I accept the idea that this property was improved prior to 1991 and after 1991.

MEMBER GORDON: Yes.

MEMBER NEFF: So therefore, the way that I am reading these various documents and photograph, that off street parking at the level of 36 spaces doesn't suit this proposal.

CHAIRMAN SALADINO: Wait a second. Now I am confused. If you are advocating that he doesn't have to comply with parking --

MEMBER NEFF: I don't.

CHAIRMAN SALADINO: Then it's hard for me to hear that he can't have 36 parking spaces.

MEMBER NEFF: Can't require
that. What I am looking at is the map and the remains of what's just on the site. Is that it doesn't requirement off street parking because it has in fact been improved. Yes. I want to stick to the first part.

CHAIRMAN SALADINO: I don't have the code in front of me but there is a portion of the code when a piece of property stops being used for several intended purpose, it results to the bulk parking regulations.

MR. PROKOP: Right. It's a conforming or nonconforming use. It's a conforming or nonconforming property for a nonconforming use that is terminated is then loss.

MR. PENNESSI: It's a permitted use.

CHAIRMAN SALADINO: It's a conditional.

MR. PENNESSI: Conditional permitted use. It's not a
nonconforming -- this is a
conforming conditional use. This
is not a nonconforming use. We are
not asking for a use that is not
permitted, nor would be able to put
a nonconforming use without a
zoning code change. The code
provides for hotel, residential and
retail uses by approval by the
Planning Board. Those are
conforming uses.

MR. PROKOP:  It would have to
continue to be in existence since
1991.  16A is not as clear. Not
sure if that would apply or not.

MR. PENNESSI:  It's a
permitted --

MR. PROKOP:  I give up. Now
you're the attorney for the Board.
Congratulations.

MR. PENNESSI:  Sorry.

MR. PROKOP:  12C is clear. A
building use existing now is exempt
if the same building was in
existence in 1991. That's 12C. It
would have to be in existence then
and existence now. I'm sorry, is
there something that you wanted to
point out?

MR. PENNESSI: No, I don't.

MEMBER GORDON: That is a
problem because it refers to a
building. Any building in the
district within -- that building
doesn't exist.

CHAIRMAN SALADINO: That was
my question. It's unfortunate that
the Building Inspector is not here.
She could have added her opinion.
I am going to let the public, on
then interpretation --

MS. JAGGAR: I am confused
here. If a building is on it, put
on a piece of property that is an
improvement. You take that
building off because it was a
portable building, is that an
improvement now?

CHAIRMAN SALADINO: That is
the question.
MEMBER GORDON: There was also a hotel on there.

MS. JAGGAR: That was years and years ago. Therefore, that building shouldn't even count. It doesn't pertain to that law you had -- it shouldn't even pertain to it.

He finds all these areas and I don't even mean to put you down, I don't because I think it's a beautiful building. But you're saying, oh we have 60 here. And this and that. Have you ever been in Greenport when they have a full house?

CHAIRMAN SALADINO: Maryanne?

MS. JAGGAR: This is all what you're talking about.

CHAIRMAN SALADINO: Right now, we're talking about how the code is worded. Parking might be later on down the road, parking study down the road, where the driveway is -- depending on where this is headed, that might be brought up later or
not at all.

MS. JAGGAR: Right.

MEMBER GORDON: Or come before the Planning Board, if it's decided in terms of the code requirements. The Planning Board might say something about it.

CHAIRMAN SALADINO: Well, the Planning Board has the option to settle this. If the interpretation is that he doesn't need parking, I am not sure that the Planning Board can settle this. Is there a sense of the Board? Do we want to vote?

MS. PETERSON: Diane Peterson.

This would go back, is there wording or anything specific that says that if the use of the land changes and how many years it has not been there, that the use of the land changes? That would help at all?

MR. PROKOP: Under 12C, it would have to be continuous from 1991 to now.
MS. PETERSON: Thank you.

MR. PENNESSI: Can I ask that if the Board is inclined to make a motion that they first deal with 12C and based on that decision, we can discuss the 16A1?

CHAIRMAN SALADINO: We have a problem again. Ms. Gordon has a previous engagement. She put it off. Canceled part of it.

MEMBER GORDON: I am giving a talk.

CHAIRMAN SALADINO: She has to be there. She would like to vote, she can certainly leave. We have a quorum. I am not sure if one person has a difference of opinion of the two, where that would leave us.

Joe?

MEMBER GORDON: We have to have anonymity.

MR. PROKOP: Yes.

MR. PENNESSI: Can we vote on 12C now and then pending on where
that goes, perhaps we table the
next discussion which may require
more than five minutes?

CHAIRMAN SALADINO: Okay.

MR. PENNESSI: We have been at
it for so long. At least, it's
moving.

CHAIRMAN SALADINO: I will
make the same motion.

MR. PROKOP: We will just
insert the language in the
beginning that the Board finds that
this is a Type II action for
purposes of SEQRA and will not have
a significant negative impact on
the environment.

CHAIRMAN SALADINO: Okay. All
right. I will make a motion that
this is a Type II action and will
have no negative impact on the
environment.

Do you want to vote on SEQRA
or as the motion as a whole?

MEMBER CORWIN: All together,
please.
CHAIRMAN SALADINO: The ZBA tentatively denies the applicants appeal contingent upon the Village Attorney drafting a written resolution of our decision for our next meeting and the ZBA adopting that resolution with any modifications at the next meeting. The applicant has failed to comply or offer any convincing evidence in support of the request for interpretation or to support any position contrary to the denial’s issued by the Building Inspector. The Zoning Board of Appeals determines that with respect to the interpretation No. 3A, the section 150-12C, the Building Inspector was correct in denying this application with respect to that point and that a variance is required.

So moved.

MEMBER CORWIN: I second the motion.
CHAIRMAN SALADINO:

Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Ms. Gordon?

MEMBER GORDON: No.

CHAIRMAN SALADINO: Ms. Neff?

MEMBER NEFF: No.

CHAIRMAN SALADINO: Mr. Moore is not here.

And I am going to vote, yes.

So that fails.

MR. PENNESSI: Do you have a transcript for an approval over there, Mr. Chairman

CHAIRMAN SALADINO: I do.

MR. PENNESSI: I just wanted to make sure.

CHAIRMAN SALADINO: We are going to let Ms. Gordon go. I might be inclined to, next month there will be five members next month.

MR. PENNESSI: I think we
would like to adjourn this next piece. I would just like to make a statement on this one, if I can?

CHAIRMAN SALADINO: Sure.

MR. PENNESSI: I think significantly, the Board has determined that 12C states that the use of any building in the district in existence as of January 1, 1991 would comply that the building on this property be in existence as of January 1, 1991 and subject to -- and not subject to off street parking. And what is significant, on the same date it was adopted, this section and Section A1, which the Village specifically decided not to use that language.

A building in existence as of January 1, 1991. 16A1, could have said, the same thing but it does not. It states that land within the district. Which is improved as of January 1, 1991
shall be entirely exempt from off
street parking requirements and
from payments in lieu thereof. I
will just leave you with, perhaps
we can think about it until next
time that it's a significant
difference between 12C and
requiring the building on the
property on that date and the
Village Board deciding expressively
not including that specific
language in 16A.

CHAIRMAN SALADINO: I would
dispute it.

MEMBER CORWIN: I dispute it
too because the Zoning Board of
Appeals didn't make any
determination because they weren't
enough members. There was only
2 votes for and 2 votes against.

So nothing happened.

CHAIRMAN SALADINO: I would
dispute it on different grounds. I
chose to listen to the Village
Attorney’s understanding of that
portion of the code as it relates to the law as opposed to the law and I voted accordingly. Next month, there will be five members and it will be impossible to have a tie.

MR. PENNESSI: I appreciate that and we will. And this is an exercise an interpretation and a code written a very long time ago.

CHAIRMAN SALADINO: I don't -- Joe, is there a problem with us postponing until next month?

MR. PROKOP: No actually, we should do that.

CHAIRMAN SALADINO: So we will adjourn the public hearing until the next time.

MR. PENNESSI: To hopes that we can close it next month.

CHAIRMAN SALADINO: We are going to adjourn the public hearing and those items will come up again
at the next public hearing. So we're going to adjourn this public hearing until May 17th and as Mr. Pennessi said, hopefully we can close it then.

MEMBER CORWIN: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER NEFF: Aye.

CHAIRMAN SALADINO: Aye.

We have two small pieces of business to take care of.

We have Item No. 6, motion to approve the determination documents of denying the area variance for Carlos Saavedra and Nicole Eckstrom.

So moved.

MEMBER CORWIN: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER NEFF: Aye.

CHAIRMAN SALADINO: Aye.
Item No. 7, motion to approve the determination documents denying the area variance for Robert Moore, 139 Fifth Street.
So moved.
MEMBER NEFF: Second.
CHAIRMAN SALADINO: All in favor?
MEMBER CORWIN: Aye.
MEMBER NEFF: Aye.
CHAIRMAN SALADINO: Aye.
Item No. 8, there is a motion to accept the ZBA minutes of March 16, 2016.
So moved.
MEMBER CORWIN: Second.
CHAIRMAN SALADINO: All in favor?
MEMBER CORWIN: Aye.
MEMBER NEFF: Aye.
CHAIRMAN SALADINO: Aye.
Item No. 9, motion to approve the ZBA minutes for January 20, 2016 and February 17, 2016.
So moved.

MEMBER NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER NEFF: Aye.

CHAIRMAN SALADINO: Aye.

Item No. 10, motion to schedule the next ZBA meeting for Tuesday, May 17, 2016 at 6:00 at Station 1, Greenport Village Fire Department.

So moved.

MEMBER CORWIN: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER NEFF: Aye.

CHAIRMAN SALADINO: Aye.

MEMBER NEFF: Do we have to put in the site visits, the times?

CHAIRMAN SALADINO: We did them.

MEMBER NEFF: Okay.

CHAIRMAN SALADINO: Before we
adjourn, David has a question.

MEMBER CORWIN: The Mayor suspended the Code Committee and he has asked -- and what he is going to do is ask various Boards what their position was on different things. I said what I felt was a fair interpretation of fences and Village laws to the Planning Board and the Village Board and I would just suggest that anybody that wants to differ with that at this point in time, should make their thoughts known?

MEMBER NEFF: Can I ask that we take that matter up when we are a full Board?

Rather than at this point.

CHAIRMAN SALADINO: It's just a comment.

MEMBER NEFF: My comment is that we discuss this as a full board.

MEMBER CORWIN: Fair enough.

CHAIRMAN SALADINO: That’s a
good comment.

Item No. 11 motion to adjourn.

So moved.

MEMBER CORWIN: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER NEFF: Aye.

CHAIRMAN SALADINO: Aye.

(Whereupon, the meeting concluded.)
CERTIFICATION

I, Jessica DiLallo, a Notary Public for and within the State of New York, do hereby certify:

THAT, the witness(es) whose testimony is herein before set forth, was duly sworn by me, and,

THAT, the within transcript is a true record of the testimony given by said witness(es).

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

IN WITNESS WHEREOF, I have hereunto set my hand this day, May 1, 2015.

Jessica DiLallo
(Jessica DiLallo)

*    *    *