

1 STATE OF NEW YORK
2 VILLAGE OF GREENPORT

2 ----- X

3 ZONING BOARD OF APPEALS
4 REGULAR MEETING

4 ----- X

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May 14, 2013
5:00 P.M.

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11 BEFORE:

12 DOUG MOORE - CHAIRMAN

13 DAVID CORWIN - MEMBER

14 CHARLES BENJAMIN - MEMBER

15 ELLEN NEFF - MEMBER

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17 EILEEN WINGATE - BUILDING INSPECTOR

18 DAVID ABATELLI - VILLAGE ADMINISTRATOR

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1 CHAIRMAN MOORE: We're going to open
2 the meeting tonight. It's 5:15, and it's the
3 Regular Session of the Greenport Village
4 Zoning Board of Appeals. We have an agenda,
5 which copies will be made available.

6 MS. WINGATE: They are.

7 CHAIRMAN MOORE: So they're available.
8 There is going to be a slight change in the
9 agenda. I was going to ask if anyone is here
10 regarding the second hearing for David
11 Glaser, and see if there is anyone who wishes
12 to make any public comments, because that is
13 going to be re-noticed and the hearing
14 rescheduled.

15 Is there anyone here for that proposed
16 house on Second Street?

17 (No Response.)

18 CHAIRMAN MOORE: So in that case, just
19 to make an announcement, for that Hearing #2,
20 for David Glaser and then the discussion
21 concerning it, should the hearing having been
22 closed, is going to be postponed to a later
23 meeting. There was a change in the plans
24 that was big enough that the Village Attorney
25 thought the project should be re-noticed. So

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1 that is going to occur and the hearing is
2 going to be rescheduled for next month, I
3 think.

4 With that said, we're ready for the
5 Public Hearing #1. It is a Public Hearing
6 for Arden Scott, 301 Atlantic Avenue,
7 SCTM# 1001-2-2-14. The applicant seeks a
8 permit to construct an addition to an
9 existing nonconforming building where:
10 Section 150-21.1A says a nonconforming
11 building containing a nonconforming use shall
12 not be enlarged, reconstructed, structurally

13 altered or moved, unless such building is
14 changed to a conforming use. The proposed
15 addition is 15 foot from the east property
16 line requiring a 15 foot front yard area
17 variance, where Section 150-12A of the
18 Village of Greenport Code requires a 30 foot
19 front yard setback. This is because it's a
20 corner lot and effectively has two front
21 yards. So there is a 30 foot setback on
22 Monsell Place and also on Atlantic Avenue.
23 It's customary that we ask for either the
24 owner or the agent to make some comments
25 about the project. Describe what their

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1 efforts are. Before I do that, I should just
2 mention the notices that were sent. We have
3 received those notices that were mailed by
4 the property owner to Marta Thomas, 200
5 Bridge Street, Greenport. Greenport Ice Dock
6 Incorporated, 220 Atlantic. Peter Gunderson,
7 215 Bridge Street. The LI Hospital

8 Association, 201 Manor Place. Mark Nicola,
9 213 Bridge Street. Richard and Joyce Kerns
10 at 300 Atlantic Avenue and Christy Feidler,
11 208 Monsell Place. These are all the
12 adjoining neighboring properties. There are
13 some letters that were submitted to us. I
14 will read those for the record, since they
15 are short and then we will have them entered
16 into the file. They were just turned in
17 today. So would you like to say something?
18 If you would, just come up and identify
19 yourself and address.

20 MS. SCOTT: I am Arden Scott. I live
21 at 404 Atlantic Avenue, and this is my artist
22 studio. It is a concrete block building with
23 no heat. So it's rather difficult during the
24 winter. Just hygiene alone. So I am
25 proposing to add a little section to the east

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1 side which is where the plumbing is. I am
2 sure, you probably said, why not the other
3 side, but it would be extremely expensive to

4 run a pipe to that side. I really do need
5 space. There is no place for me to really
6 draw and make sculptures. I need the east
7 light for that. On the west side, you just
8 can't draw with no sunlight. So those are
9 considerations. And one of my dreams has
10 been to get rid of that hideously looking
11 fence and put some sculptured trees and some
12 garden there. Some outdoor sculptress. I
13 already have in my back, I call it Back-40, I
14 have a sculpture back there and it works very
15 well for people to come see the work in an
16 outdoor setting. I am not sure what else.

17 CHAIRMAN MOORE: Well, we will have an
18 opportunity to ask you questions directly.
19 Once we close the public portion then we will
20 have another opportunity for more input.
21 Just gives the public an opportunity to know
22 what you're personally up to and make public
23 comment.

24 MS. SCOTT: Okay. I was just trying to
25 see how it could fit in. I was walking

1 around and saw a number of houses that still
2 have the old barns in the back, in the old
3 horse and carriage days. So I was trying to
4 see how a concrete building could look a
5 little more typical of what is around. The
6 materials, it would be wood and keep up with
7 that same sort of barn theme.

8 CHAIRMAN MOORE: Okay. Thank you. Are
9 there any members of the public that wish to
10 speak concerning this application?

11 (No Response.)

12 CHAIRMAN MOORE: So the absence of any
13 public that wants to make any comments,
14 Ms. Scott did provide some letters that were
15 actually sent to her and not to the Village
16 Office. What I will do is read them because
17 they are short. And then we will enter them
18 into the file. There is a letter Christy
19 Feidler at 208 Monsell Place and I will
20 apologize in advance. I am having difficulty
21 reading the script, but I think I got the

22 jist of the letter. So I might skip a few
23 words. I am Arden Scott's neighbor to the
24 west. I am writing to ask that you approve
25 her request to build an addition to existing

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1 studio space. The need for the additional
2 area -- there is a need for additional area
3 so she can produce art and sculptures
4 throughout the year. It's a hardship to make
5 art in the freezing cold. Arden is, as you
6 know, a valued member of Greenport's artistic
7 community, and should be treated as such. As
8 a writer, it's important to -- and I missed a
9 word there -- art. Please approve her
10 application as quickly as possible. Feel
11 free to contact me for more information.
12 That is from Christy Fiedler.

13 There is a letter -- a brief note from
14 Tony Holmes and Karen Frank of 216 Manor
15 Place. We're pleased to support Arden
16 Scott's request for variance. The results
17 will both improve our neighborhood and our

18 community.

19 There is a letter from Jessie Browner.
20 The address is 225 Monsell Place. To whom it
21 may concern: I am writing to support Arden
22 Scott's variance request for the property at
23 404 Atlantic Avenue in Greenport. That is
24 the wrong address.

25 MS. SCOTT: She lives almost across the

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1 street from me.

2 CHAIRMAN MOORE: My home has a direct
3 view of her property and I know that it will
4 in no way disturb any aspect of our block.
5 As a long time neighbor of Arden's, I know
6 her to be considerate and mindful of
7 Greenport, and I have no doubt anything she
8 does to improve her property, will and must
9 also improve the neighborhood. Please keep
10 this in mind when making your decision.

11 A letter from Peter Gunderson. My name
12 is Peter Gunderson. I reside at 215 Bridge

13 Street. My property is on the north side of
14 Arden Scott's property at 404 Atlantic
15 Avenue. Arden has made me aware of the
16 application request for an area variance on
17 the front yard setback for proposed
18 construction of an addition. I have been
19 made aware of this variance and understand
20 that there will be a site inspection
21 scheduled for Tuesday, May 14, 2013,
22 4:00 p.m. I have no objection to the
23 proposal and believe this addition will
24 benefit the neighborhood.

25 Then there is one from Henry Coyle, 314

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1 Atlantic Avenue. It says to whom it may
2 concern, please approve Arden's addition to
3 her studio building. This will be an
4 improvement in the neighborhood. Any bit
5 helps.

6 And I think that is all the letters
7 received. Obviously they are all in support.
8 If there are no further public comments, I

9 will entertain a motion to close this public
10 hearing?

11 MEMBER CORWIN: Question?

12 CHAIRMAN MOORE: Question. Sure.

13 MEMBER CORWIN: This is an expansion of
14 a nonconforming use?

15 CHAIRMAN MOORE: Well, we can discuss
16 that. It's a bit unclear. It's a
17 nonconforming building as it currently exist,
18 as far as setbacks. We can review the
19 original variance given, which specifically
20 doesn't addresses a use or an area variance,
21 because at the time of the original variance,
22 they weren't distinguished. They were
23 differently identified. They did discuss the
24 use of the property of the garage for
25 personal use. Equipment would be on the

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1 site. The original understanding was that
2 trucks had been stored on the property, would
3 no longer be stored there, which were

4 commercial trucks on the property. So it's
5 not very clear. We can discuss the current
6 use as far as it's conformity during our
7 deliberations perhaps?

8 MEMBER CORWIN: Since the attorney is
9 not here did he have anything to say about
10 this? And then the other thing would be to
11 do is recess the public hearing and then we
12 would have an opportunity to see what the
13 attorney has to say and then the applicant
14 can make any comments about that, because my
15 concern here would be that -- I know Arden
16 is an artist and that is a wonderful thing,
17 but what happens when it's sold to the next
18 person who wants to work on trucks or -- I
19 don't know, whatever happens. That would be
20 my concern.

21 CHAIRMAN MOORE: Perhaps that would be
22 the best approach then. It's not clear to
23 me. I have not had any discussions
24 concerning this application. I did make a
25 note that the code addresses a nonconforming

1 building with conforming use. The real
2 question comes as to whether the use is
3 conforming or not. And perhaps that would be
4 advisable to have conference with the
5 attorney to discuss that. So with that then,
6 rather than close the public hearing, I will
7 make a motion to adjourn the public hearing
8 pending advice from the attorney concerning
9 the type of variance that is requested.

10 MEMBER CORWIN: Second.

11 CHAIRMAN MOORE: All in favor?

12 MEMBER BENJAMIN: Aye.

13 MEMBER CORWIN: Aye.

14 MEMBER NEFF: Aye.

15 CHAIRMAN MOORE: Aye.

16 So we will adjourn the hearing to next
17 month pending word from the attorney.

18 At this point, it's not clear what the
19 situation is. So we will talk to the
20 attorney and come back. Sorry about that.

21 So as I said before, Public Hearing #2
22 has been postponed, and we will move then to

23 the Public Hearing #3. And this is a hearing
24 for James and Carol Kalin, 323 Sixth Street,
25 SCTM# 1001-6-5-2. The applicant wishes to

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1 construct an addition to an existing
2 nonconforming dwelling. Section 150-21.A
3 does not permit new construction to increase
4 the degree or create any new noncompliance
5 with regards to the regulations pertaining to
6 such building. The proposed rear addition is
7 6 feet from the north property line requiring
8 a 4 foot side yard variance, where Section
9 150-12.A of the Village of Greenport Code
10 requires a 10 foot side yard setback. The
11 proposed combined side yard setback for the
12 rear addition is 24 foot requiring a 1 foot
13 area variance, where Section 150-12A of the
14 Village of Greenport Code requires a 25 foot
15 combined side yard setback.

16 And just to clarify, this is an
17 extension to the rear of the building that

18 already occupies the setbacks that are being
19 described for the new construction and area
20 variance.

21 Is the owner here to make a comment?
22 Please come up and make a comment and give
23 your name and address, and make any comments
24 that you would like to make?

25 MR. LEONARD: My name is Jason Leonard.

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1 I am the contractor for James and Carol
2 Kalin. My address 705 Tuthill Road,
3 Extension Southold, New York. My clients
4 wish to have a first floor bedroom and a
5 kitchen remodeling job. The best way that
6 the layout worked was to go kind of the width
7 of the existing structure that is there, in
8 order to make the best use of the space. So
9 we would like to follow the lines of the
10 existing house in the back and the existing
11 setbacks.

12 CHAIRMAN MOORE: Just that it be
13 agreeable to the Board that any discussion

14 would be reserved to the discussion period.
15 So is there any one that would like to make
16 any public comments?

17 (No Response.)

18 CHAIRMAN MOORE: I neglected to note
19 the notifications. It was posted in the
20 Suffolk Times and the notices were to the
21 immediate adjacent property owners and the
22 neighbors across the street. And they are
23 David TonseMarie (phonetic) and Sandra
24 Lavenblaff (phonetic). And there is a Puerto
25 Rico address. I don't know the address

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1 exactly but it is one of the neighbors.
2 Barbara Strohoff, (phonetic). There is a
3 Southold address. Not a Greenport address,
4 but she is adjacent across the street. Daisy
5 Crenshaw, 310 Seventh Street. Ian
6 Fairweather and Amy Martin, 318 Fifth Street.
7 Lisa Foyerhearn at 327 Sixth Street, and
8 Christina Kempner at 326 Sixth Street. So

9 those are the notifications made. I do not
10 have the mailers --

11 MR. LEONARD: I have them.

12 CHAIRMAN MOORE: Again, if there is no
13 one from the public, would the Board like to
14 offer a motion to close the Public Hearing?

15 MEMBER CORWIN: So moved.

16 MEMBER NEFF: Second.

17 CHAIRMAN MOORE: All in favor?

18 MEMBER BENJAMIN: Aye.

19 MEMBER CORWIN: Aye.

20 MEMBER NEFF: Aye.

21 CHAIRMAN MOORE: Aye.

22 The Public Hearing is closed. We can
23 now move onto the discussion for -- since
24 we're dealing the Arden Scott application for
25 advice from the attorney and we have

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1 adjourned the second hearing, we can discuss
2 the expansion of the house on Sixth Street.
3 We did make a site inspection today and the
4 proposed addition follows exactly the line of

5 the house backwards. It does not increase
6 the -- or decrease the setbacks from the side
7 of the property. It expands the house
8 backwards. Also the marker to the side of
9 the house, which I believe is for a bilco
10 door that is going to be moved, it is on the
11 -- the larger amount of the setback on the
12 side. So I don't know if the requested
13 setbacks took that into account. For the
14 bilco?

15 MS. WINGATE: The bilco doors, we don't
16 use them as part of our calculations.

17 CHAIRMAN MOORE: So the bilco door on
18 the house on Second Street, it didn't count.

19 MS. WINGATE: That wasn't the issue.

20 CHAIRMAN MOORE: That wasn't the issue?

21 MS. WINGATE: No, it was the stair.

22 CHAIRMAN MOORE: Okay. The setbacks
23 are the same that are existing. It expands
24 back.

25 MEMBER CORWIN: Question on the bilco

1 door? Is that just an ongoing policy or is
2 that written in code or what?

3 MS. WINGATE: It's definitely not
4 written in the code. It has been there since
5 I took my job. Dave was here before me, 27
6 years today --

7 MR. ABATELLI: 28 years. I think it's
8 more of a foundation, on the ground.

9 MEMBER CORWIN: I would like to see
10 this taking into consideration. I know what
11 I ask doesn't count for much, but it's my
12 feeling that any time anyone has a bilco
13 door, it is part of our deliberations.

14 MR. ABATELLI: It should be looked at.

15 CHAIRMAN MOORE: In this case, it's in
16 the larger setback area of the house. You're
17 not proposing to the driveway --

18 MR. LEONARD: The driveway is on the
19 narrow side. Just the opposite. It has been
20 there.

21 MEMBER NEFF: Can I ask a question for
22 clarification? The existing fence, the

23 stockade fence and the existing hedge, where
24 do they fall? Of course on the survey they
25 are not shown. It is near the sidewalk. It

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1 makes it appear that they are not on the
2 property --

3 MR. KALIN: The small hedge that is on
4 the north side of my house is my neighbors
5 hedge. When I bought the house 20 years ago,
6 it was there then. If you notice, my
7 driveway sits almost on top of the marker,
8 and that is how it's been.

9 MEMBER NEFF: The fence is also on his
10 property?

11 MR. KALIN: It's his fence.

12 MEMBER NEFF: Thank you.

13 CHAIRMAN MOORE: And just for the
14 record, you're Mr. Kalin?

15 MR. KALIN: Yes.

16 CHAIRMAN MOORE: So does anyone else on
17 the Board have any questions on the proposed
18 addition?

19 MEMBER CORWIN: My only issue is that
20 all the rain water runoff needs to be
21 contained on the property for the new
22 construction --

23 MR. LEONARD: I was told it wasn't
24 required.

25 MEMBER CORWIN: MS-4, everyone has to

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1 contain water runoff on their property;
2 right?

3 MS. WINGATE: That's the way that we're
4 moving.

5 MEMBER CORWIN: Have to move faster
6 then.

7 MS. WINGATE: Okay.

8 MEMBER CORWIN: You don't have any
9 problem with that, do you?

10 MR. LEONARD: Well, it's a -- creates a
11 bit of an issue with budget.

12 MR. KALIN: You just said the new
13 addition; right? So the rest of my house

14 that has no gutters and leaders is okay?

15 MR. ABATELLI: When the water runs off
16 your property, does it run onto your
17 neighbors property?

18 MR. KALIN: No. There is vegetation,
19 hedges, gardens.

20 MR. ABATELLI: It's not an absolute
21 requirement that you have a drywell. Just
22 that the water runoff be contained on your
23 property.

24 MR. LEONARD: So it's not a drywell
25 requirement?

19

1 MR. ABATELLI: Not necessarily.

2 MS. WINGATE: David, can you expand on
3 your expectations?

4 MEMBER CORWIN: My expectations are
5 that all the water from the new construction
6 is contained on the property.

7 MS. WINGATE: Okay.

8 MR. LEONARD: I think with the use of
9 gutters and leaders going up in the backward,

10 I can't imagine that the water go away from
11 the property. We did intend on putting
12 gutters and leaders in. We did not intend on
13 putting a drywell in. I don't believe we
14 need one to meet your requirements.

15 MEMBER CORWIN: At this point in time,
16 I will leave that to the Building Inspector.
17 When she makes the inspection, she will be
18 able to see that there is no such runoff. I
19 think from now on with each application
20 should address MS-4 of the State of New York.

21 CHAIRMAN MOORE: So does the Board have
22 any other comments?

23 (No Response.)

24 CHAIRMAN MOORE: Are we ready to go
25 ahead with the process?

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1 MEMBER BENJAMIN: Yes.

2 MEMBER NEFF: Yes.

3 MEMBER CORWIN: Yes.

4 CHAIRMAN MOORE: So first of all, I

5 would make a motion that the Zoning Board of
6 Appeals declare itself as Lead Agency for
7 this project and declare that this is a Type
8 II Action for the purposes of SEQRA Review.
9 So moved.

10 MEMBER NEFF: Second.

11 CHAIRMAN MOORE: All in favor?

12 MEMBER BENJAMIN: Aye.

13 MEMBER CORWIN: Aye.

14 MEMBER NEFF: Aye.

15 CHAIRMAN MOORE: Aye.

16 It's unanimous.

17 Then we will go through the questions.

18 First of all, whether it's an
19 undesirable change will be produced in the
20 character of the neighborhood and detriment
21 to nearby properties in the granting of the
22 area variance? I think we can answer in
23 unison, if you wish.

24 MEMBER BENJAMIN: No.

25 MEMBER CORWIN: No.

1 MEMBER NEFF: No.

2 CHAIRMAN MOORE: No.

3 So those are all "No's".

4 Whether the benefit sought by the
5 applicant can be achieved by some method
6 feasible for the applicant to pursue other
7 than the requested area variance?

8 Mr. Corwin?

9 MEMBER CORWIN: No.

10 CHAIRMAN MOORE: Ms. Neff?

11 MEMBER NEFF: No.

12 CHAIRMAN MOORE: Mr. Benjamin?

13 MEMBER BENJAMIN: No.

14 CHAIRMAN MOORE: And I say, no.

15 Whether the requested area variance is
16 substantial?

17 Mr. Corwin?

18 MEMBER CORWIN: No.

19 CHAIRMAN MOORE: Ms. Neff?

20 MEMBER NEFF: No.

21 CHAIRMAN MOORE: Mr. Benjamin?

22 MEMBER BENJAMIN: Yes.

23 CHAIRMAN MOORE: And I will say, no.

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

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1 environment in the neighborhood and district?

2 Mr. Corwin?

3 MEMBER CORWIN: No.

4 CHAIRMAN MOORE: Ms. Neff?

5 MEMBER NEFF: No.

6 CHAIRMAN MOORE: Mr. Benjamin?

7 MEMBER BENJAMIN: No.

8 CHAIRMAN MOORE: I say, no.

9 And then finally, whether the allege
10 difficulty is self created, which
11 consideration shall be relevant to the Board
12 of Appeals but shall not necessarily be
13 precluded from the granting of the area
14 variance?

15 Mr. Corwin?

16 MEMBER CORWIN: No.

17 CHAIRMAN MOORE: Ms. Neff?

18 MEMBER NEFF: Yes.

19 CHAIRMAN MOORE: Mr. Benjamin?

20 MEMBER BENJAMIN: No.

21 CHAIRMAN MOORE: And I say, yes.

22 And then finally, I would like to make
23 a motion to approve the request for variance
24 with the requested setbacks with the
25 condition that the discharge of water with

23

1 the new construction not be permitted to
2 leave the property.

3 So moved.

4 MEMBER CORWIN: Second.

5 CHAIRMAN MOORE: And all in favor?

6 MEMBER BENJAMIN: Aye.

7 MEMBER CORWIN: Aye.

8 MEMBER NEFF: Aye.

9 CHAIRMAN MOORE: Aye.

10 So the motion passes. The variance is
11 granted. Good luck.

12 MR. LEONARD: Thank you.

13 CHAIRMAN MOORE: I will just continue
14 with the remaining agenda items. Perhaps, I

15 will jump to No. 6. This needs to be
16 scheduled. It's a motion to accept the
17 application for an area variance, schedule a
18 site visit and schedule a Public Hearing for
19 Nancy Louise Pope, 8 Beach Road, Greenport,
20 New York. SCTM #1001-3-3-32, to construct an
21 addition to the existing nonconforming
22 building. Section 150-21.A does not permit a
23 new non construction to increase the degree
24 or any new noncompliance with regards to the
25 regulations pertaining to such building. The

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1 proposed kitchen addition is 6.5 feet from
2 the west property line requiring a 5.5 foot
3 side yard variance. Section 150-12A of the
4 Village of Greenport Code requires a 12 foot
5 side yard setback in the R-1 District. The
6 proposed combined side yard setback for the
7 kitchen addition is 16.5 feet, requiring a
8 13.5 foot area variance. Section 150-12A of
9 the Village of Greenport Code requires a 30

10 foot combined side yard setback in the R-1
11 District. We will have our next meeting on
12 June 19th. So I would recommend that we meet
13 at 4:30. Is that okay with everyone? A half
14 hour before the meeting?

15 MEMBER NEFF: We have not gone to
16 Second Street.

17 CHAIRMAN MOORE: With that provision,
18 should the application come in and be needing
19 a site visit, then we will meet at 4:00 p.m.
20 for Second Street. Is that okay with
21 everyone?

22 MEMBER CORWIN: Yes.

23 MEMBER BENJAMIN: Yes.

24 MEMBER NEFF: Yes.

25 CHAIRMAN MOORE: So that will happen

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1 then.

2 Then I will make a motion to accept the
3 application.

4 So moved.

5 MEMBER CORWIN: Second.

6 CHAIRMAN MOORE: All in favor?
7 MEMBER BENJAMIN: Aye.
8 MEMBER CORWIN: Aye.
9 MEMBER NEFF: Aye.
10 CHAIRMAN MOORE: Aye.
11 The application has been accepted.
12 No. 4, Motion to accept the ZBA Minutes
13 for April 17, 2013.
14 Second, please?
15 MEMBER CORWIN: Second.
16 CHAIRMAN MOORE: All in favor?
17 MEMBER BENJAMIN: Aye.
18 MEMBER CORWIN: Aye.
19 MEMBER NEFF: Aye.
20 CHAIRMAN MOORE: Aye.
21 Motion to approve the ZBA Minutes for
22 February 20, 2013. Remembering that we did
23 not have a meeting in March.
24 So moved.
25 Second, please?

1 MEMBER NEFF: Second.

2 CHAIRMAN MOORE: And all in favor?

3 MEMBER BENJAMIN: Aye.

4 MEMBER CORWIN: Aye.

5 MEMBER NEFF: Aye.

6 CHAIRMAN MOORE: Aye. Motion carries.

7 Then we have a motion to schedule the
8 next Regular ZBA Meeting for June 19, 2013 at
9 5:00 p.m.

10 MEMBER NEFF: Second.

11 CHAIRMAN MOORE: All in favor?

12 MEMBER BENJAMIN: Aye.

13 MEMBER CORWIN: Aye.

14 MEMBER NEFF: Aye.

15 CHAIRMAN MOORE: I said, aye, as well.

16 Before we move to adjourn, is there any
17 further discussion from the Board? Just to
18 remind that we do have training that we
19 signed up for, it begins at 5:30 in
20 Riverhead.

21 Then I will make a motion to
22 adjourn.

23 MEMBER NEFF: Second.

24 CHAIRMAN MOORE: All in favor?

25 MEMBER BENJAMIN: Aye.

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1 MEMBER CORWIN: Aye.

2 MEMBER NEFF: Aye.

3 CHAIRMAN MOORE: Aye.

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5 (Whereupon, the meeting concluded.)

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

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

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

9

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

10

11

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.

12

13

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15 IN WITNESS WHEREOF, I have hereunto set my
16 hand this day, May 28, 2013.

17

18

19 _____

20 (Jessica DiLallo)

21

22 * * * *

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25