VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

ZONING BOARD OF APPEALS
REGULAR MEETING

Third Street Firehouse
Greenport, New York
July 15, 2015
5:18 p.m.

BEFORE:

DOUG MOORE - CHAIRMAN
DAVID CORWIN - MEMBER
DINNI GORDON - MEMBER
ELLEN NEFF - MEMBER
JOHN SALADINO - MEMBER
EILEEN WINGATE - VILLAGE BUILDING INSPECTOR
JOSEPH PROKOP - VILLAGE ATTORNEY
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CHAIRMAN MOORE: According to
the clock, it's 9:20, so we're not
going to go by that.

MS. WINGATE: It's 5:18.

CHAIRMAN MOORE: I apologize
for the delay. We've been trying
to sort through some records here.
So we'll have to discuss that with
the applicant about an
authorization for representation,
so we'll need to clear that up.

But what we'll do is, first,
we have a public hearing tonight.
And then we have a number of
appeals that we'll be discussing,
one carried over from a month ago
on Broad Street.

But the first is a public
hearing for an appeal for an area
variance for Tracy Combs,
516 Second Street, Suffolk County
Tax Map 1001-2.-6-24. The property
is located in the R2 District. The
applicant proposes to construct a
house addition and in-ground
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swimming pool.

House addition: The proposed combined side yard setback is 12.16 feet requiring a 12.84-foot combined side yard variance for the new extension. Section 150-12a. of the Village of Greenport Code requires a 25-foot combined side yard setback in the R2 District.

Swimming pool: There are three items. The proposed swimming pool setback is 7 feet on the south property line requiring a setback variance of 13 feet.

I'll read the next. The proposed swimming pool setback is 7 feet on the north property line, requiring a setback variance of 13 feet.

The proposed swimming pool setback is 15 feet on the east property line: the rear, requiring a setback variance of 5 feet. Section 150-7c.(3a) of the Village of Greenport Code requires the edge
of the pool shall be kept a
distance not less than 20 feet from
all property lines.

I should mention that we had a
site visit this afternoon at 4:30.
The property was, by my
observation, properly placarded
with the printed notice.

MEMBER CORWIN: Can I just
note that the placard, last week,
was set back, so the only way you
could see it, you had to go by and
look up the walkway.

CHAIRMAN MOORE: It was by the
front entrance, I believe?

MEMBER CORWIN: Right. I
don't want to make an issue of it,
but it was moved up for our
inspection. I don't think it was
really prominently placed, but I
won't make an issue out of it.

CHAIRMAN MOORE: Okay. Well,
we will obviously have some
neighbors who wish to make
comments. And if there's any
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confusion about that, we will deal with it.

We do have the receipt of the official notices by mail and the adjacent property owners, including those across the street and one property owner adjacent to the rear, were notified and I will read those.

Dowling, Caroline, and John Dowling, 617 First Street Greenport. Stacey Tesseyman, Florence Roth. There's a New York address. I'm not aware from which adjacency that is. There is Tracy Whittingham, 516 Second Street.

MS. COMBS: That's me.

CHAIRMAN MOORE: I'm sorry.

Yes, I see that's your address.

Valerie English and Tibor Ullmann. It's, again, a Brooklyn, New York, address of an adjacent property. 99 Jessup House, LLC, a Sag Harbor address. H. and Rose Reda. They are to the south on Second Street,
but they have an Illinois address. And, again, an Illinois address for the other property to the south on Second Street.

Those were the property owners who were notified, and I believe this was properly noticed in the Suffolk Times. So the first thing we would do is have any comments from the property owner or the representative.

We would like to clarify the paperwork that there is a proper representation document. There is a document that Patricia Moore has signed, but we do not seem to have signed, by the owner, authorization that she represents you. I guess the alternative is you could just represent yourself in the absence of that. But we would like to clarify that before we get too far down the line.

MS. P. MOORE: That's not a problem.
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MEMBER CORWIN: Before you begin, Mr. Chairman, there is a letter. Are you going to read that now or after?

CHAIRMAN MOORE: What I'll do is --

MS. P. MOORE: I can't hear Mr. Corwin when he speaks.

CHAIRMAN MOORE: He was saying that we have several letters. But what I'll do is, before public testimony, let me -- do you think it would be best if she could just give a brief overview of the project? We're not going to engage in too much back and forth at this point and then we'll take public comment and I'll read those letters.

MEMBER CORWIN: Yes.

MS. P. MOORE: Good evening. My name is Patricia Moore. I'm the attorney for the Combs. I have Tracy Combs, who is the property owner, here with me at the meeting.
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There may be some confusion on documentation because, as you recall, there was one submission and then the Notice of Disapproval changed slightly. So we came back with additional papers to add to and modify the original submission. So how it all appears in your packets, I don't know. For the record --

MR. PROKOP: It is important that you do know. You weren't at the first submission. The first submission was at the schoolhouse. Is that what you're talking about?

MS. P. MOORE: No. The first submission I made personally.

MR. PROKOP: Oh, that you made?

MS. P. MOORE: Yes, yes. When I was retained, I submitted an application for these same variances, but the Board had questions about the Notice of Disapproval and which section of
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the code was being referred to. So prior to the hearing, it was to put it on for a public hearing. So in order to put it on to a public hearing, the matter was adjourned for a month to give us a chance to review the Notice of Disapproval, the paperwork that was submitted.

And at that following meeting, which was the one before this one, you set it for a public hearing. So your documentation is complete. I also have, for the record,

Mrs. Combs here.

MR. PROKOP: I'm sorry. This is the second or third time you've tried to ensure the Board that documentation is complete, but the Board has said to you that we need a written authorization. Could you please provide it?

MS. P. MOORE: I'm doing it right now.

MR. PROKOP: Thank you very much.
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MS. P. MOORE: Not only is the client here, but I found the blank form. I know it's part of your packet because Eileen does a very good job of reviewing all the paperwork to make sure it's all complete and I know that we had a complete packet. However, we will give you an original one that is being signed right here and handed up to the chairman, if that's all right.

CHAIRMAN MOORE: Thank you.

MS. P. MOORE: Should I proceed?

CHAIRMAN MOORE: Yes. I think everybody can hear.

MS. P. MOORE: With respect to the area variances that have been submitted, the standards that the Board has to consider, the first one being whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will
be created by the granting of the area variance.

We have provided for the Board an aerial photograph showing that the density of the area here, the Combs' property, where it is located, the house currently is very close to the property line on the one side, but that side is not being altered in any way.

The addition, which consists of a one-bay garage, which it would be used to replace the very nonconforming detached garage that is in the backyard. That detached garage will be demolished, and therefore opening up the air and space with respect to the location of that garage.

The addition will consist of, as I said, a one-bay garage and also some additional living space above that would enable the Combs to put their master bedroom over the garage space, leaving the
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bedroom in the house as additional
space for their son.

The house, as you could tell
from your site inspection, is a
very modest, very small house. And
the bedrooms upstairs are -- it's a
quaint house, but it's not very
roomy. And with a typical growing
family, it is necessary to give a
little bit of extra room for the
growing family.

The method that is being
proposed to connect the garage to
the main house is by a 5 foot by
10 foot, more or less. But
certainly no deeper than a 5-foot
setback between the main house, the
principal dwelling and the
addition. That 5-foot separation
allows for the connection to be
through a double window in the
dining room presently, rather than
eliminating all of the windows and
the interior utilities that are
already well established in the
The budget for the Combs is limited, so to the extent that the addition can cause as little disruption to the main house is the goal in this addition. So the way that it has been designed is with a very small connecting -- rather than as a breezeway, it is a closed, habitable space that connects the two spaces.

Also, you could see from the interior spaces that was provided to you -- some of you located it and others didn't, but we did look at it at the field inspection. The garage is going to be with proper footings, but it's on with no basement underneath, with the back area of the addition being a full basement to allow the connection between the existing basement of the main house to the addition. That will enable utilities to be connected and, again, cost savings
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to allow for the interior
connection of the utilities --
water, all of the infrastructure
that's needed for the interior
space.

The home owners tried very
hard not to create an undesirable
change in the community by the way
of the addition being relatively
modest. Again, it's the one-car
garage and the setback of at least
10 feet from the neighbor's
property line.

As you know, one could put up
a fence and segregate yourself from
your neighbor. In this case, if
the Board would entertain this
addition, we would certainly agree
that they would not fence in the
side yard to leave open a side yard
so that it is less intrusive to the
neighbors, since the neighbors'
house and some walkways and so on
are really almost up to the
property line. The neighbor's
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house is probably less than 5 feet, I believe, to my client's property line. So as an attempt to be less -- to reduce any impacts to the neighbor, we would keep that side very open from structures and fencing.

If the neighbor and the Combs prefer -- it's certainly going to be landscaped, but whether or not the neighbor would prefer vegetation or a fence, that too is offered. But, generally, to leave it open is certainly -- they're willing to leave it open.

The second set of variances is for the swimming pool. The swimming pool has very interesting code provisions. Your Village code allows for accessory structures to be very close to the property line. But when it comes to swimming pools, you need 20-foot setbacks. And that's very difficult to meet on very small parcels, like the
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Combs' property and very many of the properties in the Village. That is something that should be considered through your code revisions to make it a little more user-friendly.

Nonetheless, my client had, at the field inspection after staking the location of the pool, realized that in the rear yard, the neighbor's fence is encroaching onto their property.

Also, just the spacing that they would offer to -- as an alternative for the Board, if they should approve the pool, we would be willing to move the pool away from the rear property line an additional 5 feet. That would make the rear property line conforming. So to that variance, we could make it conforming and eliminate one of the variances.

With respect to the side yards, as we pointed out -- as you
saw for yourself and we pointed out
in the paperwork -- there is an
existing garage that's one foot
from the property line. The actual
removal of the existing garage
would certainly be an asset here
because it would open up space on
the property and eliminate an
impact to the neighbor by the
existing garage.

We did discuss in the field,
my client is willing to relocate an
in-ground fuel tank. They are
prepared to leave it or remove it,
but again, if the Board were to
condition approvals on the removal
of the oil tank for health safety
welfare, they would accept that
condition.

We also discussed the bill
code door. The bill code door will
not be placed on the side yard so
as to not encroach into the side
yard. They will design, either an
access or bill code door, either in
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the space between the main building
and the addition. We talked about,
possibly, what is now 10 feet could
expand slightly so as to not impact
the windows that are on the
existing house, but be open enough
or to enlarge that center space to
allow for additional utilities to
be relocated.

Rather than recite everything
that is already in writing to you,
I would certainly defer to the
Board's questions or comments from
any neighbors that are here and we
would address those comments.

Thank you.

CHAIRMAN MOORE: Right. Just
two points of business. I
neglected to mention we have a new
face on the Board. Mr. John
Saladino has been recently
appointed and approved by the Board
of Trustees and we welcome him
here. He will be participating
here, I believe, at his discretion
on this appeal. But there's another appeal that we're currently hearing which is already in progress and he has elected to abstain from participating.

I should also mention that I share a last name with Ms. Moore and the same spelling, but there's no relationship between us, so I don't feel necessary to abstain myself. And I don't know Ms. Moore personally.

I think we could take some comments in a few minutes. We have a few letters. One is one that was actually submitted originally when this plan was first submitted in March. And at that time, some of you may recall, it was an appeal for, again, the swimming pool, but a separate accessory structure, which was then subsequently withdrawn and now is an attachment to the house.

There was a letter back then,
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written by Florence Roth and Stacey Tesseyman. Are either of them here tonight?

(No response.)

CHAIRMAN MOORE: The letter itself, I think, was entered into the record.

Mr. Corwin, do you recall that letter being read or entered back in March?

MEMBER CORWIN: I don't recall.

CHAIRMAN MOORE: Okay. It mostly references, with some mild concerns, the accessories structure, which is no longer part of the plan. So I will keep that. I believe it's already in the file.

And there is another letter, which is newly arrived. And again, this is from Rose and Jane Reda. And they reside at 515 and 511 2nd Street. Are they present tonight?

(No verbal response.)
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CHAIRMAN MOORE: Did you prefer that I read the letter or would you like to speak personally instead and we'll just file the letter?

MS. REDA: (Inaudible.) You have this meeting and you had one sometime before?

CHAIRMAN MOORE: Yes.

MS. REDA: I happen to be here in Greenport tonight. I live right across the street and I'm a Greenporter, born and bred in Greenport.

CHAIRMAN MOORE: Would you like to speak at the podium?

MS. REDA: Yes.

CHAIRMAN MOORE: I can certainly read the letter on your behalf as well, but if you would just like to speak your mind about it, that might be preferable and then we'll get the first-person feeling.

MS. REDA: My name is Rose
REDA AND I NOW LIVE IN FULTON, ILLINOIS. BUT I AM A NATIVE OF GREENPORT. AND I LISTENED TO THE -- I WOULD SAY THE ACOUSTICS IN HERE ARE NOT VERY GOOD -- I COULDN'T HEAR WHAT WAS BEING SAID -- OR MY EARS ARE GOING BAD. BUT WE WERE REAL CONCERNED ABOUT IT. IT'S AN AREA WHERE MY FAMILY HAS BEEN INVOLVED SINCE THE 1800S. MY GREAT-GRANDPARENTS -- (INAUDIBLE) -- AND RAISED THEIR FAMILY THERE. SO WE WERE CONCERNED ABOUT IT AND I COULDN'T UNDERSTAND WHAT ALL THIS WAS ABOUT ADDITIONS. AND I THOUGHT THESE PEOPLE NEED TO GO SOMEPLACE ELSE. LIKE WEEDS. BECAUSE THE NEIGHBORHOOD IS ALL SO DIFFERENT. WE DON'T HAVE ALL THESE -- WE DON'T LIKE TO HAVE ALL THESE HOUSINGS.

WE HAD NEXT DOOR DONE SOME YEARS AGO AND THEY'RE GOING TO PUT A LONG HOUSE IN AN EMPTY SPACE THERE. SO WHAT IS IT THAT PEOPLE
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want to put additions to their
houses? I don't understand it, but
it's such a lovely house and I knew
the people that lived there before
and it seems like it's just another
situation, you know. Especially, I
think, they live there to old age.
But I just was concerned thinking
what that would do to the
neighborhood? All these people and
a swimming pool. There's water,
water everywhere and not a drop to
drink. All this houses around it,
I'm sure it will add to the noise
in the neighborhood. And my
daughter and I were just concerned
about it. We couldn't understand
it and we were hoping that it could
conform at least to the
Greenport code that you have. And
all these other things. So I'm
concerned and I'm glad that I'm
here at this time to express my
feelings because, like before, we
did write a letter. And I'm just
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hoping that (inaudible) in a way
that could keep our neighborhood
quiet and peaceful. And I thank
you very much.

CHAIRMAN MOORE: I'm reading
the letter while the individual is
speaking. It generally reflects
what the individual said. Concerns
are for the esthetics of new
construction and their impact if
they do not maintain their required
setbacks.

At this point, I think we
could take any additional comments
from members of the public if they
wish to speak. Is there anybody in
the audience who would like to
speak?

MS. COMBS: Could I say
something?

CHAIRMAN MOORE: Yes, you're
certainly welcome. The applicant
and representative are certainly
welcome to speak.

MS. COMBS: Hello, Ms. Reda.
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I'm Tracy Combs. It's nice to meet you. I haven't seen you. I've lived in the house seven years and I've seen your houses, but I've never met you. So it's wonderful to meet you personally. I met your caretaker.

MS. REDA: Are you related to the Kalin [ph] family?

MS. COMBS: Am I related to the Kalin family?

MS. REDA: Yes.

MS. COMBS: No, I'm not. My husband is Michael Combs. I think you've met him. His family has been out here in Southold since the 70s.

MEMBER CORWIN: Can you just confine your remarks to the business at hand?

CHAIRMAN MOORE: Yes. And also identify yourself as well. We know who you are but for the record.

MS. COMBS: Okay. I'm sorry.
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My name is Tracy Whittingham Combs
I live at 516 Second Street.
That's my permanent residence. I'm
a local person, year round. In our
home, there's myself, my husband,
and my son. My son is thirteen
years old and he is as big as I am.
Right now, all we're looking
to do is simply put a master
bedroom onto our home. The home
was built in 1911. Everything is
very small. There's one closet.
I'm sure most of the homes in the
neighborhood are the same way.
We're not looking to expand in any
way to hinder the quality of the
neighborhood. We love Greenport.
As I said before, my husband
is a local. He went to Southold
High School. He was raised here.
His father is, you know, a decoy
maker, Combs Decoy. They have a
farm named Hallockville. This is
not a case of people coming into
the area and trying to expand or
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1 take advantage of, in any way shape
2 or form.
3 Architecturally, we are
4 absolutely committed to the
5 esthetic of the neighborhood and we
6 want to do nothing to interfere.
7 We love this town, so I just want
8 to address any neighbor's concerns.
9 The swimming pool is simply so
10 that we can enjoy a swimming pool
11 in our backyard. That's it. It's
12 not for -- we're not, you know,
13 eighteen or twenty. We're not
14 going to have big parties.
15 We're not interested in having loud
16 noise or music, nothing like that.
17 We simply want to expand our home a
18 little bit so that our son has a
19 little bit of room and we want to
20 be able to lay out by the pool.
21 That's it.
22 MEMBER CORWIN: Question:
23 Your January application that was
24 withdrawn was for a studio.
25 MS. COMBS: Yes.
MEMBER CORWIN: Is any of the existing or proposed building addition going to be used as a studio?

MS. COMBS: No, not at this time. My husband has a studio already offsite in Southport. We are proposing the garage simply to house a car. You know, it's possible that my husband might do a little bit of painting in that garage. I don't -- that's not what its intention is, no.

Originally when we issued that -- I think all of you who were there could see how inadequate our application was and how naive we were about the process because it was our first time. We withdrew that application and hired an attorney because we realized that we didn't know what we were doing. We were hoping to avoid the cost of an attorney. We're not wealthy people. However, we realized that
there was a lot we had to go
through and a lot we had to learn,
so that's why we did that and
resubmitted a new application.

So my understanding is that
the other one issued is not even
being considered because it was
withdrawn without judgment.

MEMBER CORWIN: That is
correct.

MS. COMBS: Thank you. Is
there anything else?

CHAIRMAN MOORE: No. We can
engage in further conversation once
the public testimony part is
finished.

Once again, I would ask that
if anybody else wishes to speak?

(No response.)

CHAIRMAN MOORE: If not, then
I would entertain a motion to close
the public hearing.

MEMBER CORWIN: Prior to the
closing of it, are you going to
include the other lady's letter in
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the record?

CHAIRMAN MOORE: Yes. I have it here and it will be in the record. It was a previous letter from March and then additional comments made after that. And I believe she spoke quite well as to the content of the letter, but we will submit it to include it in the record.

So I would entertain a motion to close public hearing.

MEMBER CORWIN: So moved.

CHAIRMAN MOORE: And a second?

MEMBER GORDON: Second.

CHAIRMAN MOORE: All in favor?

MEMBER SALADINO: Aye.

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye.

Any opposed?

(No response.)

CHAIRMAN MOORE: So that motion carries. Public hearing is
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closed.

Next item on the agenda is the matter -- we're going in order of submission of applications, so we'll give you a breather for a bit and we're going to be discussing the variance request from Walter Foote, which is on 22 Broad Street.

Just to reiterate what we had discussed last month, there are some issues we had with some concern about adequate drainage from the house. And I believe the plans -- there's a new drawing that depicts drywells. A key issue that came up was the aspect of an outdoor shower and whether or not there were any specific drainage requirements on that.

I would like to call on Eileen Wingate, if you could make some comments. She did submit to the Board some information -- I only got it just before the meeting -- concerning conversations and emails
with Suffolk County Department of Health.

MS. WINGATE: We'll start with Richard Smith, Department of State. We reviewed the Residential 2010 Code. He suggested I look at Section 2601 which talks about fixtures and their ability to either be hooked up to a private sanitary system or a public sanitary system. And his suggestion was that I talk to the county because they had more detail on how to handle waste water. So I spoke with Mr. -- I forgot his name.

MEMBER GORDON: Digiuseppe.

MS. WINGATE: -- Digiuseppe just today. They're pretty busy up there. He wrote that letter suggesting that waste water at this level is in the jurisdiction of the town or village. We presently do not have anything in our code that prohibits it, but what we do have
in our code is a section that
prohibits septic systems because we
have a public sewer.

CHAIRMAN MOORE: I spoke
briefly with Ms. Wingate and asked
the question whether the Village,
to her knowledge, has ever taken a
position on drywells for outdoor
showers and gray water and
apparently there is none, although
the Village could choose to do so.
The options for -- and-ings we are
in discussion phase at this point.
The options, I think we discussed,
as to whether it was required to be
into the sanitary sewer system or
whether a drywell could suffice and
the research indicates there is
really no requirement for a
sanitary sewer system. If there
were septic systems present,
that -- and the affluent was
intended to go into that, that
would be a permit issue. But
that's a moot point because septic
systems, as Eileen mentioned, are not permitted in the Village.

We also have a letter from Mr. Foote. Are you present tonight?

MR. FOOTE: I am.

CHAIRMAN MOORE: If you would want to indicate -- it was basically indicating that this would be an incidentally used outdoor shower, typical of returning from the beach. That was basically yourself and your wife that would use it?

MR. FOOTE: Correct.

CHAIRMAN MOORE: And that's where it stands. I believe the plans currently depict the affluent to be directed to a drywell immediately adjacent; is that correct?

MR. UELLENDAHL: Correct. We resubmitted the site plan based on Mr. Corwin's request to have all -- the entire roof run off from the
entire building, he expressed, into
a drywell. So we calculated the
drywells. We now have four larger
drywells on the structure.

For the minutes, my name is
Frank Uellendahl,
U-E-L-L-E-N-D-A-H-L. I'm
representing the owner.

MEMBER GORDON: I have a
question.

CHAIRMAN MOORE: Yes, go
ahead. We are welcome to have a
discussion.

MEMBER GORDON: The note that
we have from Mr. Digiuseppe of the
Suffolk County Department of Health
says if the house is connected to
public sewers, then the
installation of the shower drain
would be at the discretion of the
local sewer district. And I guess
my question as a relative newcomer
to this Board is: Is that
equivalent to saying it's at the
discretion of this Board or is
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there a representative of the sewer
district who would make this
decision?

MEMBER CORWIN: The Village
Administrator would do that.

MEMBER GORDON: The Village
Administrator would make the
decision.

And the house is connected to
the municipal sewer, right?

MR. UELLENDAHL: Correct.

MEMBER GORDON: So I'm
wondering whether this is a matter
for us to decide or whether it is
to be passed on to the Village
Administrator. It's a question. I
don't know the answer.

CHAIRMAN MOORE: Is it a
feasible alternative, one way or
the other? Mr. Uellendahl, if you
want to talk to that.

MR. UELLENDAHL: Yes. We
discussed this. I mean, we're only
talking about an outdoor shower
which is used for a minute or two.
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So there is not a lot of water going down. But we spoke to the contractor and he said it's not a problem to connect the shower to one of the drywells that we are proposing anyway. So if this is what the Board decides to do, we're willing to revise the site plan accordingly.

CHAIRMAN MOORE: I think, in general, this issue hasn't really come up too often --

MR. UELLENDAHL: No.

CHAIRMAN MOORE: -- for conforming properties. It's just a matter of building permits. There has not been, as you indicated from your experience, it's not been an issue. I don't see this issue, since it is an option for connection one way or the other, to be the major factor in the consideration of the variance. And I would suggest that we could leave this issue up for determination of
the Village Administrator for this
and for future connections.

So with that in mind, I think
we issued really focus on the
should of the setbacks that were
requested in connection with the
deck and the house construction.
There have been no further changes
in the plans other than the
second-story window on the bay
window area.

MR. UELLENDahl: Correct. We
discussed this. This is the second
window. It's not part of the
application. There's no additional
second-floor window proposed and we
don't want it, so it's not going to
be done.

CHAIRMAN MOORE: You would
probably know this. The Historic
Review Board has already considered
this application?

MR. UELLENDahl: Correct. We
had to go to HBC. I had to recuse
myself as chairman of the
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HBC commission and it was passed unanimously and no problems there.

CHAIRMAN MOORE: Because one thing that comes up -- Mr. Prokop, I think it was just this morning you sent an email regarding --

MR. PROKOP: Well, there is a question that I see here.

CHAIRMAN MOORE: Yes. If you could just elaborate.

MR. PROKOP: I would just like to read what the laws are for the Board and for myself also. New York State Department of Environmental Conservation has regulations which list the different types of actions, Type I or Type II. If an action is not listed as Type I or Type II, it's considered an unlisted action.

Section 617 -- I think it's point 5. Point 4, I'm sorry -- lists the Type I actions. And I'm just mentioning this for the future for the Board also.
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CHAIRMAN MOORE: It says point 4.

MR. PROKOP: Yes. Waste water to be Type I action, so the Type I action -- the one that's relevant, I think, to this Board is that a Type I action is any unlisted action -- and I'm going to paraphrase it -- any unlisted action which is occurring only or partly within or substantially continuous to any historic district that's listed on the National Register of Historic Places.

Now, we have a district in the Village which is listed on the National Register of Historic places. However, this application does not involve an unlisted action. It involves Type II actions. So in order for this action, or any action before this Board, to be considered a Type I action because of the subsection, would have to be an unlisted
action, not one of the Type II actions.

So a Type II action includes area variances or residential -- residential area variances basically, residential structures. And because the variances that are listed here are area variances for residential structures, they would be Type II actions. And because of that, they would not become a Type I by virtue of this list. So I think they would stay a Type I action -- excuse me -- a Type II action, even though they are a historic action.

CHAIRMAN MOORE: I'm glad you said that.

MS. WINGATE: Because they're unlisted?

MR. PROKOP: No. Because they're not unlisted.

MS. WINGATE: Because they're not unlisted.

MR. PROKOP: Because they're a
Type II. So a Type II action in or near a historic district stays a Type II action. An unlisted action in or near a historic district becomes a Type I action.

So we're okay with this as a Type II, it looks like.

CHAIRMAN MOORE: Does everybody understand exactly what we're saying?

(No verbal response.)

Well, that's good. I think I get the drift. The reason why this came up is because at recent planning Board meetings, projects coming under their review in the historic district have, in some cases, been declared Type I actions, which requires a bit more homework to be done and a bit more documentation. But I'm glad to see that we could, by Mr. Prokop's interpretation, continue as we customarily do with a Type II action on this project.
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Would the Board be inclined to proceed with the determination with the caveat that the shower drainage issue would be done according to the direction of the Village Administrator? Is that agreeable to everybody?

MEMBER CORWIN: Yes. But I would like to state my position on the shower. Mr. Foote is a wonderful neighbor. He's done a wonderful job on that house, but I'm not going to vote on a shower that needs a variance. If somebody wants to put a shower out that doesn't need a variance outside, that's fine. But not a variance to have an outdoor shower.

CHAIRMAN MOORE: Is this shower within the setbacks that are sought for a variance?

MR. UELLENDahl: Yes, it is.

CHAIRMAN MOORE: So if not, it would not have been an objection on your part?
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MEMBER CORWIN: That's correct.

CHAIRMAN MOORE: Well, okay. You can vote your conviction on that then. Everybody agreeable to move forward with the determination?

MEMBER NEFF: I have one thing to say. We're basically saying, at the direction of the Village Administrator about the waste water from the said shower, the outdoor shower -- since we've never done this before, we certainly don't want to delay for months. I think we could offer, with our approval, that our recommendation is that the water be contained within the property, which we do the drywell or whatever, and we would like the Village Administrator to also weigh in. But that's what we've done in the past.

CHAIRMAN MOORE: Yes.

MEMBER NEFF: So I think that
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putting that with it is a good
idea. Or we could end up with more
questions.

MEMBER GORDON: You mean
making it explicit.

MEMBER NEFF: Yes.

CHAIRMAN MOORE: So are you
suggesting that we would recommend
a particular type of connection and
that --

MEMBER NEFF: That the water
be contained within the property.

CHAIRMAN MOORE: Including the
shower water in a drywell?

MEMBER NEFF: Yes, drywell.

And any specific thing related to
the shower, the Village
Administrator could weigh in.

CHAIRMAN MOORE: But that
would be subject to reversal by the
Village Administrator if a new
policy was to be implemented. Is
that what you're saying?

MEMBER SALADINO: What if he
took exception to it?
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CHAIRMAN MOORE: That's what we're doing. We're asking for him to make a further determination.

MEMBER SALADINO: Well, I'm not going to vote. I just have a question about this.

CHAIRMAN MOORE: Yes.

MEMBER SALADINO: If you make that recommendation and the applicant agrees to it -- that he directs the waste water to a drywell -- what would happen if the Village Administrator or the head of the sewer department takes exception to it?

MEMBER NEFF: I would think if there does become some kind of interpretation or regulation, that it would apply to any future application, rather than the current ones. In other words, it would be the new local -- I don't know what I want to call it -- law. Regulation, I think is a better word I think. We don't have one
CHAIRMAN MOORE: I think, at our last meeting, we discussed the obvious fact that there are many outdoor showers currently in use in the Village and have never been contested as far as on a sanitary basis. So then I would agree that we would use this, perhaps as a trigger point for the Village Administrator to make a determination. Whether he would do that alone or seek the Village Board's assistance on that, the Board of Trustees, I don't know. But I think that's agreeable.

Already, we know that we don't have Mr. Corwin's vote for a shower within the restricted footprint, so that we would have to proceed with that in mind. So shall we proceed then with the determination?

(No response.)

So the first part is to declare the Zoning Board of Appeals
lead agency, according to the SEQRA requirements. While this is in the historic district and might be considered a Type I action because the requested variances are area variances, under the advice of Mr. Prokop, we would declare a Type II action and I would ask for someone to so move.

MEMBER GORDON: So moved.
CHAIRMAN MOORE: And a second.
MEMBER NEFF: Second.
CHAIRMAN MOORE: All in favor?
MEMBER NEFF: Aye.
MEMBER CORWIN: Aye.
MEMBER GORDON: Aye.
CHAIRMAN MOORE: Aye.
Any decline or extension?
MEMBER SALADINO: Abstained.
CHAIRMAN MOORE: Mr. Saladino is abstaining, so that is accepted.
Then we would keep in mind, just to remind everybody, we are looking at an addition of
355 square feet to the interior
space and, on the second floor, an addition of 80 square feet. In addition, we are looking at an addition of deck space, exterior deck space. And I'm looking for that in the write-up. I'm just not finding it immediately. I'm getting past the setbacks. There's a proposed deck expansion. I'm trying to remember if we had the square feet posted in the variance request. I don't see it here.

Mr. Uellendahl, do you recall what the addition of the area on the decks was? I'm just not finding it in the write-up.

MR. UELLENDAHL: It's mentioned on the site plan. The actual deck -- let me see. The deck is -- let me just see.

CHAIRMAN MOORE: If it's not stated in the --

MR. UELLENDAHL: 366 square feet of additional deck.

CHAIRMAN MOORE: Okay. That's
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fine then. 366 square feet of
deck. The most significant issues
are the setbacks and I'll read
those to remind the Board.

The proposed front yard
setback, which is actually the west
First Street property line, for the
new construction is 27 feet
requiring a 3-foot front yard area
variance because the front yard is
on both the front and side streets.
We are also looking at a rear yard
setback 12 feet from the property
line requiring an 18-foot rear yard
area variance. And in the case of
the rear yards, 30 feet is
required.

I should mention that we, on
the site visit, noted that this
area is very well protected from
view. It's actually behind the
neighbor's garage area and there's
no structure near that part of the
property. The adjoining neighbor
to the east is aware of this and
made no significant objections to that variance request.

With that in mind, I would go through the questions that we need to ask on the variance. And that is whether, No. 1, an undesirable change would be produce in the character of the neighborhood or a detriment to nearby properties by the granting of the area variance?

Mr. Corwin?

MEMBER CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: No.

CHAIRMAN MOORE: Mr. Saladino is abstaining.

I will say no. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance?

Mr. Corwin?
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MEMBER CORWIN: I'm giving a qualified no because the shower can be eliminated.

CHAIRMAN MOORE: Okay.

Ms Gordon?

MEMBER GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: No.

CHAIRMAN MOORE: Mr. Saladino is abstaining.

I would answer no.

Whether the requested area variance is substantial?

Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: Yes.

CHAIRMAN MOORE: Mr. Saladino is abstaining.

I would actually say no on that.

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

Mr. Corwin?

MEMBER CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: No.

CHAIRMAN MOORE: Mr. Saladino

is abstaining.

I answer no.

Whether the alleged difficulty
was self created, which
consideration shall be relevant to
the decision of the Board of
Appeals but shall not necessarily
preclude the granting of the area
variance?

Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: Yes.
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CHAIRMAN MOORE: Mr. Saladino is abstaining.

I would also indicate yes.

Lastly, we would have a motion to approve the requested variances, which I stated just a moment ago. I believe the conditions we mentioned are that the affluent from the roof will be directed to the drywells as depicted in the plan. And that, as well, the shower drainage will also be directed to a drywell.

Were there any other conditions that the Board members can recall?

MEMBER CORWIN: Directed to a drywell or, on the suggestion of the Village Administrator, hooked up to the sewer system.

CHAIRMAN MOORE: And that determination will reside with the Village Administrator as the final decision? Is that what --

MEMBER CORWIN: That was my
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understanding, yes.

CHAIRMAN MOORE: We went back

and forth on that. This would be a

trigger, but not necessarily a

change in requirement. But I will

include that as a condition, that

the shower affluent will be

directed to a drywell or to the

sanitary sewer as directed by the

Village Administrator establishing

a new policy for such conditions.

With that in mind --

MR. PROKOP: Can I just

suggest that you qualify the

language to say that subject to the

recommendations of the Suffolk

County Health Department,

Department of Health Services?

CHAIRMAN MOORE: Yes, I could

do that.

MR. PROKOP: Because depending

how they choose to handle it, if

there are different approvals that

are required.

CHAIRMAN MOORE: This
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determination would be subject to
the regulations of the Suffolk
County Health Department.

MR. PROKOP: Yes.

CHAIRMAN MOORE: So with that
in mind, I would offer a motion and
ask for a second?

MEMBER GORDON: Second.

CHAIRMAN MOORE: And I will
take a roll call.

Mr. Corwin, for the approval
of the variances?

MEMBER CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: Yes.

CHAIRMAN MOORE: Mr. Saladino
is abstaining. I would answer yes,
so that motion carries out the
variances. Approved.

Good luck with your project.

MR. UELLENDHAHL: Thank you
very much. We appreciate it.

CHAIRMAN MOORE: We're at the
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point of Item No. 2, which is the
discussion and a possible decision
action for the appeal for the area
variance of Tracy Combs. We're now
at the discussion phase and we may
engage you in some questions and
answers on that.

At the site, one of the
concerns I had -- even though
pre-existing, nonconforming
conditions exist in the
neighborhood -- is that the garage,
while modest in height, still
closes in quite closely to the
neighboring property. I don't know
if there's any way to alleviate
that impact because that's
essentially where the addition is
being proposed. Moving it back
also has an impact of softening the
effect of the garage at the front
of the property. This structure is
actually proposed to protrude
closer to the street. I believe it
meets the setback calculated based
on existing setbacks even though it's less than 30 feet. It is within the zone to the front of the property. It's just the closeness to the side of the property. The thing that I noticed -- and the design elements, we're not looking at -- but the depiction of the garage door is a fairly contemporary design. It's also quite close to the street. When I drove the length of the street, I don't believe there is a single property that has a garage approximate to the street and immediately facing the street. Most of the properties have a shed or a barn or a garage structure usually in the rear corner of the property. So to me, that's a significant impact of this project on the neighborhood's environment. The size of the lot coverage that's being increased by the addition of
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some living space, which is
essentially the second floor
bedroom and the utility room
behind, to me, is not a significant
increase. I forget what the
percentage of the lot coverage was,
but still far less than 30 percent.
I'm guessing in the low 20s?

MEMBER CORWIN: My
calculations it's over 30 percent
with the swimming pool.

MS. P. MOORE: Sir, could you
speak a little louder?

CHAIRMAN MOORE: He's
including the swimming pool in the
calculation. We'd have to seek
advice from the building inspector
who is not currently here.

MEMBER SALADINO: I don't
believe a swimming pool in
Greenport -- in Southold it is, but
in Greenport it's not considered
lot coverage.

CHAIRMAN MOORE: It's usually
accessory structures and principled
structures. Yes, I believe that's not included.

MEMBER SALADINO: But the fence?

MS. P. MOORE: The swimming pool is not considered lot coverage, correct.

CHAIRMAN MOORE: No, not in Greenport.

MS. P. MOORE: Do you want to hear from us?

CHAIRMAN MOORE: I'm just making some comments that we'll have some go-around with.

MS. P. MOORE: Do you want us -- a dialogue as far as what we think we need to --

CHAIRMAN MOORE: Well, we can get to that. I just -- and I'll yell to the back. Swimming pools are not lot coverage calculated; is that correct?

MS. WINGATE: Swimming pools are not calculated in lot coverage.

CHAIRMAN MOORE: That confirms
it. If I can move my personal comments, and then the rest of the Board, obviously, has an opportunity that I'm not giving them at this moment.

The swimming pool concerns me. It's generous to offer meeting the backyard setback requirement by moving it closer to the house, but the property to the rear is almost out of sight. It's far away from the rear fence. The impact I note is to the side properties, especially to the north.

You do have a friendly neighbor who apparently, you indicate, is glad that you're building a pool. But it's in full view of that area of the yard. That is the living area of that property. To the south, there's a facade of a house close to the property line and less outdoor living space in that area. So it concerns me that the orientation of
the pool places it very close, even though it's not possible to meet all setback requirements. If the orientation of the pool were different and the size were different, it perhaps would have less impact. There's no indication on the current plans of screening, other than the fact that you acknowledge a fence requirement for a swimming pool.

MS. COMBS: Mm-hmm.

CHAIRMAN MOORE: But that doesn't necessarily, by the requirement, create a visual screen that might protect the view from neighboring property. I know your current neighbors don't object to it, but they may not always be your neighbors.

MS. COMBS: Mm-hmm.

CHAIRMAN MOORE: Those are my feelings. Any other comments from the Board? And then we'll engage in a little dialogue back and
forth.

Mr. Saladino is welcome to participate because he's coming in new on this, just as all of us are at this point.

MEMBER SALADINO: I have a question also about the pool. It says "standard residential size, 20 by 40 -- well, 18 by 37. And I imagine there will be coping around it and some kind of walkway around the pool.

MS. COMBS: A very small amount of coping. It's pretty much grass, is what we're thinking, and a very small amount of coping.

MEMBER SALADINO: It has to be large enough to walk around, I would imagine, right?

MS. COMBS: Yeah, but I don't -- I mean, not --

MS. P. MOORE: Are you asking about patio?

MS. COMBS: Yeah. I don't know what you're asking.
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MEMBER SALADINO: I'm talking about coping around the pool and combing around the pool, a walkway around the pool. It's not going to transition from grass to pool.

MS. COMBS: But it could only be about a foot wide. I mean, we're not talking about 3 feet or a patio or anything like that, no.

MEMBER SALADINO: So that could change the setbacks also.

CHAIRMAN MOORE: That's not included in the setback. It's the edge of the pool, I believe, as described in the code.

MS. P. MOORE: Just the coping, right? Coping is the edge of the pool, typically, isn't it?

MEMBER SALADINO: About 20 by 40 is --

MR. PROKOP: I think I would like to have that clarified on the record because I don't think -- I mean, to me the edge of the coping is the edge of the pool. It's not
the edge of the water that's the
edge of the pool. It's the edge of
whatever the pool structure is.

And then if there's any kind
of a walkway -- unless if we had a
subsequent setback, if there's any
kind of a walkway or patio that's
built around that, that needs
another variance because it's a
further intrusion into the setback.

CHAIRMAN MOORE: Is that the
case, a patio?

MR. PROKOP: Also, a
ground-level may not need it.

CHAIRMAN MOORE: I mean, it
affects the visual impact and the
buffering of grassy areas because
there's not a lot of room left.

MS. WINGATE: To me, this
looks like the coping meets the
grass.

MEMBER NEFF: Yes.

MS. COMBS: Yes.

MS. WINGATE: That's what I'm
seeing.
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MS. COMBS: Yes, that's correct.

MEMBER SALADINO: I know you explained it in the submission, but the reason for the breezeway, the reason for the mudroom is to avoid eliminating windows as opposed to a direct addition?

MS. P. MOORE: Multiple reasons. One is windows, but, two, it causes the least amount of disruption to the existing house. It's the siding, it's the windows, it's the heating inside, the utilities that they have. So the addition is going to provide -- the mudroom creates the -- call it underground -- the below-grade connection of all of the utilities into the basement, the back end of the garage, which is also a basement. So it allows a connection, a basement connection, between the main house and the addition. So -- but primarily it's
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to cause the least amount of
destruction to the main house.
Windows, everything stays in place
as much as possible.

MEMBER SALADINO: I'm just
crossed about the basement. But
if it was a direct connection and
you planned on having a half
basement under the garage, wouldn't
access be available to the main
basement from there? I mean from
the --

MS. P. MOORE: No. There is a
bill code door there now. We would
get rid of the bill code door. The
plumbing, heating, all the items
that are in the basement now would
connect through -- the bill code
door would essentially be replaced
with a basement connection. And
then that's the way that
they're going to bring in all of
the utilities.

MEMBER SALADINO: I understand
that. But if you made a direct
attachment to the house and there
was a foundation wall that would be
adjacent to the current foundation
wall, that would provide access to
a mechanical plan from the main
house. It would also eliminate
5 feet of a variance, of a
requested variance.

MS. P. MOORE: True, but it
would eliminate all of the windows
on that side of the house.

MEMBER SALADINO: Well, you
have a 200-foot structure 5 feet
away from every window on that side
of the house.

MS. P. MOORE: That was less
disruptive to the owners. Yes, I
asked that same question and they
said no, it's -- it still would
provide light into the rooms. It's
more affordable also for us.

CHAIRMAN MOORE: One thing,
too, on the design. When I
mentioned the forward position of
the new addition. It appears that
you don't show all of the

elevations but there is a shed
dormer on the second floor to the
north and south, which I assume
provide window openings?

MS. COMBS: Mm-hmm.

CHAIRMAN MOORE: And those are
then immediately adjacent to the
house to the south.

MS. COMBS: Mm-hmm.

CHAIRMAN MOORE: Now, to the
north, I don't know if it has as
much impact because your house is
in between.

MS. COMBS: It's just us.

CHAIRMAN MOORE: So that's one
of the things that sort of
accentuates my concern for the
forward position of the structure.

MS. P. MOORE: Did you want us
to talk about that? Because there
is room to step back the addition.
That doesn't really impact, much,
the design. It's -- I don't know
why you guys had it forward.
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MS. COMBS: I think it was because of the bill code door.

CHAIRMAN MOORE: Right. And you had the opportunity. That basement section would be more difficult, of course, to connect directly to the house. The basement section in the new structure was utility and mechanicals?

MS. COMBS: Yes. And also to provide a bill code door, an outside entrance into the basement.

CHAIRMAN MOORE: Right. To the rear. Perhaps something like that could be provided in the connecting part of the structure between the buildings, the old and the proposed. That might be an opportunity. And the pool again --

MEMBER CORWIN: Mr. Chairman.

CHAIRMAN MOORE: Yes?

MEMBER CORWIN: Your position is that it's going to be approved and you're negotiating the
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applicants --

CHAIRMAN MOORE: No, I'm
explaining --

MEMBER CORWIN: -- and I don't
think that's correct.

CHAIRMAN MOORE: I shouldn't
be --

MEMBER CORWIN: And I also
want to note we're going to have
time constraints unless we move
this along.

CHAIRMAN MOORE: Yes, we're
getting close. The only thing I
mention is, you know, we sort of
moved away from a dialogue of my
personal concerns as one member,
and then others will express them.
The way it would work, of
course, is we would take the plan
as proposed and put it to the vote.
You also had the opportunity not to
let that happen. But I would like
to just continue the dialogue with
the Board members and I would
express my concern about the pool.
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I think the position aggravates its nonconformance. And that's my comment.

MS. COMBS: Mm-hmm.

CHAIRMAN MOORE: So other members of the Board, if you would like to make comments and then we can have a limited dialogue. I understand Mr. Corwin's comment. Because we're not negotiating a solution, we're bringing up our concerns at this point. Other members of the Board?

MEMBER GORDON: I'm concerned about the pool because we have a code for very specific reasons. I realize it's a very narrow lot. So many of the lots do not take into account the possibility of a pool because they were determined far earlier than a time when people wanted pools. But 7 feet on each side seems to me a very, very narrow area and when you add up the two variances, we're talking about
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a total of 26 feet. And I am concerned about the general lack of conformance with a standard that has some meaning.

I'm also somewhat concerned about the look of the proposed addition from the street. It does seem to me it's going to look quite different from the rest of the block and it's going to look like a second little house. I haven't really come to a conclusion about that, but it does seem to me it does create some dissonance with the rest of the immediate neighborhood.

CHAIRMAN MOORE: One thing I should mention is that, like right now, the Zoning Board of Appeals sometimes appears to be putting on a Planning Board hat and I think we actually have that option of asking for input from the Planning Board to help us in guiding our decision. And I'm thinking that, at this
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point, to avoid a dialogue in
design and changes in the design,
the Board might consider forwarding
the application for review by the
Planning Board as it stands and
they would be in a position to make
suggestions.

MEMBER CORWIN: I object to
that.

CHAIRMAN MOORE: Okay. On the
basis?

MEMBER CORWIN: Let's move
this thing along. I agree,
basically, with what Diane is
saying. The pool is just too much
of a variance and the streetscape
is really going to be changed by
what's proposed.

MEMBER GORDON: And both of
these issues are zoning issues, so
I would feel some sense of
irresponsibility by passing it to
the Planning Board.

CHAIRMAN MOORE: Okay. Well,
that's just an option. Yes?
MEMBER NEFF: Also, I mean, you mentioned the part about the percentage and the numbers about the said variances. There's also to be noted, we've dealt with other pools on 50- or 51-foot wide lots, but none that were 15 feet long. That's not unusual totally, but most Village lots are 150 feet deep. So we do have this concentration in this smaller area.

CHAIRMAN MOORE: I'm a little confused.

MEMBER NEFF: In other words, this lot is 51 by 115.

CHAIRMAN MOORE: Oh, 115. I'm sorry.

MEMBER NEFF: And when I look at it I think, is there another orientation of the pool that makes this more feasible? Is there another process of making -- really, an addition to the house is one issue. Combining the garage with the addition to the house,
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this is where we create the visual
impact related to the garage, plus
an addition to the house. And we
also have the lot size and the
orientation of the pool.

It's a lot. I think there are
other options. Also, we don't have
the mechanicals. We don't have the
materials of what it would look
like. I mean, I think one of the
neighbors request that the shed
dormer on the structure, the garage
plus bedroom, not face south. In
other words, that be eliminated. I
think in a lot of ways it's a
sketch of a plan rather than a
plan.

CHAIRMAN MOORE: Well, I'm
kind of glad that changing the
plans isn't really under our
purview. That's really
something that --

MEMBER NEFF: But to suggest
that they're incomplete.

CHAIRMAN MOORE: Yes. Well, I
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think that the variances requested, which are the main issues, the setbacks and the pool, are sufficiently described that we can make a decision. So we could proceed at this point.

MR. PROKOP: Could I make a couple of comments before?

CHAIRMAN MOORE: Yes.

MR. PROKOP: Thank you. So I have a threshold comment. This Board normally operates with plans that are certified by a professional, showing the existing conditions and also the proposed conditions. The Board does not have a set of plans that show the -- I'm sorry. That I'm aware of, I should say, that are certified by a professional that show the existing conditions and also the proposed conditions. That's highlighted by the fact that this sketch plan that was generated for the Board, this illustration I
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1 should say, has -- and I'm saying
2 this, I'm your attorney, not your
3 architect. There's errors in this
4 that are fairly obvious and I don't
5 think that you could proceed with
6 this application unless there are
7 plans submitted by a certified
8 professional that are stamped and
9 sealed that show existing
10 conditions and also proposed
11 conditions.

12 CHAIRMAN MOORE: We have a
13 survey which shows existing
14 conditions, which I assume is
15 official?

16 MS. P. MOORE: Yes.
17
18 CHAIRMAN MOORE: I take the
19 Village attorney's point that these
20 drawings -- you didn't indicate how
21 they were prepared or by whom.

22 MS. P. MOORE: My client
23 actually prepared them.

24 MS. COMBS: I prepared them
25 based on the survey.

26 CHAIRMAN MOORE: So,
Mr. Prokop, the appropriate procedure, there's nothing wrong with a client preparing them, but someone in a professional capacity would have to certify them?

MR. PROKOP: Yes. And I also point out to the Board -- I mean, there are errors in the plans that -- and the dimensions that are shown on here. For instance, the pool length and the setbacks don't add up to the width of the property.

So anyway, for this level project, I don't think we should be looking at an illustration that, with all due respect to the applicant -- and I understand that this is something that she practices in, if I'm not mistaken -- I don't think that, with this level of project, the Board should consider this.

The second thing is with respect to the comments about the
mechanicals. The mechanicals are always considered by this Board in any pool application, to the extent that they affect the impact of the project, which is two of the five considerations that the Board has to make. And I think we need the location and the buffering of the mechanicals should be shown on -- whatever plans are eventually submitted, I think that they should be located together with the buffering so we could make an analysis based on the location of the mechanicals and the distance to the structures on the adjoining properties.

The third thing that I wanted to mention in this application -- and these are intended to be legal comments. One of the five considerations that you make that we normally have a no on, but in this application it would seem pretty straightforward it would be
a yes, is whether or not the applicant could achieve the relief that's requested by the variance by another feasible method. I think that in this application that that would seem to be a yes. And unlike whether the hardship was self created, which is not controlling, whether the relief can be achieved by some other method that's feasible may, in fact, be controlling. The fence is illustrated as a six-foot fence across the property. This is an existing or is this proposed?

MS. WINGATE: Proposed 6-foot fence.

MR. PROKOP: Does that need a variance?

MS. WINGATE: No.

MR. PROKOP: The application originally came to us and two of the people of the people on the Board now were not on the Board at that time -- or not present and/or
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not at the Board meeting. But

there was an application that was

considered in March, I think, which

involved the proposal for an

accessory structure which basically

had plumbing in it. And there was

a discussion at that time about the

height of that accessory structure.

The applicant mentioned that they

were aware that they could

basically take that and attach it

to the house and not be limited by

the height restriction of an

accessory structure. I'm

mentioning that because with the

discussion about the Board about

the way that this is attached to

the property -- excuse me. That

the proposed to be attached, they

would have to be attached by living

space. They could not be attached

by space that's not unheated or not

living space. The residence is

separated by space that's not --

excuse me. The two structures
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separated by space that's not living space.

CHAIRMAN MOORE: Such as a breezeway, you were saying?

MR. PROKOP: Yes. I'm just concerned about that. We did not ask the applicant the use of the two buildings, but she offered an explanation. And just given the fact that there's going to be a breezeway between the two --

MS. P. MOORE: There is no breezeway. It's a mudroom.

MR. PROKOP: A mudroom?

CHAIRMAN MOORE: Yes, it's a mudroom.

MS. P. MOORE: I don't think you're looking at the right plans.

MS. COMBS: If you don't mind me approaching, here are the most recent plans.

MS. P. MOORE: The mudroom is heated. It's considered habitable space.

MEMBER CORWIN: Mr. Chairman?
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CHAIRMAN MOORE: Mr. Corwin,

yes?

MEMBER CORWIN: I note Mr. Prokop's comments --

MR. PROKOP: It says mudroom.

MEMBER CORWIN: (inaudible) --

incorrect. I'm ready to vote because I know how I'm going to vote. I tried to do the applicants a favor in January, suggesting that they withdraw their application rather than get a no vote in January. They came back with just about the same size application. My position at this point in time is I'm going to vote no on the swimming pool and the addition.

CHAIRMAN MOORE: One thing that I'm hearing from Mr. Prokop is that there are some technical difficulties in the application that invalidate it as a proper appeal for a variance.

MS. P. MOORE: No, I don't think that's what he said.
MR. PROKOP: The other thing that I wanted to mention was if you look at the survey -- so it's shown on here too. The property is not rectangular. It's almost rectangular but it's not. The minimum area -- I just wanted to point out that there's at least one error in the dimensions and I think that that should require the Board to ask for revised plans. And I suggest they be certified by a professional.

CHAIRMAN MOORE: Is it your recommendation then, that rather than moving this to a vote, that you're indicating that would be inappropriate and that we should do, what, request a revised set of plans? Is that what you're saying? That we should not proceed based on the plans as currently presented?

MR. PROKOP: I don't see how you could. And I think you need to require the location of the --
MEMBER CORWIN: The bill code door and the pool --

CHAIRMAN MOORE: Yes. I think --

MR. PROKOP: I mean, at the last meeting, we talked an hour about the cover of the pool. And I'm not belittling that. That's the kind of sensitivity that we have toward the neighbors.

MEMBER CORWIN: But why make them go through that if they're going to get a no vote? Which is kind of what it's shaping up to be.

CHAIRMAN MOORE: Yes. What I'm saying is, based on Mr. Prokop's analysis, that the plans as currently presented, should not be considered appropriate for proceeding. So we would give the applicant the opportunity to revise them and make them acceptable so that I would make a motion to table any determination at this point,
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1 pending the revision of the plans
2 that would make them satisfactory
3 with the issues that were discussed
4 tonight.

5 MEMBER CORWIN: Do we have to
6 consider the 62-day time limit?
7
8 MS. P. MOORE: If you reopen
9 the hearing, because I think that's
10 what your asking for revised plans,
11 then there is no timeline.

12 CHAIRMAN MOORE: I think we
13 could solve that problem by
14 rejecting the plan. But if you
15 would agree that the clock wouldn't
16 start ticking until the new plans
17 are in, I would be glad to just say
18 that we're requiring a revision of
19 plans. And that gives you an
20 opportunity to correct the
21 deficiencies that were pointed out.

22 Is that appropriate, do you
23 think?

24 MR. PROKOP: I think the vote
25 would be -- I think, at the
26 hearing, it was determined that the
plans were not complete and the acceptance of the plans was revoked or returned to the applicants for a revised plan application.

CHAIRMAN MOORE: So are we revoking the application?

MR. PROKOP: I think so because we accepted plans that were not --

CHAIRMAN MOORE: That solves the time issue. It just means that you have to resubmit the plans.

MEMBER SALADINO: Could I make a comment about that?

CHAIRMAN MOORE: Yes.

MEMBER SALADINO: I agree with the plans being incomplete. But if and when you come back with a more technical drawing, the issues are going to be the same. And the attitudes, I'm guessing, of the Board is that it's a very, very ambitious project that perhaps some of us are uncomfortable with. So
regardless if you put a more technical plan in front of us, the concept is going to be the same, the issue is going to be the same. For me, anyway.

MEMBER CORWIN: And for me.

MEMBER GORDON: I am concerned about raising expectations.

CHAIRMAN MOORE: Right.

MEMBER GORDON: I think the applicant has been through a lot already. And if we are really doubtful about more than the procedural problems, which Mr. Prokop suggests, I guess I'm uncomfortable about encouraging a future application.

MR. PROKOP: I think that the difficulty with the mistakes in the plans and the incompleteness would be within approval. I think that you could determine the impact sufficient to deny the application with the errors in the plans, if that seems to be the way the Board
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is going.

CHAIRMAN MOORE: Well, I would like to have, as Mr. Corwin always says, things all complete and properly signed. I would like to make the process move in that direction, that we're not deciding at this point, but we're requiring a revision of the plans. I think it also gives the applicant the opportunity to take into account the discussions that occurred tonight and consider the application.

One thing I might suggest is that we could consider, even though both portions -- the swimming pool and the house -- are submitted because of their overall impact on the property, whether we could consider them individually. I don't know.

Mr. Prokop?

MR. PROKOP: Yes, you could.

CHAIRMAN MOORE: We could?
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MR. PROKOP: Yes.

CHAIRMAN MOORE: That might be a consideration on the application, to segment it into two requests.

We will, still, if they are simultaneous -- and that's the way we prefer it. I mean, we do not like to have a request for variance and then a request for something else. We would take in the overall impact, but you would have the opportunity to have one, the other, or both approved, or not.

MS. COMBS: We did them together originally because we thought that would be preferable for the Board.

CHAIRMAN MOORE: I would just like to state that I am not complaining about much of the detail on the plans. I think they're very clearly prepared and very well done. There are some technical issues of professional stamping and also some of the
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details of the construction on the
house and also the pool.

At the site, it was quite
clear that you were very flexible.
"We could do this," or "We could do
that." I think we need to know,
what are you going to do? "This is
really what we want. This is it."

MS. COMBS: I understand.
We're working within a pretty tight
budget, so I apologize. But any
extra money that we don't have to
spend, we're trying not to.

CHAIRMAN MOORE: Okay. That
sounds goods. Then the
recommendation here is to return
the plans to the applicant to
correct deficiencies in the plan.
I'm -- if the Board agrees --
amendable to tabling the
proceedings, pending the
resubmission of the plans, and we
can resume discussions. I think we
would have to rehear -- if the
plans changed to any significant
degree, we would have to rehear them.

If you're simply certifying the plans and you're presenting exactly the same plans, perhaps since it's not an increase or any change in variance, we could proceed without a hearing. Do you think?

MR. PROKOP: If there was no change in the variances.

CHAIRMAN MOORE: It says no increase in nonconformance, but I would suggest you correct the application. So I'm going to move that we table further discussion of the application pending resubmission of the application. If the application is significant that it increases the variances requested, we'll have to repost for public hearing again. I make that motion. May I have a second?

MEMBER CORWIN: Discussion?
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CHAIRMAN MOORE: Yes?

MEMBER CORWIN: I'm opposed to that. I think you're saying to the applicants, "Change a little and maybe you'll get what you want." I would like a vote tonight. And I want to hear from the applicant that the 62 days is not going to apply.

MEMBER NEFF: That the what?

I didn't hear the last thing you said.

MEMBER CORWIN: I want to hear from the applicant that the 60-day approval from the date of the application is not going to apply.

CHAIRMAN MOORE: Let's do first things first. I think Mr. Corwin is asking that we proceed with a vote. So I will make a motion to the Board for determination that we will move forward with a vote this evening. I make that motion. As for a second?
MEMBER CORWIN: Second.

CHAIRMAN MOORE: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER SALADINO: Aye.

CHAIRMAN MOORE: Opposed?

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye. So we have three in favor of making a decision and two opposed, so we will proceed with a decision.

MS. P. MOORE: May I speak?

CHAIRMAN MOORE: Yes.

MS. P. MOORE: Okay. As far as the 62-day rule -- Mr. Prokop can confirm this -- it's actually 62 days from the date of the close of the hearing.

CHAIRMAN MOORE: Correct.

MS. P. MOORE: So if you were to, as you were proposing before, have us provide some more detail in drawings with the possibility of a rehearing, which I would consider the repositioning of the pool to
increase setbacks, side yard
setbacks. However, encroach on the
rear yard. That might necessitate
a rehearing. I don't know. I'll
leave it to Mr. Prokop to decide.

CHAIRMAN MOORE: Well, right
now we're at the point of moving
ahead with a determination, as we
have a plan on the table.

MS. P. MOORE: I understand
that. But given the comments that
we have received, it would seem to
us that, consider your comments and
hopefully have a majority of the
Board that would entertain part or
all of the application, either
separate or together. I know how
Mr. Corwin feels, but with five
members of the Board, I would hope
that maybe with some redesign.

CHAIRMAN MOORE: I'm thinking
I have a little problem. We just
voted to proceed. And on the
advice of the Village attorney, he
indicated that the plans are not
suitable to make a proper
determination because there are
technical issues with them. So I'm
thinking, are we willing to
reject --

MEMBER CORWIN: If I could
make a suggestion?

CHAIRMAN MOORE: Yes.

MEMBER CORWIN: The applicant
can withdraw the application and
start over again for the third
time.

CHAIRMAN MOORE: Well, you're
making that issue apparent.

Mr. Prokop, are we in a
position to overturn your
recommendation and forge ahead?

MR. PROKOP: If you feel that
the illustration that has been
provided to you satisfactorily
illustrates the impact or the
variances that are requested, then
you can proceed.

CHAIRMAN MOORE: So the Board,
with that advice has indicated
MR. PROKOP: With a denial. I don't think you could approve it because it doesn't add up. But right now, on the table there's a request for X, Y, and Z variances. You've been there, you looked at the plans.

CHAIRMAN MOORE: Yes. So the indication from the Board is there is a feeling there is sufficient information presented as to the nature and the variances asked for and that we could make a decision based on those questions, despite the fact there's some technical issues in the plans themselves.

With that in mind, I think we can proceed since we do have an application and the application is for a house addition and a swimming pool variance combined. At this point, we would declare the Zoning Board of Appeals lead agency, according to SEQRA. And in this
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case, it would be declared a
Type II action. I make that
motion. Can I have a second?

MEMBER SALADINO: Second.

CHAIRMAN MOORE: All in favor?

MEMBER GORDON: Aye.

MEMBER CORWIN: Aye.

MEMBER SALADINO: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye. Moving
ahead with the questions concerning
this request for variance.

MEMBER CORWIN: One minute.

CHAIRMAN MOORE: Yes.

MEMBER SALADINO: What about
the -- if we're going to move ahead
with the applications?

MEMBER CORWIN: Frankly, I
don't thing we have enough time to
finish this up this evening.

CHAIRMAN MOORE: Yes.

MEMBER CORWIN: We're going to
have to find some other way to
proceed because the fire department
is going to come in here at
seven o'clock. These people haven't even had a chance to say anything and we have a half an hour back and forth, at least, on this.

CHAIRMAN MOORE: Well, we're at the point of voting. And the voting process would take approximately five minutes, I would guess. I don't know if there are any other discussions at this point. The vote is based on the application as presented. I don't think there were any specifications. We are lacking a position of mechanical equipment, so we might have to indicate that the mechanical equipment would have to be placed on the southeast part of the property and be screened from view and provide sound screening. But other than that, we would be moving, eventually, with a motion for approving or disapproving the variance.

MEMBER CORWIN: The last
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motion we made declared this a

Type II application.

CHAIRMAN MOORE: Yes.

MEMBER CORWIN: But we didn't

make a determination on its effects

on the environment.

CHAIRMAN MOORE: There is an

issue of -- several of the members

reviewed the short environmental

form and would like to discuss that

in terms of the type of action

we're taking, a Type II action; is

that right?

MEMBER CORWIN: Well, my

position is -- and I get confused

on whether it's a negative or a

positive declaration -- that this

needs -- if you're going to vote

no, it needs a positive

declaration.

MR. PROKOP: Type II means

there's no declaration. Type II

means there's not SEQRA review.

MEMBER CORWIN: Okay.

CHAIRMAN MOORE: We voted
that, so I guess that makes that
decision moved. So we'd be
prepared to move ahead with the
voting?

MEMBER CORWIN: Yes.

CHAIRMAN MOORE: So the first
question is whether an undesirable
change would be produced in the
character of the neighborhood or a
detriment to nearby properties will
be created by the granting of the
your variance? And I would ask for
a roll call. My names are in a
different order, so I'm going to
ask Mr. Saladino first.

MEMBER SALADINO: I'm going to
vote yes.

CHAIRMAN MOORE: Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: Yes.

CHAIRMAN MOORE: And I would
answer yes.
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Whether the benefits sought by
the applicant can feasibly be
achieved by some method feasible to
the applicant to pursue other than
an area variance?

Mr. Saladino?

MEMBER SALADINO: I vote yes again.

CHAIRMAN MOORE: Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: Yes.

CHAIRMAN MOORE: And I'm answering no on that one.

Whether the requested area variance is substantial?

Mr. Saladino?

MEMBER SALADINO: I'm going to vote yes again.

CHAIRMAN MOORE: Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: Yes.
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CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: Yes.

CHAIRMAN MOORE: I answer yes.

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

Mr. Saladino?

MEMBER SALADINO: No.

CHAIRMAN MOORE: Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: Yes.

CHAIRMAN MOORE: I would answer no.

Whether the alleged difficulty was self created, with consideration, shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance?
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Mr. Saladino?

MEMBER SALADINO: Yes.

CHAIRMAN MOORE: Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: Yes.

CHAIRMAN MOORE: And I answer yes.

Lastly, we would have a motion
to approve the requested variance
which consists of three variances
for setbacks on the pool. Two
being 7 feet to the north and
south, and one 15 feet to the east
and the rear of the lot, and a
combined side yard setback variance
of 12.84 feet where 25 feet is
required.

The motion is to approve the
variance and it would be contingent
on placement of the mechanicals for
the pool at the rear of the
property line to the southeast and
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properly screened for sound and view. I make that motion and ask for a second.

MEMBER SALADINO: Second.

CHAIRMAN MOORE: I'll take a roll call. Mr. Saladino?

MEMBER SALADINO: To approve?

CHAIRMAN MOORE: This is a motion to approve.

MEMBER SALADINO: No.

CHAIRMAN MOORE: Mr. Corwin?

MEMBER CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: No.

CHAIRMAN MOORE: And I vote no.

Unfortunately the variance, as requested, is not approved. Thank you for coming.

CHAIRMAN MOORE: Now, the Item No. 3, which we have run out of time once again for, is the interpretation regarding fences.
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I would just, at this point, like to make a motion to accept an appeal for a use variance, publicly notice and schedule a public hearing for Lydia Wells, warden of the Holy Trinity Church, 718 Main Street, Suffolk County, Tax Map 1001-2.-3-5.

The applicant proposes to construct a second residential unit in an existing one-family house in the R1 District, Section 150-7 A does not permit any building to be used in whole or part for any use except one-family detached dwellings, not to exceed one dwelling on each lot.

Just to give some information on this, we had previously approved this two-family occupancy -- this is on church property -- for members of the church. The applicant is now requesting that this property be rented on the open market as two apartments as
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nonconforming in the R1 District.

So that's the nature of this request.

We do have the application, which appears to me to be complete, so I make a motion that we accept that application for consideration.

Yes, Mr. Corwin?

MEMBER CORWIN: I hate to keep bringing this stuff up, but I'm gonna.

CHAIRMAN MOORE: Yes. Please.

MEMBER CORWIN: We have to have something from the church wardens appointing Lydia to make this application.

MS. WELLS: I'm a warden.

MEMBER CORWIN: I understand that, but I think we have to have --

MS. MILLER: Do you have a piece of paper? I'll sign it because I'm the other warden.

CHAIRMAN MOORE: Are there two in patrolling.
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MEMBER CORWIN: I won't hold the application and vote no tonight, but we need some document from the church authorizing.

CHAIRMAN MOORE: I wasn't aware that that was lacking, but that could be done.

MR. PROKOP: We could take care of it.

MS. WELLS: Can I ask a question?

CHAIRMAN MOORE: Yes.

MS. WELLS: Who at the church would sign it? We do not have a priest.

MR. PROKOP: Just have the other one of you sign it.

CHAIRMAN MOORE: If you're the governing body of the church, then if you both sign it --

MS. MILLER: We are the treasurer and the secretary.

CHAIRMAN MOORE: -- and be sure it's notarized.

MR. PROKOP: Just have
somebody stamp it.

CHAIRMAN MOORE: So we can accept that. And I think the procedure, since we had approved previously the variance, when we get to the point of considering a new variance, we may possibly have to rescind the original one.

Mr. Prokop?

MR. PROkop: That's up to you.

MEMBER CORWIN: It's a year, so the original variance is over.

CHAIRMAN MOORE: Well, a year has passed. Although there has been progress in the construction, so the construction is under way.

So I'm making a motion to accept it on contingent of receipt of the signed authorizations.

With that, I'll ask for a second.

MEMBER GORDON: Second.

CHAIRMAN MOORE: All in favor?

MEMBER CORWIN: Aye.

MEMBER SALADINO: Aye.
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1 MEMBER GORDON: Aye.

2 MEMBER NEFF: Aye.

3 CHAIRMAN MOORE: Aye.

4 So we're going to talk about
it next month. There will be a
public hearing scheduled for that.

5 MEMBER CORWIN: Do we need an
inspection for that?

6 CHAIRMAN MOORE: It's up to
the Board. We have a new member.

7 Is the property able to be
inspected safely by the members of
the Board? We may wish to do an
inspection at 4:30 next month. It
would be the third Wednesday, which
will be August 15. So we'll have a
site inspection just to remind
ourselves what was being asked for.

8 So did we get to the point of
voting? We did, right? We
accepted the application.

9 MS. WELLS: Can I just ask, Is
there anything else that you would
like us to expand upon in the
application?
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CHAIRMAN MOORE: It's pretty clear that you indicate you no longer have the need for staff to be staying there and the desire is now to recoup income through open-market rentals on church property.

MS. WELLS: Yes.

CHAIRMAN MOORE: I think we have the gist of what's being requested. So I would, Item No. 5, make a motion to accept the ZBA minutes for June 15, 2015. Second, please.

MEMBER SALADINO: Second.

MEMBER GORDON: May I just add for the record that I ask that the minutes be corrected. On page 35 of the June meeting minutes, it says that I voted yes on the question of Mr. Kitz on the question of whether his proposed change would have a negative effect on the physical nature of the neighborhood. It says that I voted
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yes but I didn't. I voted no.

CHAIRMAN MOORE: We've confirmed that from my records, so that was an error in the minutes.

MEMBER GORDON: So just correct that in the minutes.

CHAIRMAN MOORE: And we can check that next month when we approve them potentially. So anyway, I made that motion. I had a second and an explanation. All in favor?

MEMBER SALADINO: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Any opposed?

MEMBER CORWIN: I abstain.

CHAIRMAN MOORE: Mr. Corwin abstains.

Motion to approve the ZBA minutes for May 20, 2015, so moved.

Second?

MEMBER GORDON: Second.

CHAIRMAN MOORE: All in favor?

MEMBER GORDON: Aye.
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MEMBER SALADINO: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye. Abstain or --

MEMBER CORWIN: I abstain.

CHAIRMAN MOORE: Mr. Corwin abstains.

Motion to schedule the next regular ZBA meeting for August 15, 2015. That would include a site inspection at the church at 4:30.

MEMBER NEFF: It's the third Wednesday?

CHAIRMAN MOORE: It should be the third Wednesday.

MEMBER NEFF: Because it's not the 15th, it's the 19th.

CHAIRMAN MOORE: 19th, I'm sorry. I'll correct that. August 19. So it will be the 19th. Is that agreeable to everybody? I don't know if we have to vote on that. We have a meeting every third Wednesday.
Lastly, I make a motion to adjourn.

MEMBER CORWIN: Second.
CHAIRMAN MOORE: All in favor?
MEMBER CORWIN: Aye.
MEMBER SALADINO: Aye.
MEMBER GORDON: Aye.
MEMBER NEFF: Aye.
CHAIRMAN MOORE: Aye. Nobody is declining on that one. Thank you everybody.

(Whereupon, the meeting concluded.)
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CERTIFICATE

STATE OF NEW YORK )
COUNTY OF NEW YORK ) ss:

I, Tracy Newman, Shorthand Reporter and Notary
Public within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the proceedings taken on July 15, 2015.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of July, 2015.

______________________________
Tracy Newman