VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

ZONING BOARD OF APPEALS
REGULAR MEETING

Third Street Firehouse
Greenport, New York
September 16, 2015
5:05 p.m.

BEFORE:

DOUG MOORE - CHAIRMAN
DAVID CORWIN - MEMBER
DINNI GORDON - MEMBER
ELLEN NEFF - MEMBER
CHAIRMAN MOORE: I think we could start the meeting. It's five after five. This is the regular meeting of the Zoning Board of Appeals. One of our members, Ellen Neff, will be late, but will be arriving. So I think we could get started.

Tonight, we have on the agenda a public hearing item. It is actually a continuation of the Holy
Trinity Church matter. And we have to shift gears a little bit tonight.

I believe the applicants may know a little bit about this because this would normally be an unlisted action for SEQRA. This is in the Historic District. The process automatically elevates that to something called a Type I, which means it could potentially have a significant impact. Many times it doesn't.

But because of that, we have to declare this a Type I action and that requires a coordinated review, which any other involved agencies will have the opportunity to make.
comments. And one of them is the Historic Review Board, even though it is an internal renovation.

So what we have to do tonight is to have a motion to further adjourn the public hearing for an appeal for a used variance and initiate the coordinated review for Lydia Wells, Warden of 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 R-1 District.

Section 150-7 A.(1) 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.

We did have a site inspection
last month, so we're very familiar
with the situation.

As already indicated, this is
going to require a coordinated
review, which will not be
complicated, but it requires a
30-day notice for comments from
other agencies which would be, I
think, the Historic Review Board.

And we do have requirements to
notify Suffolk County and the
State, the H.P.C.

Is there anyone else, Eileen?

MS. WINGATE: The H.P.C.,
Board of Trustees, Village Clerk,
County Planning, and Planning
Board.
CHAIRMAN MOORE: And the Board of Trustees is just an interested party. They are not coordinated in the actual review. It sounds very complicated, but at the end of 30 days, which should coincide with the next meeting of the Zoning Board, those matters are considered and then the Zoning Board decides if any significance occurs.

I think the only part that you have to do is environmental, the E.A.F.

Is that correct, the long form?

MR. PROKOP: Yes.

CHAIRMAN MOORE: You'll have to fill out a long form, an
15.9.16ZBA.txt

Environmental Assessment Form. Not an E.I.S., but an E.A.?

MR. PROKOP: An E.A.F. long form.

CHAIRMAN MOORE: It's pretty straightforward to fill out. It's part of the SEQRA requirements.

That will likely be completed next month and then we'd actually get on with the matter of the variance.

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We do have information from the applicant, financial information that was supplied. That will give us an opportunity to study it a bit. And the building inspector has supplied an area survey of the neighborhood to show
the number of two-family houses and
the status that got them to be
two-family houses.

That will help us to
understand the density and how many
other properties are two-families
in the area. So we do have some
homework we can do in the meantime.

Is there any question you have
at this point? We won't be
discussing the matter itself.

We're not permitted to do that
until the SEQRA process is
completed.

Ma'am?

WOMAN WITH L. WELLS: May we
CHAIRMAM MOORE: Yes. Eileen can provide you with a copy of that.

With that then, I would make a motion to adjourn the public hearing until next month's meeting and that we would initiate a coordinated review for the Holy Trinity Church and that this action would be considered a Type I action according to SEQRA. And that's due to its location in the Historic District.

Would there be anything else required in that motion?

MR. PROKOP: Other than you intend to take lead agency.

CHAIRMAM MOORE: Oh, yes.

That the Zoning Board of Appeals would declare itself lead agency on
MR. PROKOP: And if you don't believe that it's going to have significant negative effect on the environment, then you should also mention that you tentatively will be adopting a negative declaration.

CHAIRMAN MOORE: Yes.

MR. PROKOP: It doesn't mean that you're obligated to do that.

CHAIRMAN MOORE: That's correct. And the building inspector will put that together and that will all be in the notice, the public notice.

We won't be required to have a public hearing, but we will be required to receive the comments.
from the other involved agencies.

The County usually sends a "no comment" letter and the Historic Board, I think, will be looking at the issue. It will probably be a very brief process because there are no external changes to the property.

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MEMBER GORDON: There is a line here: "The public hearing for the use variance will remain open pending resolution of the SEQRA review."

CHAIRMAN MOORE: That may be a typo. It may be a different public hearing, but you're saying the hearing is unnecessary.

CHAIRMAN MOORE: Oh, yes. I'm
sorry. The public hearing considering the used variance will remain open. We have a public hearing that is lying open for consideration of the used variance and that will remain open pending the SEQRA review.

MEMBER GORDON: So what is it we're adjourning?

CHAIRMAN MOORE: We're adjourning the public hearing for consideration of the used variance until the SEQRA process is complete.

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MEMBER GORDON: Okay.

CHAIRMAN MOORE: Okay? Are we good?

MEMBER GORDON: Yes.
CHAIRMAN MOORE: With that, I would make that motion and ask for a second.

MEMBER SALADINO: Second.

CHAIRMAN MOORE: All in favor.

MEMBER GORDON: Aye.

MEMBER SALADINO: Aye.

MEMBER CORWIN: Aye.

CHAIRMAN MOORE: Aye.

Any abstentions or declinations?

(No response.)

CHAIRMAN MOORE: That motion carries and that will be taken up again next month.

Actually, I have the motion here, which we've already taken.

And I think we touched all the bases.

Item No. 1 on the regular
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agenda, where we declare ourself lead agency and all the other matters that we discussed. So we can move on to the regular agenda. We've covered Item No. 1. Item No. 2 is further discussion of the interpretation that's been pending for a number of months for the rather direct issue of where fences can be in the different yards of the property.

I've revised the document. I imagine everyone has read it again. I've tried to simplify it. Basically, our advice, our interpretation, back to the Building Department is that the required front yards, as specified
in the bulk regulations, applies to fences and that any fence requests that are not in compliance with the yard setbacks would require variances so that conforming lots where there is sufficient room for

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a fence placement would go directly to the building inspector. And the properties which don't have sufficient setbacks for required front yards, especially on side lots, would have to come to the Z.B.A. for consideration of the area variance.

Any discussion on that as far as the diagram, which has been changed, and the text that I provided?
MEMBER CORWIN: This is the latest diagram?

CHAIRMAN MOORE: That is, yes.

Is that fair? And it really boils down to the fact that the generic term of a yard is not what the code requires. The code requires that required yard setbacks apply to placement of fences, whether they be short versus the higher fence.

MEMBER SALADINO: I have a question for the building inspector. 

Eileen, how will this affect -- I mean, there's countless numbers of these nonconforming fences as it pertains to corner lots. How is it that you would
handle it?

MS. WINGATE: I would look to the Board for direction and the village attorney and my supervisor.

I honestly wouldn't know where to start. I've kind of been collecting addresses.

MEMBER SALADINO: Do we have the latitude -- do we have the ability to grandfather?

MS. WINGATE: That's a Joe question.

CHAIRMAN MOORE: I think in the fence that preexists the zoning code, if it has been present and maintained through that time, I imagine.

MS. WINGATE: I would say, at
this point in time, there are very few fences that are, you know, forty years old.

CHAIRMAN MOORE: I would guess, you know, the immediate thing would be any permits that have been issued in, say, the last year, based on the interpretation of front yards and not required yards, you could ask for resolution of those.

I'm not sure it would be very fruitful to try and find every fence in the village. Because you could try to find every other noncompliant feature on every property and have a pretty tall order.

I don't know, Mr. Prokop, whether you have a suggestion?
MR. PROKOP: There are two things to consider in regard to grandfathering.

The first is that nothing can be grandfathered that has an impact on health and safety. So if a fence was determined to be dangerous in any way because it impeded visibility or something like that, it could not be grandfathered.

The second thing is the only that can be grandfathered is something that was legal at one point in time and then became nonconforming because of the codes. So if somebody was going to claim that their fence is now
grandfathered, even though it's nonconforming, and therefore it should stay, it would have had to have been legal previously.

And an interpretation really doesn't mean that something is legal or illegal. It's more clarification of the code. So, generally, grandfathering comes from a change in the code, not from an interpretation.

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an interpretation.

MEMBER SALADINO: Well, if our interpretation is such, and this is the interpretation that we make, then those fences that don't conform to this drawing, or with this interpretation, the only other alternative is that they're
violating. I'm just not sure --

it's like asking for an unfunded mandate and we don't have the money.

MEMBER CORWIN: Well, what's going to have to happen is they disappear over time.

This, the particular one, I brought this whole thing up over Second Street and North Street, which looks like an enclosed compound and I would like to see the building inspector go ahead and deal with it because it does not comply with the code, that particular one on Second Street and

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North Street.

CHAIRMAN MOORE: And it's a
recent addition. I think it was constructed in the last year.

MEMBER SALADINO: Well, how would the building inspector deal with it?

MEMBER CORWIN: The building inspector would go back and -- I don't know. You have to ask the attorney, but my understanding is the building inspector is not responsible for anything when something is done improperly. So the building inspector goes back and says, "Your fence doesn't comply with the code. Change it."

(Whereupon, a short recess was taken.)

CHAIRMAN MOORE: I think there was some discussion about whether there was any responsibility of the
Zoning Board to try and collect the information on fences that might be a problem. I would say no. We're just doing the interpretation, which may have some negative consequences on this current situation that some may have been recently approved, based on what we would now declare to be an incorrect interpretation. I should say it's a logical interpretation to line up fences with houses, but I don't think the code supports it. So I think public safety would be an issue. If there are any, based on complaints or observations, due to impede visibility. That would be a
target. And others you will have
to deal with according to whatever
your department instructs you to
do.

MEMBER SALADINO: Well, that's
kind of like my question. What is
your department's options? I mean,
assuming this fence is the

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benchmark because -- well, it's the
one I have the photograph of here
in front of me. And it's a year
old?

MEMBER CORWIN: I think it's
less than a year. I'm not sure.

MEMBER SALADINO: All right.
Less than a year.

CHAIRMAN MOORE: Getting close
by now.
MEMBER SALADINO: But getting close. So is that the benchmark?

Is it like a year or six months?

MR. PROKOP: Benchmark for what?

CHAIRMAN MOORE: For action.

MEMBER SALADINO: For action against.

CHAIRMAN MOORE: It's really out of our hands.

MR. PROKOP: There's no benchmark.

MEMBER GORDON: There's no statute of limitations.

MR. PROKOP: There's no statute of limitations. If something is illegal, it continues to be illegal. There's no statute
of limitations.

CHAIRMAN MOORE: And you can take direction from the Village Board? I imagine they could rectify the problem by changing the code or changing timelines on the code. I don't know if that's something they would choose to do, but we just do the interpretation and, you know, it creates a certain amount of work. But we feel the code specifies what our interpretation is, and so that's what we will submit.

MR. PROKOP: I don't want to say on the record -- I don't want the board to determine that there was ever a problem. I'm not aware that there was ever a problem. I think it was straightforward.
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CHAIRMAN MOORE: Yes.

MR. PROKOP: I think the interpretation supports that, so something that was not right before the interpretation doesn't get grandfathered.

MEMBER CORWIN: Any citizen can make a complaint about any fence, as I understand it.

MR. PROKOP: Yes.

MEMBER CORWIN: Because it's not within the code. And as I understand it, the Building Department does not go out and actively look for these things. They wait until somebody makes a complaint, whether it's a fence or a storage shed in the back of the
yard or something like that.

Unless I’m mistaken.

CHAIRMAN MOORE: So would the Board be prepared to approve the document that represents our interpretation at this point?

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MEMBER CORWIN: Yes.

CHAIRMAN MOORE: This, again, would be a SEQRA requirement for the interpretation. Actually, no it's a Type II, so it could be declared a Type II. But I --

MR. PROKOP: I'm sorry to trouble you with this --

CHAIRMAN MOORE: Yes.

MR. PROKOP: -- but I was already asked by two people if I was the person that wrote this. I
just want to say that I did not write this interpretation.

CHAIRMAN MOORE: That's correct. I wrote it, so I'll take the blame.

It's been floating long enough.

MR. PROKOP: I'm sorry. I didn't mean to blame. When people go online and look at this, people are asking me if I wrote it. It doesn't mean it was -- it could be

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the world's greatest interpretation. I just don't want --

CHAIRMAN MOORE: You just don't want to take credit for it.

I understand. You just don't want
the responses coming your way.

MR. PROKOP: Yes.

CHAIRMAN MOORE: Fortunately, they go to the Building Department.

The first matter, we do have to address the SEQRA, even though this is an interpretation. But I would make the motion that we are, again, lead agency in this matter and that an interpretation is described in the list of Type II actions, requiring no further SEQRA reviews.

So I would make that motion and ask for a second.

MEMBER GORDON: Second.

CHAIRMAN MOORE: All in favor?

MEMBER GORDON: Aye.
MEMBER CORWIN: Aye.

MEMBER SALADINO: Aye.

CHAIRMAN MOORE: Aye.

Any abstentions or declinations?

(No response.)

Okay. Further is to, since I wrote it, I'll ask for a motion to approve the current writeup and diagrams reinforcing the use of the required front yards as specified in the code.

MEMBER CORWIN: Just put the date on that because it's been floating around back and forth.

CHAIRMAN MOORE: Okay.

MEMBER CORWIN: The date of the draft.

CHAIRMAN MOORE: The date of the draft, as dated.
22 2015, September 14. That applies
to the text. And the drawings are
24 undated. But the most recent ones
25 have a depiction of a house with a
    chimney on them. So that would
distinguish it from any previous
4    additions.
5    MEMBER CORWIN: I so move.
6    CHAIRMAN MOORE: And a second?
7    MEMBER SALADINO: Second.
8    CHAIRMAN MOORE: All in favor?
9    MEMBER SALADINO: Aye.
10   MEMBER CORWIN: Aye.
11   MEMBER GORDON: Aye.
12   CHAIRMAN MOORE: Aye.
13    That's unanimous, so that
document is approved.
15    So now the next item is a
discussion and possible tabling of
a motion to return to the building
inspector an appeal for an area
variance for Jack and Jeffrey Rosa,
506 Main Street, Suffolk County Tax
Map 1001-4.-3-33.
I should mention the reason
for that possible tabling again was
we were not sure when the Historic
Preservation Commission would do

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their required review. As it turns
out, they have done so and -- bear
with me for a minute. I can read
that to the Board. We were waiting
for that for our decision, and our
decision is actually whether to
consider this for a variance or to
simply return it to the building
inspector, not requiring a variance.

I have an email from Frank Uellendahl, Chairman of the Historic Preservation Commission:

"For your September 16 public hearing and regular meeting, H.P.C. is looking forward to" -- I'm sorry. I'm in the wrong section.

Oh, I'm sorry.

"Looking forward to receiving an application by Lydia Wells, Holy Trinity Church. At our regular meeting on September 14, we discussed the application submitted by Jeffrey Rosa, which will also be dealt with at your meeting under Item No. 3."
The applicants single-family residence is located in the Historic District at 506 Main Street. In June 2014, H.P.C. approved the replacement of existing windows and doors, siding trim, and the addition of a front portico.

Mr. Rosa came back to the H.P.C. this week to ask for approval to construct a second-floor roof deck above the existing one-story mudroom in the rear of the building. The deck is not visible from the street. H.P.C. approved the application unanimously, four board members present.

All proposed material, such as cedar decking, 36-inch high white
composite guard railing system,

Andersen Frenchwood door with full divided lights, are in compliance with Historic District's preferred specifications. Best regards,

Frank Uellendahl, H.P.C. Chairman."

So that completes the Historic Preservation Commission's requirement. So we're back to the discussion of this matter as to whether it should be for the Zoning Board of Appeals.

I think one point to make about this is that if it were not for the previous project, which is already approved and variances granted, the applicants, in coming to the building inspector; I
believe, would be issued a building permit for this addition over an existing section of the building.

According to our original interpretation from 2013, this type of an increase in reconstruction of building and addition of a roof deck does not increase the nonconformance. The code clearly allows for repairs, reconstructions, additions to buildings as long as they don't increase the nonconformance, which relates to setbacks and building height.

None of the parameters for this deck do that, so my recommendation to the Board is to
have a motion to return this application to the building inspector, as it does not require any variance.

Any discussion on the matter at this point?

MR. PROKOP: Can you second before you discuss it?

CHAIRMAN MOORE: Did I make a motion?

MEMBER SALADINO: You asked for a motion.

CHAIRMAN MOORE: I was asking for a motion, but do we have to

wait for a motion?

MR. PROKOP: No. You can do it either before the motion or you can do it after --
CHAIRMAN MOORE: I'm sorry.

MR. PROKOP: I thought you made a motion.

CHAIRMAN MOORE: Any further discussion on the matter.

MEMBER SALADINO: I think this project, this roof deck, I mean, it's almost that this section of code was written with this roof deck in mind. I think it should go back to the building inspector.

CHAIRMAN MOORE: Okay.

MEMBER CORWIN: My position is it should have been on the first set of plans in the application and I don't think we should encourage people to put in an application and then come back while it's under construction, have an add-on to the application.
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CHAIRMAN MOORE: I understand your feelings, yes.

MR. PROKOP: Just to repeat my advice I had given last time that I don't believe the Board has the legal ability to do this. I think it's an expansion of nonconformity that, under court law decision, requires a variance.

The other thing I'd like to point out that's unique, the Board has overruled my advice before, which is okay. I don't take it personally. But in this case, you're overruling the building inspector who's denied, (inaudible), which I think is unusual. But that's all I can say.
I can't say anything else.

CHAIRMAN MOORE: Well, I understand.

MEMBER CORWIN: I would also like to note that it's a different Board that came to that interpretation.

CHAIRMAN MOORE: In part, yes.

MEMBER GORDON: I was going to say I'm a little uncomfortable about this because I didn't see the first plan and I haven't seen the second plan, so I'm not sure if I can say whether it increases the nonconformance or not without seeing the original plan.

MEMBER SALADINO: I would ask the attorney. I would ask the
attorney before I ask the building
inspector.

Your interpretation that this
doesn't meet -- and I want to get
it right. That it doesn't meet the
legal standard -- if we returned it
to the building inspector, you
would say we were violating the law
concerning -- given this particular
applicant's variance? Is that what
you're saying? But that advice is
contrary to the code. I don't

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understand.

MEMBER CORWIN: Are you
confusing the code and the
interpretation?

MEMBER SALADINO: No. I'm
confusing the black letter law with
MR. PROKOP: The code says, I think, if I'm not mistaken, provided you're not increasing nonconformity? I believe that's what it says.

MEMBER SALADINO: Well, it says -- it also defines what nonconformity is. It also defines, to a certain extent, that the improvements, construction of second floor, does not go beyond existing yard, front yard, setback, building does not cause any increase in roof elevation. The structure does not allow height, does not increase lot coverage.

And that's -- so I'm just confused
where the additional nonconformity is.

CHAIRMAN MOORE: The other thing is that I would contend that if there is an issue in the interpretation, which we're basing -- and also the code, which we're basing this action on, there's been no discussion since 2013 that there are any problems with that interpretation. Because it is actually restating what the code says.

The remedies would be that if this is a desirable action to include things that are beyond the code, the code should be changed.

And I think this would set a precedent of incidental rejection or inclusion of items requiring
variances or not and provide an inconsistency with the code.

We have twice issued no action on two applications. Once,

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actually -- the first one,

originally, was a request for a variance and we sent it back as not needing and there was no further action. The permits were issued according to the code.

There was another issue that came up and, based on the interpretation, the same process was taken. I don't know if we had a request for a variance or it was more of a, "Do we need to go forward with the variance request?"

I'm foggy on that.
MEMBER SALADINO: With the
dormer?

CHAIRMAN MOORE: With the
parking lot.

MEMBER CORWIN: No, I'm sorry.

You're looking at something
different, John.

MEMBER SALADINO: No, no. I'm
looking at the code.

MEMBER SALADINO: But I read
from the code.

MEMBER CORWIN: All right.

Then he quoted the code in there.

CHAIRMAN MOORE: Yes.

MEMBER CORWIN: Okay. I'm
sorry.

CHAIRMAN MOORE: So I think we
could proceed with the action. And
maintaining consistency with the code. I don't know the motivations for moving this forward. It was not part of the original plan. I understand the sensitivity to add-ons to a plan. It happens, with some frequency, that there's a first plan and then, once that's approved, suddenly there's a new plan. 

But this is a very minor addition to a project that doesn't require any additional variances according to the code. So my contention is we return it to the building inspector. So that would be --

MEMBER SALADINO: I agree.
CHAIRMAN MOORE: Should we bring it to a vote?

(No response.)

Yes? Okay. Could I have a motion from someone?

MEMBER SALADINO: I make a motion that we offer our interpretation to return this application to the building inspector.

CHAIRMAN MOORE: May I have a second?

(No response.)

Anybody wish to second the motion? I prefer not to.

Am I legally allowed to second a motion made by someone else?

MR. PROKOP: Yes.

CHAIRMAN MOORE: Okay. So I'll second the motion and take a
roll call vote.

Mr. Corwin?

Mr. Corwin?

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MEMBER CORWIN: No.

CHAIRMAN MOORE: Mr. Saladino?

MEMBER SALADINO: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: Can I abstain?

MR. PROKOP: Yes.

MEMBER GORDON: I abstain.

CHAIRMAN MOORE: And this is

going to cause a problem because I

will say yes. So we have two 'yes'

votes, a 'no' vote, and an

abstention and we don't have

sufficient votes to carry the

motion. So we are now in limbo.

We would have to take another vote

to entertain a variance. And I
seriously object to that.

I believe the only way to rectify the situation is if the interpretation from 2013 was incorrect. It could be taken up for reconsideration, but that would require a unanimous vote of the Board and I don't think that's going to happen.

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going to happen.

MEMBER SALADINO: Well, perhaps maybe a little more discussion and maybe we could come to a resolution. Perhaps if the building inspector gave her motivation for rejecting this application.

I don't want to put you on the spot, but --
MS. WINGATE: I just wanted to make sure you received the drawings of the before and the after of what was approved in the first place.

MEMBER GORDON: I don't think so. I certainly received the interpretation from 2013.

MS. WINGATE: In your original package? Can you doublecheck because I know it's there.

CHAIRMAN MOORE: Are you talking about the --

MEMBER SALADINO: I have the drawings here if you want to review them.

MEMBER GORDON: Can I see them?

MEMBER SALADINO: Sure.
MR. MARTINS: I also have a copy of them as well. David Martins.

CHAIRMAN MOORE: In the Notice of Disapproval -- I’m just reading the facts here -- the second floor deck is proposed over an existing one-story reconstructed mudroom/powder room and is located .6 feet from the north property line.

Is that a difference from the distance of the actual structure from the north property line or is it the same?

MS. WINGATE: No. It’s above the roof.

CHAIRMAN MOORE: So it’s not one-tenth closer to the property line?
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MS. WINGATE: It's not there yet.

CHAIRMAN MOORE: It's not there yet, but it's proposed, the proposed.

MS. WINGATE: But it should not be one inch, one-quarter of an inch larger.

CHAIRMAN MOORE: So we're not increasing the nonconforming setback?

MEMBER SALADINO: So if they built the plan, it wouldn't increase the setback, or decrease the setback?

MS. WINGATE: Correct.

CHAIRMAN MOORE: And we do not, from our interpretation,
entertain increase in volume of a building based upon --

Welcome. Please join us.

(Member Neff joins the meeting.)

MEMBER NEFF: Sorry I'm late.

MR. PROKOP: I don’t understand why there's no motion on the table for this application.

(Inaudible) set up as one hundred percent pass or fail interpretation. There's an application to the Board for a variance. So how did we end up in a situation where somebody decides yea or nay on the interpretation and no variance?

CHAIRMAN MOORE: Well, the point is that the evidence produced
to us doesn't meet the standards required in a variance. And it would be -- I think the Zoning Board would be -- it wouldn't be in our interest to be issuing variances for proposals which don't a require variance. I think we have that option of interpreting a proposal.

It's just as important, I think, to protect the applicant when a variance isn't needed, as to

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MR. PROKOP: You just had that vote. There was an agreement on that.

CHAIRMAN MOORE: There was an
agreement to return. So we're in
kind of limbo. I mean, we haven't
taken a vote to take up the
variance. We could do that. We
have full membership here now.
I can inform you, Ms. Neff,
that we had a vote considering the
Rosa property and the deck
addition.

MEMBER NEFF: Yes.
CHAIRMAN MOORE: That it does
not increase nonconformance and,
thus, doesn't require a variance.
And we had a vote to return it to
the building inspector for her
consideration for a building
permit.

Our votes were one abstention,
one 'no' vote, and two 'yes' votes
in your absence. Which means if we
took it up again, we could revote
it. But currently we don't have
sufficient votes to send it back.

And, at the same time, I don't know
that we're bound to consider a
variance.

MEMBER SALADINO: To give her
a few seconds to think, could I
just ask the attorney?

We received this because the
rejection by the building inspector
was specific to the roof deck, that
the roof deck increased the
nonconformity. And, by reading the
code -- and Joe, I want you to
correct me if I'm wrong. And by
reading the code, the roof deck,
because it fits in the footprint
and because the code is specific
about what doesn't increase
nonconformity, my opinion was that
the roof deck shouldn't have been

and because the code is specific
about what doesn't increase
nonconformity, my opinion was that
the roof deck shouldn't have been

MR. PROKOP: We just had that vote to -- excuse me. I don't mean
to -- we just had the vote on that
and the Board disagreed. Two
members of the Board expressed that
opinion and the Board does not
agree.

So I just asked the question,
I don't understand why we're not
moving ahead. And it's not for me
to say. I'm sorry. I'm just
trying to keep constructive motion
on the application of --

MEMBER SALADINO: Well, we had
one member that was missing.

MR. PROKOP: And if I could
just make a suggestion to the
Board, what I consider to be sound
advice: If you determine that the
addition of a roof deck is

basically a nothing, as far as
you're concerned, you know, that's
something that will have impact
throughout the Village and people
can come in and force us to get
building permits for that, whether
they're in a setback or not.

And I think that by hiring a
variance lawyer, you can maintain
control over things like, you know,
the size of the deck and things
like that. You're in a much better
position as far as --

MEMBER SALADINO: Well, I've
asked this question before: Is
there a prohibition against roof
decks in the village?

MR. PROKOP: Not that I'm
aware of.

MEMBER CORWIN: Look at that
application on Fifth or Sixth
Street when the guy wanted a porch
and the deck on the roof. I mean,
they're going to line up, as the

attorney says. They're going to
line up and say, "Hey, I get a roof
deck on my porch."

MEMBER SALADINO: But that application is different. That was on the street.

CHAIRMAN MOORE: That application, there is no basis for the code to reject the roof deck.

In fact, it was made as a suggestion to reduce the impact of the porch and our consideration of the variance. But there's nothing in the code that prevents a roof deck from being applied for in construction.

I don't believe that we should start making excursions, extensions of the code, to satisfy concerns for new applications coming in. If they meet the code, people should be able to apply for things. There
may be other boards, the Historic Board and the Historic District,

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that can deal with that, but can we over apply the code to prevent things from happening? That's my question.

MR. PROKOP: I think you just did. People came in for an application for a variance.

They're entitled to a hearing for a variance.

CHAIRMAN MOORE: Right. But if the code doesn't support it, what if somebody --

MR. PROKOP: I'm sorry. I don't mean to be disrespectful.

CHAIRMAN MOORE: Not at all.

I'm just having a dialogue.
If there is something that is clearly within the code, I suppose one of the avenues is that the applicant can file an appeal based on the Notice of Disapproval. That is another alternative.

The applicant can do two things: They can disagree with the action of the building inspector or they can ask for a variance if it does not meet the code.

And, in this case, it's coming to the Zoning Board. And I don't know if we can revote the issue to include our late-arriving board member or not, but the vote may have gone differently if we had a full membership present when we
took the vote.

Is that something the Board can do?

MR. PROKOP: Well, I think you need a unanimous vote of the members present.

CHAIRMAN MOORE: Yes, we would have to do that and that's likely not to happen either.

MEMBER CORWIN: But the applicant has an avenue to do what they want to do. They apply for a variance, then the neighbor has the opportunity to make any comments they might have.

MEMBER SALADINO: But, David, you're going on the premise that

the building inspector speaks in ex
cathedra [sic]. She may or she may not. I mean, you know, sometimes it's possible, the way the Zoning Board, it's possible for us to perhaps misinterpret the code and not agree with the attorney's position.

It's also possible that perhaps the building inspector misinterpreted the code and progressed this to a point where it really didn't have to come here.

MEMBER CORWIN: Well, we couldn't make up our minds on that, so the building inspector apparently wasn't wrong in what she did.

CHAIRMAN MOORE: Does the Zoning Board of Appeals have the obligation to take into account
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consideration anything a building
inspector directs to them? I guess
that's the point we're at.

MR. PROKOP: Well, you get the
application from -- the only thing
that the building inspector can
direct to you is a request for
interpretation. Anything else
comes by way of an application by
the owner, by the applicant.

CHAIRMAN MOORE: So who is at
fault? Is the owner at fault for
listening to the recommendation of
the building inspector through a
Notice of Disapproval? I'm just,
you know, trying to bang this
around and understand where this
comes from.
You know, we've made the interpretation the same way on two previous occasions and there was no protest, and it's based on the code. And I have great difficulty in proceeding with something that the code doesn't support.

We'll start making interpretations of reasonable -- somebody is in compliance, but if they get a Notice of Disapproval, we're going to start giving variances for compliant construction proposals? That doesn't make sense.

So what would you suggest the alternative is here?

MR. PROKOP: I would consider
it as a variance.

CHAIRMAN MOORE: I'm not sure.

Is there any way we can recess this?

MEMBER SALADINO: Why don't you call for a revote?

CHAIRMAN MOORE: I don't know.

Can we call for a revote on this?

I mean, we voted to just not do something. We could take up a vote to consider this for a variance, but we're always presented with that.

MR. PROKOP: What happened was it was denied. When you don't have three votes in favor of something, it's denied.

CHAIRMAN MOORE: Yes. We had
a vote to just simply send it back
to the building inspector. We
weren't simply voting to proceed.
But my question is now: What can
we do? because I'm not inclined to
entertain proceeding with this
application.

MR. PROKOP: So is the motion
to return to the building inspector
appealed? So that was denied. So
now the appeal is here.

CHAIRMAN MOORE: Okay.

MR. PROKOP: So that's where
we're at. So really now, you
either accept the appeal or not.

CHAIRMAN MOORE: You mean
accept the appeal for a variance?

MR. PROKOP: Yes.
MEMBER GORDON: For a hearing?

MR. PROKOP: No. It's an appeal for a variance.

CHAIRMAN MOORE: We haven't yet opened the public hearing at this point. It has been noticed.

MS. WINGATE: You haven't accepted the application.

CHAIRMAN MOORE: We haven't accepted the application. Because that's where we were is if this hasn't been accepted for a variance.

MEMBER SALADINO: What if we denied the application?

CHAIRMAN MOORE: If we denied the application, we say we won't accept it based on a "no basis for a variance". May we do that?

Because we had not yet accepted
this for consideration.

Historic Board has done their duty and we had not yet decided whether we'll accept it. Perhaps

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that's the proper, you know, the proper motion is to vote whether this is accepted for consideration.

MR. PROKOP: Well, you voted on an interpretation, which was not --

CHAIRMAN MOORE: Yes, we --

MR. PROKOP: So now it's on your agenda to accept it.

CHAIRMAN MOORE: Okay.

MR. PROKOP: And as long as you don't have that interpretation in it that was just not approved, you could vote not to accept it.
MEMBER SALADINO: That's the next step.

CHAIRMAN MOORE: Yes, that seems to be the next step.

MR. PROKOP: But then the people are kind of stuck because they can't -- the building inspector has already determined that that can't be built.

CHAIRMAN MOORE: They could file an appeal of the Notice of Disapproval. They can do that. That's part of the regular process.

MR. PROKOP: Yes. They can come back with an appeal of the Notice of Disapproval.

CHAIRMAN MOORE: You know, I don't know how comfortable the
Board is moving forward to accept this, so I would just do the simple thing. This is the very first part of the process, is to make a motion that the Zoning Board of Appeals accept the application for a variance from Jeffrey Rosa for the construction of a roof deck.

And I note that a 'yes' vote is accepting the application for consideration of the variance, and a 'no' vote is that we'll not accept it.

So we're back again to that motion, which I will make and ask for a second.
the motion again because I was a little slow.

CHAIRMAN MOORE: Okay. I'm sorry. I'm trying to write initials at the same time.

So I make the motion that the Zoning Board of Appeals does not accept the appeal for an area variance for a roof deck over an existing mudroom and powder room at 506 Main Street, Greenport, New York. So moved.

MEMBER CORWIN: I don’t understand this. Does not accept?

CHAIRMAN MOORE: Okay. You want to accept or not to accept?

MEMBER CORWIN: We want to accept the application --

CHAIRMAN MOORE: Okay.

MEMBER CORWIN: -- for the
appeal so we can have a public

hearing so they can present their

CHAIRMAN MOORE: However, we
cannot accept it. So I will make
the motion that we accept the
application of Jeffrey Rosa for
construction of a second floor roof
deck at the premises at
506 Main Street, Greenport,
New York. So moved. May I have a
second?

MEMBER CORWIN: I second it.

CHAIRMAN MOORE: So now we
will take a roll call, whether to
accept the application or the
appeal.

MR. PROKOP: Can I?
CHAIRMAN MOORE: Yes?

MR. PROKOP: I'm sorry. Just so we don't go off into some other protracted discussion.

What about considering this an amendment to the original application with the deck, the original, accepting it as, with the permission of the owner, accept it as an amendment of the original application of the deck. Since that's really the problem here, that it wasn't part of the original application.

CHAIRMAN MOORE: And it's not. Yes. It's not part of the original application. That was actually --

MEMBER SALADINO: The problem
is that the building inspector
believes it adds to the
nonconformity of the project. And
that's contrary to the code.

CHAIRMAN MOORE: I would be
reluctant.

MR. PROKOP: I lost the logic.

CHAIRMAN MOORE: Okay.

MR. PROKOP: I'm sorry. It
was a great idea. It didn't work
out.

CHAIRMAN MOORE: It was a
thought.

All right. So we're at the

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point of voting. It has been moved
and seconded, so we'll take a roll
call vote to accept the
application.
Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRMAN MOORE: Mr. Saladino?

MEMBER SALADINO: I don't believe they need a variance, so I'm going to vote no.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: Yes.

CHAIRMAN MOORE: And I vote no, so we're accepting that application for a variance.

And, you know, pending any other appeals, we will move forward with it. And it troubles me that we will now apply the code which does not restrict this application.

So we will schedule an applicant hearing.
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MEMBER CORWIN: So you have to schedule a public hearing.

CHAIRMAN MOORE: A public hearing for next month in October. We will do a site visit and look at the proposed place where the roof deck will presumably end up. And we can do that next month before the meeting at 4:30. I don't believe we had any new applications, so nothing else will be site inspections. So that will be October 21.

MS. WINGATE: You're going to have another site visit.

CHAIRMAN MOORE: Yes. The site visit at 4:30 and the public hearing will be on October 21 at 4:30.
our next regular meeting.

Hopefully we can decide what to do at that point. I don't think we need a motion for that, so that's on the schedule.

MEMBER SALADINO: You said

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site visit 4:30?

CHAIRMAN MOORE: 4:30 at the Rosa property, yes. Okay. So we've done that.

And as I understand it, the H.P.C. did not declare lead agency as they might have, so that will be another item on the agenda that we would declare that. Since it's a Type II action, it would not have any coordinated review.

MEMBER NEFF: May I ask a
question?

CHAIRMAN MOORE: Yes.

MEMBER NEFF: Is the house in the Historic District in that section of town?

CHAIRMAN MOORE: It is.

MEMBER NEFF: That’s what I thought. They don’t want to look at the application?

CHAIRMAN MOORE: The H.P.C. has considered and approved the materials for the roof deck.

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MEMBER NEFF: Okay.

CHAIRMAN MOORE: That was the only other agency requirement at this point. And there would be no coordinated review in this case, so we can move to Item No. 4, I hope.
Motion to accept an appeal for an area variance publicly noticed and schedule a public hearing for Marta Thomas to 11 Bridge Street, Suffolk County Tax Map 1001-2-2-10.1.

The applicant seeks a building permit for a new detached accessory building for a structure which has already been constructed. The property is located in the R-1 Residential District.

There's one question that -- and I'll just read that the accessory building is located two feet from the south property line, requiring an area variance of three feet for the rear setback.
Section 150-13A (1.b) of the Village Greenport code requires a five-foot setback from the rear and/or side yard lot lines.

Just one question I have concerning this is that this was presented as a completed structure, and it's my understanding that it's still under construction. So are we in a position to accept a variance for something that's being done without a building permit and is currently proceeding?

MS. WINGATE: I sent the code enforcement officer out today. There is no further construction. It is complete. It has been complete.

CHAIRMAN MOORE: One of our members observed the sections of
the building --

MS. WINGATE: Today, that’s what he told me today.

CHAIRMAN MOORE: That was SEPTEMBER 16, 2015 today?

MEMBER CORWIN: What’s the others?

MEMBER SALADINO: I was there today. I was there today. The eaves on the building are still open.

CHAIRMAN MOORE: Is the applicant present?

MS. WINGATE: And the builder.

CHAIRMAN MOORE: And the builder?

MS. THOMAS: Yes.

MR. CORNELL: Yes.
CHAIRMAN MOORE: Okay. Is there work proceeding on the building currently?

MR. CORNELL: No.

MEMBER SALADINO: Is the building tight? Is the building complete?

MR. CORNELL: I'm not sure.

MEMBER SALADINO: Are the eaves on the second floor on?

MR. CORNELL: Yes.

MEMBER SALADINO: The front and back eaves?

MR. CORNELL: Yes.

MEMBER CORWIN: Would you please give your name for the record?
MR. CORNELL: My name is Tom Cornell.

MS. WINGATE: Would you step up, Tom?

(Whereupon, Mr. Cornell approaches podium.)

MR. CORNELL: Everything has been framed and sheathed, but as far as, like, doors on the front, we don't have them yet.

CHAIRMAN MOORE: So it's an incomplete structure. It's not at all finished and now you're asking for a variance. I just find this -- we're in suspension here.

That there's something being built, yet we're being asked to issue a variance for it.
If it were fully complete and there it is, I think we could consider it, but I'm reluctant to accept an application for an incomplete building that, perhaps, if it weren't complete, could be taken back down.

MR. CORNELL: Well, it's far and long enough that we have footing to board. And it's done, you know, everything is structurally sound.

CHAIRMAN MOORE: This is sitting on an actual concrete footing?

MR. CORNELL: Concrete piers for a deck.

MEMBER SALADINO: Okay. I just -- unless I'm looking at the wrong building, which I'm
reasonably certain I'm not. And I
looked at it from the back of the

building. The upper portion of the
building, under the rake boards,
there is no sheet. I see framing
metals. I see 2-by-4s.

MR. CORNELL: Okay.

CHAIRMAN MOORE: Is that the
design of the building?

MR. CORNELL: Well, no. I
mean, you know --

MEMBER SALADINO: According to
your plan, that's not the design of
the building.

MR. CORNELL: No, no. I mean,
you know, we have, it's, you know,
the siding is the sheathing. It's
called Section 111. So the pieces
are made, which I can put them up.
We still don't have the front doors on them.

MEMBER SALADINO: My point is, your application says it's a completed building. When I drive by, I can see through the building.

MR. CORNELL: Mm-hmm.

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MEMBER SALADINO: Unless that's the design.
MR. CORNELL: No.
MEMBER SALADINO: In my mind, it's not a complete building.
MR. CORNELL: Okay. It's not complete.

(Ms. Marta Thomas approaches podium.)
MS. THOMAS: In that sense,
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12 it's not complete.
13 MEMBER SALADINO: Is there a
14 different sense, or another sense?
15 I'm not even sure if I'm allowed to
16 debate this, but you have to
17 understand we can only go by what's
18 written here.
19 MR. CORNELL: We just want to
20 make it right at this point.
21 CHAIRMAN MOORE: We
22 understand.
23 MR. CORNELL: We need the
24 building --
25 MS. THOMAS: It's not

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completed enough that we would
just, like, take some screws out
and take the whole structure down.
It's completed enough that it would
be, you know, somewhat of a hardship to pick it up and move it.

CHAIRMAN MOORE: Well, if --

MS. THOMAS: We can't pick it up and move it.

MEMBER NEFF: Can I ask a question, Chairman?

CHAIRMAN MOORE: Yes.

MEMBER NEFF: My question is your point is the timing. Is there -- well, actually for the building inspector. Is there a present stop work?

MS. WINGATE: Well, Marta has been to court because of issued violations. So, yes, there is a stop work order.

MEMBER NEFF: There is a stop work, okay.

MS. WINGATE: Joe would know
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better.

MR. PROKOP: There's no --

there's violations. It's not

officially a stop work order.

MEMBER NEFF: What would it

take for a stop work order?

MR. PROKOP: Just a piece of

paper issued. There will be one

there tomorrow.

MEMBER NEFF: Okay. And my

other question is, it would make

more sense, in my opinion, and I

think I certainly have been

present, a long time in the past,

at Z.B.A. meetings where something

was in the middle, or even

finished, and then it was in front

of this body, as it was constituted
at that time.

In other words, I'm asking the chairman: Doesn't it make more sense to deal with it incomplete -- it is incomplete, the work is not ongoing -- to make a determination.

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whether they get a variance or not?

CHAIRMAN MOORE: Oh, I understand what you're saying. But I find it, I guess I should just say annoying that we're dealing with an ongoing project requesting a variance. I mean, it should be either proposed to be built or it should be finished and asking for a variance. But to catch it while it's under way, I don't think we...
should be considering ongoing projects.

I think if there was a stop work order and there was no further work done, we could then take it into consideration. But I don’t think that I would be inclined to accept an application for an ongoing project. I just don’t see that as appropriate.

We’ve had discussions in the press about other projects in the Village that, while under violation and stop work orders, have proceeded and that shouldn’t happen.

MEMBER NEFF: Well, we’re talking about this one.
CHAIRMAN MOORE: Right.

MEMBER NEFF: Where the stop work order has not been issued, but we're assured that it will be issued.

CHAIRMAN MOORE: Are we?

MEMBER NEFF: Yes.

CHAIRMAN MOORE: It's possible.

MEMBER NEFF: The attorney just said tomorrow.

CHAIRMAN MOORE: A piece of paper?

MS. WINGATE: There was a complaint that was lodged against the building that was too close to the property line. It's substantially complete, instead of
the stop work order, because it’s a shed. It didn’t have to be -- I haven’t been out there in a very long time.

CHAIRMAN MOORE: Mm-hmm.

MS. WINGATE: It was substantially complete enough to not stop the work but just to go straight to the violation.

CHAIRMAN MOORE: Yes. Okay.

MS. WINGATE: For illegal construction.

CHAIRMAN MOORE: Okay. Then you can deal with them like that and deal with it on a building permit basis. Why are we hearing it here in appeals?

MS. WINGATE: Because she would like to keep it. And when they submitted plans, I turned them
down. She filled out a Z.B.A.

application and here we are.

CHAIRMAN MOORE: I think the
difficulty is that it’s a

formality, at this point, to get a

variance because we’re just going
to finish it anyway. And I object
to that.

And I, you know, won’t make a
motion to accept this unless we
have some assurance that there will
be no further work. I don’t think
there’s any danger to the building
at this point. And we’ll take it
up next month, but not until we
have some assurance that there is a
continuing process as stopped. Do
you understand?
MS. THOMAS: I just want to say we -- as soon as I got the letter from the Building Department talking about the building permit, which was June -- I believe the original date was June 6. No work has been done on the building. So I didn't -- we didn't get an official stop work order, but we stopped working.

CHAIRMAN MOORE: You mean since June there has been no further work on the building?

MS. THOMAS: No.

CHAIRMAN MOORE: It's just been sitting there since June?

MS. THOMAS: Yes. And I believe --
MEMBER SALADINO: That’s not factual.

CHAIRMAN MOORE: This was architect designs?

MS. THOMAS: I'm just putting it out there.

MEMBER SALADINO: But that's not factual.

MS. THOMAS: I didn't even know that there was a real thing, a stop work order. I just know we got it and we stopped, so.

MEMBER SALADINO: Well, again, in my travels today, driving by, going someplace down there, the only reason I noticed the building was because there was somebody on a ladder on the roof.
MS. THOMAS: Today?

MR. CORNELL: No, that's not --

MS. THOMAS: No. Then maybe it was a different building. We have a ladder that goes up there because we throw things for storage. But we were not up there today.

CHAIRMAN MOORE: Okay.

MS. THOMAS: It couldn't have been the right house.

MR. CORNELL: There are still roofing boards on there to put the shingles on, but we, you know, when we were told stop, we stopped.

CHAIRMAN MOORE: The Notice of Disapproval is only dated September 1. So I don't know what was going on since June to
The other thing is, this

architect design. I mean, you have

a drawing here from a local design

consulting?

MS. THOMAS: Nancy Dwyer.

CHAIRMAN MOORE: Nancy Dwyer.

MEMBER CORWIN: From a
draftsman. It's not from an

architect.

CHAIRMAN MOORE: Okay. A
draftsman.

MR. PROKOP: There are no
building plans yet because it
doesn't have a building permit.

CHAIRMAN MOORE: I see. But,
I mean, at no time was there any
interaction with the Building
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existing shed there. So we just --

we're building off of what was

originally, what we thought was

originally there.

MR. PROKOP: You need a set of

plans.

MS. THOMAS: We have plans

from Nancy Dwyer.

MR. CORNELL: Our shed, our

original shed, is on the plans.

MR. CORNELL: I used to be a
dlocal builder.

CHAIRMAN MOORE: You used to
be a local builder.

MR. CORNELL: So we had an

existing shed there. So we just --

we're building off of what was

originally, what we thought was

originally there.

MR. PROKOP: You need a set of

plans.

MS. THOMAS: We have plans

from Nancy Dwyer.

MR. CORNELL: Our shed, our

original shed, is on the plans.
MEMBER CORWIN: This is your plans?

MS. THOMAS: No. There's another set.

MEMBER SALADINO: This?

CHAIRMAN MOORE: That's the site plan drawing.

MEMBER SALADINO: The site plan.

CHAIRMAN MOORE: There's one drawing for --

MEMBER SALADINO: But it says the shed that was there has been moved. It shows us nothing about what you have.

MS. WINGATE: I don't have Nancy's plans.

MS. THOMAS: I thought you --
no. As soon as we got the

paperwork that we needed a building

permit, we called Nancy Dwyer and

she drew up the papers. So maybe

they're not in your packet, but

she --

MR. PROKOP: They're not in

the Village.

CHAIRMAN MOORE: Well, let's

have a full packet. Otherwise, I
don't think we're going to accept

anything tonight. And I would like
to see that there is an official

stop work order.

MR. PROKOP: What is the

height of the building?

MS. WINGATE: 15 feet exactly.

I went out and measured it.

CHAIRMAN MOORE: And it's over

100 square feet. It's 100 and --
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MEMBER SALADINO: -- 92.

MEMBER CORWIN: 192.

CHAIRMAN MOORE: 192 square feet, so it’s fully deserving of a building permit, obviously.

I would say I don’t know what our motion would be, but pending a full set of plans that goes with the building permit, I would say we will consider it next month.

Would that suit the Board? I don’t know if we need a motion. We could reject the plans.

MEMBER SALADINO: Are we rejecting this application? Is that what we’re doing?

CHAIRMAN MOORE: Is that the proper process?
MR. PROKOP: It's a motion not to accept. It's a motion not to accept everything. It's a motion to table the acceptance of the plan until next month.

CHAIRMAN MOORE: Okay.

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MR. PROKOP: And submission of a full set of plans.

MEMBER GORDON: Does that mean we wouldn't have a hearing for two months?

MR. PROKOP: Yes.

CHAIRMAN MOORE: It could be.

MR. PROKOP: If we do that, it --

CHAIRMAN MOORE: Yes, that's the way it would be. I would say that would be appropriate. May I
make that motion then?

MEMBER CORWIN: Before we make a motion, can I ask?

CHAIRMAN MOORE: Yes.

MEMBER CORWIN: The existing deck on the building, was that permitted?

MS. WINGATE: Yes. And the front deck as well. The front deck received a zoning code.

MEMBER SALADINO: Well, just to expand on that, what was the variance then that was requested in 2006?

MS. WINGATE: A front deck, which didn't meet front/rear setbacks, and a side deck to get out of the garage was too close to
the property line, so they received

a variance, I think, it’s 3 by 4 at

the side --

MEMBER SALADINO: So both

variances were approved?

MS. WINGATE: Yes.

CHAIRMAN MOORE: And were they

approved prior to the work or were

they approved after the work was

done.

MS. WINGATE: Prior to the

work.

CHAIRMAN MOORE: Prior to the

work. Do you have the dates on

that?

MS. WINGATE: The side deck

was under way. The front deck was

not.
CHAIRMAN MOORE: So the work had already commenced. So we've been through this process before?

MS. WINGATE: We've been through this process.

CHAIRMAN MOORE: That's very interesting.

MR. PROKOP: I just want to point out, when the time comes, whatever she does to get a C.F.O., wherever this thing is going to be located, 5 feet or 2 feet, she's going to have a significantly higher cost for the building permit and the C.F.O. because our code -- it's an existing structure that she's applying for.

And the second thing is that she will be paying significant fines to court. I don't mean -- I
don't want -- I know that it's
being built and it's not a question
that the owner will just be skating
through. It's not that situation.

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CHAIRMAN MOORE: So what the
Board --
MEMBER SALADINO: Can I ask
one more question? Just so that
there's no problems next month.
And I don't have to ask you next
month. I'm looking at your E.A.F.
and there's not going to be any
water in the building?
MR. CORNELL: No.
MEMBER SALADINO: But you also
say that there's not going to be
any storm water discharge runoff.
How do you -- you're 2 feet from
the property line. How are you

going to propose to keep the storm

water on your property? I don't

see anything for gutters, downspouts, drywells.

You answered 'no' to both

questions on the E.A.F. as far as

storm water discharge directed to

establish conveyance systems.

CHAIRMAN MOORE: What's the

basis for --

MR. CORNELL: A shed needs

gutters in the Village?

MEMBER SALADINO: Well, you

have to control the storm water

runoff.

CHAIRMAN MOORE: I have a

question. What is the basis of
filling out an E.A.F. in the first place? Is there a requirement for a building permit?

MS. WINGATE: There is a requirement to be before the Zoning Board and the Planning Board.

CHAIRMAN MOORE: For a Type II action?

MR. PROKOP: Yes.

MEMBER SALADINO: For the short forms.

MR. PROKOP: Short form is Type II.

CHAIRMAN MOORE: Okay. I just want to be sure we understood. So do we have, just generally from the Board, do we have enough information to move ahead with this
application next month if we accept it? We don't have true drawings.

We have, you know, a schematic of the appearance of the shed. Is there anything missing that's required on the plans?

MEMBER CORWIN: I want to see the height of the building. The Zoning Board of Appeals has had that problem before. According to the State of New York, because it's over 144 square feet, it needs an architect's approval.

CHAIRMAN MOORE: Okay.

MEMBER CORWIN: And, bear in mind, we're in 120 mile an hour wind zone. So you kind of can't just put up what you want to put up.

CHAIRMAN MOORE: Could we be
confident that this information, if
it's acceptable, that it could be

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submitted to us until next month?
And that we would accept the
application, pending that
information being submitted? Would
that be --

MEMBER SALADINO: It may not
be a question of that they --

MEMBER CORWIN: I have no
problem letting them move along by
accepting it this month, as long as
we --

CHAIRMAN MOORE: You have a
problem?

MEMBER CORWIN: I have no
problem.

CHAIRMAN MOORE: Okay. Sorry.
I misunderstood. I would be agreeable to that.

So why don't we just do a motion to accept an appeal for an area variance, publicly noticed.

And schedule a public hearing for Marta Thomas, 211 Bridge Street, Suffolk County Tax Map

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1001-2-2-10.1. The applicant seeks a building permit for a new detached accessory building for a structure which has already been constructed. The property is located in the R-1 Residential District.

I make that motion and ask for a second.

MEMBER GORDON: Second.
CHAIRMAN MOORE: All in favor?

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

MEMBER CORWIN: Aye.

CHAIRMAN MOORE: Aye.

Any abstentions or no's?

MEMBER SALADINO: No.

CHAIRMAN MOORE: You vote no.

MEMBER SALADINO: I think this application is wrong on so many levels, so I'm going to vote no.

CHAIRMAN MOORE: All right.

Four to one vote is noted. The motion carries.

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So we'll schedule a visit at 4 next month?

MS. WINGATE: At 4.

CHAIRMAN MOORE: At 4. So it
will be 4 for the shed and 4:30 for
the deck.

MS. THOMAS: Okay. So between
now and then, I just have to make
sure that Eileen gets to you guys
on that day the plans?

CHAIRMAN MOORE: That
information, yes.

MS. WINGATE: I need two weeks
in advance, so you have to really
get it done.

CHAIRMAN MOORE: We need to
see --

MS. THOMAS: I have them.

I'll get them to you.

CHAIRMAN MOORE: You know,
elevation with dimensions and any
other required --

MEMBER CORWIN: You need the
height of the building, you need
leaders and gutters, and you need
an engineer and an architect to
stamp the plans.

You can't bring in some plans
from an architect.

And bear in mind, it's 120
mile hour winds.

MS. THOMAS: I believe that

Nancy Dwyer --

MEMBER CORWIN: She's not a
licensed professional, so all she
is is a draftsperson. Don't even
mention her name to me.

CHAIRMAN MOORE: So she'll
have to get it stamped.

MS. THOMAS: So she's saying
the Zoning Board -- she said the
Zoning Board isn't reviewing
structure, so the plans, as shown,
is acceptable for their review.

MEMBER CORWIN: What did I just say? She's not a licensed professional, so I don't care what she says. She's a draftsperson.

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MS. THOMAS: Well, she came recommended from the Village.

MEMBER CORWIN: So the building inspector told you to go to Nancy Dwyer?

MS. THOMAS: Well --

MEMBER CORWIN: Is that what you're saying?

MR. PROKOP: -- is not able to make recommendations, so there must be some kind of misunderstanding.

MS. THOMAS: Yes.
CHAIRMAN MOORE: Just get the drawing stamped and we need elevations with dimensions because if this building is higher than fifteen feet and we approve it, we've approved something that's not permitted and that would have to be included in the variance.

MS. THOMAS: Just so you guys know where I'm coming from, she said, "I typically don't send the plans to them for stamping until September 16, 2015 after the Zoning Board approves the variances."

MR. PROKOP: She can't stamp plans because she's not --

CHAIRMAN MOORE: -- a licensed engineer. She'll have to ask
someone.

MS. THOMAS: I didn't realize.

I thought she was.

CHAIRMAN MOORE: There are people around that stamp plans, so.

MS. THOMAS: Okay.

CHAIRMAN MOORE: Okay. So we have voted to accept that application.

So we can move to Item No. 5.

There's a motion to accept the ZBA minutes for August 19. On reading the minutes, I see many misstated words.

In fact, I apparently responded to your long response on one of the issues as referring to your mass comments. I did not say
that. I apologize if I did. I think it was last comments, but there are many words out of place and I think I would like to ask the stenographer from last month's meeting to review the tape and read through the minutes and make sure they are correct.

So I'm proposing we don't accept the minutes at this point. So I make a motion to accept them, as for a second.

MEMBER SALADINO: Second.
CHAIRMAN MOORE: All in favor?
MEMBER CORWIN: No.
CHAIRMAN MOORE: Any against?
(No verbal response.)
CHAIRMAN MOORE: I say no, everyone says no, so we're sending them back.
Motion to approve the minutes for July 15, so moved.

Second please.

MEMBER NEFF: Second.

CHAIRMAN MOORE: All in favor?

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

MEMBER SALADINO: Aye.

CHAIRMAN MOORE: Aye.

Any abstentions or declinations?

MEMBER CORWIN: I abstain.

CHAIRMAN MOORE: Mr. Corwin abstains.

Motion to schedule the next meeting for October 21. We note that we will be visiting Bridge Street at 4 and Main Street at
4:30. So I make that motion that our meeting will be on October 21.

MEMBER GORDON: Second motion.

CHAIRMAN MOORE: All in favor.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

MEMBER SALADINO: Aye.

MEMBER CORWIN: Aye.

CHAIRMAN MOORE: Aye.

Motion carries. Before SEPTEMBER 16, 2015 adjourning, I would just like to mention that I will not be able to attend the meeting next month. So one of the first items on the agenda will have to be appointing an acting chair. With that comment I would make a motion --

MEMBER CORWIN: Well --
CHAIRMAN MOORE: Yes?

MEMBER CORWIN: Before you close the meeting, let's appoint an acting chair now because the acting chair will have to interact with the building inspector --

CHAIRMAN MOORE: Okay. So motioned. I would ask somebody else to make that motion, since I won't be here.

Anybody want to do that?

MEMBER CORWIN: I make a motion that John Saladino --

MEMBER SALADINO: No. No, David --

MEMBER CORWIN: -- conducts

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the meeting next week.

MEMBER SALADINO: I'm not
prepared to do that.

MEMBER CORWIN: Next month.

MEMBER SALADINO: I vote no.

CHAIRMAN MOORE: We didn't ask for a vote yet.

Any second for that motion?

MEMBER NEFF: I think, we're not voting on John. If John is saying he doesn't want to do it,

why would we do that?

MEMBER SALADINO: I'm uncomfortable doing that. I don't feel I have the experience to do

that, to be the chairman, even for one meeting.

CHAIRMAN MOORE: Well, I guess he could decline to accept the responsibility. So do we have any volunteers before we form a motion?

MEMBER SALADINO: Isn't that
the prudent thing to do if you say you're not experienced enough? I mean, why step into something you don't feel you have the experience to do?

CHAIRMAN MOORE: I think you're underrating yourself, but that's acceptable. You don't want to do it.

MEMBER NEFF: I volunteer for one meeting.

CHAIRMAN MOORE: All right. So with that volunteering, I make a motion that Ellen Neff be the acting chairperson for the meeting in October.

MS. WINGATE: I missed that.

I'm sorry.
CHAIRMAN MOORE: Ellen Neff is going to be the acting chairperson for the meeting.

MS. WINGATE: Ellen Neff.

Good choice.

CHAIRMAN MOORE: As for a second?

MEMBER SALADINO: Second.

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CHAIRMAN MOORE: All in favor?

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

MEMBER SALADINO: Aye.

MEMBER CORWIN: Aye.

CHAIRMAN MOORE: Aye.

Any abstentions or declinations? You’re allowed to say no. Anyway, that carries. So Ms. Neff will be the chairperson.
next month.

MEMBER NEFF: Formally, I want to state that, by the turn of this year, we'll be considered experienced for chairmanship.

CHAIRMAN MOORE: Yes.

MEMBER GORDON: Chairman?

CHAIRMAN MOORE: Yes.

MEMBER GORDON: The Holy Trinity Church provided us with these financial documents that we asked for. Do we simply incorporate those into the -- are the discussion votes incorporated

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into our postponement?

CHAIRMAN MOORE: Well, they will be up for discussion next month.
MEMBER GORDON: Okay. So that's part of what we will do.

MEMBER SALADINO: Is that part of the public record, Joe?

MR. PROKOP: Yes.

MEMBER SALADINO: So somebody that would want to know their financial information can go and get it?

MR. PROKOP: Can request it.

CHAIRMAN MOORE: It doesn't look particularly sensitive.

Anyway, thanks everybody for being here. Any other unofficial discussions before we adjourn?

(Time noted: 6:22 p.m.)

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CERTIFICATE

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

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 September 16, 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 25th day of September, 2015.

_______________________
Tracy Newman