VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK
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ZONING BOARD OF APPEALS

REGULAR SESSION

Third Street Firehouse
Greenport, New York
January 15, 2019
6:00 p.m.

B E F O R E:

JOHN SALADINO - CHAIRMAN
DAVID CORWIN - MEMBER
ELLEN NEFF - MEMBER
DINI GORDON - MEMBER
ARTHUR TASKER - MEMBER

ROBERT CONNOLLY - ATTORNEY
KRISTINA LINGG - BUILDING CLERK
PAUL PALLAS - VILLAGE ADMINISTRATOR

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CHAIRMAN SALADINO: This is the Village of Greenport Zoning Board of Appeals meeting.

Item number 1, motion to accept the minutes of the December 18, 2018 Zoning Board of Appeals meeting.

So moved.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MS. NEFF: Aye.

MR. CORWIN: Aye.

CHAIRMAN SALADINO: I'll vote aye.

Item number 2 is a motion to approve the minutes of the October 16, 2018 Zoning Board of Appeals meeting.

So moved.

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MS. NEFF: Aye.

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

MR. CORWIN: Abstain.

CHAIRMAN SALADINO: One abstention.

Item number 3 is a motion to schedule the next Zoning Board of Appeals meeting for Tuesday, February 19, 2019 at 6:00 p.m. at the Third Street Fire Station, Greenport, New York 11944.

So moved.

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MS. NEFF: Aye.

MR. CORWIN: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Item number 4 is 424 Fourth Street.

Motion to accept the application, schedule a public hearing and arrange a site visit for the application for Miller Family Trust.

The property is located at 424 Fourth Street, Greenport, New York 11944.

The Suffolk County Tax Map number is
MS. MOORE: Did you need me to --

CHAIRMAN SALADINO: Is the applicant here?

MS. MOORE: Good evening. On behalf of the Miller Family Trust.

You have my packet of information.

This is to expand what is a three-room B&B with two additional rooms for a five-bedroom B&B. And you're very familiar with this property because we were here previously regarding an accessory cottage.

So that room, that unit has no kitchen. It was, part of the resolution of that application was that the accessory cottage portion was removed and it's just a bedroom and sitting area. So the two extra rooms would be that space and another bedroom on the second floor.

So it's pretty straightforward. I'm happy to answer any questions you might have.

CHAIRMAN SALADINO: Do the members have any questions?
MR. TASKER: The second bedroom that you mentioned on the second floor as an additional bedroom, has that room always been a bedroom?

MS. MOORE: Yes. Yes. It's an existing bedroom. It was used as part of the family quarters.

MR. TASKER: Okay.

CHAIRMAN SALADINO: Okay.

I have some comments, but I think I'm going to hold them until you have a public hearing. If the members choose to accept this application, I have some questions for the attorney, but I'll wait until the public hearing.

MS. MOORE: That's fine. The public hearing will be fine.

CHAIRMAN SALADINO: I'll wait for the public hearing.

MS. MOORE: Did you want to come for a site inspection or are you familiar with the house already?

CHAIRMAN SALADINO: We're gonna maybe vote to accept the application first.
MS. MOORE: Sorry.

CHAIRMAN SALADINO: And then schedule a public hearing.

MS. MOORE: That's fine.

CHAIRMAN SALADINO: Then we'll decide if they need a site visit and what time it would be. We don't want to intrude.

I'll make a motion that we accept this application.

MR. CORWIN: Second.

MS. GORDON: I have a question of my colleagues.

Are we accepting it as a proposal for a use variance or an area variance?

CHAIRMAN SALADINO: The application, I believe, is for an area variance.

MS. GORDON: The notice of disapproval states that it requires a use variance.

MS. MOORE: Not the notice that I have. I would just clarify that this type of application has been reviewed by the boards previously and a B&B that was a three-bedroom was made a five-bedroom and it was done by way of an area variance, so we
followed that same --

CHAIRMAN SALADINO: That's incorrect.

That's incorrect.

MS. MOORE: Okay.

CHAIRMAN SALADINO: The B&B that was

approved by a three-two vote of the

previous, of the Zoning Board was a

three-bedroom B&B, and it was approved for a

fourth bedroom by a vote of three-two.

Just to correct the record.

MS. MOORE: All right.

CHAIRMAN SALADINO: But we did progress

it as area variance. I didn't --

MS. GORDON: I just want to be --

CHAIRMAN SALADINO: Do we see it on

the --

MS. GORDON: I just want to be sure

that we understand which it is we're looking

at since the standards are quite different.

This is, as of the 10th of December by

notice of disapproval, maybe you have --

MS. MOORE: Unfortunately, my staff

gave me the wrong, the whole file, but not

the portion that I need, so I think this --
you have the packet there.

MR. PALLAS: Again, it does say -- the notice that was issued by the Village does say use variance.

MS. MOORE: Thank you.

CHAIRMAN SALADINO: Mine says the application is therefore denied, the proposal will be a variance for the proposed nonconforming use.

MS. GORDON: But it says use variance.

CHAIRMAN SALADINO: I apologize, it does.

We have had one applicant in my tenure on the Zoning Board. Perhaps Ellen or David -- one application to change from what was legislated three rooms to increase the capacity of the B&B; and that application, we progressed as an area variance.

MR. CORWIN: I would submit an area variance is the correct variance for this application.

CHAIRMAN SALADINO: Unfortunately, the notice of disapproval says use variance.

MS. GORDON: But can --
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CHAIRMAN SALADINO: If the building, the head of the Building Department says that was an error or misprint --

MR. PALLAS: I believe it is, subject to confirmation, I can get an e-mail out to this board first thing tomorrow to confirm that, but I believe it's an error.

CHAIRMAN SALADINO: Well, the applicant is here now, and instead of making her and her client come back next month, if you could assure this board that that's just a typographical error.

MR. PALLAS: I'm certain that it is, so I would say yes, I will confirm that.

CHAIRMAN SALADINO: Do we think that's -- is the Board comfortable with that or do we need that in writing?

MR. CORWIN: I'm comfortable with it.

MS. NEFF: Okay.

CHAIRMAN SALADINO: Diana?

MS. GORDON: Okay. I just want it to be clear.

MS. MOORE: No, I appreciate the clarification.
CHAIRMAN SALADINO: And it's my fault that I missed that.

Arthur, are you comfortable with that?

MR. TASKER: Well, we're gonna vote on whether or not to accept it, aren't we?

CHAIRMAN SALADINO: No, we're gonna --

MR. TASKER: The application.

CHAIRMAN SALADINO: -- if we're comfortable that the head of the Building Department said that this is simply a misprint.

MR. TASKER: A drafting error.

Yes.

CHAIRMAN SALADINO: Ellen.

MS. NEFF: For another clarification, this discussion on the side about three to four, I didn't follow that.

CHAIRMAN SALADINO: Let's square this away.

MS. NEFF: Okay.

CHAIRMAN SALADINO: Then we can address -- I'll address that question.

MS. NEFF: All right. Thank you.

CHAIRMAN SALADINO: Are you comfortable
with Paul's explanation?

    MS. NEFF: Yes.

    CHAIRMAN SALADINO: All right.

    So we're gonna change the notice of disapproval from use to area.

    Is that what we're gonna do?

    And we're gonna call the questions.

    The first, we have a motion that seconded, but if David will just be patient.

    Your question, Ellen, about three and four?

    MS. NEFF: My question is, I heard someone, I think Dini, say something about, or perhaps the applicant's attorney, about it being four bedrooms, changed already to four.

    MS. MOORE: No. No. No.

    CHAIRMAN SALADINO: No.

    What I said was, the application that we had previous, I think in 2016, was to convert a three-bedroom bed and breakfast to add one room to make it four bedrooms. I don't believe we have any five-bedroom B&Bs in the Village.
MS. MOORE: Can you tell me which B&B?

CHAIRMAN SALADINO: Fordham House.

MS. MOORE: Thank you.

CHAIRMAN SALADINO: That was the last application that I remember.

MS. MOORE: Okay.

CHAIRMAN SALADINO: And the vote was three-two if you're interested.

MS. MOORE: I mean, I'd just point out that since that, the Village has now adopted a short-term rental law that says that every owner-occupied home may rent transient rentals, so that has really thrown a monkey wrench into the entire B&B process.

CHAIRMAN SALADINO: Not to belabor that, but since you brought it up, and as luck would have it, the head of the Building Department is here.

MS. MOORE: Yeah.

CHAIRMAN SALADINO: I personally, I heard you say that at a Planning Board meeting, and not to get too far out of out depth here, the Village, in fact, did progress that, but also New York State has
laws that say anything over two is considered a rooming house or lodging house or boarding, and that becomes a multifamily dwelling --

MS. MOORE: No.

I would correct you on that. The State building code says that any --

CHAIRMAN SALADINO: I understand that --

MS. MOORE: No.

State building code allows up to five bedrooms for a B&B, and, in fact, the State, when I was dealing with this issue on a two-family whatever, the State, the architect for the State building code kept saying to me, you know, the State building code defines a B&B of up to five bedrooms, anything more than five becomes either an inn --

CHAIRMAN SALADINO: Boarding house --

MS. MOORE: -- usually it's an inn for purposes of fire code compliance, so.

CHAIRMAN SALADINO: Well, that was kind of like my point. My point is that what the
State allows, the Village can be more restrictive, and what the Village allows is different from what the State allows. The State doesn't mandate what the Village can do. If an applicant, not your applicant, if an applicant decides to forgo the B&B process and become an inn or a lodging house or a boarding house, they would then have to comply with New York State multiple dwelling law. So to say, well, you know, if we don't do this, we'll do this. Sometimes other things come into play.

But right now, I think this board is prepared to accept the application.

MS. MOORE: That's fine.

MR. TASKER: Just one further step on what you were addressing, Mr. Chairman, the motion forward or the progress that you suggested could be done, might be done by an owner in the Village of Greenport who is gonna run into difficulties with multiple dwelling and restrictions there zoning districts and you're gonna be in a use variance situation.
CHAIRMAN SALADINO: I'll defer to the attorney, but I'm reading from New York State Local Dwelling Law and they define, without getting in too far over our head or belaboring this, they define exactly what's allowed or what's defined as multiple dwelling when it comes to rental units.

But right now, we're prepared -- I think there's a motion and there's a second to accept this application, we're prepared to vote, so call a vote.

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Diana?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: And I'll vote yes.

MS. MOORE: Thank you.

CHAIRMAN SALADINO: We're gonna set a date for a public hearing. I believe our next meeting is February 19th, we'll set the
public hearing at 6 o'clock. We set them all at 6 o'clock.

The question is a site visit, do we need a site visit? We are all intimately familiar with this property.

MR. TASKER: If we saw a floor plan indicating where the bedrooms are going to be --

MS. MOORE: You have it in your packet.

CHAIRMAN SALADINO: I thought we had that.

MR. TASKER: Does it show --

MS. MOORE: Oh, yes, I submitted it, and I even gave you a photograph of the bedroom.

MR. TASKER: Okay.

If we have it, we have it.

CHAIRMAN SALADINO: So the consensus is we don't need a site visit?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: If we have floor plans in
our packages, yes. Thank you.

MS. GORDON: Yes.

CHAIRMAN SALADINO: And I'm comfortable, so no site visit. We'll see you on the 19th.

The only thing that I would ask that would be outside the ordinary, and I'll address it to the building clerk, could we expand the mailings just a little bit to include everyone on Fourth Street from Flint to the railroad tracks on both sides of the street? You know, might only be --

MS. MOORE: Well --

CHAIRMAN SALADINO: It's two extra houses.

MS. MOORE: When you put it that way, two extra houses. Without knowing exactly which ones, maybe if you could have the clerk give us the tax map numbers of the houses you want us to notice, we'll notice the two extra houses.

I know typically it's adjacent and across the street.

CHAIRMAN SALADINO: Well, can we get a
definition of adjacent or across the street?

MS. MOORE: Well, across the street, you have the private road, I'm considering that across the street.

CHAIRMAN SALADINO: Well, it's a private road.

Let me rephrase that.

Can we get an expanded mailing for all the residents of the private road and the houses across the street from Wiggins to the railroad tracks from the private road?

MR. PALLAS: Sure.

CHAIRMAN SALADINO: Is that --

MS. MOORE: Village attorney is --

MR. CONNOLLY: The code specifies who has to be noticed. If the applicant is willing to do that then --

CHAIRMAN SALADINO: Perhaps I can get a legal definition.

MR. CONNOLLY: Adjacent or abutting?

CHAIRMAN SALADINO: It doesn't say abutting.

MR. CONNOLLY: Adjacent is touching or across the --
CHAIRMAN SALADINO: Well, we have an expanded --

MR. CORWIN: This is a special case, this is a private road.

MR. TASKER: Well, the right of way does not separate those properties from being adjacent to the property we're talking about.

CHAIRMAN SALADINO: Before we get too far --

MS. MOORE: I always --

CHAIRMAN SALADINO: -- we're talking about two additional houses or three additional houses. If this is gonna create a controversy between the Village and the applicant --

MS. MOORE: No, it's not.

CHAIRMAN SALADINO: That would be --

MS. MOORE: I want to make sure that I -- I can't read the bubble over your head, so it would help me if you just give me the tax map numbers, then I will notice whomever you prefer. And usually as a matter of course, I always notice across a right of
CHAIRMAN SALADINO: So my request, if it's okay with my colleagues is, all the residents on the private road, I believe it's Miller Road; is that the name of the private road, Miller Road?

MS. MOORE: I don't know that it has a name.

MR. PALLAS: I think on some maps it was just listed as Road A.

MS. NEFF: A road.

CHAIRMAN SALADINO: In addition to those residents, if it's possible that we increase the mailing to include the residents across the street from the private road, from Flint Street to the railroad track. It's three houses.

MS. NEFF: Yes.

MR. TASKER: Does it include Mike Burton (phonetic)?

CHAIRMAN SALADINO: Mike Burton abuts the property, so they're required notice.

MS. MOORE: Do you know who I have to notice?
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MS. NEFF: I think it's easier to --

CHAIRMAN SALADINO: I know who you have to, but --

MS. MOORE: I don't have a map in front of me, so when you say the railroad track --

CHAIRMAN SALADINO: Whatever residents show up here with mailings, by that time, I'm sure in my mind, it will be --

MS. MOORE: If I could just show you the survey, you tell me if we're thinking of the same people.

(Me. Moore approaches the Board.)

So I noticed this individual, these individuals --

CHAIRMAN SALADINO: Wait, I'm sorry. This is Fourth Street --

MS. MOORE: Here's a private road, here's the property.

MR. PALLAS: Excuse me, if I may interrupt, the transcriptionist --

MS. MOORE: I'm sorry. I'm showing him the map so I can identify which side of the street he's asking, so he's asking that I -- I just got the clarification, the request
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was --

CHAIRMAN SALADINO: For the west side
of Fourth Street.

MS. MOORE: The west side of Fourth
Street.

CHAIRMAN SALADINO: From Flint to the
railroad tracks.

MR. CORWIN: Mr. Chairman.

CHAIRMAN SALADINO: Yes, David.

MR. CORWIN: Does that raise the
question of where the --

CHAIRMAN SALADINO: Where Flint Street
is?

MR. CORWIN: Where the notice that goes
in somebody's front yard would be located?

CHAIRMAN SALADINO: I didn't think
about that.

MS. MOORE: The code defines it in
front of the property, so I have to follow
what the Village code defines --

CHAIRMAN SALADINO: I'm willing to let
the Building Department decide where the
notice that's on the property is actually
planted into the ground.
MR. TASKER: It should be visible.

MS. MOORE: It's a private road, so unless you're on that private road, it's not seen, but they will get certified letters as well.

What's your opinion, David; where do you think the notice should be?

MR. CORWIN: At the beginning of the private road off of Fourth Street.

MS. NEFF: Exactly, I agree with you.

CHAIRMAN SALADINO: Can we set that as a --

MS. MOORE: Why don't you give me two signs; I'll put one in front of the property and one at the end of the private road.

CHAIRMAN SALADINO: I think the applicant pays for the signs, we can give you a hundred signs if you want.

MS. MOORE: Just two, please.

Okay.

Since I do the posting, I know where I have to go.

CHAIRMAN SALADINO: So are we kind of settled with that?
MR. PALLAS: I am.

CHAIRMAN SALADINO: Two signs, three additional mailings, and we'll see you on -- does anybody else have any questions before we say so long to Ms. Moore?

(No response.)

We'll see you on February 19th.

MS. MOORE: Thank you.

CHAIRMAN SALADINO: That's it, everybody is done? Okay.

Next up is, we have a letter -- item number 5 is 138 Sterling Avenue.

We have a letter from the applicant's representative, and I'll read it for the record. It's, Mr. Saladino, Chairman, Greenport Zoning Board of Appeals, Village of Greenport, 236 Third Street, Greenport, New York.

Dear Mr. Saladino, we are requesting a postponement from tonight's hearing for the above-mentioned property until I've had a chance to discuss the notice of disapproval dated 1/8/2019 with Mr. J. Prokop, Esquire, Village Attorney. And it's signed by
Mr. Nigel Robert Williamson. He is the owner's representative.

So item number 5 we're gonna table until the Building Department and the attorney and the applicant kind of get their ducks in a row.

Is that okay? Everybody understands that?

(No response.)

Moving on.

Item number 6 is 137 Sterling Avenue.

It's a motion to accept the application, schedule a public hearing and arrange a site visit for the application of David Murray for the property located at 137 Sterling Avenue, Greenport, New York 11944.

Suffolk County Tax Map number is 1001-3-5-11.

Is the applicant here?

(No response.)

I'm going to make a motion that we table this.

MR. CORWIN: Second.

CHAIRMAN SALADINO: Until the
applicant -- I have a few questions for the applicant before we decide to accept this, so I'm uncomfortable accepting this application without being able to ask those questions.

Again, my vote is only one vote, so I'll put it to the members, I'll make a motion to table this until the applicant is present.

MR. CORWIN: I second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MS. NEFF: Aye.

MR. CORWIN: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

MR. CORWIN: Maybe in fairness to Mr. Murray, we should say, at least I would say, he's not the owner, it doesn't show the owner on the application. He is the representative of the owner, notwithstanding what the owner gave him the letter for.

CHAIRMAN SALADINO: Well, David, if he's representing the owner, he writes the
narrative --

MR. CORWIN: But I don't think the ZBA can give the variance to David Murray, I think they have to give it to the owner of the property which is not listed on the application.

MS. GORDON: He's listed here in the applicant slash field, rather than in the representative field, so I actually thought he might be the owner. No?

CHAIRMAN SALADINO: He's not. He's the contractor.

MS. NEFF: We've got this on the back here where the owner identified Mr. Murray as his representative, on the back page.

CHAIRMAN SALADINO: Yeah, it's rare that we get applications that are printed on both sides. We don't usually see that, so some stuff can be -- but that's kind of like, we're gonna table this anyway, we can raise any questions we have about this application to the Building Department and they have a month to get in touch with the applicant and let him know.

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Aside from what we think is this application incorrectly filled out, I don't see that, you know, I see an authorization to act as the representative, but if the members have a problem, we can certainly ask him to, when he comes in next time, to correct any problems on this application.

Is that okay?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Okay.

Did we vote to table this?

MS. LINGG: Yes.

CHAIRMAN SALADINO: Item number 7 is the 412/414 Carpenter Street. Motion to accept the application, schedule a public hearing and arrange a site visit for the application of Hideaki Ariizumi for the property located at 412/414 Carpenter Street, Greenport, New York 11944.

And the Suffolk County Tax Map number is 1001-5-1-8.

MR. STRUTNER: Hi. My name is Robert Strutner (phonetic). I'm the applicant's father. I'm here to help her represent
herself here.

She was issued an original building permit on 8/14/18 to do some alterations and a small addition on the back of the house. Consequently, she decided to add an extension onto that existing permit which was dated 11/21/18.

Consequently, we were working on the house, going along nicely and then we got a notice of disapproval. The letter of notice of disapproval seems to indicate that we need a variance of six-foot-eight-inch on one side of the house to put this extra approximately ten-by-ten extension.

Those are the basic facts. We'd like to continue with the original permit that was dated 8/14/18 as it has actually no impact on this additional permit that we have applied, but we'd like to continue with the process on the second permit.

CHAIRMAN SALADINO: The first thing I would like to bring out for the public and for the stenographer is, this application was in front of us last month, and we
accepted it with some questions and some
controversy. Because of a clerical error,
 because of an administrative error and
because of the holidays and stuff, the
application, the public hearing wasn't
noticed, and I'm gonna apologize for the
Board for that, perhaps the Building
Department will apologize later for their
part, but the Zoning Board certainly
apologizes for that.

In the interim, it came to our
attention, so that's the reasoning for no
public hearing tonight.

MR. STRUTNER: Okay. That's for the
current application, the current
application?

CHAIRMAN SALADINO: For the current
application.

MR. STRUTNER: Right.

CHAIRMAN SALADINO: A new notice of
disapproval was issued and added a portion
of the code that was, that seemed
appropriate to apply.

MR. STRUTNER: Um-hum.
CHAIRMAN SALADINO: We have a portion of our code that says that -- I should have it in front of me. That 150-21B, 150-21 is, when you increase -- this is a nonconforming building with a conforming use.

MR. STRUTNER: Right.

CHAIRMAN SALADINO: When you increase the nonconformity, you have to come for a variance.

MR. STRUTNER: Right.

CHAIRMAN SALADINO: So that's the reason, that's what generated the new notice of disapproval.

MS. NEFF: Which is dated 1/7/19, correct, this one?

CHAIRMAN SALADINO: I actually don't have that in front of me, so it's dated 1/7/19.

MR. STRUTNER: Okay.

CHAIRMAN SALADINO: So that generated a new notice of disapproval.

MR. STRUTNER: Right.

CHAIRMAN SALADINO: So this Board is faced with, faced with addressing 150-21 and...
then how that goes, we would then address 150-13, but from reading your application, you seem to be asking, you're asking for an interpretation of 150-21.

MR. STRUTNER: Well, yeah, because we're actually not encroaching any more on the side yard than we already have.
CHAIRMAN SALADINO: It's not about a side yard. It's about a piece of property that you're going outside the footprint of the original building.

MR. STRUTNER: Right.

CHAIRMAN SALADINO: And you're increasing the nonconformity, so if you read the code --

MR. STRUTNER: Yep.

CHAIRMAN SALADINO: If you read the code, it's pretty explicit that you would need a variance to do that.

MR. STRUTNER: Right.
CHAIRMAN SALADINO: So if you want us to schedule a public hearing for an interpretation and --

MR. STRUTNER: No, it's just, I
understand it's -- so what is it, square
footage, that's the issue or is it the side
yard variance?

CHAIRMAN SALADINO: Well, it would --

MS. GORDON: It's the fact of
increasing the nonconformity which is the
nonconformity, the basic nonconformity is
having a building on a very small lot that
exceeds the percentage that may be occupied
by the building, so it's really that.

MR. STRUTNER: Okay.

I understand. So basically, we're just
scheduling a hearing for a variance; is that
next month?

CHAIRMAN SALADINO: Well, no, because
we have an application in front of us that's
asking for an interpretation.

MR. STRUTNER: I'm not asking for an
interpretation, I just -- I'm not asking for
an interpretation.

I'd like to schedule a hearing now.

MR. CONNOLLY: Can I see the
application?

MS. GORDON: The application does check
the box, you requested an interpretation.

MR. STRUTNER: I didn't understand the question. You can uncheck it.

CHAIRMAN SALADINO: That's why we're asking him.

MR. STRUTNER: Okay.

MR. CONNOLLY: Well, I mean, if you want to amend it on the record.

MR. STRUTNER: Yeah, I want to amend it on the record, yeah, yes.

MR. CONNOLLY: If that's acceptable to the Board, then it's fine.

CHAIRMAN SALADINO: Folks?

MR. CORWIN: I'm fine with that.

MS. GORDON: Me too.

MS. NEFF: Yes.

MR. TASKER: Yes.

CHAIRMAN SALADINO: So the application is going to be for --

MR. STRUTNER: -- a side yard variance and seventy square feet of additional square footage, I assume.

CHAIRMAN SALADINO: Well, again, again, that's not what you're asking for here on
your application. On your application, you're asking for, if we're gonna change interpretation to variance, you're gonna ask for a variance to comply with Chapter 150-21A. It doesn't address anything else.

MR. STRUTNER: Okay.

CHAIRMAN SALADINO: Although the notice of disapproval does address the side yard.

MR. STRUTNER: The notice of disapproval basically says we need a variance for a six-foot, eight-foot, six-foot-eight-inch combined side yard setback.

MR. TASKER: If I may interject, I believe that's incorrect. We'll come back to that.

CHAIRMAN SALADINO: That's true. There is some question between these members, well, one or two of these members and the Building Department. The Building Department is here tonight, perhaps they can clarify.

I'm prepared to change the application from interpretation to variances. I have a
problem with the Building Department's opinion that the side yard setback that's needed is six-foot-eight inches. I haven't received an explanation. To me, the code is clear. We quote the code, the code says that -- I will read from the code. The code says a total dimension of both side yards for a principal building shall be computed on the basis of four-tenths of the lot width. However, no side yard dimensions shall be less than four-tenths of the total dimensions of both yards computed as aforesaid and no side yard dimension shall be less than ten feet.

MR. TASKER: If I may interject, give a moment to think about that, what that last phrase, no side yard dimension shall be less than ten feet means that there must be at least ten feet of setback on each side for a total of twenty feet of setback, even with the leeway that's given with the existing small lot provision so the --

MR. STRUTNER: There's supposed to be ten feet on each side, you're saying?
MR. TASKER: -- should be ten feet, that's correct.

CHAIRMAN SALADINO: I just quoted from the code, no side yard dimension can be less than ten feet.

We're gonna ask -- I'm uncomfortable with -- the notice of disapproval goes on to say, signed by building inspector, notice of disapproval says, plan shows a ten-foot setback on the south side on the proposed addition. Plan shows that the north side of the existing building is on the property line, this would require a zoning variance of six feet, eight inches for a combined side yard setback which --

but it ignores the second sentence of the code. I haven't been able to, and in my conversations, I thought with the Zoning Board attorney and the Planning Board, I thought it was kind of clear in my mind, but now I'm reading the updated notice of disapproval and it's as it was in the beginning.

I personally think I made a mistake at...
the last Zoning Board meeting voting to accept this application being unsure, I gave the benefit of the doubt to the applicant, but now, I'm -- unless I hear something that's going to change my mind from the Building Department.

MR. PALLAS: Mr. Chairman, I don't know about changing your mind, I can tell you why we did --

CHAIRMAN SALADINO: I'm a reasonable guy.

MR. PALLAS: The one, the north side setback is existing, there is no construction on that side, the construction is only on the other side.

MR. TASKER: That's not so.

MR. PALLAS: There's no expansion of anything on -- it's only being expanded on one side of the structure, so we only looked at the one side. That side does meet the ten feet. It's the combined that does not. And that's the rationale behind the notice of disapproval.

MR. ARIIZUMI: I actually made a little
clarification, it's kind of (unintelligible) just a kind of complication there, so I just tried to clarify on the site plan again, and if you don't mind, I will just hand it to you.

CHAIRMAN SALADINO: First of all, can you identify yourself for the stenographer?

MR. ARIIZUMI: I'm sorry, Hideaki Ariizumi from Studio B Architects.

CHAIRMAN SALADINO: Second, do we have that; have you submitted that?

MR. ARIIZUMI: No. I just made it today.

CHAIRMAN SALADINO: Perhaps, again I want the record clear, and for you to come to this table and point at different things on a site plan or a plan, it doesn't become part of the record. All it does is --

MR. ARIIZUMI: Okay. What is the correct procedure to do that?

MS. NEFF: Is that the same as was distributed to us?

CHAIRMAN SALADINO: He said no, he said he made it today.
MR. ARIIZUMI: I just, for example, I added the second floor setback. The last time you asked about, and I asked you what to indicate, those things are clarified.

CHAIRMAN SALADINO: I don't know how to resolve that.

MR. ARIIZUMI: Also, actually, there is a new survey just come up --

MS. LINGG: We have it.

CHAIRMAN SALADINO: I believe we have that.

MR. ARIIZUMI: Okay.

That is literally a couple of days ago. I haven't seen it yet.

CHAIRMAN SALADINO: The only thing that -- again I'm gonna give you my opinion, but I'm only one vote, I'm only one voice here; and I don't have a lot of influence over my friends and colleagues, so it's only one voice that you're gonna hear. I'm kind of uncomfortable until -- I'm kind of uncomfortable with the explanation. The only thing I can do, and I'll say it now, is when we bring this up for a vote, I think
because I'm not sure, I'm going to abstain, so I'm gonna let the -- we're gonna have a couple more minutes' discussion, I think and then let the members -- I'm gonna put it up for a vote and let the members vote whether to accept this application with this notice of disapproval.

MR. TASKER: I'm confused on an aspect of this. What does the earlier issued building permit provide for? The one that is in the window of the house as we look at it today, what does it provide for?

MR. STRUTNER: Right. It provides for what is taking place right now at the house.

MR. TASKER: That is what because I don't see any activity there?

MR. STRUTNER: There's no activity there.

MR. TASKER: I haven't seen --

MR. STRUTNER: That's because we were issued this kind of a stop-work order, they said to stop working because we had, the explanation was we had --

MR. TASKER: Let me explain and I may
speak for others as well.

I'm not antagonistic toward this project, I just want to get it squared away.

MR. STRUTNER: Me too.

MR. TASKER: Oh, we have a correct application, a correct rejection, notice of disapproval and correct application and a correct action by the Zoning Board based on the application.

MR. STRUTNER: So the first permit was to make alterations, it says to two apartment units including an addition to the southeast corner window and roof thermal upgrades.

So basically, they were working on the house and removing a wooden deck that was on the top, it was very rotten, the one wall was very rotten, a lot of this material was beyond help. The building inspector, I guess, came out and said, you know, go ahead, this stuff is beyond repair, repair it; and we're going along with this permit.

In the meantime, my daughter decided to add a little kitchen area on the other side
of the house and put this other permit in,
and then that's when we put the other
application in to add the ten-by-ten
extension on the south -- I guess it's
whatever side of the house it is, the other
side of the house.

MR. TASKER: Southeast corner.

MR. STRUTNER: Yeah. So basically, the
house was built whenever it was built way
back when on the property line. So I read
your codes and as far as I can interpret the
code, you know, after looking at the notice
of disapproval, which seemed fine to me,
according to the code, going to tent rules
and winding up with the request for a zoning
variance of six-foot-eight inches, so I
agreed with that and I calculated that we
would technically be allowed to build a
four-foot extension without a zoning --
well, maybe not because of the square
footage added, but I'm not quite sure about
that either.

But it turns out that we're looking for
a seventy square-foot, square footage
extension with this new application.

MS. NEFF: Excuse me. What was the

dimension of the -- you just said --

CHAIRMAN SALADINO: Ten five by ten

five.

MR. ARIIZUMI: It's like ten point five

by ten point five.

MS. NEFF: Yes, I see that.

MR. STRUTNER: I'm looking at the

notice of disapproval, and I'm saying, well,
the new extension, if you took from the
property line to where we're gonna put the
new extension on and you measured
sixteen-foot-eight inches, according to
their calculations, we would still be
allowed to put a four-foot extension, not a
ten-by-five-by-ten-by-five, but a
four-foot-by-ten-by-five without going for a
variance; so we're just looking for the
extra six-and-a-half feet that, you know, on
this current application. There's nothing
we can do with the other side of the house,
it was built on the property line back then.

CHAIRMAN SALADINO: Nobody expects you
to move the house over ten feet.

MR. STRUTNER: Right.

CHAIRMAN SALADINO: Nobody expects a
ten-foot --

MR. STRUTNER: So I mean, and I'm not
too sure where that ten-foot side yard
minimum for nonconforming, preexisting
conforming use is. Is that in 150-21?

MR. TASKER: No.

MR. STRUTNER: I did read it someplace
that in no case it should be less than
ten-foot, so we're not -- I don't think we
can argue the issue of the property line
side, we can issue -- address the other
issue that we're gonna, you know, get
involved with the codes and we're not going
beyond that ten-foot variance, we're not
looking for anything, we're within that
ten-foot variance on that side, you know,
according to the code. I didn't think that
the code would take place on the side that's
already preexisting nonconforming use.

MR. ARIIZUMI: And actually, the last
meeting, I said the same thing, but there is
another understanding of this code about the setback and you said you don't agree, but I want to repeat it because, as he said, the north side is existing, and it's right on the property, meaning that total, I don't know the dimension, I don't remember, but limited to, should start from the zero point to the south side so that is why the letter was returned as variation of six point something.

MR. STRUTNER: Six point eight.

MR. ARIIZUMI: Yeah.

That is my understanding; otherwise, you are accepting the existing condition, at the same time, you are not accepting the existing condition; and then I feel like a variation is for the existing condition, I don't think so. It's a little confusing.

CHAIRMAN SALADINO: I didn't think I was accepting anything.

MR. ARIIZUMI: I found it under 150-13, I guess it's E, and it talks about the total dimensions of side yards, principal building shall be computed on the basis of the
four-tenth rule, okay; however, the side
yard dimensions shall be less than
four-tenths of the total dimensions on both
sides computed as aforementioned; and no
side yard dimension shall be less than ten
feet.

CHAIRMAN SALADINO: All I was doing was
trying to legitimize this building being on
the property line.

MR. STRUTNER: Right.

CHAIRMAN SALADINO: That's what --
that's what my intention was.

MR. STRUTNER: Right.

CHAIRMAN SALADINO: I'm still not sure,
I'm still -- again, I'm only one vote, there
are five members.

MR. STRUTNER: I'm here to resolve this
because we'd like to continue with the first
building permit that was issued, continue
with that construction because this addition
that we want to put on, I mean, it would
really enhance the property, number one, the
aesthetics of the property too, and it will
give a nice kitchen area to me, for the
building.

But in the meantime it's going to have its own roof line, it's gonna have its own foundation, and to hold us up on the first permit is really causing a financial hardship, number one. And more than a financial hardship, time factor too because we really want to get --

CHAIRMAN SALADINO: In all fairness to the Village, in all fairness to this board, I don't believe it's us that's holding you up on anything. If I understand, there was some, the reason for the stop-work order was, there was some work that went on that wasn't authorized by the Village. I'm not sure what that means.

MR. STRUTNER: Yeah.

CHAIRMAN SALADINO: Does that mean yes?

MR. STRUTNER: I don't think so, I think it was more or less a --

CHAIRMAN SALADINO: But that --

MR. STRUTNER: It was more or less stop now because you have another permit in the hanger and we don't want you to go forward.
CHAIRMAN SALADINO: No. I believe there is a stop-work order for demolition permit that was issued for work that was done on the property. So I just -- but that's outside our purview.

MR. STRUTNER: Okay.

CHAIRMAN SALADINO: I just want it understood that it's not the Zoning Board that's holding you up.

MR. STRUTNER: Okay. I guess I'll talk to the --

MS. GORDON: Can we ask, what was the stop order for?

MR. PALLAS: If I may, Mr. Chairman.

CHAIRMAN SALADINO: Sure.

MR. PALLAS: The original building permit did not have the addition. We received an application for an amendment to the building permit, so it restarts the process in essence. And in that time frame, we also realized that this should have gone, the original one should have gone to HPC, Historic Preservation Commission, regardless, the application has to go before
them.

Typically we go to Zoning Board first, which is why the application was presented here, so that was the process that was followed.

MR. STRUTNER: Okay.

MR. PALLAS: It wasn't two different permits, it was original permit and then an amendment to the original plan. This addition, while it is an addition, when you look at the layout, it's integral to the original.

MR. STRUTNER: So is that my understanding then, we can continue with original permit and go to the HPC?

MR. PALLAS: No, the opposite of that. You have an application for an amendment to the original permit, so the new permit application, you restarted the process; so you have to go through, for the addition for the new permit to be issued, the amended permit to be issued, you can't continue work because it's all one project; and regardless, the whole project has to go
to HPC, this board, before it goes to HPC, this board has to rule.

So, you know, it's either, from my perspective, it's either you're doing the first project or the second one. That's not my decision, that's yours, you have two different projects going on at the same time.

MR. STRUTNER: I'm not sure. I didn't do the permit process, but I see -- so you're saying it's an amended permit.

Can we follow it as a new permit for the extra extension and leave the original permit in place?

CHAIRMAN SALADINO: Just to put a brake on here for a second.

MR. STRUTNER: Yeah.

CHAIRMAN SALADINO: Perhaps this would be better discussed with the Building Department outside a public forum, face to face with Mr. Pallas.

MR. PALLAS: Okay. Fine by me.

CHAIRMAN SALADINO: I can't say yes to that, it's up to the applicant.
MR. STRUTNER: Yeah, that would be fine, yeah, sure. I think that's the best way to go because it seems like this process is gonna be more involved than I thought with the variance. I didn't realize it's gonna be that much of an issue with the amended permit. I thought it was not this involved. I mean the time factor is critical at this point.

CHAIRMAN SALADINO: I don't want to -- all I did was express my opinion. There's four other members on this board. I don't see this application as being, you know, you're not looking to build a skyscraper on Front Street. I don't see it being that complicated, but I don't plan on voting on it.

If you want a better explanation, and if you want perhaps a better explanation in the process, then I don't think this board would have a problem tabling it, letting you go to the Building Department, sit down with the Building Department and square it away with them and --
MR. ARIIZUMI: One question, would you mind square between two of them?

CHAIRMAN SALADINO: No.

MR. ARIIZUMI: No.

CHAIRMAN SALADINO: We don't --

MR. ARIIZUMI: How we can talk with him and not to you and you don't agree with and he --

CHAIRMAN SALADINO: We don't write the notice of disapproval, we don't issue permits.

MR. ARIIZUMI: But the problem for us is because of that, between two, disagreement between you, we need to wait one month, that is a big problem.

CHAIRMAN SALADINO: No.

MR. ARIIZUMI: Yes, it is.

CHAIRMAN SALADINO: That's not what I said at all.

MR. ARIIZUMI: Okay.

CHAIRMAN SALADINO: All I said was I plan on abstaining from this vote. The members can agree, can disagree, can do --

MS. GORDON: I'd like to say something.
here. I think we have accepted this for review, it seems to me, and I hope we won't undo that because I think the basic issues are substantive ones about whether we're comfortable giving a variance based on this, what seems to me, quite specific determination in the code that no side yard dimension shall be less than ten feet and whether we're comfortable giving a variance in light of the fact that this addition would increase the degree of nonconformity. Those are two important substantive issues which we wouldn't be considering until we get to the public hearing and we hear from the neighbors and all of that, and I think these procedural details can be worked out without our, outside our process and we have already taken step one in our process which I think we should honor.

CHAIRMAN SALADINO: I have admitted that in my opinion, in hindsight, last month to accept this application, I voted yes, I believe I made a mistake. I can't speak for my colleagues. My interpretation of the
code is as I explained it to you. I had a
conversation with our attorney, with the
Building Department, and I thought, I
thought I was on the same page with them.
From reading the new notice of disapproval,
I see that I'm not. I'm not opposed to this
application. All I'm saying is I just don't
quite agree with the building inspector's
interpretation of this portion of the code.
And not being sure, I don't want to vote no,
and I can't vote yes, so I plan on
abstaining.

But again, I'm more than willing to
call a vote here, my colleagues are free
thinkers and they --

MS. GORDON: Maybe you can guide us on
this, but it seems to me it isn't calling
the vote, we voted already.

MS. NEFF: Yes.

MS. GORDON: What you would have to be
doing is proposing that we reverse our
decision.

CHAIRMAN SALADINO: No.

We have a new notice of disapproval.
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We didn't have this corrected notice of
disapproval in front of us last month. What
we're voting on is the new notice of
disapproval. In front of us last time was
only 150-13A, right now it's 150-21A and
150-13A.

MR. STRUTNER: I think then we should
just proceed with the vote whether or not to
accept the application.

CHAIRMAN SALADINO: Well it's gonna be
up to the Board to decide that --

MR. CORWIN: I want to end this.

CHAIRMAN SALADINO: We're gonna put you
down for a yes.

MR. STRUTNER: One hundred percent.

CHAIRMAN SALADINO: We're gonna let the
Board vote.

MR. ARIIZUMI: Also the --

MR. CORWIN: I want to make a motion
that we accept the amended notice of
disapproval and the application for a
ten-foot,
ten-point-five-foot-by-ten-point-five-foot
addition on the south side of the house and
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schedule a public hearing.

MS. GORDON: Second.

MS. NEFF: Could you repeat that, David?

MR. CORWIN: I want to make a motion that we accept the new notice of disapproval and any amendments the applicant wants to make to his application to accommodate a ten-point-five-foot, ten-point-five-foot addition to the south side of the house as shown on the survey I have in front of me.

MS. NEFF: Thank you.

MR. CORWIN: Now, let me ask Mr. Ariizumi --

MR. ARIIZUMI: Yes.

MR. CORWIN: -- you have something you wanted to hand in to the Board?

MR. ARIIZUMI: If it is okay, yes, I would like to.

MR. CORWIN: I would ask the Chairman if he could please hand that into the Board.

CHAIRMAN SALADINO: Sure, but first thing's first. You made a motion, it was seconded. I'm gonna ask for a little bit of
discussion just for myself, just to say I'm uncomfortable giving the applicant the right to make any additions he wants to the application after we accept it. That's not how this process works.

MR. TASKER: I agree with you, Mr. Chairman.

CHAIRMAN SALADINO: He doesn't get a free, we accept the application, and we vote on it and you say, let him make any addition to the application that he wants, that's not how it works.

MR. CORWIN: I will restate the motion. Can Mr. Ariizumi hand in what he has to the Board first?

CHAIRMAN SALADINO: Sure.

MR. CORWIN: Then I will make a new application, new motion.

CHAIRMAN SALADINO: Sure.

The only reason I didn't want that up here now was for the sake of the stenographer because --

MR. CORWIN: She doesn't need it.

CHAIRMAN SALADINO: No, she doesn't
need it, but for him to have his back to the
stenographer and point out certain things to
us, it gets lost in the record. It doesn't
become part of the record.

MS. GORDON: Can he just hand it to us?

CHAIRMAN SALADINO: Sure, you can give
it to us if you want. If you don't want to
give it to us --

MR. STRUTNER: It's just a recap of
what we're doing, it's nothing new.

MR. ARIIZUMI: It's just a
clarification. It's nothing --

CHAIRMAN SALADINO: -- a request from a
member. If David wants it, I'm more than
okay with having it.

MS. NEFF: I would like it.

MR. ARIIZUMI: (Handing.)

CHAIRMAN SALADINO: Did you guys get
one?

MR. PALLAS: Yes.

MR. CORWIN: Let me ask Mr. Ariizumi a
question.

I'm familiar with the ten point five,
ten point five kitchen addition, then it
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says covered porch proposed. I'm under the impression there's already a porch there.

MR. ARIIZUMI: That was out of discussion last time because basically this was under the current permit. I though it is active, but I guess not active, so I just try to --

MR. CORWIN: You tore the porch down, it was there when you started; am I correct?

MR. ARIIZUMI: Which one?

MR. CORWIN: You tore the porch down, it was there when you started in --

MR. ARIIZUMI: Are you talking about the front porch or back porch?

MR. CORWIN: The side porch, the south porch.

MR. ARIIZUMI: Front, yeah, that was missed from last time's discussion, but that was addition in the first building permit package.

MR. STRUTNER: There wasn't a porch there, it's just a roof.

MR. ARIIZUMI: It's existing, there's nothing, the stoop, concrete stoop there and
that is already demolished and they poured concrete size of --

MR. CORWIN: That's what I'm trying to get at. There was a stoop there and now you're saying you're gonna turn it into a porch with a roof over it?

MR. ARIIZUMI: Exactly.

MR. CORWIN: In other words, there was a footprint there and you're using the same footprint; am I correct?

MR. ARIIZUMI: The new concrete is already poured, so you can see the footprint, yes.

CHAIRMAN SALADINO: Well, this says two-story addition.

MR. ARIIZUMI: Right.

CHAIRMAN SALADINO: So it was a covered porch and that was torn down and you're gonna make a two-story addition to that?

MR. ARIIZUMI: Right.

MR. STRUTNER: That's in the back.

CHAIRMAN SALADINO: In the back.

MS. NEFF: Right.

MR. STRUTNER: That was all under the
first permit.

    MR. CORWIN: Now you just confused me more.

    If we go to what was the stoop --
    MR. STRUTNER: In front.
    MR. CORWIN: Not on the front of the house, on the west side of the house, the southwest corner.
    MR. STRUTNER: Yeah.
    MR. CORWIN: On the new handout it says covered porch proposed.
    MR. STRUTNER: Right.
    MR. CORWIN: At one time there was a stoop there, it was just a concrete stoop.
    MR. STRUTNER: Yes.
    MR. CORWIN: No roof.
    MR. STRUTNER: No roof.
    MR. CORWIN: And you're saying, we're gonna call it a porch now with a roof over it, it's just gonna be one story.
    MR. STRUTNER: Yes. It's just gonna be a roof over a concrete deck, open, and that was under the first permit, part of the first permit approved.

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MR. CORWIN: That was the original footprint of the house.

MR. ARIIZUMI: Yes.

MR. CORWIN: In other words, that's not an expansion of the original footprint and what we have said is stairs and stoops on the original footprint is allowable; am I not correct, we talked about this before?

CHAIRMAN SALADINO: I personally don't remember that.

MR. CORWIN: -- on South Street, the question came up of the step up and stoop and bla, bla, bla and we said you got to have it on the original footprint, basically.

MS. NEFF: I remember that.

CHAIRMAN SALADINO: Just so it's clear in my mind, the proposed front yard steps on South Street, we asked that and they agreed to -- that they increase the requested variance to accommodate the front steps. I thought we decided that front steps was part, was considered part of the building.

But this is not front steps; this is a...
proposed covered porch. If we're talking about --

MR. CORWIN: An open porch with roof.

MR. STRUTNER: Yeah, open porch with a roof.

MS. GORDON: This is not at issue in the situation.

CHAIRMAN SALADINO: It's not to me.

MS. GORDON: It's not because it was part of the original work, part of the original permit. So we have nothing at issue at the moment except the ten-point-five-by-ten-point-five.

MR. CORWIN: Let me make a motion.

CHAIRMAN SALADINO: Go ahead, David.

MR. CORWIN: Are we all ready?

CHAIRMAN SALADINO: Are we ready for David's motion?

MS. NEFF: Yes.

MR. CORWIN: I want to make a motion that we accept the application and the new notice of disapproval from the Building Department. The application is for a ten-point-five-by-ten-point-five-foot
expansion, one story on the southeast corner
of the house as shown on the survey and the
plan submitted, and schedule a public
hearing.

    MS. GORDON: Second.

    CHAIRMAN SALADINO: All in favor?

    MR. TASKER: Can we comment on the
motion?

    CHAIRMAN SALADINO: I apologize.

    Any discussion on the motion?

    MR. TASKER: The notice of disapproval
does have two specific areas that require a
variance, 150-21 and 150-13E1 which is the
side yard setback. Mr. Corwin's motion does
not address both of those.

    MR. CORWIN: I amend my motion to
include both of those sections of the zoning
code.

    So there is an amendment to the motion
on the table, somebody has to second or it
dies.

    MS. GORDON: You can't just call the
question?

    CHAIRMAN SALADINO: Arthur --
MS. GORDON: I second the amendment.

There is no way, obviously we're going to get to these two questions, they're not only separate questions under separate pieces of the code, but they were separate issues, so of course --

CHAIRMAN SALADINO: But David's original motion, if we're listening, and Arthur brought up, David's original motion addressed an addition to a building. It had nothing to do with setbacks or addressing a portion of the code that increases nonconformity. His original motion addresses building this ten-by-ten-foot addition without addressing the portion of the code that would allow that.

I know it's like does the end justify the means, but there's an amended motion, it's seconded. I have to be honest with you, I'm a little lost right now as to exactly what we're voting on, but --

MS. GORDON: May I restate?

MR. CORWIN: Yes, you may.

MS. GORDON: David has given me
permission to restate the motion.

I would move that we accept and
schedule a public hearing for the
application based on the request for a
variances for the nonconforming addition and
for the request for a combined side yard
setback for a variance of the combined side
yard setback as required by Section 150-13E.

I should have written it out, but that
takes time.

CHAIRMAN SALADINO: Is there a second?

MR. CORWIN: Second.

CHAIRMAN SALADINO: I call a vote.

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Diana?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

CHAIRMAN SALADINO: Arthur?

If you ask her to repeat this motion,
you and I are going outside.

MR. TASKER: I'm going to abstain.

CHAIRMAN SALADINO: And I abstain.
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We're gonna set a hearing date, it's going to be --

MS. GORDON: -- February 19th.

CHAIRMAN SALADINO: -- February 19th.

We schedule them all at 6 o'clock, so we'll schedule your public hearing for February 19th at 6:00 p.m.

We ask that the property is staked out.

We normally do that.

MR. ARIIZUMI: The same day, the site visit?

CHAIRMAN SALADINO: We're gonna set a time because the members like to go in the daytime, so what time is a good time for this site inspection?

MS. NEFF: 5:00.

MR. TASKER: Middle of February.

CHAIRMAN SALADINO: Can you move the property to the Bahamas?

MR. STRUTNER: Will it still be light?

MS. GORDON: It will still be light at 5:00.

MS. NEFF: Yes, light at 5:00.

CHAIRMAN SALADINO: We're gonna
schedule a site inspection at 5:00 p.m.

If you could, have the area staked out.

MR. ARIIZUMI: It's already there.

CHAIRMAN SALADINO: Okay. So that will save you the time and trouble of doing that.

We'll see you at the site on February 19th at 5:00 p.m.

MR. TASKER: Can we ask that the stenographer take the oral motion and provide us copies of that portion of it as quickly as possible?

CHAIRMAN SALADINO: Is there anything else we need from this applicant before they're totally fed up with us?

(No response.)

Thank you.

MR. STRUTNER: Thank you for your time. Sorry it took so long.

CHAIRMAN SALADINO: Don't apologize. My agenda doesn't have it, but normally we add something that -- I'm sorry.

Item number 8 is any Zoning Board of Appeals business that might properly come before the Board.
Actually, I had one thing that I wanted to discuss with the Board in front of the public if it's okay. The Building Department's here, the attorney is here.

I had a conversation with our attorney about how applications are progressed and about the agendas. Policy has always been -- I don't know, I looked at New York State Village Law and I looked in our Village code and my tenure on the Zoning Board applications was always approved, always accepted by the Zoning Board, that was always the policy. In other jurisdictions, that's not how it works; they're accepted by the Building Department, and then the Zoning Board, I guess, gets them from the Building Department.

The other thing it -- it was always my impression, it was always my understanding, and I was told this when I became the Chairman of this board, that the Chairman generates the agenda.

I'm just wondering if we are all comfortable with that; are we all
comfortable with that?

Mr. Corwin: I am.

Ms. Gordon: Yes.

Chairman Saladino: I would ask Rob, I would ask the attorney, is there something that we should be doing differently?

Mr. Connolly: No, there's just practice in other --

Chairman Saladino: Is it mandated anyplace how it's done? I looked to New York State Zoning code and they're silent on it, New York State Village Law and they're silent on -- it said the applicant submits an application to the Zoning Board, and it's kind of like ambiguous, you know, if it comes directly to us or it comes to us through the Building Department.

As far as the agenda, it was always past practice that the Chairman generated the agenda, you know, that the Building Department gives this board a little leeway.

So I would ask the Board if everybody is comfortable with the agenda issue and if everybody is comfortable with the
MR. TASKER: As we have presently been operating?

CHAIRMAN SALADINO: Yes.

MR. TASKER: I think I am certainly comfortable with it, and I think that this comes under the heading of how we transact our business and it doesn't have anything to do with the statutes or the rules for us making decisions, it's how we operate our business.

CHAIRMAN SALADINO: Certainly, but if there's a resolution someplace that said this is the way to do it, then to change that, it would need a resolution to change it. If it's policy and somebody would like to change it, then you don't need a resolution to do it. Policy is, I guess dictated by the Village Board, I guess.

MR. PALLAS: I don't think -- I'm not aware of any resolution that was ever passed, and I would agree with Arthur, I don't know that it's the purview of the Village to say how you operate.
MR. TASKER: It's transacting business.

MR. PALLAS: Right.

CHAIRMAN SALADINO: Okay. Okay. I just thought I'd bring that up.

Anything else? Anybody have anything for this board? Public? Anybody?

(No response.)

Item number 9 is motion to adjourn.

MR. TASKER: So moved.

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MS. NEFF: Aye.

MR. CORWIN: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Thank you, folks.

(Time noted: 7:20 p.m.)
CERTIFICATE

STATE OF NEW YORK )
COUNTY OF SUFFOLK )

I, STEPHANIE O'KEEFFE, a 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 January 15, 2019.

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 15th day of January, 2019.

STEPHANIE O'KEEFFE

Flynn Stenography & Transcription Service
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