VILLAGE OF GREENPORT  
COUNTY OF SUFFOLK  
STATE OF NEW YORK

ZONING BOARD OF APPEALS

REGULAR SESSION

Old Schoolhouse
Greenport, New York
December 18, 2018
6:08 p.m.

BEFORE:

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

ROBERT CONNOLLY – ATTORNEY
KRISTINA LINGG – BUILDING CLERK
CHAIRMAN SALADINO: This is the regular meeting of the Village of Greenport Zoning Board of Appeals.

Item Number 1 is a motion to accept the minutes of the October 16, 2018 Zoning Board of Appeals meeting.

So moved.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: Any opposed?

(No response.)

Item Number 2 is motion to approve the minutes of September 18, 2018 Zoning Board of Appeals meeting.

So moved.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MR. TASKER: Aye.

MS. GORDON: 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 January 15, 2019 at 6:00 p.m. at the Third Street Fire Station, Greenport, New York 11944.

So moved.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MR. TASKER: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Item Number 4, I don't see the applicant or the attorney, so I'm going to go to Item Number 5; and if they come later, we can --
I'm sorry. I got ahead of myself.

Item Number 4 is a motion to accept the findings and determinations in the matter of the application of James Olinkiewicz for the property located at 412 Third Street, Greenport, New York 11944.

And the Suffolk County Tax Map Number was 1001-4-2-4.6.

So moved.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MR. TASKER: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

You have that Kristina, right?

MS. LINGG: Yes.

CHAIRMAN SALADINO: So everything I said about Item Number 4, I'm gonna apply to Item Number 5. It's a motion to accept an application. The attorney
and the applicant aren't here yet, or
aren't here, so we move to Item Number
6.

Item Number 6 is a motion to
accept the application, schedule a
public hearing and arrange a site visit
for the application of Frank Macken for
the property located at 138 Sterling
Avenue, Greenport, New York 11944.

Suffolk County Tax Map number is
1001-3-4-29.

Is the applicant here?

MR. WILLIAMSON: Nigel Williamson,
architect for the applicant. Mr.
Macken is also here, sir.

The existing one- and two-story
framed accessory structure was granted
a variance in 1986 for an artist studio
and has been in existence --

MR. CORWIN: You're going to have
to speak up.

CHAIRMAN SALADINO: There are no
microphones, so if you could just speak
up a little bit.
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MR. WILLIAMSON: Okay.

CHAIRMAN SALADINO: Before you get into the application.

We have two applications.

MR. WILLIAMSON: One was --

CHAIRMAN SALADINO: One, we tabled your application in June, I believe.

MR. WILLIAMSON: Correct because --

CHAIRMAN SALADINO: At your request.

MR. WILLIAMSON: Because the original, what I submitted as an area variances, I thought, was a use variance, hey said. Mr. Connell [sic] and I had a discussion, and it came up as an area variance; it's not a use variances for the property.

I'm sure Mr. Connell will remember it. You sent me a text.

MR. CONNOLLY: Right. It was going to be an area variance application.

MR. WILLIAMSON: Right.
Then we resubmitted again for an area variance because the original forms I got were for a use variance.

CHAIRMAN SALADINO: We're going to ask the attorney, perhaps, the logic --

MR. CONNOLLY: When I spoke with the Village attorney, Mr. Pallas, we looked through the code and we came to the determination that it's not a use variance because it's a residential use in a residential zoning district; but for the addition of the cottage, it would be an area variance application. The structure would need to meet all setbacks and dimensional regulations in the code.

CHAIRMAN SALADINO: Just one moment.

MR. WILLIAMSON: All right.

CHAIRMAN SALADINO: Just so it's clear in my mind, this is -- a second dwelling unit on the property is not an approved use in R-2 District.

We have had applications in front...
of us for buildings in the R-1 District
to go from a single-family residence to
two-family residence and even though
there's a residential component in the
R-1 District, those buildings still had
to get a use variance; so maybe it's
just me that's confused.

MR. TASKER: No. I'm with you,
John.

MR. CONNOLLY: When I discussed
it, I was told that similar
applications in the past have be
prosecuted as area variance
applications.

CHAIRMAN SALADINO: Okay.

Anybody --

MS. GORDON: Is this because the
area variance is a sort of catchall
for -- what? Because certainly there
are more than one perspective on
whether this is use or area variance.

MR. CONNOLLY: That determination
usually would be made by the Building
Department; they would tell you which
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application they --

MS. GORDON: This may be one of the pieces of evidence that it matters that we don't have a building inspector at the moment.

MR. CORWIN: This is traditionally the way we have handled these things that are a little hard to figure out, call it an area variance. And I can see the argument that it's not a use variance because it's a two-family use, R-2 and the gentleman is saying, well, it's gonna be R-2; and we have to make a determination of whether something that's not a two-family house which is kind of an area thing is going to be -- it not allowed under the code, we have to make a determination as to whether we're going to give it a variance or not.

CHAIRMAN SALADINO: Okay.

Like Mr. Connolly said, these things are adjudicated at, what to apply for is done at the Building...
Department. It might -- we don't get
to -- well, we do get to agree or
disagree; but we have to act on the
application that's in front of us.

If I was the building inspector, I
would progress this as a use variance;
but I'm not the building inspector and
the current application we have in
front of us is for an area variance.

MR. TASKER: We get to accept it
or not, correct.

CHAIRMAN SALADINO: And our
opinions will be expressed in our vote.

MS. GORDON: And the Notice of
Disapproval says it requires a use
variance.

CHAIRMAN SALADINO: That was the
first one. The second notice --

MS. GORDON: Do you have another
Notice of Disapproval?

CHAIRMAN SALADINO: The second
Notice of Disapproval on the --

MS. GORDON: Do you have another

one?

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MS. NEFF: No.

MR. TASKER: I've got a May 30 Notice of Disapproval, it says requires a use variance.

CHAIRMAN SALADINO: I read another -- I thought there was another Notice of Disapproval.

MR. CONNOLLY: I thought there was too, some time in June.

CHAIRMAN SALADINO: Yeah, I do have it, and the Notice of Disapproval --

MS. NEFF: The date of it, please?

CHAIRMAN SALADINO: 5/30/18.

MR. TASKER: That's the one I'm looking at.

MS. NEFF: -- we're all looking at.

MS. GORDON: One that says use variance, requiring a use variance.

CHAIRMAN SALADINO: The two Notices of Disapproval that I have, both dated, 5/30/18, just so there is no confusion, the second Notice of...
Disapproval on the area variance application says the proposed accessory apartment creates a second dwelling unit on the lot requiring a use variance.

MS. NEFF: Correct.

MR. TASKER: That's the May 30, right?

MS. NEFF: Right.

CHAIRMAN SALADINO: The other Notice of Disapproval that I have on the application for an area variance says the same thing.

MS. NEFF: With the same date.

CHAIRMAN SALADINO: With the same date.

MR. TASKER: So there is only one Notice of Disapproval, and it has been used twice in two different applications which were rejected. In one case for a use variance and --

CHAIRMAN SALADINO: It wasn't rejected. The applicant --

MR. TASKER: I'm sorry, not
rejected, disapproved.

CHAIRMAN SALADINO: No.
The applicant tabled this
application last June, I believe.

MR. TASKER: After disapproval by
the Building Department, correct?

MR. WILLIAMSON: No.

MR. TASKER: How did you get
before us if you hadn't been
disapproved by the Building Department?

CHAIRMAN SALADINO: You're right,
Arthur, there is a Notice of
Disapproval. He came, we scheduled
the -- we took up this application in
June and because of some questions that
we had, the applicant agreed to table
the application.

MR. WILLIAMSON: Correct.

CHAIRMAN SALADINO: He was going
to come back the next month with
additional information.

MR. WILLIAMSON: Correct.

CHAIRMAN SALADINO: At his request
again, if I'm recalling correctly, we
tabled the application again.

MR. WILLIAMSON: Correct.

CHAIRMAN SALADINO: And you were going to resubmit the application.

MR. WILLIAMSON: Correct because Mr. Pallas wanted to review the file.

CHAIRMAN SALADINO: That's where we stood up until now.

MR. WILLIAMSON: Why we tabled it also was because Mr. Connell was at that one meeting and then he was gonna be at the other and then it was the area variance and not a use variance came into play with this.

MR. TASKER: Without pulling out the ordinance, the permitted uses in the R-2 District include a two-family dwelling and any other uses that are also permitted in the R-1 District. It includes a one-family dwelling; it does not include accessory apartments; it does not include second dwelling units as a listed permitted use, nor does it include either of those as a
conditional use; so I don't see how it isn't a use variance.

And the rubric of area variance as a catchall is not a useful or helpful way to look at these matters.

CHAIRMAN SALADINO: Well, Arthur, we don't --

MR. TASKER: So I'm gonna vote with my feet.

CHAIRMAN SALADINO: Okay. We don't --

MS. GORDON: You don't need to vote with your feet, you can vote with your vote.

MR. TASKER: I'm sorry. I was being flip.

CHAIRMAN SALADINO: We don't get to write the Notice of Disapproval. What we get to do is act as arbitrators between the Village and the applicant.

So we can listen to applicant and if the members feel the application is complete and correct, we can accept it or we can reject it. Those, I believe
are our options.

MR. CONNOLLY: I think also the
confusion came from, there was an
approved artist studio on the property.

CHAIRMAN SALADINO: A nonhabitable
accessory building.

MR. CORWIN: I think it's been --

CHAIRMAN SALADINO: Lived in
illegally.

MR. TASKER: Yes, by the owner who
was renting out the main house.

CHAIRMAN SALADINO: We're not
gonna bring that up unless he brings it
up.

MR. WILLIAMSON: Mr. Chairman,
just for the record and Mr. Connell,
there seems to be like a disagreement
among certain board members about
whether they're seeing this as an area
variance. I don't know if it's the
duty of the ZBA attorney to direct them
what it was. I mean, I've gone through
this, and I went back the last time to
make sure --
MR. CONNOLLY: I thought you were asked to put in a new application asking for an area variance.

MR. WILLIAMSON: I did put in a new application.

CHAIRMAN SALADINO: He did put -- I have a second application, and it's on the form for an area variance.

MR. CONNOLLY: But they didn't give you a new Notice of Disapproval?

CHAIRMAN SALADINO: The problem the members are having is, you didn't get a new Notice of Disapproval. The Notice of Disapproval says that the proposed accessory apartment creates a second dwelling unit on the lot, requiring a use variance.

So according to the Notice of Disapproval, that makes the application incorrect.

MR. WILLIAMSON: I understand, Mr. Chairman, I understand; but from my perspective and my client's, this was meant to come from the Village, not
from the ZBA.

And I'm not saying anything other than that.

CHAIRMAN SALADINO: I certainly understand.

MR. WILLIAMSON: And I'm just wondering at this point, Mr. Chairman, if my client should table this motion again until we get firm direction from the Village, which I thought we already had, and there seems to be some confusion still, I believe.

CHAIRMAN SALADINO: Well, you have two options. You have that option, that's always your option.

MR. WILLIAMSON: Right.

CHAIRMAN SALADINO: Or you can make pre-application addressed to the Board.

MR. WILLIAMSON: Right.

CHAIRMAN SALADINO: When this Board goes to training, the first thing they tell is to accept an application, it has to be complete and correct.
MR. WILLIAMSON: Right.

MR. COTUNGO: So right now this application is in conflict with the Notice of Disapproval. This Board can overlook that and schedule a public hearing or vote to schedule a public hearing and perhaps by that time, the Building Department could correct it; but again, the members' opinions is going be expressed in their vote.

MR. WILLIAMSON: Correct, Mr. Chairman, but through their opinion on the vote, it's being prejudged and prejudiced.

CHAIRMAN SALADINO: No.

MR. WILLIAMSON: Absolutely.

CHAIRMAN SALADINO: No. No. The only question in front of this Board now is, is this application complete or correct, making no determination on the merits of the application. That's the only question this Board is talking about now.

MR. WILLIAMSON: Okay.
The gentleman's name here on the Board (indicting)?

MR. TASKER: Tasker, Arthur Tasker.

MR. WILLIAMSON: Mr. Tasker, is it prudent upon everyone, including the Board, that we go back, do we table this and go back to the Village and have some firm definition of what all of this is because you're at a loss and I'm certainly at a loss and my client's at a loss that this has gone on for months; and I thought this was all straightened out.

I met with Mr. Pallas, I've gone over it with him ad nauseam; and I thought we were all on the same train going forward and that I was just presenting.

MR. CONNOLLY: I thought -- now that I'm remembering this more, this was tabled, I thought, originally for the Notice of Disapproval to get amended and then --
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CHAIRMAN SALADINO: No, it was tabled -- because I looked at the minutes again. It was tabled to let the applicant -- when it was tabled, the application was for a use variance, it was tabled to allow the applicant --

MR. CONNOLLY: To make the application.

CHAIRMAN SALADINO: -- to gather more information to provide the necessary information, the necessary financial information that's needed for a use variance to bring back to this Board for the next meeting.

What transpired between June and July was another meeting was held. At the applicant's request, we tabled this application again without any explanation, without any -- he requested --

I believe your client was away.

MR. WILLIAMSON: No, my client was here. It was the night up in the fire
department. It was raining. I came in and I spoke with you and spoke with Mr. Connell and Mr. Corwin came in later and you spoke with him and you said you were going to put this on the next agenda. At which point Mr. Pallas got involved and he wanted a meeting and he wanted to see an updated survey.

CHAIRMAN SALADINO: So the original meeting was in June. July is what happened, what you just relayed; and then, If I'm wrong maybe we're gonna have to check the minutes, but I remember deferring for a month because your client was gonna be away for the month of August and you requested a September --

MR. WILLIAMSON: Correct.

CHAIRMAN SALADINO: We didn't see you in September because you were working it out with the Village.

MR. WILLIAMSON: Right.

I don't know that came about because my understanding from my
conversation, not my conversation, my
e-mails with Mr. Connell was, I was
good to go with an area variance. All
I had to do was get all my paperwork
together and submit it.

CHAIRMAN SALADINO: Well, you
know, again you have two options, you
can table this, at your request, you
can table it; or you can go through
with what you would like to relay to
this Board.

MR. WILLIAMSON: Right.

CHAIRMAN SALADINO: This Board --
Arthur, before you shake your head,
this Board can listen to what you have
to say. We can either agree or
disagree that it's a clerical error
with the Notice of Disapproval. It was
supposed to say area and for some
reason in transcription it says use,
and we can --

MS. NEFF: Can I just point out
that what we have is the Notice of
Disapproval 5/30. We don't have one in
response to this application. That is what seems to me there may be several other items that need to get addressed, but there is no Notice of Disapproval that addresses this application which is dated 7, December '18.

CHAIRMAN SALADINO: I understand.

MS. NEFF: I think you can just slash it out and rewrite the date, but I think --

CHAIRMAN SALADINO: Not rewrite the date, rewrite use or area.

MS. NEFF: Absolutely, so we actually need a Notice of Disapproval for this application.

MR. WILLIAMSON: I concur --

CHAIRMAN SALADINO: One second.

MR. WILLIAMSON: Sorry.

CHAIRMAN SALADINO: You're right. To progress an application to get in front of the Zoning Board, you need a Notice of Disapproval.

MR. TASKER: And the only one we have is for a use variance.
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MS. NEFF: From 5/30.

MR. TASKER: From May 30 and an unmatched area variance application, an unresponsive area variance application.

MR. CORWIN: Can I make a motion?

CHAIRMAN SALADINO: Not yet.

MR. TASKER: In terms of timing, whether we table it so he can go back and argue with Paul and the building person who signs off on building inspections or he can start fresh and if he's diligent, he can be before us at the next meeting with a fully consistent serious of application, denial, application for variance.

CHAIRMAN SALADINO: That's true, Arthur, but from reading -- and you're right and --

MR. TASKER: Than let's do it.

MR. CORWIN: Can I make a motion?

CHAIRMAN SALADINO: People that know me know that I'm kind of like a black-and-white stickler-for-the-rules guy; but we're going to ask the
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applicant, do you want to table this or
do you want us to vote about accepting
the application?

MR. CORWIN: How do you table
something we didn't even accept?

MR. TASKER: Yeah.

MR. CORWIN: I want to make a
motion --

CHAIRMAN SALADINO: Because he has
an application in front of us, he has
--

MR. CORWIN: I want to make a
motion --

CHAIRMAN SALADINO: One second.

He has an application in front of
us from June. He has an amended
application that he submitted to us for
tonight. The application from June
hasn't been withdrawn. All it's been
is tabled.

MR. TASKER: Which is probably an
incorrect procedure to table it. It
was not accepted, how can we table it?

MR. CORWIN: I make a motion that
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we reject this application as presented without prejudice.

MR. WILLIAMSON: Under what criteria, Mr. Chairman, I have to ask? I personally am in favor of Mr. Tasker, I'm not in my head the same way as him, but he's prejudice against the application.

MR. TASKER: No.

MR. WILLIAMSON: Absolutely, and I can understand why, because you don't have a Notice of Disapproval, a relevant Notice of Disapproval; we can all agree on that.

But where does it leave me now? I've got to go back to the Building Department when Mr. Pallas, he told me I had to meet him before I submitted my application.

CHAIRMAN SALADINO: My suggestion would be in your conversation with Mr. Pallas or whoever in the Building Department is going to have this conversation with you is, first and
foremost, get the correct Notice of Disapproval.

MR. WILLIAMSON: Right.

CHAIRMAN SALADINO: Once you get the correct Notice of Disapproval, I'm not sure what in the application the members have a problem with, but right now, the front of the application has a Notice of Disapproval that doesn't correspond to the application.

MR. WILLIAMSON: Right.

CHAIRMAN SALADINO: So that would be my suggestion; but we have a motion on the table.

Can you repeat it?

MR. CORWIN: I make a motion to reject the application as presented without prejudice.

MR. TASKER: I second that.

CHAIRMAN SALADINO: Okay.

I'll ask the members for a vote.

Dini?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?
MS. GORDON:  I wanted to say something, but I don't think it's very important, so I'm gonna go ahead and vote yes.

CHAIRMAN SALADINO:  Okay.

Ellen?

MS. NEFF:  Yes.

CHAIRMAN SALADINO:  David?

MR. CORWIN:  Yes.

CHAIRMAN SALADINO:  Arthur?

MR. TASKER:  Yes.

CHAIRMAN SALADINO:  And I'll vote yes.

We're going to need a correct Notice of Disapproval. What you put behind that Notice of Disapproval, it's your application. When you come back here with the correct Notice of Disapproval and I know this is -- then we'll take up the subject of the application.

If the application is complete and correct, we'll schedule a public hearing, we'll schedule a site visit.
and we'll go from there.

MR. WILLIAMSON: Okay.

MR. TASKER: Mr. Chairman, might I also suggest that consistent with some communications that has been floating between the individual members of the Board, it would be very helpful if notices from the Village official who purports to be a code enforcement officer put a legible signature with a printed name beneath it.

MR. CORWIN: And the date.

MR. TASKER: And the date.

MS. NEFF: The date.

MR. TASKER: It's dated at the top, David.

MR. CORWIN: That doesn't mean anything, does it?

MR. TASKER: The date on which it's signed?

CHAIRMAN SALADINO: I can make that request but --

MR. TASKER: That has nothing to do with you, sir.
MR. WILLIAMSON: I know it doesn't.

Now we're getting to even more.

CHAIRMAN SALADINO: I can make that request to the Building Department, to the codes enforcement officer and perhaps a signature with a printed name underneath would satisfy you.

MR. TASKER: The record.

CHAIRMAN SALADINO: Okay.

Unless there is something else.

MR. WILLIAMSON: I just need to know if, and I guess this may be a question for the ZBA attorney, whether I can just attach the new notice, if I'm gonna get one from the Village and to --

MR. CONNOLLY: Yeah, as long as the Notice of Disapproval matches what the application is asking for.

MR. WILLIAMSON: Okay.

MR. CONNOLLY: You don't have to redo the application.
MR. WILLIAMSON: Okay.

CHAIRMAN SALADINO: Okay. Thank you.

MR. WILLIAMSON: Is the Village or is the ZBA attorney going to speak with Mr. Pallas; or two whom am I speaking to when I'm looking for a Notice of Disapproval?

MR. CONNOLLY: Mr. Pallas.

MR. WILLIAMSON: Mr. Pallas, okay.

CHAIRMAN SALADINO: Thank you.

MR. WILLIAMSON: Thank you, Mr. Saladino. Thank you members of the Board.

Before I leave, Mr. Saladino, sorry.

CHAIRMAN SALADINO: Sure.

MR. WILLIAMSON: Can this request for a Notice of Disapproval go through Mr. Connell or not, or is that something I have to make myself or can it go back through --

CHAIRMAN SALADINO: He doesn't write Notices of Disapproval.
MR. CONNOLLY: I know he doesn't write but can --

CHAIRMAN SALADINO: The Village attorney and Mr. Pallas do the Notice of Disapproval.

MR. WILLIAMSON: Okay. So you're not going to -- all I'm asking is --

MR. CONNOLLY: I'm going to talk to Mr. Pallas about it; you have to make the request.

MR. WILLIAMSON: Okay.

Just for clarification.

Thank you very much. Have a Happy Christmas. I'll see you in the new year.

CHAIRMAN SALADINO: Item number 7 is 412-414 Carpenter Street. Motion to accept the application, schedule a public hearing and arrange a site visit for the application --

Can you give your name?

MR. ARIIZUMI: Hideaki Ariizumi.

MR. CORWIN: Can you spell it?

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A-R-I-I-Z-U-M-I.

CHAIRMAN SALADINO: For the property located at 412-414 Carpenter Street, Greenport, New York 11944.

Suffolk County Tax Map number 1001-5-1-0.

MR. ARIIZUMI: I guess I need to just briefly what is happening, explain.

By the way the owner is here too.

CHAIRMAN SALADINO: Okay.

MR. ARIIZUMI: Project itself is the existing building is two-family residence; and new owner just try to make it usable. So they are doing, planning to outline the upstairs as well as on the first floor to make it pleasurable, livable.

The difficulty is the site is so tight and unfortunately the existing is, north side of existing building is right on the boundary; so everything is difficult just to make it -- like the existing apartment has now two unit.
that have bedrooms on the north side facing to the next door; but I don’t think -- I really strongly recommended not to keep it that way, for example, and put the correct safe window on that, not the north side; therefore that makes it so difficult to make (unintelligible).

The process was a little complicated because by some reason, we already have original building permit, mistake or not, and the contractor started to work and partially demolish the north side of, I mean, east side, back side.

MS. NEFF: The back?

MR. ARIIZUMI: The back.

MS. NEFF: East side.

MR. CORWIN: Excuse me, ladies and gentlemen, appears to me, this application is in order and this testimony, I think, should be for the public hearing, not for the acceptance of the application.
MR. ARIIZUMI: Okay.

CHAIRMAN SALADINO: We're going to let him talk a few minutes and, you know, it's his application, he's explaining why he is in front of us. If he wants to repeat it again for the public hearing for the record, that's fine. I don't think we should --

MR. ARIIZUMI: So anyway, the back side of the building was really lack. The ex-owner somehow -- it seems like it had a fire and just put things back on top of it; and, therefore, the owner decided to just cover it live with it on back of it.

At the same time, they realize that the problem, as we were proceeding just doesn't have enough openness. It feels all enclosed; so it's a big decision, but they decided to put addition to make it a little open to the backyard; and so there are two things, activities kind of overlapped.

Basically the disapproval is for
the addition to add to the south side of the building which they tried the keep the existing; but if you calculate setback, side setback, it will be out of the --

CHAIRMAN SALADINO: Well, right now for this Board, the consideration is, do we accept the application, is the application correct. I have a couple of questions about the application.

MR. ARIIZUMI: Sure.

CHAIRMAN SALADINO: You quote the Notice of Disapproval is for 150-13 El; and it's for an undersized lot; and we know, we compute the combined setbacks, the combined sideyard setbacks for an undersized lot is four-tenths of the width of the lot; but no side yards can be less than ten feet; so for me, you're asking for a six-foot eight-inch side yard setback when that's contrary to what the code says. The code says it can't be less than ten feet.
MR. TASKER: On each side, correct?

CHAIRMAN SALADINO: No side yard can be less than ten feet.

MR. ARIIZUMI: Well, it's existing and the complication of the process, yes, we need to rebuild; so I don't know how to --

CHAIRMAN SALADINO: My contention is, from reading the code, is that it's not six point eight feet that you would need, and it might sound -- it's to legitimize, in my mind, the correct sideyard setback, the variance for the correct sideyard setback would legitimize the property, the setback in the future.

So I would make that argument.

And the other question I would have for you as far as the application before we vote to accept or deny the application; do you have in your notes the percent of lot coverage before the addition?
MR. ARIIZUMI: Before the addition, I should.

CHAIRMAN SALADINO: With the addition, the coverage of the lot is going to be thirty-four percent. The maximum lot coverage in that area is thirty percent.

MR. ARIIZUMI: No. No. For two-family, it's different.

MS. NEFF: It's a two-family house.

CHAIRMAN SALADINO: It's a two-family house?

MR. ARIIZUMI: Yes, existing.

MS. NEFF: It says it's an existing two-family house.

MS. GORDON: Nonconforming.

MS. NEFF: Definitely nonconforming.

CHAIRMAN SALADINO: Again, my question still stands; is this thirty-four percent before the addition or after?

MR. ARIIZUMI: After.
MS. NEFF: It's after.

CHAIRMAN SALADINO: Where does it say that?

MS. NEFF: Right here (indicating).

I have a question. Is there a survey that is part of this application that I don't have?

AUDIENCE MEMBER: I gave a survey to Mr. Pallas.

CHAIRMAN SALADINO: You're gonna have to --

MR. TASKER: Here's the survey.

MR. ARIIZUMI: That is the old one, not proposed one (handing).

CHAIRMAN SALADINO: She has it.

MS. NEFF: Okay.

CHAIRMAN SALADINO: Okay.

That would be my question about this application.

MR. TASKER: Well, the error seems to be in the Notice of Disapproval, not the application. Three or four paragraphs down, it says, the Notice of Disapproval states this would require a
zoning variance of six feet eight inches for a combined side yard setback; that's incorrect.

But the application --

MS. NEFF: It says sixteen, it should say six.

MR. TASKER: Where does it say sixteen, Ellen?

MS. NEFF: Here (indicating).

MR. TASKER: It should say sixteen.

MS. NEFF: Well, down here, it says six.

MR. TASKER: I see. Correct the typo.

MS. NEFF: Yes.

MR. TASKER: Let the Building Department correct the type and conditionally off we go.

CHAIRMAN SALADINO: My contention is, it's not a six-foot eight-inch setback that's required. My contention is, it should be ten because the north side yard can be less than ten feet.
MR. TASKER: Yes.

Which side, you got ten feet on the south side, you got an as-built zero on the north side?

CHAIRMAN SALADINO: Unless I'm reading this wrong.

Isn't there new construction behind the house; isn't there a new foundation?

MR. TASKER: It doesn't --

MR. ARIIZUMI: Originally --

MR. TASKER: Doesn't decrease that sideyard setback; it's within the existing ten-foot setback on the south side, the bumpout in the back.

CHAIRMAN SALADINO: Okay.

If the members are on board with that.

MR. TASKER: This is ten, there the new bumpout (indicating).

CHAIRMAN SALADINO: Yeah, but his is gone, this the gone (indicating).

MS. NEFF: No. That's new. This is old (indicating).
MR. TASKER: This is old --

CHAIRMAN SALADINO: This is gone (indicating).

MR. TASKER: -- existing proposed.

CHAIRMAN SALADINO: This is gone (indicating).

MR. TASKER: Yeah.

(Speaks in a low voice.)

CHAIRMAN SALADINO: I apologize.

MS. NEFF: (Speaks in a low voice.)

CHAIRMAN SALADINO: Right now, we're looking at an artist's rendering. If you were to have driven by the property, you would have saw that this portion of the building is no longer there (indicating).

Is it being rebuilt?

MS. NEFF: This part (indicating).

(Whereupon, Mr. Ariizumi approaches the podium.)

MR. ARIIZUMI: Yes, this is completely (unintelligible.)

MS. NEFF: But this (indicating),
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you're proposing to renew it?

MR. ARIIZUMI: Yes.

MS. NEFF: And add onto it?

MR. ARIIZUMI: No.

MS. NEFF: No?

MR. ARIIZUMI: No.

It's a little complicated because this original proposal.

So this is original (indicating).

MS. NEFF: Existing second floor, proposed.

MR. ARIIZUMI: This is --

MS. GORDON: Hideaki, can you speak louder because the reporter can't --

MR. ARIIZUMI: I'm sorry.

This part, this plan is original (indicating).

MS. NEFF: Yes.

MR. ARIIZUMI: And the first proposal we submitted with a little addition in here, on the first floor (indicating), and yes. Not, it's not here, not yet, to fill up this existing
porch, covered porch and that was the
first proposal.

MS. NEFF: That's the second
floor?

MR. ARIIZUMI: Yes.

It's too little. We are making a
little building here; but it was behind
(unintelligible).

CHAIRMAN SALADINO: Let me ask you
this.

MR. ARIIZUMI: Yes.

CHAIRMAN SALADINO: Is this
rendering what you're proposing to do?

MR. ARIIZUMI: This is latest,
yes.

CHAIRMAN SALADINO: Is this there
now (indicating)? That's there
(indicating)?

MR. ARIIZUMI: That's there,
but --

CHAIRMAN SALADINO: And destroyed
and --

MR. ARIIZUMI: Demolished.

CHAIRMAN SALADINO: And this is,
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that's rebuilt as that (indicating)?

MR. ARIIZUMI: Exactly.

CHAIRMAN SALADINO: And this is being constructed also (indicating)?

MR. ARIIZUMI: Yes.

CHAIRMAN SALADINO: So doesn't that increase the footprint?

MS. NEFF: Yes.

CHAIRMAN SALADINO: Doesn't that increase the amount of nonconformity?

MR. ARIIZUMI: No.

CHAIRMAN SALADINO: Doesn't that --

MR. ARIIZUMI: Because this new part on the second floor we're talking about is behind the entry. We carefully planned not to be on the, making incompliance bigger.

But the problem is, yes, this part is needed to be enlarged, it's completely wrong.

CHAIRMAN SALADINO: We're not here to talk about that. That's between you and the Building Department.
MR. ARIIZUMI: Well, you're saying this is --

CHAIRMAN SALADINO: No, I'm saying --

MR. ARIIZUMI: -- increasing the incompliance this is not right. This incomplete, this part is. That is what I'm saying.

CHAIRMAN SALADINO: I'm looking at this here (indicating); is this new construction, does this add to the footprint of the current house?

MR. ARIIZUMI: Footprint is still okay. There is nothing incompliance to code.

MS. NEFF: This here (indicating).

MR. ARIIZUMI: No. No. No. Are we talking about this one?

CHAIRMAN SALADINO: No.

Let me turn this. I'll turn the map around.

This is the building as it was (indicating)?

MR. ARIIZUMI: Yes.
CHAIRMAN SALADINO: This is the building as it's proposed (indicating)?

MR. ARIIZUMI: Yes.

CHAIRMAN SALADINO: This was destroyed; this was rebuilt in kind (indicating)?

MR. ARIIZUMI: This part is destroyed, yes (indicating).

CHAIRMAN SALADINO: This part was rebuilt in kind (indicating)?

MR. ARIIZUMI: It will be.

CHAIRMAN SALADINO: Will be rebuilt in kind?

MR. ARIIZUMI: Yes.

CHAIRMAN SALADINO: That part is new (indicating)?

MR. ARIIZUMI: That part is.

CHAIRMAN SALADINO: Does it increase the footprint of the house?

MR. ARIIZUMI: Yes. But footprint -- no, not footprint, the floor area.

MS. NEFF: Yes. Which is the same thing.
MR. ARIIZUMI: The floor area.

MS. NEFF: It's the same thing, it's an misunderstanding in translation.

MR. ARIIZUMI: It's not code in compliant.

CHAIRMAN SALADINO: The code says that you can do anything within the current footprint.

MR. ARIIZUMI: Yes.

CHAIRMAN SALADINO: Once you increase the footprint, now you have to abide by the code.

MR. ARIIZUMI: Therefore, this is ten feet from the boundary for this part (indicating); this is, yes, new part (indicating).

CHAIRMAN SALADINO: This build is going to be ten feet from the sideyard?

MR. ARIIZUMI: This part (indicating)?

CHAIRMAN SALADINO: Yes.

MR. ARIIZUMI: This part, yes, that's what I'm saying.
MR. TASKER: No. That's zero feet

MR. ARIIZUMI: No. Zero feet is here (indicating). We are talking about this one (indicating).

MS. NEFF: I think when you say -- you're talking about this (indicating).

MR. ARIIZUMI: This one is this one.

MS. NEFF: Yes, but this is going to be right on the property line.

MR. ARIIZUMI: No. No.

MS. NEFF: How many feet off of it?

MR. ARIIZUMI: Ten feet or more.

This spot is this point (indicating); and the zero feet is this point (indicating).

So we're trying not to, you know, violate the code.

MS. NEFF: What I would need to see is sketched, if not complete final survey which I understand you would do after you finish it, is on a survey to
show exactly where this lies
(indicating), where this lies
(indicating) and their dimensions.

MR. ARIIZUMI: Okay.

MS. NEFF: That's what I don't see. I find I difficult to understand from the --

MR. ARIIZUMI: I see. I didn't indicate the second floor.

MS. NEFF: Both -- I mean, we have to start with the ground floor.

MR. ARIIZUMI: Ground floor is here already, this is the new proposed footprint; and that is -- yes, that point is zero and the second floor is where we started talk about it, this one is around here (indicating).

MS. NEFF: Is this part there now, right here (indicating)?

MR. ARIIZUMI: Yes, it is.

I mean, demolished.

MS. NEFF: I'm still confused about whether this is what's demolished (indicating) or this (indicating).
CHAIRMAN SALADINO: This is what's demolished.

MS. NEFF: Yes, but that --

CHAIRMAN SALADINO: This is gonna be --

MS. NEFF: -- addition --

CHAIRMAN SALADINO: It does, and he admits it --

MR. ARIIZUMI: Yes, that is what I'm --

CHAIRMAN SALADINO: -- and he admits it is.

MR. ARIIZUMI: I don't see it on the survey. Normally, it doesn't appear, second floor.

MS. NEFF: We're not talking about the second floor; we're talking about the building from the ground up.

MR. ARIIZUMI: It's here (indicating).

MS. NEFF: From the ground up.

MR. ARIIZUMI: It's here. I mean the covered porch is here, so it is already under the footprint existing.
MR. CONNOLLY: Is there a survey that shows all proposed and existing structures?

MR. ARIIZUMI: We can't make it, that's the problem. Survey, we tried to actually make a survey, but nobody (unintelligible) so what proposed (unintelligible) with my sign and signature with the old survey; but even though the second floor may not be up here, it's in survey.

MR. TASKER: Is your concern the area or the setback?

CHAIRMAN SALADINO: Well, no. We're assured by the site plan and the architect that the lot coverage is under the required lot coverage.

My concern is that the new addition increases the nonconformity --

MR. ARIIZUMI: For setback.

CHAIRMAN SALADINO: -- for setbacks.

MR. TASKER: On the north side --

MR. ARIIZUMI: No north side.
CHAIRMAN SALADINO: I rest my case.

MR. ARIIZUMI: No north side, only south side.

MR. TASKER: South side you've got a ten foot --

MR. ARIIZUMI: Yes, and --

MR. TASKER: -- do not -- the addition that you call the kitchen on the first floor is set back --

MR. ARIIZUMI: That's the south side.

MR. TASKER: -- ten feet, it's within that ten-foot line.

MR. ARIIZUMI: Yes.

MR. TASKER: So you have not increased the degree of --

First of all, there is no nonconformity on the south side.

MR. ARIIZUMI: Therefore --

MR. TASKER: It's conforming.

MR. ARIIZUMI: Therefore, the building inspector says total.

MR. TASKER: So he is looking at
the total setback --

MR. ARIIZUMI: Total --

MR. TASKER: -- all has to come

off the north side because your in

conformity --

MR. ARIIZUMI: If you do so --

MR. TASKER: Well, but you can't

do it so --

MR. ARIIZUMI: Building --

CHAIRMAN SALADINO: That's why you

need a variance.

MR. ARIIZUMI: I just tried to

make that point cleaner.

MS. NEFF: Staking this for a site

visit, I can see that some of my

confusion can be cleared up, but I

still do not --

CHAIRMAN SALADINO: Then that will

be the question. Are we prepared to

make a motion to accept this

application?

MR. TASKER: So moved.

MR. CORWIN: Second.

CHAIRMAN SALADINO: That was easy.
All in favor?

MR. CORWIN: Aye.

MR. TASKER: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: All right.

We're gonna accept this application.

MR. ARIIZUMI: Thank you.

CHAIRMAN SALADINO: Wait.

MR. CORWIN: You may need some fine tuning.

CHAIRMAN SALADINO: We're going to schedule a public hearing for --

MS. LINGG: January 15.

CHAIRMAN SALADINO: January 15 at 6:00 p.m.

MS. GORDON: But it will be dark.

MS. NEFF: We have to schedule the site visit earlier.

CHAIRMAN SALADINO: I thought I just said, we're gonna schedule the public hearing for 6:00 p.m.

MS. GORDON: Okay.

CHAIRMAN SALADINO: Then we're
gonna schedule a site visit for January 15 at -- what time is it still light out?

MS. GORDON: 4:00.

MS. NEFF: 4:00.

CHAIRMAN SALADINO: We're gonna schedule a site visit at the property for 4:00 p.m. And if you could, we would like the area staked out.

MR. ARIIZUMI: Okay.

MR. CORWIN: That's very important.

CHAIRMAN SALADINO: Is there anybody else that has a question?

MR. TASKER: Are we gonna get the Notice of Disapproval corrected as to the required variance for setback?

MS. GORDON: You mean the typo, what is presumably a type?

MR. TASKER: No. I don't think so. I think we're looking at two different things.

There's a statement in the Notice of Disapproval that calculated
required, calculated required combined setback is sixteen feet, eight; that's forty percent of twenty. Right? But it has to be at least ten feet on each side. On the south side, there is a ten-foot setback existing and they're not gonna go beyond that with the bumpout of the kitchen.

MS. GORDON: I see.

MR. TASKER: On the north side, there is zero setback, so they need a ten-foot setback variance on the north side; so the paragraph below that reads, this would require a zoning variance of six foot eight inches for a combined sideyard setback should be changed to read a zoning variance of twenty feet, ten feet for a combined sideyard setback.

CHAIRMAN SALADINO: I thought that's what I said.

MR. TASKER: You may have, but we want to get the Notice of Disapproval corrected.
MR. ARIIZUMI: But I don't -- I'm not quite sure if there is another way to see if keep zero point on north side, they can request us to recess sixteen feet from south; but I think that is how he understood and he wrote it.

CHAIRMAN SALADINO: I'm not sure I agree with that. The code is clear. The code says forty percent, four-tenths of the lot width; and the combined sideyard setback would be sixteen-feet eight inches; but the code -- you can't stop there. You have to read the second sentence, the codes goes on to say --

MR. ARIIZUMI: -- code will apply to existing unit.

CHAIRMAN SALADINO: The code, the current variance doesn't legitimize the zero-foot setback on the north side of the building.

MR. ARIIZUMI: I understand.

CHAIRMAN SALADINO: Six foot eight
inches won't do it either because you need at least ten feet on either side.

MR. ARIIZUMI: For new building.

MR. TASKER: No.

You're increasing the degree of nonconformity on the north side by --

MR. ARIIZUMI: South side.

MR. TASKER: No. Let me finish, please.

You're increasing the degree of nonconformity on the north side.

MR. ARIIZUMI: No.

MR. TASKER: You're up against the property line with the existing building, and you're going to extend the existing building along --

MR. ARIIZUMI: No. I'm explaining about it.

The new part of the second floor addition is recessed more than ten feet.

MR. TASKER: On the north side?

MR. ARIIZUMI: North side, yes.

That is I'm explaining to you.
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(Whereupon, Mr. Ariizumi approached the podium.)

Actually, it is my fault that I
I'm not adding incompliance on north side.

Actually, it is my
(unintelligible) second floor addition,
the back setback plan, the only thing I can show you is the dimension or recess from here is nine-foot nine and that is -- the boundaries is slightly angled, so when I was planning, this was completely out (unintelligible). Otherwise, just exactly same as it is.

CHAIRMAN SALADINO: Is this roof deck there already?

MR. ARIIZUMI: Roof deck is not; roof is there, flat roof is there (unintelligible).

MS. LINGG: You need to speak up.

CHAIRMAN SALADINO: Well, we made the motion to accept it. We set the time for the public hearing. We requested the area be staked out. The
Building Department wrote the Notice of Disapproval, some of us have expressed concerns about some of the Notices of Disapproval. We can only deal with what God gives us, you know, right now, this is what we have in front of us.

MR. TASKER: Okay.

CHAIRMAN SALADINO: Thank you.

MR. ARIIZUMI: Do I need to talk to the building inspector, or what is the procedure to do that?

MS. LINGG: I'll be in contact with you.

MR. ARIIZUMI: Okay.

We have, I guess our Fourth Street application is not going to --

MS. LINGG: I e-mailed her, but got no response.

CHAIRMAN SALADINO: I guess they're not gonna show up, so we're going to table that. If she decides to show up --

MR. CORWIN: Why do you need to table it?
MR. TASKER: We haven't accepted it.

MS. NEFF: Right.

CHAIRMAN SALADINO: Then we'll just --

MR. CORWIN: If there is something wrong with it, we don't accept it; if it's complete we accept it whether she's here or not.

Right?

CHAIRMAN SALADINO: No. I'm uncomfortable doing that without the applicant here or her attorney. I have some questions about the application.

MR. CORWIN: All right, well we can raise it.

CHAIRMAN SALADINO: That's my motive, that's my logic in tabling the application. I have some questions about the application; there's no one here to answer them. We'll wait 'til next month when somebody shows enough interest to show up.

MS. NEFF: I'm going to assume the
applicant and his attorney will get
notice that it was not accepted at this
meeting.

MS. LINGG: Of course.

MR. CORWIN: Could you share a
little on the questions you have?

CHAIRMAN SALADINO: No. They
would be for the attorney.

All right, so moving on, we
have --

MS. GORDON: When you say they'll
be for the attorney, does that mean
there will be more information about
this application whether we decide next
month or whether we're gonna accept it
or not.

CHAIRMAN SALADINO: I have
questions for the attorney about the
application, about her narrative. I
really don't want to get into it now
because she is not here.

MS. NEFF: So what we're doing is
tabling it rather than we're not
accepting -- we're not rejecting the
application.

CHAIRMAN SALADINO: Absolutely.

MS. GORDON: We're simply tabling it.

CHAIRMAN SALADINO: Absolutely not.

MS. GORDON: I just wanted to be clear.

CHAIRMAN SALADINO: Listen, you know, again everybody knows that how the Board works, our opinion is expressed in our vote. If somebody wants to make a motion to accept this application without either the applicant or the attorney being here, I'm only one vote.

MR. TASKER: Or look at it the other way, if someone was to make a motion not to accept the application.

CHAIRMAN SALADINO: I don't think -- I mean, that's a little harsh, don't you think, to reject the application without the applicant or the attorney being here to ask?
Shouldn't -- the same reason that I was just asked, why I want to table it, I mean, shouldn't she have the right to say, why are you rejecting this application? Is not showing up at a Zoning Board meeting reason enough to reject an application?

Listen, in the past we have always, if the applicant wasn't here, we always put it on the side until they showed up the next month. Again, not that it should reflect on us, but they do on the other two statutory boards in the Village, not that we're obligated to follow the other two statutory boards. I just think it's good practice to have the applicant here and if the application, barring any emergency, God forbid, auto accident, health emergency, if the application was important enough to them, they would have been here.

MR. TASKER: Than, let's do this, I move that we postpone consideration
of acceptance of the application until
the next meeting, our next meeting with
the expectation that the applicant or
the applicant's attorney will be
present to address the questions that
we may have.

CHAIRMAN SALADINO: I think that's
a little overkill, but sure, I second.

Well, somebody else will second
it.

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MR. TASKER: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: Okay.

Item Number 8, we have a little
bookkeeping that should have been taken
care of a little while ago, it's an
interpretation that the Zoning Board
made, and we're going to, it was the
Zoning Board made an interpretation.

It was voted on, and for some reason
from the trip from the meeting to Village Hall, it just never got there.

All we're doing is, reaffirming our interpretation and I'm gonna sign it and give it to the building clerk and she is going to -- in my conversation with the clerk, she said the procedure would be that the interpretation would be attached to the minutes of that particular meeting and there would with a file, a record of it wherever these things are kept in Village Hall.

MR. TASKER: As a point of information, can I ask the clerk, how are these cross referenced, these interpretations cross referenced to the code? In other words, how can somebody find this?

MS. LINGG: I have a binder with interpretations.

MR. TASKER: And it's cross referenced by code?

MS. LINGG: I don't know of a way.
that it is cross referenced.

MR. TASKER: It's a house-to-house search?

MS. LINGG: Yeah, at this point.

MS. NEFF: So this document would be with the minutes and in your binder?

MS. LINGG: Yes, in both places.

MR. TASKER: But unless you knew that it was in the minutes, unless you knew that there had been an interpretation, you wouldn't even begin to look for it.

MS. NEFF: You would never find it.

MR. TASKER: And B you would never find it except for a house-to-house search through the minutes of every meeting from whatever timeframe you're looking at or you aren't gonna find it by looking in the code because it is, will not be noted in the code that there was an interpretation on X date.

MS. LINGG: I'm saying that I don't, but I would have to speak to the
clerk and the administration to see if
they have. I don't know the system
they have in place for something like
that; I don't currently.

MR. TASKER: Okay. Fine.

CHAIRMAN SALADINO: I don't want
to comment on the clerk's filing
system. I mean, that's outside our
area of authority; what the clerk does
is what the clerk does.

This original interpretation never
got to the clerk; it was misplaced from
the time it left the meeting to -- I'm
not gonna say it. From the time it
left the meeting to the time it got to
Village Hall.

All we're doing is just, this is
part of the public record; it's in the
minutes. We're giving a copy to the
building clerk so she can insert it
into her file or ledger and then
hopefully it will be attached to the
June, previous June's minutes and that
will be that.
If anybody has any questions, any other business? Anybody have a question?

(No response.)

Then I'm gonna make a motion --

Any members have anything to say, questions, any comments?

(No response.)

CHAIRMAN SALADINO: No.

I'm gonna make a motion to adjourn.

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MR. TASKER: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: I'll vote aye.

Everyone have a merry Christmas.

Thank you.

(Time noted: 7:18 p.m.)
CERTIFICATE

STATE OF NEW YORK )
   ) ss:
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 December 18, 2018.

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 18th day of December, 2018.

______________________________
STEPHANIE O'KEEFFE
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