VILLAGE OF GREENPORT COUNTY OF SUFFOLK
STATE OF NEW YORK

ZONING BOARD OF APPEALS
REGULAR SESSION

Third Street Firehouse
Greenport, New York
March 20, 2018
6:15 p.m.

JOHN SALADINO - CHAIRMAN
DAVID CORWIN - MEMBER
ELLEN NEFF - MEMBER
DINI GORDON - MEMBER
ARTHUR TASKER - MEMBER
JOSEPH PROKOP - VILLAGE ATTORNEY
ROBERT CONNOLLY - VILLAGE ATTORNEY
KRISTINA LINGG - BUILDING CLERK
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CHAIRMAN SALADINO: Okay, folks.

We apologize.

This is the Regular Meeting of the Greenport Village Zoning Board of Appeals.

Item number 1 is motion to accept the minutes of the February 20, 2018 meeting.

So moved.

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Item number 2, motion to approve the minutes of the January 16, 2018 ZBA meeting.

So moved.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

Flynn Stenography & Transcription Service
(631) 727-1107
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MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Any abstentions?

MR. CORWIN: Abstain.

CHAIRMAN SALADINO: One abstention.

Item number 3, and let me explain about this. We lost the venue, we normally meet on a Tuesday, we lost the venue for April this year, so if the members agree, we're going to schedule a meeting for the Wednesday after.

Motion to schedule the next ZBA meeting for Wednesday, April 18, 2018 at 6:00 p.m. at the Third Street Fire Station, Greenport, New York.

So moved.

MS. NEFF: Did you say it's for the whole year?

CHAIRMAN SALADINO: No, just next month.

MS. GORDON: All right.
MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

So everybody just make a note that Wednesday, April 18th instead of Tuesday, April 17th.

Item number 4, public hearing regarding the area variance sought by Alexander and Isabel Iwachiw, represented by Michael Iwachiw for the property located at 177 Sterling Street, Greenport, New York 11944.

Suffolk County tax map number 1001-3-4-15.

For the folks that are interested, the public notice is attached.

I have my list here. We know that the applicant, that Mr. Iwachiw is representing, that Michael Iwachiw is
representing Alexander and Isabel.

Public notice was published, and I have the mailings. I'll read these for you folks.

Notified was Joan Berglund, 25605 Main Road, Orient, New York 11957.

We have the applicant.

This is like old stuff to you.

Does the Board have any questions for the applicant?

(No response.)

Anyone?

(No response.)

No. Thank you.

MR. IWACHIW: Should I stay until
the next one?

CHAIRMAN SALADINO: Well, we're going to let the public speak. We're gonna ask the public if they want to speak, so if there is someone here that might want to speak, we're gonna let them do it and then we'll close the public hearing and have the discussion.

Is there anyone from the public that would like to comment?

Chatty.

Name and address for the stenographer.

MS. ALLEN: Chatty Allen, Third Street.

Just reading what is being proposed, basically nothing is changing except what it's being called now. You know, this seems like a straightforward, basically putting one room and just changing it to another room. It's not changing what's already been there, so, if I had my say, I'd say approve it.
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CHAIRMAN SALADINO: You can put Chatty down for a yes.

Anyone else from the public that would like to speak?

(No response.)

If not, what's the pleasure of the Board, make a motion to close the public hearing or comment?

MR. CORWIN: I second the motion.

CHAIRMAN SALADINO: All right.

I'm gonna make this motion to close the public hearing, second by David.

All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Item number 5 is discussion and possible motion on the variance application of Alexander and Isabel Iwachiw, represented by Michael Iwachiw
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for the property located at 177 Sterling Street, Greenport, New York 11944.

Suffolk County tax map number 1001-3-4-15.

Does the Board have any comments?

MR. CORWIN: I'll note that I'm not thrilled with this because it's so close to the neighbors, but if you look at Google Earth, each house on that street is set back a little more, so it's not really a fire hazard to the neighbor to the west, so I guess there's no argument there.

What I am uncomfortable with and we have no say over at this point in time is in the back of that lot there's a couple of sheds, and they back right up, couple feet away from what used to be Tommy Christianson's (phonetic) house, and really these things were set up for fire considerations as far as I understand, so I don't like the way the backyard is set up, but, once again,
that's not what we're here for.

CHAIRMAN SALADINO: Okay. Anyone else?

MR. TASKER: I have a modest concern that the project is to essentially enclose what is the deck and turn it into interior living space in terms of the square footage. And I have concerns that at some point in the future, we're going to see an application to add a deck, and just get into kind of going like topsy in terms of consecutive variances or something of that sort.

MS. GORDON: But these proposals do not, these variances do not change existing nonconformity uses, so such a proposal later on would change the nonconforming use, it would be a new nonconforming use so --

MR. TASKER: I understand your point, if you'll take mine.

MS. GORDON: Sure.

CHAIRMAN SALADINO: I don't have a
problem with this, you know. It's almost, it's almost that if the deck was certified to be sound and he had intentions of leaving the deck and it was someone, an engineer certified it to be sound and build worthy, I mean he could build this enclosure almost as of right on top of that deck, so, I mean, to remove the deck, build something in kind except enclosed, as far as building a deck afterwards, should we be thinking about the unborn?

I don't have any objection to this application.

Ellen, anything?

MS. NEFF: No, I don't agree. I mean, if the area of the deck and the volume of the addition are -- I mean, it's a great difference between them in my view, but if it fits in with the character of the neighborhood that it, in fact, is happening on a lot that's a little bit less than 40 feet wide, I think it represents a consideration of
Chairman Saladino: So you're okay with this?

Ms. Neff: Yes.

Chairman Saladino: Just checking. So should we go through the five questions for this application and do SEQRA?

Mr. Corwin: SEQRA first.

Chairman Saladino: Should we go through the five questions and do SEQRA or do we have any more discussion?

(No response.)

I'm gonna make a motion that the ZBA declare itself lead agency.

Ms. Neff: Second.

Chairman Saladino: All in favor?

Mr. Corwin: Aye.

Ms. Gordon: Aye.

Ms. Neff: Aye.

Chairman Saladino: Aye.

I'm gonna make a motion that we declare this a Type 2 action.
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MR. CORWIN: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: Aye.

And we can go through these five questions here and vote on this variance if that pleases the Board.

MS. GORDON: Yes, please.

CHAIRMAN SALADINO: Item number 1 is whether an undesirable change would be produced in the character of the neighborhood or detriment to nearby properties will be created by granting of the area variance.

Kristina, you're gonna keep --

David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Dini?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: Arthur?
MR. TASKER: No.

CHAIRMAN SALADINO: And I'll vote no.

Whether the requested area variance is substantial.

Mr. Corwin?

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.

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

David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Dini?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?
MS. NEFF: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: And I'll vote no.

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

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Dini?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: And I'll vote yes.

I'm going to make a motion to approve the area variance.

MR. TASKER: Second.
CHAIRMAN SALADINO: David?
MR. CORWIN: Yes.

CHAIRMAN SALADINO: Dini?
MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?
MS. NEFF: Yes.

CHAIRMAN SALADINO: Arthur?
MR. TASKER: Yes.

CHAIRMAN SALADINO: And I'll vote yes.

MR. IWACHIW: Easy peasy. Three times a charm. Thank you.

CHAIRMAN SALADINO: Item number 6, motion to accept the application, schedule a public hearing, and arrange a site visit for the application of Kathleen M. McDowell, for the property located at 19 Front Street, Greenport, New York 11944.

Suffolk County tax map number 1001-5-4-29.

Is the applicant here?

MS. McDOWELL: Yes.

So basically --
CHAIRMAN SALADINO: Name and address for the stenographer.

MS. McDOWELL: I'm sorry. Kathleen McDowell, 51540 Main Road, Southold, New York.

So basically, we're opening a cheese shop at 19 Front Street and we would like to hang a sign perpendicular to the building. My understanding is that that sign can only be nine inches in diameter.

CHAIRMAN SALADINO: It could be two square feet per sign, the dimensions are up to you.

MS. McDOWELL: Okay. I was originally told nine inches.

MR. TASKER: No, two square feet.

If it were one-foot by two feet, that is two square feet.

MS. McDOWELL: Right. Okay.

MR. TASKER: Just to scale.

MS. McDOWELL: So what we would like to do, we have measured the signs that are next door to us, hanging at Flynn Stenography & Transcription Service (631) 727-1107
the Galleria, those are all 24 by 36.

There is four signs hanging there. The only difference is that ours is oval and their's is rectangular and we would like to hang the sign above the door between the first and second floor.

CHAIRMAN SALADINO: It's my understanding that just a little bit of the difference is, and one of the reasons you're here is, the signs next door aren't over, are not over a Village sidewalk, that portion of sidewalk belongs to them.

MR. TASKER: I'm sorry, which ones are you --

CHAIRMAN SALADINO: The building she mentioned, the Galleria building. Right?

MS. LINGG: Yes.

CHAIRMAN SALADINO: So just so you understand what's up.

MS. McDOWELL: Okay.

CHAIRMAN SALADINO: The application is for a two-sided sign.
It's 25 by 36. It's 12-and-a-half square feet, so you need a variance of eight-and-a-half square feet for the sign.

MS. NEFF: May I just point out, if you actually use the area of an oval, it's substantially less than what you just quoted.

CHAIRMAN SALADINO: Yeah, but that's not what the code says, the code says the rectangular --

MS. NEFF: But it's not a rectangle.

CHAIRMAN SALADINO: The code says the rectangle that encloses the circle. That's how you measure it.

MS. NEFF: Okay. I would like to check.

MR. TASKER: I'd like to see that. Do you have the code?

MR. PROKOP: It's right here (handing).

MS. McDOWELL: You're scaring me.

CHAIRMAN SALADINO: Don't be
scared, as long as there is no hitting, you shouldn't be scared.

MR. TASKER: The point that she is making is one that I intended to make and that is, you're really looking for a smaller variance than it states on the document.

MS. McDOWELL: Exactly because it doesn't take up -- I like where you're going.

CHAIRMAN SALADINO: I'm gonna read from the code.

The area of the sign shall be -- this is Chapter 150-15C.

The area of the sign shall be the area of the largest rectangle required to enclose the sign or each face of the two-faced sign.

MR. TASKER: Okay.

CHAIRMAN SALADINO: Are we in agreement that that's the way to measure it?

MR. TASKER: Yes.

I still think that, as Ellen does,
that there's some --

CHAIRMAN SALADINO: Well, we can
certainly negotiate that.

MS. NEFF: Are we adding the area
of two sides?

CHAIRMAN SALADINO: Yes.

MR. TASKER: But you're doubling
the allowance, so that's okay.

CHAIRMAN SALADINO: Wait, I'm
confused by that.

If it's a two-faced sign, you're
allowed two square feet for each side.

MS. NEFF: Okay.

CHAIRMAN SALADINO: Are we in
agreement that that's what we are
talking about since I just read it from
this big book?

MS. NEFF: Yes.

CHAIRMAN SALADINO: Ms. McDowell,
do you understand?

MS. McDOWELL: I do.

CHAIRMAN SALADINO: Okay.

MS. GORDON: But it seems to me
the area variance that's being
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requested is 12.5 square feet minus five, not minus -- so that would be 7.5 square feet.

CHAIRMAN SALADINO: Why five?

MS. GORDON: Because isn't it two --

CHAIRMAN SALADINO: -- square feet for each side of the sign.

MS. GORDON: Oh, okay.

CHAIRMAN SALADINO: Just so we're all on the same page, the numbers that I have, if you do the math, 25 by 36, it comes out to 900 square inches, which if we use mathematical equation and divide by a hundred forty-four, it comes out to 12.5 square feet, comes out to 6.25 square feet because it's a double-sided sign, the total square footage of the sign is 12-and-a-half square feet. Allowable is four square feet, so the area variance is for eight-and-a-half square feet.

MS. NEFF: Thank you for doing the math.
CHAIRMAN SALADINO: Looks like Arthur still has a question.

MR. TASKER: No, I'm not sure I concur with your calculation, but we're all on the same wavelength.

CHAIRMAN SALADINO: Well, it's math, it's easy enough to check. I mean, you know, it's math. If somebody wants to check that, you know, but I'm pretty sure the Building Department did the numbers, I did the numbers, so I'm willing to accept those numbers as being correct.

MS. GORDON: Is the difference between what is allowed overhead and what is allowed next door attributable to the fact that an overhead sign might fall and the sign next door wouldn't fall?

CHAIRMAN SALADINO: I don't know. I don't know. I don't know the logic in -- I don't know the reasoning behind the different sizes allowed for overhead sign that projects from the
building as opposed to an overhead sign
that is attached to the building, not
perpendicular to the building, attached
to the building, I don't know.

MS. GORDON: Are there any other
nonconforming overhead signs?

CHAIRMAN SALADINO: Well, we're
going to ask -- I'm gonna ask the
applicant -- if we decide to accept
this application, I'm gonna ask the
applicant when she shows up at her
public hearing, since she says in her
application that there are numerous
other signs that are this size, that
perhaps list them for us so when we
come for the inspection, we can see
them.

MS. McDOWELL: Okay.

MR. CORWIN: May I add something
to that?

CHAIRMAN SALADINO: Sure.

MR. CORWIN: I'd like to see a
cardboard cutout to give us an idea how
big the sign is, and also on the
diagram, there's got to be some kind of
cable or chain holding up the sign, I
assume.

MR. TASKER: That's specified on
the sheet --

MS. McDOWELL: I thought it was
specified.

MR. CORWIN: Yeah, but the frame
that's gonna hold up the sign has to be
supported somehow, right?

CHAIRMAN SALADINO: I agree with
you, David, but I kind of think that is
the Building Department's thing, you
know, if they're satisfied with the way
it's affixed to the building, you know
--

MS. McDOWELL: And I'm not
installing it; obviously, a licensed
contractor -- the building is mason, so
I imagine there will be bolts and
cables and whatever is necessary. I
mean, I certainly don't want it to
fall.

CHAIRMAN SALADINO: Let me do
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this, let me ask David to just tell us what he would like and we'll make that request from you, and if it's possible to have something to satisfy his request.

MR. CORWIN: The drawing I have in front of me doesn't show any cables or chain or anything suspending the sign. Now, the contractor says I'm just gonna drill into the masonry, I would argue against that. I would say you've got to have some kind of cable or chain or something to hold up the frame that the sign is gonna be attached to.

CHAIRMAN SALADINO: Do you mean like that (indicating)?

MR. CORWIN: Exactly. Yes.

And I'd like to get an idea of how big that is and what it's gonna be made of.

MS. GORDON: I'd like to know what the sign and the bracket weigh as part of understanding this.

CHAIRMAN SALADINO: So we would
like the support, cable and weight of
the sign, of the sign and the bracket.

MS. McDOWELL: Weight of the sign
or the bracket or both?

MR. CORWIN: Both.

MS. NEFF: And how wind will
affect, it must move.

CHAIRMAN SALADINO: I kind of
think we're overstepping our bounds
here.

MR. TASKER: I think --

CHAIRMAN SALADINO: --
technically --

MS. McDOWELL: Can I just say one
thing?

CHAIRMAN SALADINO: Sure.

MS. McDOWELL: Okay. So Karma
(phonic) who is also down the street
from me and I believe her sign does
hang over Village property.

CHAIRMAN SALADINO: You can
certainly tell us that.

MS. McDOWELL: But she has a
36-inch sign in diameter hanging that's
been there for years that doesn't show
any -- it's just hanging on a bracket
with S-hooks.

CHAIRMAN SALADINO: I'm not sure
if any -- I wasn't on the ZBA, if
that's something --

MS. McDOWELL: Okay.

CHAIRMAN SALADINO: -- by the ZBA.
I'm not sure if any of the other
members were there, here. Perhaps
Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: When that sign
was up.

We really can't -- when we come
for the inspection, Karma's four doors
down from you, five doors down from
you.

MS. McDOWELL: Right.

CHAIRMAN SALADINO: We'll look at
it, but it's the Building Department --
my theory is, if the Building
Department deems it safe, I would, me
personally would rather not be involved
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in that, you know, if the building inspector --

MR. TASKER: I'm in complete agreement with you, John.

CHAIRMAN SALADINO: So what are we thinking about Ms. McDowell's application; are we gonna accept it?

I'll make a motion we accept this application.

MR. TASKER: I second it.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: And we're gonna schedule a site inspection for April 18th. What time -- we're gonna have three inspections that day, so what time, like 5 o'clock?

MS. GORDON: Sure.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

MR. TASKER: Yes.
CHAIRMAN SALADINO: So we're gonna have a site inspection, we're gonna schedule a public hearing for 6 o'clock on April 18th.

MS. McDOWELL: Okay.

CHAIRMAN SALADINO: And we're gonna have a site inspection --

MS. McDOWELL: Okay, would it help if the sign and the contractor were both there at the site inspection to answer any questions, maybe to show you guys --

CHAIRMAN SALADINO: Well, site inspection is a public meeting because we're all gonna be there.

MS. McDOWELL: Right.

CHAIRMAN SALADINO: And if you had the sign there, it would --

MS. McDOWELL: Well, I can't have the sign made until I know the sign is approved.

MR. CORWIN: Which is why I asked that you have some kind of cardboard cutout.
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MS. McDOWELL:  We have it done on canvas so you would be able to see it.

MR. CORWIN: But a cardboard cutout would give me an idea of how big it is in the scheme of whatever else is on the street.

MS. NEFF:  Canvas would do that.

CHAIRMAN SALADINO:  So if you have a representation of the sign at the property, whether it be canvas or cardboard --

MS. McDOWELL:  Okay.

CHAIRMAN SALADINO:  The sign, you don't have to do the sign, just --

MS. McDOWELL:  No, it's already done, so --

CHAIRMAN SALADINO:  Just the shape, if you had it at the property, it would save you the trouble probably of bringing it here because I'm not sure -- well, maybe you would have to bring it here if you wanted to, in case the public wanted to see it.

MS. McDOWELL:  Okay.
CHAIRMAN SALADINO: But we're not going to require you to bring the sign here.

MS. McDOWELL: Okay.

CHAIRMAN SALADINO: Mr. Corwin would like some kind of explanation about the support cable, and you could ask the sign contractor the weight of the sign with the bracket.

MS. McDOWELL: Okay.

CHAIRMAN SALADINO: Just because a couple of members asked that question.

MR. CORWIN: Let me point out too that when Andy's was The Rhumbline, there was a half model of a ship up on the side of the building, and it fell off and it closed the road down; so I don't think we take this lightly.

CHAIRMAN SALADINO: I don't think we are. I don't think we are taking it lightly. There's just certain -- I don't believe in crossing crafts, you know, I think we're charged with one thing and the Building Department is
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charged with the other, and at some point we have to accept the fact that maybe they know what they're doing.

Okay. I lost my train of thought here.

We accepted the application, we scheduled the public hearing, we scheduled the site visit.

MS. McDOWELL: Correct.

CHAIRMAN SALADINO: See you next month.

MS. McDOWELL: Okay. So I just meet you on the 18th at 5 o'clock in front of the building?

MS. GORDON: Does she put up the signs?

CHAIRMAN SALADINO: No.

MS. McDOWELL: No, I mean, it's going up between the first and second floor.

MS. GORDON: And the notices of the hearing, does there have to be a notice of public hearing?

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

CHAIRMAN SALADINO: That's for the Building Department.

MS. LINGG: I'll take care of that.

CHAIRMAN SALADINO: Thank you.

MS. McDOWELL: Thank you very much.

CHAIRMAN SALADINO: Item number 7 is -- the application was withdrawn. The Building Department -- between Sparkling Point and the Building Department came to something, so that application was withdrawn.

Item number 8 is 412 Third Street, motion to accept the application, schedule a public hearing, and arrange a site visit for the application of James Olinkiewicz for the property located at 412 Third Street, Greenport, New York 11944.

Suffolk County tax map number 1001-4-2-4.6.

Ms. Moore, name and address for
the stenographer.

MS. MOORE: Patricia Moore on behalf of the applicant. My address is 51020 Main Road, Southold. I'm the attorney for the applicant.

I submitted to you as part of the application a memorandum of law which explains our first position, which is we don't think we have to be here.

Just as factual background, this is a piece of property that has two homes on it, and back in 1998, the applicant sought and received an variance for the, area variances to split the property. At the time in '98, there was no Planning Board in place, and the only thing that he needed to do was, nothing. He had nothing to do.

For whatever reason, he either misheard or misunderstood that the Board had, in fact, granted the approval. He was under the impression it had been denied. So he was going
through personal matrimonial, the
property was sold and lo and behold, he
has now reacquired the property.

While he was pursuing going
trough the subdivision process again
and did a FOIL, he discovered that, in
fact, the Zoning Board had granted the
approval in 1998, and submitted the
application -- or actually the prior
attorney sent communication to the
Planning Board and explained, well, the
Zoning Board had granted the variance
in 1998, the two property -- the
property, everything remains the same.
The Planning Board was not in, was not
a board at the time, so the --

CHAIRMAN SALADINO: I'm gonna have
to interrupt you.

The Planning Board, there was, in
fact, a Planning Board in 1998.

MS. MOORE: I'm sorry. There was
no -- they did not do the subdivision
of this parcel.

MR. TASKER: They didn't have
any --

MS. MOORE: They didn't have
jurisdiction over, I guess two lot
subdivisions. They probably had site
plan approval, but not subdivision
process.

In any case, they went to the
Planning Board and said, would you
recognize this? If you won't, then
just give us an answer. They were not
going to get an answer, so when they came to
me, I said, well, file an application,
they have to respond to an application.

So Mr. Olinkiewicz filed the
application to the Planning Board. The
Planning Board had it, it would have
been scheduled for April; however,
prior to that, he was advised that he
needed to come to this Board for a
variance.

The reason I gave you memorandum
of law is that, the law, and I'll --
Obviously, you're gonna consult with
your own Village attorneys, but to
begin with, a variance, as a matter of law, runs with the land. It's a very basic principle in zoning law that variances run with the land.

The exception to that is if a variance has a condition of a time limit or the code has some kind of condition; and the only thing I found under current law, under the current code variance is that variances terminate if construction has not commenced. In this situation, there was no construction, the houses are existing, there was no real -- there was no action that had to take place, so the variance, as a matter of law, that continues to run with the land is in place now. The only issue being that, going to the Planning Board since the Planning Board now does have jurisdiction, is completing the process with the Planning Board. That was the next step.

So I would like a determination
from this Board or something that says, for the Planning Board's purpose, that yes, in fact, the variance runs with the land and the Zoning Board doesn't have to act on this.

CHAIRMAN SALADINO: As you said, the code says that construction has to actively be pursued --

MS. MOORE: Has to commence.

CHAIRMAN SALADINO: -- actively be pursued within six months or the variance is voided.

MS. MOORE: Right.

CHAIRMAN SALADINO: Couldn't that also be construed as the next logical step in the variance process?

MS. MOORE: No, because conditions have to be very specific. You can't assume things. It has to be what the code says. If there is a -- because, as I said, the law is that variances run with the land so --

CHAIRMAN SALADINO: You're assuming that construction means
driving a nail or putting on a roof or building a house or -- I mean, couldn't construction be setting out side yard, front yard boundaries, couldn't construction also mean --

MS. MOORE: The only thing that would have been the next step would have been deeds, that's it.

CHAIRMAN SALADINO: Or physically separate the land --

MS. MOORE: To physically --

CHAIRMAN SALADINO: -- fence or --

MR. TASKER: And that was not done, correct?

MS. MOORE: Correct, because --

MR. TASKER: There was no actual subdivision done.

MS. MOORE: Well, let's back up. In terms of deeds --

MR. TASKER: In terms of --

MS. MOORE: Yes, correct.

MR. TASKER: -- two separate parcels --

MS. MOORE: There were no --
MR. TASKER: -- titled to which is owned by X and Y or X and X.

MS. MOORE: Correct. The deeds were not recorded. The property --

MR. TASKER: Were the deeds transacted?

MS. MOORE: No, there were no deeds prepared.

MR. TASKER: You said they weren't recorded.

MS. MOORE: No, there were no deeds prepared, correct. There was no, nothing done, and again in part because the Zoning Board legally has an obligation to send notice. It's a matter of Village law and I always, you know, it's something that I hope will be corrected sometime soon by this Board, but the variance, there are two steps to establishing a variance that the Board has made a decision. One is it's filed with the Village clerk and, two, it's given notice to the owner. In this instance, he heard that it was
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denied, and since there was no written
decision that was served on him or
filed with the Village clerk, there
was, it was rumor, and unfortunately --

CHAIRMAN SALADINO: Do we know
that for fact?

MS. MOORE: He looked for a
decision and there wasn't anything.

CHAIRMAN SALADINO: But we don't
know for a fact that he wasn't
notified.

MS. MOORE: Well, FOIL would have
disclosed if there was, in fact, a
decision filed with the Village clerk.
There has to be a decision that is
identifiable, that's something that,
again, procedures, just proper
administrative procedure --

CHAIRMAN SALADINO: I understand
that.

Has there ever been, in your
experience or perhaps these attorneys'
experience, has there ever been a piece
of paper that was misfiled or not
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delivered but, in fact, existed?

MS. MOORE:  Not when it comes to

having them not delivered and not

existing both in the Village files,

Village clerk's office.

CHAIRMAN SALADINO:  Just to let

the public know, it's been 19 years or

20 years --

MS. MOORE:  Yes.

CHAIRMAN SALADINO:  -- so

sometimes --

MS. MOORE:  Well, I review

variances that are 30, 40 years, you

know, so --

CHAIRMAN SALADINO:  I'm not saying

for the most part that --

MS. MOORE:  Could they be lost and

gone forever?  I don't know.  I don't

think so because I think that the

Village does a good job maintaining

records.  You know, I found old records

that the Village --

CHAIRMAN SALADINO:  Just, and it

has nothing to do with this or what
you're saying, but we just had an incident, 222 Manor Place, where there were records that we couldn't find and we knew to exist and couldn't find the and couldn't prove or disprove them; but we're gonna let that go.

MS. MOORE: Okay.

CHAIRMAN SALADINO: I just have a question here. Your statement here says you're asking one of three things. One, that we decide that this should go back to the Planning Board, that the variance runs with the land.

MS. MOORE: Right.

CHAIRMAN SALADINO: Me personally, I have a problem with that.

The second one, if a time limit is applicable, you want an extension and if that doesn't work for you, in the alternative, to use your words, you want to submit this as a reapplication. What exactly --

MS. MOORE: What am I trying to say with that?
CHAIRMAN SALADINO: No. What exactly, I mean, you know we have heard two bites at the apple, but this is like three bites.

MS. MOORE: No. No. No.

Imagine if I have to go to court depending on what the circumstances are here.

CHAIRMAN SALADINO: Don't you have to -- I mean --

MS. MOORE: I'm trying to explain it to you.

CHAIRMAN SALADINO: But all I'm asking is, don't you have to tell us exactly what you want?

MS. MOORE: I did. I told you, one, I don't think we have to be here, that the variance runs with the land. If you disagree with me, my choice is to go straight to court and disagree. Item two is, there is a provision about extending, since the issue is, did the variance terminate after six months, did it go away after six months,
another alternative is, fine, it's --
we will recognize it and extend it so
that you can go back to the Planning
Board and finish the process, so that's
the extended process. That's the
second request, that if a time limit is
applicable, we seek an extension of the
time for the variance, that the
variance will be considered to be still
in effect because you have given it the
extension to be current as of today.
And if you say to him, all right, if
you don't do anything, don't come back
and complain, but we'll give you
whatever the time period is to go back
to the Planning Board with --

CHAIRMAN SALADINO: Isn't item
number --

MS. MOORE: -- an application to
the Planning Board.

CHAIRMAN SALADINO: Isn't item
number two more of an interpretation of
what previously -- are you asking for
like our interpretation of --
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MS. MOORE: It's you do it by way of what your decision is on one is an interpretation, so to that extent it's giving you the alternatives that are one, two, worse come, if you say, I'm sorry, come back in with a variance application. All right, we've got a variance application, but I'm telling you that as a matter of law if you feel that the variance is going to be denied given that the circumstances changed and I've given you the case law and all of the -- and the facts surrounding this property, then should you deny it, it would be considered arbitrary and capricious and there would be a basis in law. That would be our argument in court so --

CHAIRMAN SALADINO: Are we going to court already?

MS. MOORE: We might. My job is, you know, it's not to be a jokester about it, but really the bottom line is that really we shouldn't be here. I
understand the Planning Board feeling that we had to come in to the Planning Board the complete the progress because that's what the law is today. Had the lots been sold off back in '98 or at any point in time then, you know, there were two different owners --

CHAIRMAN SALADINO: Weren't they sold off?

MS. MOORE: Yes, they were, but the same owner bought both.

MR. TASKER: As a single parcel.

MS. MOORE: The middle owner, yes, they owned it as one, okay, and then my client bought it back.

MR. PROKOP: Wasn't there several other transactions in between?

MS. MOORE: I don't know. I don't have the whole title history. My client seems to think it was just one owner because he bought it back from the person he sold it to, so I think there was only one.

CHAIRMAN SALADINO: So if I could
just get it clear in my mind, so you are, in fact, asking for, in question one, in item one, are, in fact, asking for an interpretation and then that interpretation will decide what happens next, whether -- so just to remind the members, an interpretation requires a public hearing. We had an incident, if we all remember, we had an incident with a hotel on Front Street where we combined the hearing for the interpretation and the hearing for the variance into one public hearing and it kind of got convoluted.

It would be my preference that if we are gonna be asked for an interpretation, we schedule a separate public hearing for that.

MS. MOORE: That will be procedure, but honestly it's more of a legal question, so item one is, does the variance run with the land or not. You will, you know, discuss it with your Village attorneys and there's not
much to be said at that public hearing,
other than well, as a matter of law,
this is our position and, you know, you
can't read into the code anything that
the code doesn't say.

CHAIRMAN SALADINO: Well,
you're -- we can certainly have our own
opinion about the term construction, we
can certainly have an opinion about
what, in fact, construction means.

MS. MOORE: Here's the technical
problem with your procedure. What will
happen is, let's assume you come to the
conclusion that your interpretation is
construction meant a deed, okay, or
some, you know, sell off to two
different people; and I have to
preserve my rights with the client.
I'm gonna have to file an Article 78
because there's only 30 days, statute
of limitations, so from the time you
issue a decision, presumably you'll
file it and serve us with a copy, I
have 30 days so you'll get litigation.
You don't care because you have Village attorneys that get paid whether they handle litigation or not, but I think it's costly for my client when it's really a matter that, if it turns out that you ultimately grant the variance anyway, what am I gonna go to court and say, Judge, I was right, it shouldn't have been required and the judge is gonna look at me and say, are you an idiot, you got approval, go away.

CHAIRMAN SALADINO: You certainly don't mind if we follow the procedure. I mean, aren't we obligated to follow the same procedure as you and your client would like us to follow? I mean, we can't pick and choose what procedure -- I mean it's mandated for the ZBA to have a, with an interpretation, a public hearing is required.

MS. MOORE: I'm not disagreeing. If you want a public hearing, you can
have a public hearing. What I'm saying is --

CHAIRMAN SALADINO: And when we debate at that public hearing, when we hear from you, which I'm sure we will --

MS. MOORE: I'm sure you will.

CHAIRMAN SALADINO: And we hear from perhaps somebody from the public and we close the public hearing and we decide on that interpretation, we'll decide with the advice of our counsel what exactly the next step is in that provision of the code when a variance has to be actively pursued, whether construction could mean a deed, a fence, drive a nail, build a house, apply for a building permit and then we'll take it from there.

MS. MOORE: But you've missed my point. I think you're -- I don't know, but here's the point. Let's say that it was -- you had the hearing today, you had the gentleman that had the
hearing, he finished the hearing and
you came to a decision. Had the
decision been denied, he would have had
the right to within 30 days file for an
appeal and go to a higher level of, you
know, supreme court to say that your
decision wasn't correct.

Let's say that after you gave him
that decision, you then -- he had
multiple issues that he wanted to deal
with and now you're saying, well, I
denied you on this one, all right,
we're ready to act on the next one.
Okay, but he would come to me and I'd
say, well, if you have a problem with
the first decision, you have to appeal.
You have to bring the lawsuit within
the statute of limitations.

CHAIRMAN SALADINO: But you have
given us a third alternative. You said
give me this, if you say no, then give
me this and if you say no, then we're
gonna submit an application for an area
variance.
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MS. MOORE: No, you have already
an application -- I've already
submitted the application for a
variance, it's already in your file.

CHAIRMAN SALADINO: Well, what is
it that I'm reading?

MS. MOORE: What you told me, if I
understood, and if I misunderstood, I
apologize. What I thought you said to
me is, we're gonna have a hearing on
whether or not there is, whether the
variance runs with the land here or
whether it expired. That's what I
understood you to tell me.

CHAIRMAN SALADINO: Well, you told
me that was the interpretation you were
looking for.

MS. MOORE: No. What I'm
looking -- yes --

CHAIRMAN SALADINO: If I
misunderstood then I misunderstood.

MS. MOORE: Okay. How do I
explain it in a very -- Village
attorneys, can you help me? Am I not
explaining it clearly or do you want me
to try again?

CHAIRMAN SALADINO: I'll defer to
the Board. If I misunderstand, I'll
ask my colleagues. I thought I heard
you say that number one was, the basis
for an interpretation was what you were
looking for, that the variance runs
with the land and there is no time
limit because our code doesn't specify
subdivision being construction. I'm
using your words. You told me that was
the interpretation you were looking
for.

MS. MOORE: But that
interpretation occurs almost
simultaneously in the sense that if the
decision is yes, we agree the variance
is still in effect, go away because
that means you already have a variance,
there is no further review by this
Board, okay. So the public hearing,
it's essentially a jurisdictional
issue.
CHAIRMAN SALADINO: No, it's a process issue.

MS. MOORE: No, it's a -- okay.

It's jurisdictional issue as a matter of law whether or not there is a variance application required here or not.

MR. TASKER: Jurisdiction.

MS. MOORE: Pardon? Did you say something?

MR. TASKER: No, I'm just muttering to myself.

MS. MOORE: So typically when you go to a board and you have got multiple requests, it all occurs at the same time because in a sense, you're making a determination of the first issue, well, we think you should have put up a fence or we think you should have transferred the deeds. Okay.

Second issue, well, we don't want to extend it because we'd rather hear a variance application. Okay. We're here for the variance application,
we'll proceed with the variance application, give you an opportunity to make that decision, then pretty much it's a consolidated response, so it's less time consuming and you also don't fragment the application, so that you have issues of statute of limitations that continue to run by making one decision after another in a consecutive way.

CHAIRMAN SALADINO: Well, that's how, perhaps you see it and perhaps Southold would, all I can do is from my own personal experience, one year worth of public hearing with a previous application, when we mixed the interpretation in the same public hearing with the area variances --

MS. MOORE: I don't know what your other interpretation was and whether it was --

CHAIRMAN SALADINO: It doesn't matter. I'm just telling you it was a bad experience for this Board, it was a
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convoluted experience for this Board.

MS. MOORE: I will react to
whatever you guys do. It's not, you
know, it's just -- and I ask you to
please discuss it with your Village
attorneys because these are legal
issues, not --

CHAIRMAN SALADINO: Does any other
member have something for Ms. Moore?

MR. TASKER: I just want to
clarify a couple of factual things that
you mentioned.

You said that your client had not
been notified of the earlier decision.

MS. MOORE: Correct.

MR. TASKER: Did I understand you
to say that, in fact, it could not be
found or it could be found?

MS. MOORE: It was never found.

MR. TASKER: Okay. And to this
day, I assume?

MS. MOORE: Well, the only thing
that was -- I stand corrected. The
only thing that was found was by
reviewing the transcript of the Zoning Board minutes, and that's how we determined --

MR. TASKER: But there was no resolution signed and --

MS. MOORE: No.

Just in the minutes, it was determined that it was -- did not impact the neighborhood and, therefore, it could be granted.

MR. TASKER: The other is --

MS. NEFF: Excuse me.

Doesn't this -- the thing that you gave us say that, in fact, there was a vote and it was, everybody voted yes?

MS. MOORE: Yes.

MS. NEFF: But a statement, a finding of -- what should I call it --

MR. CONNOLLY: You would need to have a determination filed with the Village clerk for it to be official.

MS. NEFF: That step did not happen.

MS. MOORE: Correct.
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MS. NEFF: But it's clear that it was voted on and approved.

MS. MOORE: Yes. The transcript was very clear that it had been voted on and approved, yes.

MR. TASKER: But the final step is the determination.

MS. MOORE: Generally, there is a decision that is --

MR. TASKER: Okay.

MS. MOORE: I mean it's --

MR. TASKER: So there's another step in your --

MS. MOORE: Procedurally, as far as the Zoning Board is concerned?

MR. TASKER: Yes.

MS. MOORE: Well, you're asking a legal opinion and --

MR. TASKER: If you don't want to accept the minutes of the ZBA meeting, I can understand why you would not, as notice, shall we say, if you don't want to accept that, then there needs to be a determination to complete the process.
of granting the variance. If there is
no determination, the process wasn't
completed, was it?

MS. MOORE: No. I think you're, I
think you're -- I don't agree with the
way you're characterizing.

MR. TASKER: Okay.

MS. MOORE: Start off with Village
law explains or gives you guidance on
how the procedure, administrative
procedures of making a decision. Had
the Board said, after they came to that
resolution, the vote, filed a decision
that was a denial, then you would have
had a problem because obviously you
can't file a decision that's
inconsistent with the resolution that
the Board adopted at their meeting, so
if your issue -- well, we don't --
because the Board didn't file a
decision, then, therefore, there's no
variance, I'm not sure if that's what
you're going with that, then no, that
is not correct.
MR. TASKER: It's just as valid a question to ask as the ones you are.

MS. MOORE: Honestly, I would defer to Village law. I'll let you look at Village law.

MR. CONNOLLY: Are you asking this Board to ratify the decision that was previously granted by the Board in 1998 and then move it on to the Planning Board?

MS. MOORE: That's a very nice way of putting it. I think that's what was previously asked of the Planning Board, to ratify what had already been done by the Zoning Board.

By the first point that I made, it is in a sense ratifying because it's recognizing what you had done in 1998, so, correct, as far as a nicer term that you capture what is being requested, yes, number one is a ratification, which is an acknowledgment of what was done in 1998, so yes.
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MS. GORDON: Is there anything in Village law that implies either directly or indirectly a presumption that the process is complete once the Board has voted?

MS. MOORE: I mean, what happens is, your opportunity to sue, okay, which is really why procedures exist, the next step for rights of somebody to disagree, okay, there has to be that decision to give notice and filing because you can't go to the next step to court, to the Article 78, because it has to have that decision. So if that's --

MS. GORDON: So that would argue against my question about there being a presumption.

MS. MOORE: It's not really a presumption. I don't want to say presumption because that would imply something a little different.

That's why it's very important, I personally think that you should always
have a decision that -- and every board
I've ever appeared before has written a
decision that the applicant gets a copy
of, good or bad, it doesn't matter, and
it's filed with the Village clerk.
Then you know for your own sake as
well, okay, 30 days, it's finding or a
neighbor know, okay, I have 30 days to
challenge it; otherwise, live with it
because there is a time limit you're
supposed to give people the opportunity
as a neighbor even to know when is my
decision, when am I safe, where can I
build my house, or can I do whatever
I'm gonna do without my neighbor suing
to challenge it; so those are real,
kind of -- it's really for everybody's
benefit.

MR. TASKER: How long after the
these Zoning Board events took place,
how long after that did Mr. Olinkiewicz
go out of title and for how long was he
out of title?

MS. MOORE: I don't know the
answer to that.

MR. TASKER: I'd like to know the answer.

CHAIRMAN SALADINO: Just a minor, I have a minor question. The application here is for 410 and 412 Third Street, the previous application was 408 Third Street and 412 Third Street.

MS. MOORE: I think it has different numbers, it's the same property, it's the correct tax map, but the numbers -- I've seen different numbers on these. One of them, I thought it was 500-something, it left me a little confused, but these 410 and 412 at least are current numbers on the houses.

Let's see if I have anything that helps --

CHAIRMAN SALADINO: The previous application was for 408 and 412, the current application, the 410 and 412; is it possible that the street numbers
change?

MR. PROKOP: Sure.

MR. CONNOLLY: The tax map is consistent though, right?

MS. MOORE: Yes, it's two houses on one property.

CHAIRMAN SALADINO: Does anyone have any other questions for Ms. Moore?

(No response.)

Do we know what we want to do here; are we going to make an interpretation that the variance runs with the land and there is no time limit or like myself, do some of us think that there might be a time limit?

MR. CORWIN: I have to go along with you, Mr. Chairman, after the experience on Front and Third Street and the combined interpretation and variance, I think we need to set this up as an interpretation and then move from there.

MR. TASKER: Stepwise, is what you're suggesting?
MR. CORWIN: Yes.

MR. TASKER: Yes.

CHAIRMAN SALADINO: Ellen.

MS. NEFF: I think that the scope of the two projects are vastly different and that they could be dealt with at one time. That's my opinion.

CHAIRMAN SALADINO: Diana.

MS. GORDON: I'm not sure.

MS. MOORE: May I make a suggestion before you vote?

MS. GORDON: Yes.

MS. MOORE: I think it would be helpful for your board to discuss it with Village attorneys for procedures and so on and I can come back and we can continue this the next meeting after you had an opportunity to discuss it. I don't know, would you think that would be helpful, Village attorneys?

MR. CONNOLLY: Yes.

CHAIRMAN SALADINO: So we'll table this application, we'll talk to the
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attorneys.

MS. MOORE: I think it would be -- rather than -- because it is -- I recognize that complexity, it's a brain twister, I know that; but I think it would be helpful for you to seek guidance before we go -- I think the Village attorneys.

MR. PROKOP: Rob's the Board attorney.

MS. MOORE: Board attorneys.

CHAIRMAN SALADINO: I certainly don't have a problem tabling this to talk to the attorney.

MR. CORWIN: I make a motion we table this application.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: I'll vote aye.

MS. MOORE: Thank you.
If you want me to get the information on the title history, I can do that in the meantime; would you like that, Village attorneys?

MR. CONNOLLY: Sure.

CHAIRMAN SALADINO: Before you go, Ms. Moore, I'm gonna make one other request, since I don't want to impose on Mr. Prokop, but he had a lot of experience with this application. We're gonna talk to the attorneys, but maybe Joe can think about being here for when we finally take up this application. Not as the attorney, but as someone with your previous experience with this application.

MR. PROKOP: Okay.

MS. MOORE: Were you attorney in '98?

MR. PROKOP: I was spiritually, not an attorney.

MS. MOORE: You were a child.

MR. PROKOP: I was an attorney in 1998, I was not Village.
MS. GORDON: I have a question. I seem to remember that there are some consultations between the boards and attorney which must be public meetings and some that are just private meetings. Do we need to have another public meeting to talk with the attorneys about this matter?

CHAIRMAN SALADINO: No. We can consult with our attorney.

MR. TASKER: I think your question is, if collectively we meet privately with the attorney are we violating the public meetings law.

MS. GORDON: Right.

MR. CONNOLLY: We can prepare memorandum for you which is attorney/client privilege.

CHAIRMAN SALADINO: Why is it we can't consult with the attorney? Why is it that the Board can't consult with the attorney?

MR. TASKER: There's no reason why we can't. The question is collectively
meet with the attorney and discuss a legal issue.

MR. PROKOP: You can have an attorney/client nonpublic meeting.

MR. TASKER: Good.

CHAIRMAN SALADINO: That was always my impression.

Thank you, Ms. Moore.

MS. MOORE: Thank you.

CHAIRMAN SALADINO: Item number 9 is 237 Monsell Place, motion to accept the application, schedule a public hearing and arrange a site visit for the application of Royal Tuthill for the property located at 237 Monsell Place, Greenport, New York.

Suffolk County tax map number 1001-2-2-25.

MR. WILSON: Robert Wilson, 115 Priscilla Avenue, Riverhead on behalf of Royal Tuthill and family.

So the crux of this variance is there's an existing house on the property. The property is a corner
lot, has two front yard setbacks. The majority of the square footage of the existing house is already outside of the setbacks.

The Tuthill family is growing and they would like to build an addition onto the house, a second story and a small increase in the footprint of the house and part of the addition to the house is going to also be on the other side of the setback lines, but no part of the addition will move the house closer to the property lines, so there is construction happening outside the setbacks, but we're not increasing the degree to which the existing house is across the setback lines.

MR. CORWIN: Is this going to be just an addition or are you gonna kind of blow the house apart, start over again?

MR. WILSON: No. They're converting some exterior spaces into interior spaces. They have a big
screened porch on one side of the house and they're turning part of that into interior living space. They're putting a second floor over, sort of, where the existing kitchen is and they are building a small addition on the, sort of, the northeast side of the house, but in terms of actually increasing the square footage, it's not gonna be major and it's not, they're not knocking the house down and building a new house. They're really, they're building over, as much as they can, over the existing footprint of the house.

This is actually the second design for the house. The first design for the house was really sort of building a second house behind it that was attached by a breezeway to keep it all inside the setback, and it really would have negatively impacted the character of the neighborhood because it would have looked like there were two houses on the property connected by a hallway,
just by the, you know, due to the location of the existing house.

MR. TASKER: May I ask, the plan, I just looked at them, do you have a before and after footprint sketch as part of the plans?

MR. WILSON: Do you have the site plan that I prepared?

MR. TASKER: I am not sure we have the site plan.

CHAIRMAN SALADINO: Is this it?

MR. WILSON: It's pretty clear on the site plan what's existing and what's proposed. I'm happy to come up and take you through it.

MR. TASKER: I may have missed it in my package here. I see it. Thank you.

MR. WILSON: You're welcome.

And if that's not clear, I'm happy to generate a new one that's a little bit more clear about what's --

MR. TASKER: No.

MS. NEFF: It would help. I
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think.

CHAIRMAN SALADINO: Anyone, any questions?

MR. CORWIN: I make a motion to accept the application and set a time for the site visit.

MS. GORDON: Second.

CHAIRMAN SALADINO: Okay. I was going to say give these folks an extra minute to decide if they have a question.

Everybody's good?

MS. NEFF: I'm good.

CHAIRMAN SALADINO: So David made the motion to accept this application, so moved.

All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Was it seconded?

MS. GORDON: Yes.
CHAIRMAN SALADINO: Dini seconded it. Everyone's in favor.

So we're going to accept the application. We're gonna set a time for the public hearing, we set them all at 6 o'clock and go from there. And we're gonna show up for a site visit at --

MS. GORDON: -- 5:30.

CHAIRMAN SALADINO: Olinkiewicz, we don't have to be there, so we can be 5:30 or 5:20.

MR. TASKER: We got Front Street at 5:00, correct?

CHAIRMAN SALADINO: 5 o'clock, so by 5:30.

MS. NEFF: 5:20 sounds good to me.

How much can we do on a sign?

MR. CORWIN: Yeah, 5:20.

CHAIRMAN SALADINO: Everybody's in favor of 5:20.

We'll be at the property at 5:20.

MR. WILSON: Terrific.

Is there any additional
information you need between now and the --

CHAIRMAN SALADINO: All we would like is for you to have it staked out.

MR. WILSON: Absolutely.

CHAIRMAN SALADINO: Other than that, I think we have the plans and we'll have the public hearing.

MR. TASKER: Kristina will let you know what you need to do in terms of notices and signs.

MS. LINGG: Correct.

MR. WILSON: Thank you very much.

CHAIRMAN SALADINO: Before I adjourn, does anyone have anything to say, anybody want to say anything?

Chatty.

MS. ALLEN: Chatty Allen.

It has to do with the Olinkiewicz property. I'm sitting here listening to everything and what ran through my head is supposedly the variance was in 1998 to subdivide --

CHAIRMAN SALADINO: Chatty, we're
gona save everything for the public hearing.

MS. ALLEN: No, no, it just to me it was sold, wouldn't that null and void the variance? That's all I was gonna say.

CHAIRMAN SALADINO: Well, it's something we're gonna talk to the attorney about.

MS. ALLEN: That's all I wanted to say, that to me it seemed like it should have been null and void and should not have taken up all of your time.

CHAIRMAN SALADINO: Item number 10 on the agenda is motion to adjourn.

So moved.

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MR. TASKER: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

MR. CORWIN: Aye.

CHAIRMAN SALADINO: Thank you for
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coming.

(Time noted: 7:30 p.m.)
CERTIFICATE

STATE OF NEW YORK  )
COUNTY OF SUFFOLK  ) ss:

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 March 20, 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 20th day of March, 2018.

Stephanie O'Keeffe

STEPHANIE O'KEEFFE
double [1] 22/19
double-sided [1] 22/19
doubling [1] 21/8
down [6] 8/3 27/19 28/18 32/18 73/12
drawing [1] 26/7
drill [1] 26/11
drive [1] 52/18
driving [1] 40/2
due [1] 74/2
does [1] 58/15
do [39] 7/8 10/17 10/17 12/9 12/13 12/14 17/24 19/21 21/21 21/22 22/13 25/25 26/16 31/8 31/15 35/19 35/20 36/23 42/6 43/25 46/14 47/2 54/23 55/2 57/14 58/4 64/15 64/16 66/11 66/11 66/15 69/4 70/7 74/5 74/8 76/19 77/11 77/20 80/7
document [1] 20/8
does [12] 6/19 9/7 20/25 27/20 33/16 33/23 38/21 43/21 49/22 58/9 66/6 77/16
doesn't [10] 20/10 26/8 28/2 39/5 44/20 50/6 55/11 57/23 59/14 64/5
doing [2] 22/24 33/4
done [8] 31/2 31/17 40/15 40/18 41/14 62/15 62/19 62/24
door [5] 17/25 18/6 18/12 23/17 23/19
do [39] 7/8 10/17 10/17 12/9 12/13 12/14 17/24 19/21 21/21 21/22 22/13 25/25 26/16 31/8 31/15 35/19 35/20 36/23 42/6 43/25 46/14 47/2 54/23 55/2 57/14 58/4 64/15 64/16 66/11 66/11 66/15 69/4 70/7 74/5 74/8 76/19 77/11 77/20 80/7
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doing [2] 22/24 33/4
done [8] 31/2 31/17 40/15 40/18 41/14 62/15 62/19 62/24
door [5] 17/25 18/6 18/12 23/17 23/19