VILLAGE OF GREENPORT COUNTY OF SUFFOLK
STATE OF NEW YORK

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ZONING BOARD OF APPEALS

REGULAR SESSION

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Third Street Firehouse
Greenport, New York

July 17, 2018
6:04 p.m.

JOHN SALADINO - CHAIRMAN

DAVID CORWIN - MEMBER

ELLEN NEFF - MEMBER

DINI GORDON - MEMBER

ARTHUR TASKER - MEMBER

ROBERT CONNOLLY - VILLAGE ATTORNEY

KRISTINA LINGG - BUILDING CLERK
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CHAIRMAN SALADINO: Folk, we're gonna start the Regular meeting of the Village of Greenport Zoning Board of Appeals.

Item number 1 is a motion to accept the minutes of the June 19, 2018 Zoning Board of Appeals meeting.

So moved.

MS. GORDON: 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 is a motion to approve the minutes of the May 15, 2018 Zoning Board of Appeals meeting.

So moved.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MS. NEFF: Aye.
MR. TASKER: Aye.

CHAIRMAN SALADINO: I'll vote aye.

Any abstentions?

MR. CORWIN: Abstain.

CHAIRMAN SALADINO: Item Number 3 is a motion to schedule the next Zoning Board of Appeals meeting for Tuesday, August 21, 2018 at 6:00 p.m. Third Street Fire Station, Greenport, New York 11944.

So moved.

MS. NEFF: Seconds.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Item Number 4 is a public hearing regarding the area variance of the property located at 150 Sterling Avenue, Greenport, New York 11944.
is 1001-3-4-27.

For the public that's interested, for those of you interested, the public notice is attached so you can see.

Is the applicant here.

Name and address, please.

MS. DI CAPUA: Vector East, the property is at 150 Sterling Avenue, Greenport 11944.

CHAIRMAN SALADINO: I think we have a corrected notice of disapproval. Last month it was Sterling Street and I --

MS. DI CAPUA: Right. Yeah.

CHAIRMAN SALADINO: -- I think we have that correction.

MS. DI CAPUA: Right.

CHAIRMAN SALADINO: Just to let the public know, the Zoning Board made a site visit this afternoon, and we saw what we had to see.

If you have nothing else. Thank you.

Is there anybody from the public
that like to comment on this.

(No response.)

I'm sorry. I'm getting ahead of myself here because this was relatively simple. There's a couple of things I have to do here.

We convened. We conferred with the applicant to make the application. We did that. Notice was published, right?

MS. LINGG: Yes.

CHAIRMAN SALADINO: I'm gonna read the mailings. The applicant already spoke; but let me read the mailings and then we'll move on to the public to speak.

Notified was Eric Heiman, 146 Sterling Avenue; Donna Belleseur Cohen, 608 Carpenter Street, Greenport, New York 11944; Steven Golden (phonetic), 35-71 Melody Lane, Palm Springs, California; Eugene Pacholk, 618 Carpenter Street, Greenport, New York; the applicant, Frank Macken, 229 East
Fourth Street, New York; Gregory Tuck,  
287 Clinton Avenue, Brooklyn, New York;  
and Delores Arembrosio (phonetic),  
1550 York Avenue, New York, New York.  

The applicant said what he had to  
say. We have no letters. We'll open  
it up to the public.  

I'm sorry, did you have anything  
else to add?  

MS. DI CAPUA: Not unless there is  
something you would like to hear.  

CHAIRMAN SALADINO: Do any members  
of the Board have anything?  

MS. GORDON: I'd like the hear the  
justification which I think I probably  
know, but I'd like to hear it from you  
for the area variance of this nine and  
a half feet.  

MS. DI CAPUA: They're dealing  
with an old house and, you know, built  
the way they were, they didn't really  
have a proper kitchen or laundry room,  
so they really just want to make a  
modest addition just to be able to fit
the laundry room in the back of the house and have a slightly bigger kitchen just to entertain.

CHAIRMAN SALADINO: Anyone else, any member have anything else for the applicant?

Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Thank you.

If there's no further comment from the public, I make a motion to close the public hearing.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: I'll vote aye.

Item Number 5, by agreement
between the applicant and the Village, we're going to table this application until next month and we'll take up the corrected application at that time. The applicant was here, the applicant's representative was here, and we saw no need for him to stay, so we let him go only because we're tabling the application.

So I'm gonna make a motion to table this until our August 21 meeting. So moved.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

MS. GORDON: Aye.

CHAIRMAN SALADINO: I vote aye.

Item Number 416 South Street.

Motion to accept the application, schedule a public hearing and arrange a site visit for the application of Laura Di Capua for the property located at
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416 South Street, Greenport, New York 11944.

Suffolk County Tax Map Number is 1001-4-5-12.

Is the applicant here?

MS. DI CAPUA: Yes, I am.

CHAIRMAN SALADINO: Name and address.

MS. DI CAPUA: Laura Di Capua, 416 South Street, Greenport.

Okay. Well, I wrote you individually and if you didn't get to your mail, I publically apologize for not being here last meeting. I wasn't aware, it's my first time, I'm a newbie, I wasn't aware that I was supposed to be here. I'm here now.

In the meantime, I added some more papers to the application because I'm trying to get to the goal of some kind of decision, so I've added the site plant that I submitted last time. The original application was a revision of the site plan that the architect had
signed and submitted to the Village office; so he very nicely, each one of you received an original stamped and signed site plan, and also gave out the survey after my addition was put onto the house a couple years ago in 2012, more than a couple years; and the papers from that application.

I have a little something extra for you today. I've been a busy bee these weeks that have passed. I approached my immediate neighbors and they very kindly have written letters to you folk. I have the originals for Kristina.

CHAIRMAN SALADINO: Would you like to, we can enter it into the record now or we can read them at the public hearing.

MS. DI CAPUA: I'm know. Whatever is supposed to be done, I'm more than happy to go with that.

CHAIRMAN SALADINO: We can make it part of the record.
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MS. DI CAPUA: Do I need to give you a copy, I do have another one.

(Handing copies to the stenographer.)

CHAIRMAN SALADINO: So the members last month had a question about the survey which we have. They had a question about the previous variances.

MR. CORWIN: You're correct.

CHAIRMAN SALADINO: You had a previous application for a variance.

MS. DI CAPUA: From 2012 and I've given the files to all of you, I had it reproduced and give it to you.

CHAIRMAN SALADINO: The only reason I think we're questioning it, I read somewhere that you answered no.

MS. DI CAPUA: Okay. I think the confusion on my part was the way that question was written, I thought the N-O meant no, but then I thought it meant number. I was a little confused with that question, so I would say you have to look at it. Then what I thought it
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was the number, I try to get that, and
was told to just submit it without it;
but now I have the application so that
the number is right there at this point
okay.

So can I make a suggestion for the
suggestion box? Do you have one?
Maybe if the word number can be written
instead of N-O, because that said, and
there was a line after it because they
wanted the number, but it looked like
it was no, you know, put a check or X
on it or something. Just a thought
from the retired school teacher. When
you write test questions you'd be
surprised how they can be interpreted
by people.

CHAIRMAN SALADINO: Can you put
that in the suggestion box. Okay.

Do any of the members have any
questions for the applicant?

(No response.)

We'll give them a second.

MS. DI CAPUA: Of course. It's
raining outside, I'm in no hurry.

CHAIRMAN SALADINO: Arthur, anything for the applicant.

MR. TASKER: Just with respect to the 2012, you completed the work as you finally got your permits for it; is that correct?

MS. DI CAPUA: Yes.

CHAIRMAN SALADINO: Ellen.

MS. NEFF: No.

CHAIRMAN SALADINO: David and Ellen?

MR. CORWIN: I have something to say about the whole package and the application. Maybe it's more appropriate at the end of the meeting or after the acceptance of the application.

CHAIRMAN SALADINO: But do you want to express your opinion with a vote or you have a comment to make.

MR. CORWIN: I have a comment about the process and how it gets here.

CHAIRMAN SALADINO: Okay.
Then I'll make a motion that we accept this application?

MR. CORWIN: 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.

We'll schedule the public hearing for August 21 at 6:00 p.m. which is when we schedule them all, and we'll schedule a site visit for 5:30.

MS. DI CAPUA: Of that day?

CHAIRMAN SALADINO: Of that day.

MS. DI CAPUA: Do you require anything of me; do I need to do anything.

CHAIRMAN SALADINO: Yes. Usually we ask the applicants to stake out the proposed construction.

MS. DI CAPUA: I'll ask the handyman to do it because I can't, and
the architect had surgery, so I wouldn't impose on him. I'll get it done one way or another.

MS. NEFF: Post the notice.

CHAIRMAN SALADINO: That she will work out with the building department. You'll talk to the Building Department and she'll tell you about the notice you have to put out, you would place the sign, there's a fee involved.

MS. DI CAPUA: Kristina and I are old friends now.

It's stakes, just stakes or do I have to put a rope from stake to stake?

MR. CORWIN: Just the corners.

MS. DI CAPUA: Just the corners.

Thank you so much.

CHAIRMAN SALADINO: Item Number 7 is 412 Third Street.

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

Suffolk County Tax Map number 1001-4-2-4-6.

MS. MOORE: Good evening, Patricia Moore on behalf to Mr. Olinkiewicz.
We're ready to proceed.

CHAIRMAN SALADINO: And I know this is like a crazy question, but you got the new notice of disapproval?

MS. MOORE: Yes. The revised notice of disapproval and we understand why it was written the way it was, but at did hearing I'd like to address how we believe the setback should be interpreted; but we get to the hearing on that, but we need to start somewhere with the notice of disapproval.

When you're ready, I have two documents that last meeting you asked, the title search of when Mr. Olinkiewicz sold the property and acquired the property back, so I have that if you want it now for your records. I can give that to you here.
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or wait for the hearing.

CHAIRMAN SALADINO: Honestly, I
don't remember me asking --

MR. TASKER: That was my question.

MS. MOORE: I'm sorry, Mr. Tasker,
I thought it came from the chair.

CHAIRMAN SALADINO: Whatever
you -- sure, I think now is better than
later.

MS. DI CAPUA: That way you'll
have it. I have one original for your
records. It was just a clarification,
Mr. Tasker, I guess you asked when it
was sold by Mr. Olinkiewicz; and it was
sold in ninety, excuse me, it was
acquired on ten ninety-eight from Mr.
Sealy (phonetic) to Mr. Stinky
(phonetic), and his wife was the name
of the owner and then he sold it to Mr.
Belly (phonetic) and others in 2002 and
thereafter he re acquired the property
in 2004. I had given the property card
and I highlight it and therefore, it's
just been internal transfers, corporate.
LLC transfers, so I have the title search as well to substantiate the transfers. I'll put it in your files whoever would like the refer to it.

(Handing.)

CHAIRMAN SALADINO: Thank you.

Arthur, do you want to look through it now.

MS. MOORE: Did you want it?

MR. TASKER: I'll take a look at it, there's no need --

MS. MOORE: Not right now. Okay.

CHAIRMAN SALADINO: Anyone have any questions for that Ms. Moore.

(No response.)

No.

What is the pleasure of the Board?

(No verbal response.)

I'm going to make a motion to accept this application.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MR. TASKER: Aye.

MR. CORWIN: Aye.
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MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: You sounded hesitant.

Do you have a question?

MS. GORDON: I have a question I guess about the procedure.

Your position is really that no variance is necessary.

MS. MOORE: Right.

MS. GORDON: I don't understand whether we should be talking about that before we have the hearing because presumably we might make a decision on the that issue that will complicate the hearing.

CHAIRMAN SALADINO: I -- I'm sorry, Dini.

MS. GORDON: But it may be approved, but it maybe that's it part of, maybe it's the first thing we talk about at the hearing.

MS. MOORE: At the hearing.

CHAIRMAN SALADINO: I have a
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notice of disapproval and I have an
application from you.

MS. MOORE: I would just clarify
that.

We first made the application --
not the application, submitted a letter
with a memorandum of law that said that
this property was the beneficiary of a
variance in '98, and at that time it
was before the planning board was in
existence, the Zoning Board at the time
addressed all the variances that would
have been necessary for the granting of
the variance, and based on that, all we
needed to do at this point is go to the
planning board because the planning
board exists today and finish that
process.

There was some disagreement about
that on the Board, so rather than -- I
have to exhaust my administrative
remedies and come to this board with
all of the arguments and go from there.
So we, I want to say -- it's
inappropriate to say under protest, but
we got the notice of disapproval based
on the, let say, assuming no variance
had ever been granted, these are the
variances that the administrative
Building Department would consider to
be applicable, and that's why we
submitted the paperwork, so again we
think the variances are already in
place.

CHAIRMAN SALADINO: The reason
that I say this is because here and now
I was under the assumption that the
Village's position, not the zoning
board, the Village's position is that
there is no variance because of a
procedural error, or because of
something were actually in effect. If
you're still contesting that --

MS. MOORE: Absolutely, we're
making that as the point, as your
Village attorney will advise you, in
order for me to challenge it, I have
to, again, exhaust my administrative
remedies. The building inspector said no, go for variances. Okay, we'll go for variances but our arguments are multifaceted and we do not need a variances and if we end up in court, the first argument will be, we don't need a variance, here the original variance says we don't need. And hopefully the Court will determine that you're right, the variances was granted and therefore no further variances are necessary, proceed to the Planning Board; but I can't get there immediately, I have to complete the process with this board.

CHAIRMAN SALADINO: Isn't part of the process that you're looking to file, your original memorandum of law, you know, kind of illudes to, well, it actual says that variance follows the land.

MS. MOORE: Run with the land, right.

CHAIRMAN SALADINO: Nobody on this
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Board disputes that?

MS. MOORE: You can throw it out, usually a Zoning board has to decide whether or not it's necessary. You could have come to the conclusion that based on that memorandum, you're right, go back, finish your process with planing board. That's it.

CHAIRMAN SALADINO: But that's not what happened.

MS. MOORE: You didn't do anything, you directed me to the Building Department.

CHAIRMAN SALADINO: No, we asked you if you wanted an interpretation on that contention, and you seemed to decide that you didn't.

MS. MOORE: No.

CHAIRMAN SALADINO: We all admit that New York State and Village law says that a variance, when granted runs with the land.

MS. MOORE: Okay.

CHAIRMAN SALADINO: The Village's
contention in this case was that the variances wasn't in effect, isn't in effect because of a procedural error. If you would want us to take that question up outside, outside the -- or make it part of our discussion outside the question of the variances --

MS. MOORE: I thought that's what you guys have been pondering for long time. I have been waiting several months to get that.

CHAIRMAN SALADINO: My impression was that it was settled.

MS. MOORE: No.

We don't agree with the Building Department and that's why we started with the fact that the applicant went directly to the planning board.

CHAIRMAN SALADINO: No, I understand.

MS. MOORE: Right. You understand the whole process.

CHAIRMAN SALADINO: -- applicant did and -- I'm sorry. Go ahead.
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MS. GORDON: It seems to me that last month there was uncertainty about whether the variance had actually been granted and we were expecting the lawyer to provide evidence that it had been granted; and it seems to me, this the certainly not dispositive of the whole issue but it seems to me that the these background documents she provided did that, and that's not, or at least it did provide evidence of what took place and the votes that were made in that zoning board meeting twenty years ago. Now, whether that's enough, whether it's, you know signed sealed and delivered, I don't know. It may have been signed but not sealed and delivered. I don't know, but it seems to me that you did provide --

MS. MOORE: I did.

MS. GORDON: -- additional information on which to base a decision about whether this is an issue that sort of proceeds the consideration of
the area variance. I don't know.

MR. TASKER: If I may, further on, if this Board says, yes, it's an additional issue, but I'm not sure this is the forum for you to address it.

MS. MOORE: What forum would you suggest?

MR. TASKER: Well, I'm not sure, but if the question is were the procedural steps of issuing a variances determination, et cetera, et cetera followed, that's not for this, I don't think that's for this Board to decide frankly, and that a threshold question to being here. As I said in my note that the chairman read at the meeting back in April, if it's been suggested the board determined there's a pre-existing condition validly granted procedurally and substantively ant that remain in effect today, the inquiry may well end there, but I don't believe this Board is the forum to decide that.

MS. MOORE: I apologize --
MR. TASKER: I think that if the question is, did the Village, and I use that collectively, whether the Board or officials, did the Village fail to complete the process, is the, I think, a judicial determination.

MS. MOORE: If you would like me to sue the Board, we're happy to. I'm trying to be --

MR. TASKER: Well, don't sue this Board because we haven't done anything.

MS. MOORE: By not giving me recognition of your variance, the Building Department is not recognizing the previous variance, then my choice is to bring a mandate in this action the compel the build inspector to proceed to give me -- I mean, honestly the planning board should have addressed this application, they sent it to the Zoning Board, so I'm in this crazy circular issue so --

CHAIRMAN SALADINO: They sent it to the Zoning Board because there was a
question if the variance was actually
in effect eighteen years later, not
because they were unsure if variances
in general follow the land. I assume
they know that like we know that. But
if procedurally the process was
completed and their advise, the advise
they were given, was given to them by,
not this board but the Village attorney
or --

MS. MOORE: I don't know the
advise you're -- obviously, I'm not
privy to the advice you're being given,
but a variances was granted,
procedurally there was nothing more
that could be done, the procedures were
write a decision, the zoning doesn't
write decision, they just did it by way
of the resolution and that's the reason
we learned of it because in reading the
transcript, that was the decision of
the zoning boar and that's how this
board has continued to act on decision
even 'til recently because I know I
have not gotten written decisions in
the past before counsel is now the
Board's attorney, so I know that it's
being done correctly with filed
discussions, but up 'til then there are
no discussions, so that is the
variances that runs with the land. We
think we're done, but the choice was,
at least at the last meeting, it was
not, the directive we got was, go back
to the Building Department for a notice
of disapproval, or administrator for a
notice of disapproval. You don't have
a build inspector, so here we are.

CHAIRMAN SALADINO: The advise
that this Board is getting from the
Village is that this is the way to
proceed, you know, so that tells me or
suggests to me that there of the
opinion that, again, procedurally the
variances somehow was not, that was
granted or suggested to be granted
eighteen years ago is not in effect
today.
MR. TASKER: I have to dispute a particular factual assertion that you make that decisions were not issued back in those days because I can point specifically to one in 1992 wherein the zoning board of appeals after extended hearings, denied a permit for a commercial marina on the back side of Sandy Beach and that was followed with same kind of determination --

CHAIRMAN SALADINO: I never said that. Oh you're talking about --

MS. MOORE: No. Put it this way, the applications that I've had have not resulted in written decisions, so that has been a point of contention that we've raised, but none the less, whether there've been created or not in 1998, as far as evidence goes, the only evidence I could provide for you was the transcript of the hearing that said that the variances was granted and that is in and of itself enough to then go to the next step. Now whether the
original request to the planning board
was to say we don't need the planning
board because in 1998, the variance was
granted, the Zoning Board acted in the
shoes of the planning board as well,
they subdivided the property, so the
applicant believe that that was it, it
was done. We should at this point just
have two properties. However, because
that is a matter of interpretation on
whether or not what the law is today
applies or no, it's -- we took the
position, all right, we couldn't get
the planning board to make a decision,
nobody was making a decision, so I
advised the client, let's file an
application to the planing board
because an application will generate
some action. We did that, and then
here we are back to you; so it's -- I
don't know who on the inside -- I mean
how to resolve this, other than to
proceed with this appeal, come in with
the arguments that we've got two
houses, we've got prior to variances, no facts have changed, nothing has changed here. Why are we here, but if we must be here, let's finish the process.

MR. TASKER: Am I recalling incorrectly that there was testimony or an assertion made at an earlier hearing on this that the applicant then, Mr. Olinkiewicz had assumed that it had been denied.

MS. MOORE: Yes. He was not given a decision and he heard --

(Mr. Tasker and Ms. Moore spoke simultaneously.)

MS. MOORE: -- in the grapevine, it was denied.

MR. TASKER: -- reliance on the fact -- in reaching that conclusion, his reliance on the fact no decision had been generated, okay.

MS. MOORE: Yes, and?

MR. TASKER: So we're back at, did the process finish up, and Mr.
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Olinkiewicz believed it did not because he thought it had been denied --

(Mr. Tasker and Ms. Moore spoke simultaneously.)

MS. MOORE: -- but the opposite way.

MR. TASKER: Where are we with this thing? Was there a variance? That's why I don't think that -- this discussion is why I don't think the determination belongs in this forum. Okay. The nature of this very discussion.

CHAIRMAN SALADINO: What I was gonna suggest is, perhaps Mr. Connolly can direct us, is do what Ms. Moore suggests, we act on the application, we render a decision. If she agrees with it, we --

MS. MOORE: We'll proceed to the planning Board.

CHAIRMAN SALADINO: If she doesn't agree to it --

MS. MOORE: We're gonna be in
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court anyway. Exactly. I think that was --

MR. CONNOLLY: I think that's the only way to deal with it at this point, I mean, unless you want to bring a --

MS. MOORE: That's what Mr. Tasker is suggesting, but, you know, certainly we're gonna be in the same place in the end so.

CHAIRMAN SALADINO: And if we accept the application, which I think we're inclined to do, we accept the application, how we rule, you know, maybe, you know, sometime you win, sometimes you lose. So you'll get the decision from this Board, if you like it, that's fine.

MS. MOORE: Correct.

CHAIRMAN SALADINO: You know, you have recourse.

So are we thinking that's what we would like to do here.

MR. CORWIN: Take a vote on it, Mr. Chairman.
CHAIRMAN SALADINO: I just want to get a -- before we take a vote on it, let's just agree to what we're voting on.

MR. CORWIN: We already took a vote.

CHAIRMAN SALADINO: No, I didn't vote.

MR. TASKER: If we accept the application, how are we going to proceed? Seriatim. First decide is there a valid --

CHAIRMAN SALADINO: No, I think --

MR. TASKER: -- is it still in effect, the answers are yes or no or whatever, then do we then go on to the next step which is, all right, let's consider this variances application de novo.

CHAIRMAN SALADINO: I thought it would be the opposite. I thought we would address the variance, vote on this, and if the variances request is approved, if these variances are
approve, there is no need for the second step. If for some reason they're denied, Ms. Moore has already indicated that she would be looking for a judicial review.

Am I getting that right?

MS. MOORE: I have given you, at this point, as far as confirming that the ZBA ruled. I gave you the transcript. I've given you the title now. I've given you, just to show you the number of owners in between, I think that was the question, which was only one, and that's -- then we proceed.

CHAIRMAN SALADINO: I don't think the question about accepting the application --

MS. MOORE: It's helpful for me to know --

Pardon me.

It's helpful for me to know if you want to hear on the record the entire presentation of the prior variance.
It's been put in writing in the memorandum of law, so that issue is before the Board. There's not much more to say about it because there's really no other procedural or side issue to it. It either is or is not a variances that runs with the land.

CHAIRMAN SALADINO: The simplist terms, the simplest process would be for this Board to --

MR. CORWIN: Tell them to do whatever they want to do.

MS. MOORE: I'm sorry, what?

CHAIRMAN SALADINO: What?

The simplist thing that I can think of is for this Board to -- if Arthur wants to address that head out, we can decide that. I thought what I was suggesting was we deal with the variances, and if you agree, the process ends, if you don't agree, you would go forward.

MR. TASKER: With never addressing the question of the validity of the
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prior variance application.

MS. MOORE: It would be moot at that point because you granted the variance, so why --

MR. TASKER: What if we deny it. Well, wait a minute I already have valid --

MS. MOORE: Absolutely.

MR. TASKER: Of course you will.

MS. MOORE: Of course. But that's an issue that still remains on the table, that's always -- but here's the issue, if you say the variances does not run with the land --

MR. TASKER: No, absolutely not.

MS. MOORE: No. I guess, if you determine that by of determination that we have to proceed to the next hearing, so you give me if final decision on the first issue, then my thirty day timeline begins to run from that determination, so to the extent Mr. Saladino is setting a practical approach here, I agree in that both
issues should be decided simultaneously and in a sense, they because if you're granted the variance than, as a matter of fact and law, you determined that the variances for whatever reason is not in effect, correct. Both issues are being decided at the same time.

CHAIRMAN SALADINO: Does that --

MR. TASKER: I have nothing to add.

MS. MOORE: Okay.

CHAIRMAN SALADINO: Anybody else?

(No response.)

I made the motion.

It was seconded.

MS. GORDON: Could you repeat it?

MS. NEFF: Sure.

I'm gonna make a motion that we accept this application.

MR. CORWIN: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.
MR. TASKER: I abstain.

CHAIRMAN SALADINO: I'll vote aye.

Schedule a public hearing for August 21 at 6:00 p.m. and we're gonna do the site visit at -- we have a site visit at 5:30.

MS. MOORE: 5:40 quarter of, it usually takes five, ten minutes.

CHAIRMAN SALADINO: Before or after, you want 5:15, 5:30.

MR. CORWIN: 5:20.

CHAIRMAN SALADINO: Okay. We're going the schedule the site visit for 5:20 on the 21st.

MS. MOORE: You got it.

Very good.

CHAIRMAN SALADINO: Fifty.

MS. GORDON: And it will all be mark off?

MS. DI CAPUA: It's a --

MS. MOORE: You're right.

CHAIRMAN SALADINO: Actually, it's not. What we would like the see, perhaps, I think what Dini's asking for.
is the physical separation of the two properties.

MS. NEFF: Where is that line.

CHAIRMAN SALADINO: Not so much the right of way, but the two properties.

MS. MOORE: Let me show you. That line right there.

CHAIRMAN SALADINO: Or is it this line.

MS. MOORE: Well, that the right of way on one side, that the center line and that the right of way on the other side.

MS. GORDON: It's two flag lots.

MS. MOORE: Two flag lots with a common driveway.

I wanted to make sure I gave you the right line.

CHAIRMAN SALADINO: You want to separate those tow lines. We're not concerned about the right of way that's west of there behind, next to basketball court.
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MS. MOORE: I'll have it marked or we'll mark it. That's fine.

CHAIRMAN SALADINO: Item Number 8 is 150 Sterling Avenue, discussion and possible motion on the area variance sought by Paul Livesy and Sally Grant for the property located at 150 Sterling Avenue, Greenport New York 11944.

Suffolk County Tax Map number 100-3-4-27.

Members, do we have something that we want to add to this?

(No response.)

Everybody's satisfied with the applicants explanation.

SEQRA, I'll make a motion that the ZBA is lead agency for purposes of SEQRA.

So moved

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MR. TASKER: Aye.

MR. CORWIN: Aye.
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MS. GORDON: Aye.
MS. NEFF: Aye.
CHAIRMAN SALADINO: I'll vote aye.
I'll make a motion that it's a type two action.
So moved.
MS. GORDON: Second.
CHAIRMAN SALADINO: All in favor?
MR. TASKER: Aye.
MR. CORWIN: Aye.
MS. GORDON: Aye.
MS. NEFF: Aye.
CHAIRMAN SALADINO: I'll vote aye.
We have these questions, the five questions.

Question one, whether an undesirable change has been produce and the character of the neighborhood or a detriment to nearby property will be produced by granting this area variance.

Mr. Corwin?
MR. CORWIN: No.
CHAIRMAN SALADINO: Diana?
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MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: And I'll vote no.

Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance.

David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Diana?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

And I'll vote no.

Whether did requested area variance is substantial.

David?

MR. CORWIN: Yes.
CHAIRMAN SALADINO: Diana?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: I'll vote no.

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

David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Diana?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: I'll vote no.

Whether the difficulty is self created which consideration shall be relevant to the decision of the Board of appeal, and shall 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: I'll vote yes.

I'm gonna make a motion that we grant this 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: I'll vote yes.

AUDIENCE MEMBER: We have a
question. Do we have to wait for a resolution before we submit the application for a permit?

MR. CONNOLLY: Yes. It will be signed at the next meeting, and the building department will issue that.

AUDIENCE MEMEBER: Hoping to get a little ahead of the game, but if that's not the case.

MR. CORWIN: Can I make a motion before you close.

CHAIRMAN SALADINO: David would like to say something.

MR. CORWIN: In the past what has happened is you have to wait to approve an application, past practice was the building inspector then issued the building permit so this is a change in policy and we really haven't discussed if we have to wait for the (unintelligible).

CHAIRMAN SALADINO: Is that within our power?

MR. CONNOLLY: I don't believe it
would be; however the Building
Department handles it, that's fine.
Just been my experience the Building
Department is the one who determines
first.

AUDIENCE MEMBER: (Unintelligible)

CHAIRMAN SALADINO: If you're
gonna talk, you're gonna have to talk
from up here.

The other thing is, I'm don't know
if we can dictate policy to the
building department. That's something
the building department decides. Right
now, we know that the building
department at this particular moment in
time, we don't have a building
inspector who would normally be part of
that conversation, so I don't know.

We can certainly take it up at the
next, we can certainly make a
suggestion to the Village that on
simpler, easier applications that a
building permit could be issued buy.
AUDIENCE MEMBER: Is there somebody we could speak to in the meantime; is there anybody that we can speak to.

CHAIRMAN SALADINO: You can speak to the Village administrator, he's the head of the Building Department, he has the latitude to do it.

AUDIENCE MEMBER: Again, anything we can do to be able the start break ground.

CHAIRMAN SALADINO: You have to realize we out of that loop, the Zone board is out of that loop. We don't make policies in the Building Department.

AUDIENCE MEMBER: I can appreciate that.

CHAIRMAN SALADINO: I'm reluctant to tell you, yeah, that sounds easy then they come and --

MR. TASKER: If I may, I see this as a slippery slope. A few minutes ago with Ms. Moore's application, we're
looking at an application from twenty years ago where there was no determination and twenty years later we're arguing about it.

CHAIRMAN SALADINO: That's why I said the building department, we don't make policy so, David, did that kind of satisfy you.

MR. CORWIN: No.

Past practice is when the application is approved, the building inspector issues a building permit, so obviously this is approved unanimously. The finding of facts are gonna be approved unanimously, I would wager, I personally don't see why the applicant can't go ahead. If the Village administrator wants to change past practice, fine let him, if he wants to consult with us and say what do you guys think, fine.

CHAIRMAN SALADINO: I think we're all in agreement with that. If he's asking our advise, nobody here has a
problem, perhaps Arthur has different concerns, but I'm not about to make policy here. I'm not gonna tell the application go ahead and break ground.

MR. CORWIN: Of course not, one way or another building permit has to be produced, so the applicant can go to the Building Department and ask.

CHAIRMAN SALADINO: We said that. You can speak with Mr. Pallas, he is the reasonable guy, and he might see it your way.

AUDIENCE MEMBER: I think we'll give that a shot.

CHAIRMAN SALADINO: Anybody else have something to say?

(No response.)

A Then item Number 9 is a motion to adjourn.

MR. CORWIN: Excuse me. There's something I want to bring up.

CHAIRMAN SALADINO: Okay. We're gonna table that motion to adjourn.

MR. CORWIN: This application 416
South Street, DiCapua, I didn't know if I said that correctly. When I researched this application, there was some question on what needed to be there. One thing I brought up was the survey and I went through my records and found an old survey, but it wasn't really appropriate because it was the survey for the changes which didn't show the changes, and what I discovered was the village hands out an instruction sheet on how an application should proceed, and unfortunately I didn't bring it with me this evening, but as I read the instructions, the applicant had complied with everything on the instruction sheet, but there was no survey. Well that was because there were errors in the description of the instructions. One notable error was that the instructions call an engineer an architect and a surveyor the same thing implying an engineer and architect can produce a survey. They
cannot. The only person that deal with
property lines is a surveyor. An
engineer and architect can produce site
plans from the survey the surveyor
gives, so the instruction sheet has to
be corrected in my opinion.

CHAIRMAN SALADINO: So just so
we're all on the same page, the
comments you're making is to simplify
or correct the instruction sheet that
the Building Department hands out to an
applicant?

MR. CORWIN: To correct it.

CHAIRMAN SALADINO: Okay.

MS. LINGG: We're already in the
process of that.

CHAIRMAN SALADINO: So does that
answer that concern?

MR. CORWIN: We'll see what it
looks like when it's corrected.

CHAIRMAN SALADINO: Okay.

David watching, make sure it's
right.

I'm going to try this again, Item
Number 9 is a motion to adjourn.

So moved.

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: I'll vote aye.

Thank you.

(Time noted: 6:56 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 July 17, 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 17th day of July, 2018.

____________________

STEPHANIE O'KEEFFE
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<th>AUDIENCE MEMBER</th>
<th>CHAIRMAN SALADINO</th>
<th>MR. CONNOLLY</th>
<th>MR. CORWIN</th>
<th>MS. DI CAPUA</th>
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|     | your [13] 9/14 13/7 13/21 16/24 17/12 18/4 19/9 21/22 22/19 23/8 27/14 48/10 51/13 |
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|     | Zone [1] 49/14  
July 13, 2018

Village Zoning Board of Appeals
Village of Greenport
236 Third Street
Greenport, NY 11944

Re: 416 South Street Addition

Dear Ladies and Gentlemen:

The North Fork Housing Alliance, Inc. owns the property (412 South Street) next door to Ms. Laura DiCapua. Ms. DiCapua discussed the fact that she wanted to add a carport that would come close to the property line. We do not have any objections to Ms. DiCapua adding a carport.

Sincerely,

[Signature]
Tanya Palmore
Executive Director
To Whom This May Concern:

I think the porch and carport is a good idea and will help the owner out. Laura has problems with her back and walking. She needs to pave her driveway because she parks her car in the driveway and uses her side door all the time.

She did a great job renovating her house. It was in really bad shape and she brought it back to life. I’m sure she will make this project look good too.

Thank you,

John Gagen
304 5th Avenue
Greenport, NY 11944
June 15, 2018

Dear ZBA Members,

I, Joseph Hollid, live directly across the street from the Di Capua residence. I have seen the transformation of Laura's house from the beginning. The original place was a dump when she bought it. She had the house renovated down to the studs, then replaced and rebuilt everything inside and out.

I am sure that she will make the additions look as beautiful as the house. I look forward to seeing it across the way.

Sincerely,

Joseph Hollid

415 South Street

Greenport, NY
June 21, 2018

To The Greenport Zoning Board:

I am in favor of Laura Di Capua's carport and front porch addition. An improvement to any house increases the value of all the homes in the area.

Bill Kranker
248 5th Avenue
Greenport, NY