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

September 18, 2018
6:00 p.m.

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

KRISTINA LINGG - BUILDING CLERK
CHAIRMAN SALADINO: Folks, this is the Greenport Zoning Board of Appeals.

Item number 1 is a motion to accept the minutes of the August 21, 2018 Zoning Board of Appeals meeting.

So moved.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: I'll vote aye.

Item number 2 is motion to approve the minutes of the July 17, 2018 Zoning Board of Appeals meeting.

So moved.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

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

(No response.)

Item number 3 is motion to schedule the next Zoning Board of Appeals meeting for Tuesday, October 16, 2018 at 6:00 p.m. at the Third Street Fire Station, Greenport, New York 11944.

So moved.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Item number 4 is a continued public hearing regarding area variances for the property located at 416 South Street, Greenport, New York 11944.

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

For those of you from the public interested, the public notice is attached to
the agenda.

Is there anyone from the public who would like to speak?

AUDIENCE MEMBER: Can you turn it up?

It's hard to hear.

CHAIRMAN SALADINO: Is there anyone from the public that would like to speak?

MR. UELLENDAHL: John, my name is Frank Uellendahl. I am the architect. I don't know if I'm supposed to speak now for the public hearing or -- because you had some questions for me.

CHAIRMAN SALADINO: Now would be a better time.

MR. UELLENDAHL: Now.

CHAIRMAN SALADINO: Now.

Name and address for the stenographer.


I'm sorry I didn't make the meeting last month.

CHAIRMAN SALADINO: You're excused. We know you had extenuating circumstances.

MR. UELLENDAHL: Good evening. I live
in Greenport, 123 Central Avenue, and I'm representing the applicant.

I was not able to make the meeting last month, I apologize, but I did read the minutes and I appreciate all of the members' comments, and there were a couple of questions or possibly inconsistencies between the drawings that I'm here to respond to, so I'm here to respond.

CHAIRMAN SALADINO: I think the two concerns the members had were first the width of the carport.

MR. UELLENDAHL: Okay.

CHAIRMAN SALADINO: We thought that perhaps fourteen feet might be a little excessive.

And the second concern was --

MR. UELLENDAHL: The steps into the front porch.

CHAIRMAN SALADINO: The steps would increase, to add steps to the front porch would increase the variance requested.

MR. UELLENDAHL: Let's let Laura respond to the width of the carport because
she -- you requested some photos and some additional information about the car, she is ready to respond to this.

But as far as the steps are concerned, it is my understanding, and actually common practice, that certain elements are not included in the setback, zoning setbacks; front, rear and side yards. So among those are steps leading into the residence. They have been exempt in all my applications that I have presented in front of the Board here in the Village and also in the Town of Southold, but you do have different zoning codes here.

Among others is the chimney bump out, for example, roof overhangs typically twelve inches, could be sixteen inches, up to twenty-four inches depending on the style of house. Perhaps some style homes usually have large overhangs, and bilco doors.

So as far as I'm concerned, the steps should be exempt, and if get the disapproval, I don't have a problem with the disapproval.
The building inspector did not come back to me and say, Frank, you have to include the steps. As a matter of fact, this has been going on for quite some time. I had a meeting with the previous building inspector back a year ago in November, which I typically do. I have a preliminary meeting before we go into the actual application, and there was no concern about the front steps. I didn't raise it specifically, but from my experience, it's usually not included, but this, in the end, is your call, but that's why I felt comfortable with the application I submitted.

CHAIRMAN SALADINO: Well, it's my understanding that anything that's permanently affixed to the house like the porch and steps, there was a time where bilco doors, because of a previous Building Department supervisor didn't consider that, even though they were encased in concrete and part of the foundation, same thing with a chimney bump out. We have learned that
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that that's not in fact.

I had planned to go to the Building Department and ask for them to make this interpretation.

MR. UELLENDahl: Yeah, this should be clarified because it's important for the design officials and architects as well.

CHAIRMAN SALADINO: I can't find -- cantilevered roofs and such is mentioned in the code. As far as the steps, I can't find it. If it's in the International Fire and Building Code, that would be for the Building Department to --

MR. UELLENDahl: Well, if you look at the -- you get the official service from surveyors all the time. If you look at it carefully, even on the survey, the surveyor also only goes to the actual structure; they do not include the steps, even in apparent updated survey, it goes to the bay window and not to the steps, which actually, you know, are closer to the, encroach on the front yard, let's say, and so this has been, you know, the case on many other
applications, but again, it's your call to
discuss it and come up with a different
deliberation and ruling, but then it should
be coordinated with the building inspector
or whoever writes the disapproval.

CHAIRMAN SALADINO: We can only give
you what you ask for.

MR. UELLENDahl: Yes.

CHAIRMAN SALADINO: We raised the
concern because we didn't want this
application coming back in front of us.

MR. UELLENDahl: Right. I understand.

CHAIRMAN SALADINO: You know, if and
when it's approved, you go for a building
permit, whoever reviews it at that time
could say, well, you need an additional four
feet, five feet, six feet to include these
steps.

MR. UELLENDahl: These are actually,
these are three feet, we're talking about an
additional three feet.

CHAIRMAN SALADINO: Well, whatever it
is, three feet, but it would increase the
variance requested, the six point two
variance that's being requested to three point eight feet --

MR. UELLENDahl: Correct.

CHAIRMAN SALADINO: -- from that setback, so it would change the application. We just didn't want it to come back to us. We want to handle it once and move on. So I'm not sure what's in the members' minds as far as this. We'll talk about it and I'm sure we'll come to some kind of an accommodation, but I think the bottom line is going to be with the building inspector, whatever they decide.

MR. UELLENDahl: Okay.

Well, we went through this process, the disapproval states the twenty-three point eight to the structure, to the porch and obviously exempt would be the stairs as shown as part of the application.

CHAIRMAN SALADINO: Right, would you kind of admit that sometimes --

MR. UELLENDahl: Yes.

CHAIRMAN SALADINO: -- sometimes in a crowded office, sometimes stuff gets
overlooked?

MR. UELLENDAHL: It happens even in my lonely office.

But, I mean, if you do decide to accept the steps as exempt, then I actually added another dimension to the steps which then would change the twenty-three point eight to --

CHAIRMAN SALADINO: It would change the dimensions from twenty-three point eight to twenty point eight.

Any other comments for Mr. Uellendahl?

(No response.)

No.

Thank you.

MR. UELLENDAHL: Thank you.

MS. DiCAPUA: Going on the premise that a picture is worth a thousand words, I took pictures concerning the width and I showed and measured the car with the doors closed, SUV, and the SUV with the doors opened, and you can see that it comes very close to both perimeters. I don't know if the steps were taken into consideration in the driveway,
and also I put the measurements of all the
opening of the door too and the setback and
stairs are twenty-eight inches and also
where the four-by-four post would be in that
twenty-four-inch setback.

It's gonna be a sleeve, a column sleeve
to match the house, so that's gonna probably
be yet another six inches that's gonna
croach on the parking area.

CHAIRMAN SALADINO: But that wouldn't
be where you would be opening the doors.

MS. DiCAPUA: Well, still coming back,
backing in, you know, you have to -- it's
making it a little more challenging between
the stairs on one side and the column on the
other.

And I also, on the next page, showed --
I had said it in words, but I took pictures
of the area that's on the other side of that
fence where the carport would be, and you
can see that there's the electric meter, I
don't know that it's all that clear, but in
the background there's a bilco that was
mentioned and there's an enclosed exhaust
pipe of some sort. I don't know if that's for the laundry. It protrudes and it's enclosed, so there's -- it's not a living space, it's just an area on the side of the house, it doesn't serve any purpose to the occupants of the house.

And on the other side where the stairs go, I called it a car pad, it's like a little mini parking lot that's by my neighbor where the stairs would be. So again, there would be no encroachments on anybody's outdoor space.

That's what I thought of to do since people seem to have concerns, and hopefully that would help clarify the point that I was trying to make in words last week, last meeting.

CHAIRMAN SALADINO: David.

MR. CORWIN: I'll go back to the fourteen-and-a-half feet, and I'll go to the street elevation sheet which is this one (indicating).

MS. DiCAPUA: Yeah.

So from that number, these other, the
stairs and the setback, would be deducted if my thinking is correct.

MR. CORWIN: The street elevation is called out as a scale of one quarter inch equals one foot, as I'm trying to measure, I'm coming up with it's closer to three sixteenths.

MS. NEFF: Closer to what?

MR. CORWIN: Three sixteenths of an inch.

AUDIENCE MEMBER: We can't hear back here.

MS. DiCAPUA: I can't hear right here.

AUDIENCE MEMBER: The air conditioner is making too much noise.

MR. CORWIN: Turn the air conditioner off.

AUDIENCE MEMBER: Pull your microphone closer, that's all.

CHAIRMAN SALADINO: Go ahead, David.

MR. CORWIN: The drawing is closer to three-sixteenth inch equals one foot, but it's kind of fudged together. I don't want to make an argument over that. I just want
to note that the drawing's not completely accurate. And what's happening, what will happen at fourteen-and-a-half feet, I think architecturally is a little unbalanced because you're making the whole front of the house with a carport as key instead of the front of the house, but that's probably not really our job, but I point that out.

MS. DiCAPUA: The carport is gonna be where the mudroom is in the house; it's not gonna be right straight up front.

MR. CORWIN: So I measured it myself, my garage to my vehicle. My vehicle is a so-called mid-size truck, and I'm given a foot on the passenger side -- if I'm pulling in front first, seven feet for the vehicle, two-and-a-half feet for the door and two feet for the passenger to go around the door because their door (unintelligible) door, whatever their door, I come up with twelve-and-a-half feet and, of course, the applicant's contention is, well, I have to have both doors accessed at the same time, and I say, well, you can pull headfirst.
And I also have to note the reason we have these side yard setbacks is for fire. We know we had a fire on South Street several years ago, rather Second Street seven years ago, several years ago, and that just sat for years and years, one member would remember that really well. We also had the fires out in California where the houses are close together.

So I have to say that our mandate to have these side yard setbacks is important for fire control, so they don’t spread from one building to another.

My understanding of this whole process of granting appeals is to grant the minimum amount of appeal, so I'm saying it can be done with twelve-and-a-half feet rather than fourteen-and-a-half feet.

MS. DiCAPUA: But if you take away the stairs from that number and the setback, that's about the size it should be. My door is thirty-seven inches, I didn't specify it, but it is --

CHAIRMAN SALADINO: Well, actually, I
looked online, I went to the Honda specification --

MS. DiCAPUA: You found something? I couldn't find anything.

CHAIRMAN SALADINO: The vehicle is seventy-two inches wide.

MS. DiCAPUA: Yes, I have that.

CHAIRMAN SALADINO: The doors are thirty inches wide fully extended.

MS. DiCAPUA: I have thirty-seven.

CHAIRMAN SALADINO: So I mean, just if we do it off the top, sixty and seventy-two is a hundred thirty-two inches; and now it's going to get tough to divide by twelve, so it's less than -- I don't have the numbers in front of me, but that's something we can discuss.

Does any other member have any questions for Ms. DiCapua?

MR. TASKER: I'll just add my concerns to the overall width of the carport along the lines of what Mr. Corwin has expressed.

CHAIRMAN SALADINO: Okay. Thank you.

MS. DiCAPUA: I'm sorry. I thought he
was going to say something.

I just want to bear in mind that that's an open structure; it's not gonna keep anybody from going in the back if there is an emergency.

And I was a victim of a fire, sir, in my former home. And I was a middle house, and the firemen got access to my house. I had no side anything and the fire was put out and I'm standing in front of you, so, you know.

I live there alone. I'm very careful. I don't see that -- and that fire was from a faulty water heater, not anything I did. So just a thought.

Thank you.

CHAIRMAN SALADINO: Thank you.

Is there anyone else that would like to speak?

Mr. Kiehl, name and address for the stenographer.

MR. KIEHL: Bob Kiehl, 242 Fifth Avenue.

Like you said, you added it up, it
comes to eleven feet and they're going for fourteen feet. There's also, when you look at the carport on the roof, the roof cantilever is over the top. Also when you put your columns in, if you went out, say eleven feet and put two columns in, that whole side is open, you can swing a five-foot door open wide on the one side. You're not gonna be living out there, you're just getting out of the car. So if you wanted to reduce it down two or three feet, it's possible to do it, and you're still gonna be covered because you're still gonna have this -- it showed on the pan, there's an overhang on the end which is past where the columns were.

That's it.

CHAIRMAN SALADINO: Thank you.

Anyone else?

(No response.)

No.

I'm going to make a motion that we close this public hearing.

MR. CORWIN: Second.
CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

All right.

Next is continue public hearing regarding the area variances for the property located at 412 Third Street, Greenport, New York 11944.

The Suffolk County Tax Map number is 1001-4-2-4.6.

For those that are interested, the public notice is attached to the agenda.

Ms. Moore.

MS. MOORE: Yes. Thank you. Patricia Moore on behalf of James Olinkiewicz.

He apologizes he can't be here tonight as well. He's still recovering from surgery, but he did have the benefit of reading the transcript.

He wanted me to correct something and give you some additional information of
issues that came up last time.

So he gave me the following chronology, I put it in an affidavit form, but I'm going to read it just in case there are any issues or questions.

What he did originally when he reacquired the property in 2015, he submitted an application to the Planning Board to subdivide the property. That's what initiated everything.

When he went to the Planning Board meeting in August, he gave me August 27, 2015, the Village Attorney who was there at the time, Mr. Prokop, said there might be issues with respect to this property. He had no idea what that meant, and nothing was explained to him.

So on September 18, 2015, he went to sit down with the Village building inspector, Eileen Wingate at the time, and filed a FOIL request, and as they were looking through the file of this property, they found what was the Zoning Board decision from 1998. So he learned of it in
2015. I think there was some confusion on when the FOIL was filed with the Building Department. And that's when he got a copy of that decision for the -- well, no decision, a copy of the resolution since there was no written decision.

So it's at that time that he learned that there was that approval in 1998; thereafter, because of the various -- the Zoning Board decision, he withdrew the Planning Board application that he had filed in July of 2015 because there was no need for a subdivision if the 1998 variance granted the subdivision, it was not necessary to proceed and that was his understanding and that was his attorney's understanding.

So he, from the time of July 2015 when the Planning Board had the application and it was withdrawn, he asked the Planning Board, well, tell me why this is not a valid subdivision, and he would not get an answer. So that's when he, that's when I can give you the information, which is, he came to me
and I said, well, if you file an application
with the Planning Board, they have to
respond, they can't just not act on an
application, so that's why the application
was re-filed with the Planning Board and
that's how it ultimately came to you when
the Planning Board directed it to go to the
Zoning Board.

That's the chronology of events. And I
know that that was a question last time, and
I misstated on the record when I looked at
the transcript, I was remembering 2004, I
don't know why I came up with that date, but
I clarified it, I corrected that.

CHAIRMAN SALADINO: Just from this, I
have a question.

MS. MOORE: Sure.

CHAIRMAN SALADINO: Why would he
withdraw his application from the Planning
Board? He would have to go in front of the
Planning Board for site plan approval
anyway.

MS. MOORE: No. Because in 1998, the
only process to subdivide a property was the
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Zoning Board. There was no Planning Board in place. So taking the -- and it is a position that we actually in a memorandum had given you that in 1998 the Zoning Board had approved that subdivision, there was nothing more to do. It was done by virtue of the only law applicable at the time which was the Zoning Board taking action to grant the variances and that was, in and of itself, permission.

CHAIRMAN SALADINO: Then why the additional applications to the Planning Board?

MS. MOORE: Because we couldn't get -- we couldn't get off anybody's -- couldn't get off the die, it's the building -- nobody -- he was not getting anywhere. He kept asking, or his attorney, and you'll see, I think that there are multiple records in the transcript of the Planning Board, it seemed like every month the attorney was sending a letter to the Planning Board and the Village Attorney and saying, hey, you know, what's going on? What do you want me
to do? Tell me, you know -- I have this Zoning Board decision, as far as we can tell, that was all that was required in 1998, the variance runs with the land and, therefore, we're done.

We got no -- he got no response whatsoever and that's when finally, he came back to me, and I said, well, you then have to go reapply to the Planning Board because you got to do something, you can't stay for a year-and-a-half and not get an answer, you know, that's -- he wanted to finalize, know what he had to do, so that's when he went back to the Planning Board. And at that point, finally got an answer that the Planning Board said, go to the Zoning Board because ultimately the Zoning Board would, as we previously stated, decide is the 1998 variance --

CHAIRMAN SALADINO: Well, isn't --

MS. NEFF: Can she finish that sentence? I don't want to get lost.

MS. MOORE: Yes.

The Zoning Board would have to make
certain decisions. One, the 1998 variance is the variance that runs with the land, it acted on all of the same issues that are before this Board today because the properties are the same size, the houses are still there, so the Zoning Board in their very generic decision said, okay, we think this property should or could be subdivided, we'll approve this. That's one of the decisions you have to make right off the bat, is the 1998 variance still good.

If you say yes, then we, at this point, you could make the determination that in 1998, again you have the ability to interpret, in 1998, the ZBA granted the variance that was the only procedure required and, therefore, we're done. Period. We don't have to go back to the Planning Board, and again that you will discuss with your Town attorney.

The second question is, okay, the variance is good, but because you have to apply the law of today, the law of today says there is Planning Board, so we have to
go back to the Planning Board and finalize the process because the finalization of the process is just the deeds, the two deeds at most because there is nothing obligating anybody from actually doing the deeds, there is a subdivision, but because subdivisions and somebody mentioned you file them with the County clerk, not a one lot separation you generally don't file, it depends on the procedures that the Town for, in the '90s up through many, even currently, I don't know whether your Planning Board makes the applicant file the subdivision map with the County clerk, you don't necessarily have to do that, it's up to the Village's procedures whether or not that gets done, but in any case --

CHAIRMAN SALADINO: But there would be a next logical step.

MS. MOORE: The next logical step for me, in my opinion, would be just do the deed so we put them in two separate titles so that we don't have a merger if the merger law ever changes and for some reason
subdivision regulations or Zoning Board actions, whatever change; so you just want to do it to clean it up and, you know, just kind of have a clean process where the -- what happens is, the assessors of the Town of Southold and real property would not give it its own tax map number without a, some form of action and generally, it's done by way of a deed when you record the deed, the County center and the assessor's office give you a new tax map number.

CHAIRMAN SALADINO: But there is a next logical step.

MS. MOORE: There is a logical step which, if he had known at that time that he had gotten an approval, the logical step would have been deeds.

I don't know that it's mandatory, but that would have been, to me, a logical step.

CHAIRMAN SALADINO: When he had gone, when he had gone to the Planning Board --

MS. MOORE: In 2015.

CHAIRMAN SALADINO: No. Just recently when you --
MS. MOORE: Oh, when we reapplied, yes.

CHAIRMAN SALADINO: -- and the Planning Board said no, you'd have to go to Zoning, wouldn't the next administrative step for you, his attorney, to appeal that to the Village Board since decisions --

MS. MOORE: No.

CHAIRMAN SALADINO: -- by the Planning Board can be appealed to the Village Board?

MS. MOORE: No.

The administrative law is that you have to appeal a determination and really, you sent it to building inspector and the appeal of the building inspector is the Zoning Board.

CHAIRMAN SALADINO: Well, before it went to the building inspector, it was in front of the Planning Board, so Planning Board told you you had to go to the Zoning Board, you went to the building inspector and applied for a building permit, that's how you got here.

MS. MOORE: Yes.

CHAIRMAN SALADINO: So before you went
to the building inspector, couldn't you have
just appealed to the --

MS. MOORE: Gone to the Village Board?

CHAIRMAN SALADINO: Isn't that your
next logical step in the administrative
process?

MS. MOORE: No. I'm not aware of that
being --

CHAIRMAN SALADINO: That's what I'm
seeing.

MS. MOORE: Okay. There may be that
procedure, and I'm now aware, I know the
standard procedure is when you have a
nonconformity, you need the variance to do
it. Now, whether the Planning Board -- I
don't know that the Planning Board itself
can make the determination of whether the
1998 decision was valid or invalid or
binding, so that's why I don't believe that
it would have made sense to go to the
Village Board because the Village Board,
their Village Attorney would probably say,
well, it's really not a decision for the
Village Board to make, it's a decision the
CHAIRMAN SALADINO: Arthur, you had something?

MR. TASKER: Yeah. I want to back up. I'm a little perplexed by the assertion that there was no Planning Board in 1998 because I'm looking at Section 150-28 of the Village code and it says the Planning Board is hereby constituted pursuant to Section 7718 of Village law and that was on May 16, 1996 by local law number 3, 1996.

So where does the idea that there was no Planning Board from 1998 come from?

MS. MOORE: I'd have to research that particular provision on whether or not a one-lot subdivision was considered within their jurisdiction. Generally, Planning Board subdivisions at that time would be major subdivisions, not a one-lot, whether you called it a setoff, the Town of Southold used to call them setoffs or a one-lot subdivision. Remember, however, it was being interpreted in 1998. Certainly the Zoning Board did not say, and now go to the
Planning Board; they felt, at least, in
their decision that that was the end of the
line, that was all that was needed to create
that one lot, that division between the two
homes.

CHAIRMAN SALADINO: Well, we don't have
a complete record, so we don't know exactly
what was in their minds.

MS. MOORE: But we do have a --

CHAIRMAN SALADINO: No, we don't have a
complete record.

MS. MOORE: I would --

CHAIRMAN SALADINO: -- conditions or
restrictions placed. We don't have a
determination, so we don't have a complete
record.

MS. MOORE: I would say that I think
you have a complete record because there is
a transcript, and other than the decision
itself and the service or filing of the
decision, whether it's with the Village
clerk or giving it to the owner because
that's the end process, as you know.

CHAIRMAN SALADINO: But there was no
decision, you just told us, there is no
decision --

MS. MOORE: But the resolution, you
know what happened because there was a
public hearing and there was a resolution.
If you read the minutes, and you read the
resolution, that was it.

CHAIRMAN SALADINO: And they're
incomplete too.

MS. MOORE: What?

CHAIRMAN SALADINO: They're incomplete
too, there's only a portion of them.

MS. MOORE: I can't tell you -- I mean,
it was a simpler time in 1998.

CHAIRMAN SALADINO: Unfortunately,
because it was simple then, complicates it
now.

MS. MOORE: So be it, yeah, here we
are.

CHAIRMAN SALADINO: And the one other
question that I might have for you is, the
last sentence of this affidavit is that, I
make this affidavit to correct and support
my Zoning Board application.
What are we correcting?

MS. MOORE: Oh. In the transcript, I apologize, it really is the transcript and it's --

CHAIRMAN SALADINO: So not the application.

MS. MOORE: No, the application was fine.

CHAIRMAN SALADINO: So we're going to change --

MS. MOORE: Well, it says what it says, if the application is -- there is no error to my knowledge on the application. The transcript was the mistake that I see on page 41 of the transcript, paragraph 16 and 17, it says that in 2004 he sought the FOIL, and it's actually 2014, so it was, I must have when I was typing --

CHAIRMAN SALADINO: There's no correction to the application?

MS. MOORE: No.

He was in my office and I very quickly had to pen it because I wanted to be sure that, you knew when, in fact, it occurred.
Did I send that to you because I have the original?

Oh, I sent it before the hearing.

Here's the original (handing).

CHAIRMAN SALADINO: Anyone for Ms. Moore?

(No response.)

Thank you.

MS. MOORE: That's it?

CHAIRMAN SALADINO: That's it.

Is there anyone else from the public that would like to speak?

MS. JAEGGER: Mary Ann Jaeger, 430 Front Street, Greenport.

I would really like to ask this Mr. Tasker a question because he's been here for a long time.

In 1998, was the basketball court set up on Third Street?

MR. TASKER: I have no knowledge of that, the detail in that area.

MR. CORWIN: I believe it was.

MS. JAEGGER: All right.

Because I'm trying to figure out if
that was part of that property because I
know at that time Len Jones owned quite a
bit of property, that whole area; so I'm
wondering was that -- if that basketball
court wasn't there, then it would make sense
for a division because you would have all
that property. You know what I'm saying?
You could divide it and make a driveway,
another driveway. But if it wasn't there,
that you can do, but with it being there, I
don't even see how they could say they pass
something like that. Especially when you
have all those kids there playing. They're
in jeopardy. You know.

And there was the barbershop there, was
that still there when all these plans were
made?

MR. CORWIN: I don't think so.

MS. JAEGER: They have to look back
into those things, so I mean, that's my
point of view. And I have been here for
quite, many years. I remember the court,
but not that early, so, and I've been here
since '56, so that's a long time.
Thank you.

CHAIRMAN SALADINO: Thank you.

Is there anyone else that would like to

--

MS. ALLEN: Chatty Allen, Third Street.

I'm still confused and I've been to all these hearings, has that actual resolution been put on the record from 1998; and do you have a copy of that? I keep hearing that it was approved in the resolution. I have not seen it. I don't know if you have a copy of it, but it seems like there's a big elephant in the room that, oh, it was approved in '98 so we can just go ahead and do this now, but there doesn't seem to be any documentation.

I would think if you went through the whole process to subdivide a lot, that you wouldn't let it slip through your fingers and not follow it through, not have written proof, and then never subdivide. To me, it seems like they're trying to pull a rabbit out of a hat, saying, no, we got approval in 1998, so we shouldn't be here at all, and if we don't get our way, then we're gonna go
even further up.

Something doesn't seem right here, and I've been at all these hearings and I've listened to everything that's been said and then when you actually read the variances that are being asked for, these aren't small variances, some of these are astronomical. This is -- I mean the Village, I thought I was under the impression was trying to do away with nonconformity, not increasing. It also increases the danger in that area, like Mrs. Jaeger said, there's kids from birth all the way on up that are at the court all the time. It is a small entrance to get back to the two homes that are back there. To me, that should be looked into for the amount of years that that's been allowed to go on, that there are two nonconforming lots back there right now, it's just not on the books, and it's a very unsafe area.

I do -- I can't remember when the courts went in there either, and I've been here, you know, since I was born, so it's like I'm not really sure. I know a lot of
these lands were all merged, you know, it
was all basically family that owned it and
this piece got sold and this piece got sold.
So I'm not sure what the lots were back in
1998. I personally feel this is one of the
worst subdivisions of a property. The
safety of everyone -- I come to these
meetings and I look at that wall, I don't
ever want to see that again. One of them is
three years older than me, and when I look
at those pictures, it's like it happened
yesterday. I don't feel the Village should
be approving things that are going to make a
dangerous situation worse for everyone
involved.

I wish someone from the Fire Department
was here to weigh in on the fire aspect to
it. Any rescue, any kind of first
responders there, we're putting them in
harm's way.

And like I said, these aren't little
variances. I mean, one you need over 4,000,
the other one was over 2,000 or 3,000 feet,
that's not little. These are huge, and I'm
listening to the application before this
where you're talking about a foot or two as
opposed to 4,000; and I would like to see
this denied and send a message, we're not
gonna keep chopping our lots just to put
more housing in.

Thank you.

MR. REED:  Good evening, ladies and
gentlemen. I'm just gonna ramble for a
minute.

CHAIRMAN SALADINO:  Name and address.

MR. REED:  Mike Reed, 430 Front Street.

You go and propose a front yard setback
at six point three, they have requiring the
area variance of twenty-three point seven.
Section 150-12A, Code of the Village of
Greenport requires a minimum setback of
thirty feet. Correct?

CHAIRMAN SALADINO:  Yes.

MR. REED:  You go da, da, da, you get
to the other one, four, they have 4,615
point three oh five square where they have a
requirement 2,884 point six nine five,
(unintelligible) words again, seventy-five,
correct, your variance.

Let's get to the meat and potatoes. You go through every one of these, they don't qualify. It should be an open and shut case. We go through this every time, you know. The buck's got to stop someplace.

God bless you guys, it's a hard job. I'd pull my hair out, you know, doing some of this. Either that or I'd end up smacking somebody, just I'm old Greenport, that's just how it is.

I mean, you put these proposed setbacks for a reason, correct? And you're not, no malice intent with any of it, but, you know, it is what it is. They didn't come today, oh, today's Thursday, let's make the variance 2,000, setback five, you know, these are put in place for a reason.

Like Chatty said before, you go down Third Street by the basketball court summertime, there's cars there, you know, the kids are playing, cars are there, bikes are there. God forbid there is some -- how you gonna be able to rescue people with one
of the big trucks? I mean, safety is an issue also, it's not about the all mighty dollar. That's, you know, it's getting to be ridiculous.

My family has been here for a long time, and I watch people come and go, you know what, but right is right, if you go by every one of these things, they do not qualify. There was a reason why these were put in motion, you know.

So I just hope you guys, you know, it's a hard job, God bless you all, but, you know, what's right is right.

Thank you.

CHAIRMAN SALADINO: Thank you.

Is there anyone else that would like to speak?

MS. MOORE: Did you want me to respond to anything?

CHAIRMAN SALADINO: It's up to you.

MS. MOORE: Okay.

Chatty, I think it is, there she is, I'm going to read to you the resolution which was adopted November 18, 1998 and it's
what they have in their possession and it's a resolution, it says Village of Greenport Zoning Board of Appeals. This was the public hearing and regular meeting November 18, 1998. It took up item 3 on the agenda, discussion and possible action on application of Stinky and wife, that's James Olinkiewicz for property division at 408 and 412 Third Street, Greenport and it gives the one Suffolk County Tax Map number.

The members examined the blueprints of the proposed subdivision, Thomas Higgins spoke to people in the area of the proposed subdivision and no one was in disagreement. He also felt that if left in present state, they would always be rental properties; if subdivided, he felt that there was a chance of them being owner-occupied at some point.

Motion made by Thomas Monsell, seconded by Alicia Walker and carried to approve the application of Stinky and wife for minor subdivision of property for 408, 412 Third Street, Greenport. Again, the same Suffolk County Tax Map number.
And it says, whereas a public hearing was held on October 21, 1998 and whereas no one came to the public hearing to speak against the application, and whereas the Board feels that the division of the property will enhance the property value of the area, and whereas dividing the property, it offers the possibility of improving the character of the area by having each lot individually owned and now, therefore, be resolved that the application be approved in a roll call vote of Chairman Dwayne Early, Thomas Higgins, Thomas Monsell, Alicia Walker and William Morini all approved, yes.

That's the resolution we keep talking about and I'd be happy to give you a copy of it. If you give me your address, I'll send it to you, or if we can get a copy, I'd be happy to give it to you.

I'm just going to repeat very briefly because the Board, God bless, you do have to put up with a lot, including lawyers, these are two existing homes, we're asking to subdivide, to put a line between the two
existing homes. We have offered to keep, by
covenant, as a condition either by the
Planning Board, if it gets back to it, or
even voluntarily because we offered that in
our application, was to keep the
single-family home as a single-family home
which is more than most people would do.
It's not the all mighty dollar, it's trying
to improve the property.

My client is well known here. He does
own a lot of properties, but I think if you
talk to most of the tenants that he has,
he's always offered more money for the
rentals, he keeps -- he's very loyal to his
tenants, he keeps good tenants. He, quite
frankly, he operates as the Village Housing
Authority in the sense that he finds rental,
that is his mission. He feels that people
deserve good rental, fair rental and that
has been what he has been doing for the past
ten, fifteen years.

In any point, you have a lot in front
of you, but it can be very simple, it can be
recognizing the 1998 variance. At the time
the '98 variance was done, they handled all
the specific issues. It did not have to be
identified item by item. They saw the
property, they saw the setbacks and they
were satisfied. We are prepared to go back
to the Planning Board, but we would prefer
not to, obviously. If this subdivision is
recognized as having been approved in 1998,
we finish and then we have -- and my
recommendation would be for sure to put two
deeds, even if the two deeds are in the same
name, just to give the Suffolk County Tax
Map office an ability to put a line through
them, just so that in the future, if Mr.
Olinkiewicz chooses to keep the two
properties, obviously, if he sold one, the
County would automatically put a line
through the property, so that's what happens
ultimately one way or another.

I thank you and hope we get a favorable
decision.

MS. NEFF: I have a question.

MS. MOORE: Sure.

MS. NEFF: The last thing you said
about a line through. I have no idea what that meant, and you don't need to explain it because that's not the issue that we're talking about, but it sounds to me almost like an aside, and it opens up other cans of worms, but I just want to point out, which I think bears repeating, in 1998 before and now, no changes have been made to the buildings which have been there and used for the same purpose.

MS. MOORE: Exactly.

MS. NEFF: I might, if I hadn't read this document back in August the first time I saw it, before might actually think, I wouldn't say this out loud, of course, but I actually might think the same thing that Thomas Monsell said, that if they were owned separately, it might actually improve the housing stock. Remember, the houses are there, they have been rented, someone --

CHAIRMAN SALADINO: Just to correct you, Mr. Higgins said that.

MS. NEFF: I'm sorry. He was one of the members, right? Anyway, it doesn't
As I said, I'm not going to actually say that, but I think it is important to say we are not increasing by considering this fresh, adding nonconformity to the Village any more than my house which exist, parts of it, six inches from the north property line. You know, the nonconformity of my house was baked in 1900, actually before 1900. These houses, we don't know how long they have been there. I actually think the basketball court, that land being owned by the Village, exactly when it was purchased from the previous owner, which excuse me, I can't remember your name.

MS. JAEGGER: Ms. Jaeger.

MS. NEFF: Ms. Jaeger, was the person you mentioned who at one time owned the parcel and someone else owned a big section of that before that. I actually think the basketball court was after 1998, but whatever the case, these buildings accessed by that right of way have existed as rentals for a long time, and not been added to.
So that's just my point. I think that we lose sight of that.

MS. MOORE: Thank you. Yes.

MS. NEFF: Thank you.

CHAIRMAN SALADINO: Well, just to comment on that.

What we're also losing sight of is while we have this resolution in front of us, there's a part B to that and that's the contention, the Village's contention that the process wasn't completed. There wasn't a findings and determination made.

MS. MOORE: I'm not sure that -- I'm sorry, I'm not sure that that's a determination that -- I don't -- you have a Building Department that can only think of things in the black and white world. Their job is black and white, it's not the gray. Okay. So --

CHAIRMAN SALADINO: If only that were true.

MS. MOORE: I would say ninety percent of the Building Department, but I don't know.
Looking at the manner in which decisions were rendered in 1998, this was pretty much it. And as of 2010, I had decisions that the Board granted or denied and this was it. The only thing the Board did, and I think until most recently when you have counsel now that advises you, that you must have written decisions, that those decisions must be filed with the Village clerk and must be given to the applicant because that is how the law provides that notice should be given, but up until the last three months or so when your new Village counsel, you may on occasion have written decisions, I think you mentioned Mr. Tasker at one of our hearings that maybe there was a contentious one of a marina or something, something much more complicated that maybe the attorneys realized that they were going to be sued or somebody was going to have an issue with it, so they wanted to write a decision with all the bells and whistles and so on so that it would be a written decision.
MR. TASKER: That's entirely speculative, Ms. Moore.

MS. MOORE: Well, I'm telling you I have --

MR. TASKER: They were routinely issuing such decisions, and this was, as I thought, around 1992, so it's not a new phenomenon that failed to be done in 1998.

MS. MOORE: I can only tell you that in this case, it failed to be done. In two other cases that I have had before this Board prior to this one, it failed to be done and we actually had to bring an Article 78 based on a transcript with no decision. So I can tell you that whether or not it was done or not done, all I can tell you as to this one, nothing more than this was done, so as far as it being an incomplete transcript, it's Village records, and I know, you know, sometimes things are found, somethings are misplaced, but I think it's pretty clear that the Board granted, at least, thank goodness, this transcript very clearly says that it was granted.
CHAIRMAN SALADINO: It also says that the only thing they took into consideration was lot coverage and parking. There's another portion of the notice of disapproval about the second building, or creating a lot with the building already on it, so I mean --

MS. MOORE: I'm reading the --

CHAIRMAN SALADINO: -- not everything was addressed at the time.

MS. MOORE: I'm looking at the notice of disapproval in 1998 and it says that, application dated August 18, '98 for subdivision, property to be subdivided on the address of the two properties, the tax map number, and it was based on the bulk and parking, bulk and parking regulations are the setbacks, that what you call the setback or the provision of the ordinance is bulk and parking.

CHAIRMAN SALADINO: And 150-6C, how would we resolve that? That was never taken into consideration.

MS. MOORE: I don't know what other
section you're referring to, sorry.

CHAIRMAN SALADINO: 150-6C of the Code of the Village states, no lot shall be formed from part of a lot already occupied by a building.

MS. MOORE: I don't know how it was interpreted at the time. Apparently it did not seem to be applicable.

CHAIRMAN SALADINO: It's not --

MS. MOORE: I'm not sure it wasn't addressed. When I read that section, quite frankly, I'm not sure exactly what the intention behind it is, it's not clear, but they had, the same law was on the books and that was disregarded. The building inspector did not feel that that provision was applicable.

MR. TASKER: This is all coulda, woulda, shoulda. You got the written record and that's all there is.

MS. MOORE: Okay.

MR. TASKER: All the speculation about coulda, woulda, shoulda, did they, is wasting time here with us.
MS. MOORE: But it's being raised by this Board. I'm merely responding, so if you don't feel it's relevant, okay. Fine. That why there's five of you. Okay. Thank you.

CHAIRMAN SALADINO: Thank you.

Anyone else?

MS. JAEGGER: Mary Ann Jaeger.

What I want to know is, you read this resolution that this man and his wife at the time were, they got this approved -- they got this approved with the resolution.

MS. MOORE: No. That's the building inspector.

MS. JAEGGER: Well, anyway, if they did say that that was subdivision approved, why didn't you do it then if it was so mighty important, you wanted to make it beautiful and be beneficial?

CHAIRMAN SALADINO: We're not gonna --

MS. JAEGGER: I'm sorry.

CHAIRMAN SALADINO: He didn't go to the meeting.

MS. JAEGGER: I'm sorry about that, but
you know what, it's important.

CHAIRMAN SALADINO: I'm just giving you the information. He wasn't there for the meeting.

MS. JAEGGER: If it was that important, he would make the meeting. Not this meeting because he's ill, but at that time, if he couldn't make it, his wife should have made it if it was so important. I know if I owned it and you gave me subdivision, you want to believe, I'd jump on the bandwagon and get stuff, I mean get it in order and start doing this, but that's me.

CHAIRMAN SALADINO: We don't have an answer for that.

MS. MOORE: Don't have an answer.

MS. JAEGGER: Thank you.

MR. HOLLID: Joe Hollid, 415 South Street.

Going over this with the Board of Appeals, is that a State-run operation or where are they at?

CHAIRMAN SALADINO: I'm sorry?

MR. HOLLID: Board of Appeals, where
are they located?

CHAIRMAN SALADINO: The Zoning Board of Appeals?

MR. HOLLID: Yeah. New York. Okay. That must be Albany or somewhere? I'm just curios because I'm wondering, you said there was only lot sizes involved when they approved this. Correct? They didn't have any variances involved in all this, did they at that time in 1998?

CHAIRMAN SALADINO: Well, we read from the notice of disapproval in 1998 and it said bulk and parking --

MS. MOORE: Bulk and parking is the section.

CHAIRMAN SALADINO: So bulk would constitute setbacks and parking.

MR. HOLLID: Well, as far as parking, yeah, but they wouldn't have any listings as far as variances go, do they? I mean, as far as what they would -- I shouldn't say variances because that's what's on the Zoning Board today, but if they had all the information at that time for what they want,
we don't know --

CHAIRMAN SALADINO: Ms. Moore said it perfectly.

MR. HOLLID: Excuse me?

CHAIRMAN SALADINO: The applicant's attorney said it perfectly. It was a simpler time. It was a simpler time.

MR. HOLLID: It was a simpler time back then. Does that indicate that --

CHAIRMAN SALADINO: I understand --

MR. HOLLID: I honestly think this application is bogus as far as -- I don't think it should be approved one bit.

Thank you.

CHAIRMAN SALADINO: Is there anyone else that has something to say?

(No response.)

No.

What's the pleasure of the Board?

MR. CORWIN: I make a motion the public hearing be closed.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.
MR. TASKER: Aye.
MR. CORWIN: Aye.
MS. NEFF: Aye.
CHAIRMAN SALADINO: And I'll vote aye.
Item number 6 is discussion and possible motion on the area variances sought by Laura DiCapua for the property located at 416 South Street, Greenport, New York 11944.
Suffolk County Tax Map number 1001-4-5-12.
Members, is there decision on this application?
MR. CORWIN: Well, I would like to see the approval go ahead, notwithstanding any question on the front steps, accepting the application as it is and then with a twelve point five feet variance rather than fourteen point five feet.
MS. NEFF: Could you repeat, make the change exactly what change you're requesting?
MR. CORWIN: The question came up last week or last month about the steps in the front, whether they should have been
included in the variances application, and
my recommendation or thoughts would be that
we do not, in this particular application,
say the steps have to be included.

The other part of the variance was for
a fourteen-point-five-foot variance on the
carport, and I would like to see
twelve-point-five-foot variance for the
carport.

CHAIRMAN SALADINO: Those numbers are

MR. CORWIN: I may be wrong about the
numbers, but --

CHAIRMAN SALADINO: We're talking about
the distance, there's a side yard, the
numbers are wrong.

You would be content to let the
Building Department square the steps away
with the applicant.

MR. CORWIN: Yes.

MS. NEFF: Yes.

CHAIRMAN SALADINO: I'm okay with it.

Arthur?

MR. TASKER: I'm sorry, I'm not quite
following what we are doing.

CHAIRMAN SALADINO: The applicant is asking -- she needs a thirty-foot setback in front.

MR. TASKER: It's twenty-three --

CHAIRMAN SALADINO: -- would add to that, necessary variance.

And the steps, the applicant's architect Mr. Uellendahl, told us that the steps are going to be three feet.

I'm willing to let the Building Department decide if the steps are, in fact -- it was always my understanding that the steps in the Incorporated Village, in Southold, they have a different standard, in the Incorporated Village, like I said in the past, chimney bump outs and bilco doors weren't considered, but that -- with different administration in the Building Department that became a different issue. As far as the front steps, I'd be willing to, at least myself, I would be willing to defer to the Building Department in their --

MR. TASKER: So we are not gonna act
that portion of that -- we're not gonna act on that variance?

CHAIRMAN SALADINO: No. We would act on the six-and-a-half-foot variance for the front yard.

MR. TASKER: I don't see how we do that.

MS. GORDON: If we act on the variance, you're saying we would be assuming that the steps were an extension that was not included in the calculations about the size of the building and placement of the building?

CHAIRMAN SALADINO: I think what I'm saying is that if we acted on that variance, it would be conditioned on whatever it says in the International Fire and Building Code, whatever the Building Department says --

MR. TASKER: I don't think the building code addresses side yard setbacks.

CHAIRMAN SALADINO: Well, actually, in Southold, they actually do, they don't consider front steps as part of --

MR. TASKER: My point exactly, that's
the local zoning code, if you will, local
code, it has nothing to do with the
International Building Code. The
International Building Code isn't answering
that question as to how deep the front yard
setback is.

CHAIRMAN SALADINO: It's not addressed
in our code, and we know if it's not
addressed in our code, it's because the code
is permissive. There is no reference to
front steps in the Zoning code in the
Incorporated Village.

MS. GORDON: Doesn't that make the
decision easy? I would think that would
make the decision easy. If we think it's a
very small issue, and we're prepared to
accept the twenty-three-foot variance for
rest of the proposed property, proposed
building, the permittivity of the code is a
plus.

CHAIRMAN SALADINO: My only concern is
that perhaps if and when this progresses to
the Building Department for a building
permit, someone looks at it and said the
steps are part of the structure, you can't build these steps because they would be encroaching on the front yard an additional three feet, and that this application would come back to us.

MR. CORWIN: So let's give them the addition of three feet now.

CHAIRMAN SALADINO: Without the attorney here, I'm not sure we can do that.

MR. CORWIN: We can do that.

MR. TASKER: I think we can give them less than they ask for, but not more.

CHAIRMAN SALADINO: I think we can give them less, David, but not -- and to give them an extra three feet, it opens another, a whole other, we noticed the public hearing.

MR. TASKER: Let me say, I'm not in favor of dragging this out and making it difficult, but I think we may be heading down a road that's gonna make things difficult for ourselves in future cases.

CHAIRMAN SALADINO: Ellen, anything?

MS. NEFF: The garage shows four steps,
correct?

CHAIRMAN SALADINO: That's an architectural rendering.

MS. NEFF: But two of them are projection of the porch and window, I think we're talking about whatever the measurement of the reach of the steps --

CHAIRMAN SALADINO: Three feet.

MS. NEFF: -- does not significantly change what we would entertain about a request for a variance for the front lawn.

CHAIRMAN SALADINO: I agree with you --

MR. TASKER: That's not --

CHAIRMAN SALADINO: -- but that's not what they're asking for. They're asking for a six-and-a-half-foot variance when, in fact, if we consider these steps part of the front yard, part of the structure, they would need nine-and-a-half feet. So I mean, would that be routine if it came in front of us? Yes. But that's not what's in front of us.

We still, as folksy and as neighborly as we would like to make this, there is
still a process that we have to follow.
There is still a process that we're
obligated to follow.

I personally don't believe we can give
the additional three feet without going
through the whole process again, without
amending the application. If the attorney
was here, we perhaps could add to it, but
he's not here.

Again, my concern is that today or
tomorrow somebody looks at this building
permit after the application is made and
points out that there is no accommodation in
our code for the front steps, there is no
relief for the applicant for front steps as
not being part of, or not being included in
the front yard setback, it comes back to us
because they can't build it without a
building permit. They can't get a building
permit without that variance. Unless those
three feet can be incorporated into the
ten-foot porch, the porch is ten feet wide,
if you can incorporate those three feet into
the porch, seven feet from the front door to
the first step, we can move on to the carport.

MR. UELLENDAL:  May I?

CHAIRMAN SALADINO:  Sure.

MR. UELLENDAL:  I think your Board has to make a decision, it cannot be made by the Building Department.  I mean, I looked at this part as well and first there is always a solution, if we don't want to re-file the application, I can come --

MS. NEFF:  Because of that engine, I can't hear you.

MR. UELLENDAL:  Can you hear me now?

Of course, there is always the solution to a problem, and I discussed it with Laura this afternoon, and I think she is willing to, not cave in, it's difficult for her, but to accept my -- which I am going to show you a solution where we have the steps inside the porch without creating a safety issue.

(Handing.)

There is a, this is basically --

(Mr. Uellendahl approaches the Board and speaks softly.)
So I submitted a revised drawing for the front steps which show the steps inside the porch without affecting the variance as stated in the disapproval and that would end the discussion about that portion of the variance, the front porch.

We can do it, and the owner, the applicant agreed that this is a solution that she can live with.

MS. GORDON: May I ask a question?

So you would put a railing there?

MR. UELLENDahl: We have two railings on both sides, but they're set in, and I can show you also an elevation. Actually, I can give you -- it's a minor change in the elevation.

(Mr. Uellendahl approaches the Board and speaks softly.)

So the revised elevation that I submitted shows two railings on both sides, the stairs are approximately four-foot-nine wide with two railings that will be attached to the proposed porch posts as proposed obviously.
MR. TASKER: I think that's a pretty elegant solution.

MR. UELLENDahl: Thank you.

CHAIRMAN SALADINO: That certainly works for me.

MS. NEFF: Yes.

CHAIRMAN SALADINO: David?

MR. CORWIN: Yes.

MS. GORDON: Yes.

CHAIRMAN SALADINO: Okay.

MS. NEFF: Of course I'm going to say yes because my house has exactly this and it also covers you from the rain as you go down the steps.

MR. UELLENDahl: This is what she likes about it.

MS. DiCAPUA: But the carport being made smaller --

CHAIRMAN SALADINO: We're not talking about that right now.

MS. DiCAPUA: I'm still getting wet in the driveway.

CHAIRMAN SALADINO: We, I believe, have come to kind of a consensus on the front
yard setback. And now, about the carport.

Do we have any thoughts about the carport?

MR. TASKER: It's pretty wide.

CHAIRMAN SALADINO: Pretty wide. I think David compromised his -- I think the numbers that someone in the audience did the math is, I mean, between the width of the car, the width of the car and with both doors fully extended is a hundred thirty-two inches, it's eleven feet. I mean, that seems -- and to give the extra two feet, it gives an extra two feet, you know, side yard, I'm --

MS. GORDON: May I?

CHAIRMAN SALADINO: Yes.

MS. GORDON: It seems to me that what we're trying to do here is figure out a balance between the risk of such a narrow area on the west side that it's dangerous for getting through, as I understand David's talking about it, the risk of that on the one hand, but the risk of the inconvenience of not being able really to open the doors
on both sides fully wide. And I come down on the greater safety, accepting a little bit of inconvenience. I mean, it means, I guess that on the passenger side -- well, no, it depends on -- having a little trouble seeing this in my mind's eye, but it seems to me that it makes it more inconvenient, creates an inconvenience on the passenger side that is unfortunate, but less important than the risk of a safety problem if we don't put more space on the western side.

MR. CORWIN: Let me just say so the record is clear, I'm not concerned with access to the backyard. I'm concerned with the clearance of one structure to another and the potential for fire to jump from one structure to another and joining houses.

CHAIRMAN SALADINO: My concern is that our mandate says we'll grant the variance that enables her to accomplish her goal, I'm paraphrasing, accomplish the goal and, I mean, the car and with the doors wide open and width of the car is eleven feet, I think we kind of are been moving around the
twelve-and-a-half-foot mark. I just don't understand how that's, you know, it's a compromise that seems reasonable. We can park this car under this carport with both doors open. We can park this car under a twelve-and-a-half-foot carport with both doors open and not get wet. I mean, isn't that our, isn't that the goal of this request, to be able to park the car under a carport with both doors open and not get hit by rain?

MR. TASKER: That's the ask.

CHAIRMAN SALADINO: That's the ask.

The ask is fourteen-and-a-half feet.

MR. TASKER: Yeah.

The ask is for that convenience. The question is how big should the ask be. This seems to be excessive because, frankly, it could probably be about eight feet wide and open both doors, and on one side a person is going to be getting out of the rain. I do that all the time.

CHAIRMAN SALADINO: Is there a number that you have, is there --
MR. TASKER: I think Mr. Corwin suggested a couple of feet --

CHAIRMAN SALADINO: Twelve-and-a-half.

MR. TASKER: Yes.

MS. NEFF: He suggested a four-foot difference or was it five feet?

MR. CORWIN: Well, that would be two feet less than the carport, in area variance it's for nine point five feet, if the carport is twelve point five instead of fourteen point five, then the variance should be seven point five feet as I understand it.

MS. GORDON: Mr. Chairman, you just said we can reduce the variance, we can't increase it, and this is what is proposed and it seems to be reasonable and it comes from the engineer on our Board.

CHAIRMAN SALADINO: Well, I don't have a problem with asking for the Board to consider this. I mean, if we think this is reasonable, we think this is -- I mean, we can certainly put that up for vote.

Ellen, do you have an opinion?
MS. NEFF: I think what the applicant asked for -- I keep coming back to that, in that what exactly are we saying? I understand what Mr. Corwin is suggesting the structure which, again won't pass through is close to part of the house to the west, excuse me, to the east, but actually, there is pretty good relatively speaking to many houses in Greenport, this space is a rather large space. I don't know whether it's fifteen, I don't know how many feet it is, but I think that the amount of difference you're suggesting, Mr. Corwin, that it could actually be, I would suggest making that a smaller number. In other words, you might ask the applicant to revise it by two feet rather than four feet.

(Several members of the Board speak simultaneously.)

MS. NEFF: I said a couple of times, you're talking about four feet, and no one clearly corrected me. I apologize.

CHAIRMAN SALADINO: The carport is fourteen-and-a-half feet.
MS. NEFF: Let's not confuse me, John, I got --

MR. CORWIN: So everybody understands, the applicant is saying from the structure to the property line, she's asking for two feet open space, and as I'm talking, I'm saying they would end up with a four-foot open space for side yard setback.

MR. TASKER: Mr. Chairman, if I may, I'm looking at the notice of disapproval as a starting point and if you look at the second portion of it, it starts, the proposed side yard setback is two feet requiring an area variance of eight feet. If we follow, which I rather concur with Mr. Corwin, that would become the proposed side yard setback is four feet requiring an area variance of six feet and further down you can combine similarly where the notice reads the proposed combined side yard setback is five point five feet, that becomes seven point five feet requiring an area variance of seventeen point five rather than nineteen point five. In other words,
it moves it over two feet and that's the car parking setbacks and variances that accomplish that.

CHAIRMAN SALADINO: But before we did the math on the side yards --

MR. TASKER: Yes.

CHAIRMAN SALADINO: -- we had to decide how big the carport was going to be, that's when you do the math for the setback.

MR. TASKER: Yes.

MS. GORDON: Can I call the questions?

CHAIRMAN SALADINO: Ask the five questions on this, the Board would have to decide exactly what we're going to do.

MS. GORDON: Can we make the motion?

MR. CORWIN: We have to do --

CHAIRMAN SALADINO: We have to do SEQRA.

MS. DiCAPUA: Can I make a request?

CHAIRMAN SALADINO: We're gonna let her ask.

MS. DiCAPUA: Would it be possible because I won't back into the spot, there are young children -- where's Joe, he's got
two young kids, he has two young grandkids. I will not back out of my driveway, he himself parks the way I do. I will back into my driveway and pull out so I can see in front of me, so I'm gonna be backing up no matter what the decision is. Can I ask if we in the middle, maybe do three feet?

MR. CORWIN: You have to back either in or out, so I'm not gonna listen to that argument.

CHAIRMAN SALADINO: The other thing you're not listening to is, this Board, the variance has to be the minimum that you need to be able to, I don't want to say accomplish your goal because those aren't the right words. You're asking to be able to back into a parking space on your property and be able to open your doors and have a cover over that as you do that, and if we use a mathematical equation, I mean, a carport that's eleven feet wide allows you to do that. Mr. Corwin suggested twelve-and-a-half feet, an extra foot-and-a-half, I guess in case you get out
of the car and turn with -- I don't know. I think it's a reasonable compromise.

MS. DiCAPUA: Well, there's stairs on one side and a column on the other side.

CHAIRMAN SALADINO: If you want us to consider the fourteen-and-a-half-foot carport without a compromise, we'll do that.

MS. DiCAPUA: I'm sorry, you lost me.

CHAIRMAN SALADINO: If you want us -- if that compromise is not agreeable to you, we'll just vote on the application the way it's in front of us.

MS. DiCAPUA: I was just asking for middle ground because I have to clear that pole, the column and stairs.

CHAIRMAN SALADINO: Okay. We're done with that. We're gonna move on.

Do we have a number in mind or are we gonna just decide what we think is right, we'll take the application as it's in front of us?

MR. CORWIN: My number is for a twelve-point-five-foot carport which I think is generous, and I have to note there are
apparently two notices of disapproval on this change, so we may be looking at different things, Mr. Chairman. I'm not sure which one is the latest, I have May 24, 2018.

CHAIRMAN SALADINO: I have May 14th.

MR. TASKER: I too have May 14th.

We can ask the Building Department, is there a reason there are two notices of disapproval?

MS. LINGG: I don't recall that it was changed, but I do have, I have another one from February, I believe it was, and the correct one is the May 14th.

MR. TASKER: May 14th is correct?

MS. LINGG: Correct.

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

CHAIRMAN SALADINO: That's what I have. Excuse me one second.

Okay, this is the correct one. This is the correct one, May 14th is the correct one.

I'm going to make a motion that the
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Zoning Board of Appeals appoint itself lead agency for the purpose of SEQRA.

So moved.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

I'm gonna make a motion that this is a Type 2 action.

So moved.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

We'll go through these five questions. We're gonna take -- are we gonna take the application as a whole and add a condition afterwards or are we gonna --
MS. GORDON: We could take the -- there are three items, we could take the first item and the second and third together because the third item is the combined side yard setback.

CHAIRMAN SALADINO: It would be easy, it would make it easy for us if the applicant agreed to the twelve-and-a-half-foot carport and --

MS. DiCAPUA: I'll agree. I'll agree.

CHAIRMAN SALADINO: And then this way we can just vote on.

MR. UELLENDahl: John, she agrees.

CHAIRMAN SALADINO: We heard her. This way we can just adjust these numbers since they're less than, and vote on them with the correct numbers.

Is that good?

MR. TASKER: Why don't we put a motion on the table and against that we can then consider the five questions where we're shooting at an absolute target of numbers.

I'm not making myself clear.
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MS. GORDON: You gave the numbers which include the implications of changing.

MR. TASKER: Right, of the two-foot change.

Put a motion on the table to grant variances to these revised extents, we can then consider the five questions in the light of that motion. Consider the five questions and then address the motion and vote.

CHAIRMAN SALADINO: So I'm gonna change these and make that motion that we accept that as --

MR. TASKER: Yes.

CHAIRMAN SALADINO: I have to do the math.

MS. GORDON: What is the combine -- Arthur had it. What is the combined --

CHAIRMAN SALADINO: The combined side yard setback is five point five feet, so it will be seven point five feet, requiring an area variance of seventeen point five feet.

MR. TASKER: Two and give four and have six.
CHAIRMAN SALADINO: So this becomes four and this becomes six.

I'm gonna make a motion that we accept these revised side yard setbacks.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

We're gonna take both variances, the front yard and side yards as one, correct?

MS. GORDON: Yes.

Whether an undesirable change will be produced in the character of the neighborhood and a detriment to nearby properties will be created by the granting of the area variances.

David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Dini?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?
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: Dini?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: I'll vote no.

Whether the requested area variance is substantial.

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Dini?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?
MS. NEFF: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: 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: 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 an 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 approve the area variances.

David?

MR. CORWIN: Yes.

Do we need a second first?

MS. NEFF: Second.

CHAIRMAN SALADINO: I make a motion that we approve the area variances.

Is there a second?

MS. GORDON: Yes.

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.

MS. DiCAPUA: Thank you.

CHAIRMAN SALADINO: 7 is discussion and possible motion on the area variance sought by James Olinkiewicz for the property located at 412 Third Street, Greenport, New York 11944.

Suffolk County Tax Map number 1001-4-2-4.6.

Members?

MR. CORWIN: Well, I'll make a couple of comments. Why is it every time I go by the place, I look at the garbage container, the roll-off container there, and it's always overflowing with garbage. I think to myself, you know, if those two houses are owned by separate individuals, and there is a problem like that, it's harder for the Village to pursue that problem if it's two separate owners. If it's one owner, the Village, if they chose to pursue that problem of overflowing garbage, I would point out that I believe Suffolk County
Sanitary Code says garbage has to be in a closed container for obvious reasons and it's certainly not a plastic garbage bag, it's a metal container. That's one thing that's going through my mind.

There's one owner and the piece of property that isn't really set up the way we would like to see it set up is easier to be policed by the Village.

CHAIRMAN SALADINO: What was the word?

MR. CORWIN: I'll say police or enforce ordinances by the Village if it's warranted.

Now, I go back several years when this application came before the Planning Board and I was in the audience and the Village's consultant Glenis Barry and the building inspector at the time, Mrs. Wingate, were quite excited about this application because they saw it in terms of, if it's subdivided, it would be two separate pieces of property and they would be lowering the value than the one piece of property so somebody with less of an income, two people with less income could afford to buy the properties,
and I run that over in my mind too. That's a good argument.

But then we went on the field inspection, and I looked at pieces of property, and I thought to myself, boy, they're in rough shape. It's going be a lot of money to fix those things up, and the attorney for the applicant said they were in need of renovation at this time. And I'm looking at these renovations going on around Greenport and those houses don't compare to some of the houses being renovated, but renovations aren't cheap.

Then I looked at the guys playing basketball, it's a nice facility basketball court, it's well used, and I said to myself, gee, who is gonna come along and buy a piece of property that's not gonna be cheap to begin and then throw 1 or $2,000 or more into the piece of properties to have a single-family dwelling, who can even afford it on anything less than a good income? Who with a low income can buy one of those pieces of property? I have no idea what
they would go for, but it wouldn't be inexpensive and then put the money into it to renovate, and then walk out the front door and there's a bunch of guys there playing basketball. They're all nice guys playing basketball, I'm glad they have the recreation facility, but I know I wouldn't want them playing basketball next door to me. I have enough stuff going on next door to me as it is.

So I'm wondering if that argument you would have two low income properties is really valid, and I'm leaning towards the argument that, if it's one owner, then any ordinance, Village law enforcement is easier with one owner than it is with two owners if their properties aren't fixed up in good condition.

CHAIRMAN SALADINO: Dini, did you have something?

MS. GORDON: I would say that this is sort of like Arthur's comment about woulda, coulda, shoulda, we don't know what would be done with those properties.
I'm going to expose my contention and hope it's understood. I think that the process in 1998 was not completed, and I'm concerned about the legality of just riding over that, so I don't think there was a -- I don't think we can simply dismiss this on the basis that there was a pre-existing approval, so then the question about subdivision seems to me very difficult for a lot of reasons.

The inadequacy of the right of way is something that concerns me, and the requests are very substantial for at least one of two properties. So I intend to vote negatively on this proposal, but I do think that this shows sort of the limitations of the whole notion of zoning. I mean, zoning has the complicated task of trying to balance the interests of the homeowner, the property owner and the interests of the Village, and it just seems to me that this is -- last time Ms. Moore emphasized the uniqueness of this piece of property. On the one hand, there are lots of properties in the Village
that are nonconforming, but there aren't many with these strange flag lot combinations, it's a very difficult piece of property to develop in any responsible way that protects owners and the Village. So I think it's a shame that we can't find a solution to this that does a better job for both the owners and the Village.

I don't think -- I don't know what two owners would do. You might find two owners that were non-occupants of property, but you find owner occupancy which you don't have now. I'm not prepared to vote to approve this proposal, but I'm very uncomfortable with what we're saying by disapproving it about how an awkwardly shaped piece of property, which after all, Mr. Olinkiewicz didn't choose the weird shape of, can be dealt with.

That's my comment.

MR. TASKER: But he did choose to buy it several times.

MS. GORDON: Yes, well, I think he had different, probably different purposes when
he bought the property than he has now because he would like to be able to sell it more easily, and I understand that. That's part of what we acknowledge when we say zoning is balancing the interest of the individual property owner and the Village.

MR. TASKER: I think we are probably in substantial agreement philosophically that Mr. Higgins' remarks regarding the value of subdividing this that were made at a 1998 hearing that there was a, if subdivided, he felt there was a chance of them being owner-occupied at some point. I think just the rough total with the numbers that David and Dini took suggested that's probably an impracticality and he was wrong at the time, Mr. Higgins was wrong at the time and he's probably more wrong today because the price of poker in the Village of Greenport has changed.

MS. NEFF: Price of what?

MR. TASKER: Price of poker in the Village of Greenport, real estate, to be in the real estate game, which is what this is,
had changed substantially and certainly is
even less attractive perhaps or less
potentially viable as two owner-occupied
buildings as suggested by my colleagues.

MS. NEFF: I have something to say.

MR. TASKER: One more second.

Let's talk about the variances because
that's what we're here for.

MS. NEFF: All right. I agree with my
colleagues in part, each and every one of
them, although, I don't know exactly what
John's going to say. Definitely code
enforcement would improve so many things in
this Village, I totally agree, but it's
beyond our purview.

How do we balance, it is always in the
background, balance the needs of the
applicant, the requests of the applicant? I
think in this case, the applicant, with his
history, and as an aside, I think it would
be very interesting to know what the price
of this property as it passed hands back and
forth between whatever, would be interesting
and I think that the speculation that this
property is worth, perhaps, more -- actually
the taxes would probably be higher as two
parcels and the Village would benefit from
that.

We are asked to basically accept a
proposal of 1998 and make it possible for
the owner to now have two parcels, two
deeds. What happens to it after that? We
don't know. I don't know whether there are
a lot of reasons that speak to me why the
applicant should not have two parcels, two
deeds given that the existence of what's
there is not the question. It was in '98,
it is today, we're not talking about
building something, we're talking about
something that is. And I think clarity in
this matter would help. What actually will
happen, I have no idea.

I'm finished.

CHAIRMAN SALADINO: I highlighted some
stuff from the applicant's narrative about
why the variances should be granted.

Two structures on one parcel are not
conducive to homeownership because they are
separate dwellings. The use is most likely
to remain as rentals. I kind of -- and
subdivision of the property will provide
greater opportunity for owner occupancy.

I disagree with the first part of that.
I mean, they could certainly be sold as they
are as an investment property. Someone
that's interested in investment property, as
the current owner is or as a
mother/daughter.

The applicant goes on to say there's no
material change to the property or to the
neighborhood since the variances were first
granted in 1998.

We know that's not true. I mean, in
Greenport in the last twenty years.

There's no feasible alternative for the
applicant to pursue.

The property can go on being used as it
is now as investment property.

Whether the area variance is
substantial. The proposed lots have been
previously approved under more rigorous
zoning standards in place in 1998. The
standards for an area variance are less under present law.

    I'm gonna have to dispute that too.

    Whether the requested variance will have an adverse effect on the impact of physical environmental conditions of the neighborhood.

    To separate the two because of the shared economy dynamic the way it is, we can see if that's the way these properties go, which we have to look at it, is less chance for long-term rentals because of the short-term rental property current dynamic, and the increased intensity of use because of that, I think offsets that argument.

    Whether the alleged difficulty was self-created.

    That goes without saying.

    In the affidavit there's a mention of, that the Board never filed its decision with the Village clerk and never sent a copy, decision to the applicant.

    This is the one thing, the property owner assumed his application had been
denied. This kind of, out of all the things in this application, the applicant went through the time and effort and expense to progress an application in front of the Zoning Board of Appeals and then just chose never to show up, and the onus all of a sudden became on the Village.

I'm not sure-- I'm not sure -- the applicant makes the contention that a variance runs with the land. Nobody has a problem with that. I have a problem with this variance because of the procedural errors that were made, in fact, is it even in effect, so if it's not, it doesn't run with the land.

There's no time limit on variance except Village Code 157-28K, unless construction is commenced and diligently pursued within six months. The applicant's attorney and I disagree what the next logical step in construction, how do you diligently pursue a variance, subdivisions. I think it's semantics, to me personally, I think it's semantics. We found out that the
next -- we agreed that the next logical step in the process would be filing the deed and that wasn't done within the six months time limit.

MR. TASKER: If, in fact, a variance was granted.

CHAIRMAN SALADINO: If, in fact, the variance was granted.

And there's been no change in the circumstances since the Zoning Board granted the approval of variance and the subdivision of the property. Again -- that's kind of my thoughts.

MR. TASKER: As I suggested before and not facetiously, let's deal with our business at hand, and that is to address the specific variances that are requested that deal with setbacks and area of the subdivided, proposed subdivided lots.

CHAIRMAN SALADINO: I agree.

MR. TASKER: I think that several of us have been addressing the nature of the property, how it's used presently, not in 1998, I don't think there is a substantial
difference, but how it's presently used and so forth that the variances that are being requested are so substantial that it doesn't make sense to create two parcels that are substantially out of conformity when there already is a parcel that has enough problems of its own, whether they're economic or otherwise.

And that-- well, I'll pause there for someone else to get a chance.

CHAIRMAN SALADINO: This Board would have to get around creating a second lot that's already occupied by a building. I don't, I don't -- the last four subdivisions -- that last four applications that came before this Board that the ultimate goal was to subdivide the property, we understand the interpretations have the power or precedence, variances don't, but they should be, they should be --

MR. TASKER: -- considered.

CHAIRMAN SALADINO: -- considered.

And so if we take the fact that undersized lots and portions of property are
already occupied by a building were not received that well by this Board, we have to consider those decisions when we make these decisions.

The front yard on lot 1, an area variance is twenty-three point seven feet. The rear yard is ten point four feet, requiring a variance of nineteen point six feet. The proposed lot area is 4,600 square feet requiring an area variance of 2,884 square feet. These taken in totality, they add up to substantial variances that are being requested.

For lot 2, it's even greater. The side yard setback is three point four feet requiring an area variance of six point six feet. The rear yard is three point one requiring an area variance of twenty-six point nine, and the lot area is 3,393 square feet requiring the area variance of 4,100 square feet.

Plus the fact no one, we have had no one speak in favor of it from the public. I mean, we have had no one speak in favor of
this application. We had mention of someone, but we don't know who that -- there was no name so, so I'm gonna --

MS. GORDON: Even if you accept Ms. Moore's perspective on what should be the front yard and what should be the setbacks, which I do, I do accept that, I think that's a more logical approach to calculating the setbacks, but still you have these very, very large area variances required and, you know, when you look at the photograph that we have been given, there are these tiny little spaces already. If you subtract the cars that are parked there and it seems to me that one of the most basic aspects of the code in this regard is the supposition that we don't want smaller lots. There are so many small lots as it is, so for me, the sort of fundamental problem is that the area, the lot size, I don't see any way of getting around that. You can't have one without the other.

Also one lot is much worse than the other lot that's being proposed.
CHAIRMAN SALADINO: To expand on that, Diana, to consider 2,378 feet of right of
way, to consider half of that, which would be, I guess 1150, and consider that part of
the flag lot, it's not buildable, it's, to me, it almost to me reminds me of a 12 or
10,000-square-foot piece of property flag lotted with a mile long driveway and 7,000,
8,000 square feet of that property is driveway. The lot is just, it doesn't make
sense to me to consider that as lot area for a subdivision.

I'm sorry to interrupt you.

MS. GORDON: No.

CHAIRMAN SALADINO: What's the pleasure of the Board? Do you want to talk about
this a little more? We can do SEQRA and confer about this a little more.

MR. CORWIN: I'd like to make a motion that the Zoning Board of Appeals declares
itself the lead agency for SEQRA.

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.
MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

There is a second part.

MR. CORWIN: I'd like to make a motion

that the Zoning Board of Appeals declare

this a Type 2 SEQRA proceeding.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Do we want to talk about this

application a little more? Anyone?

(No response.)

I would like to ponder a few more

minutes. We have sixty-two days to make

this decision. We can certainly make this

decision next month or the month after.

Perhaps with the attorney here, he can shed

light on a question or two that might come
up.

MS. GORDON: But you leave the hearings closed.

CHAIRMAN SALADINO: The hearing has been closed, but we have sixty-two days. We closed the public hearing tonight, we have sixty-two days from tonight to make a decision.

Am I getting that right?

MR. TASKER: And if we don't, it's a denial?

CHAIRMAN SALADINO: Pardon?

MR. TASKER: And if we don't make a decision, it's a denial?

CHAIRMAN SALADINO: We're going to make a decision.

MR. TASKER: It's not gonna get away from us is what I'm saying.

CHAIRMAN SALADINO: No. I don't see any reason why it would get away from us.

MS. GORDON: Maybe we should assume that we will discuss it, we'll be fresher if we put it off for a month and discuss it.

CHAIRMAN SALADINO: I'm perfectly okay
with that if that's the pleasure of the Board.

So we'll put it on our agenda for next month and we'll talk about it a little more next month.

Is that okay?

David?

MR. CORWIN: Sure.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Um-hum.

CHAIRMAN SALADINO: Dini?

MS. GORDON: Are you going to entertain a motion to adjourn?

CHAIRMAN SALADINO: I don't have to.

Adjourn what?

MS. GORDON: This meeting.

CHAIRMAN SALADINO: There is another agenda item.

MS. GORDON: Sorry.

I guess I'm eager for my dinner.

CHAIRMAN SALADINO: Item number 8, any other Zoning Board of Appeals business that might come before this Board?

(No response.)
No one.

Then item number 9 is a motion to adjourn.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Thanks, folks.

(Time noted: 8:12 p.m.)
C E R T I F I C A T E

STATE OF NEW YORK )
COUNTY OF SUFFOLK )

I, STEPHANIE O'KEEFFE, a Reporter and Notary Public within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the proceedings taken on September 19, 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 19th day of September, 2018.

______________________  
STEPHANIE O'KEEFFE
| Zoning... [10] | 79/2  90/18  90/18  
|              | 92/6  95/25  97/6  98/11  102/21  
|              | 103/8  105/23  |