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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

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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.

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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

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1 the agenda.

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

4 AUDIENCE MEMBER: Can you turn it up?
5 It's hard to hear.

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

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

13 CHAIRMAN SALADINO: Now would be a
14 better time.

15 MR. UELLEND AHL: Now.

16 CHAIRMAN SALADINO: Now.

17 Name and address for the stenographer.

18 MR. UELLEND AHL: Frank Uellendahl,
19 U-E-L-L-E-N-D-A-H-L.

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

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

24 MR. UELLEND AHL: Good evening. I live
25

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2 in Greenport, 123 Central Avenue, and I'm
3 representing the applicant.

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

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

14 MR. UELLEND AHL: Okay.

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

18 And the second concern was --

19 MR. UELLEND AHL: The steps into the
20 front porch.

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

24 MR. UELLEND AHL: Let's let Laura
25 respond to the width of the carport because

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1 she -- you requested some photos and some
2 additional information about the car, she is
3 ready to respond to this.
4

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

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

22 So as far as I'm concerned, the steps
23 should be exempt, and if get the
24 disapproval, I don't have a problem with the
25 disapproval.

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2 The building inspector did not come
3 back to me and say, Frank, you have to
4 include the steps. As a matter of fact,
5 this has been going on for quite some time.
6 I had a meeting with the previous building
7 inspector back a year ago in November, which
8 I typically do. I have a preliminary
9 meeting before we go into the actual
10 application, and there was no concern about
11 the front steps. I didn't raise it
12 specifically, but from my experience, it's
13 usually not included, but this, in the end,
14 is your call, but that's why I felt
15 comfortable with the application I
16 submitted.

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

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2 that that's not in fact.

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

6 MR. UELLEND AHL: Yeah, this should be
7 clarified because it's important for the
8 design officials and architects as well.

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

15 MR. UELLEND AHL: Well, if you look at
16 the -- you get the official service from
17 surveyors all the time. If you look at it
18 carefully, even on the survey, the surveyor
19 also only goes to the actual structure; they
20 do not include the steps, even in apparent
21 updated survey, it goes to the bay window
22 and not to the steps, which actually, you
23 know, are closer to the, encroach on the
24 front yard, let's say, and so this has been,
25 you know, the case on many other

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2 applications, but again, it's your call to
3 discuss it and come up with a different
4 deliberation and ruling, but then it should
5 be coordinated with the building inspector
6 or whoever writes the disapproval.

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

9 MR. UELLEND AHL: Yes.

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

13 MR. UELLEND AHL: Right. I understand.

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

20 MR. UELLEND AHL: These are actually,
21 these are three feet, we're talking about an
22 additional three feet.

23 CHAIRMAN SALADINO: Well, whatever it
24 is, three feet, but it would increase the
25 variance requested, the six point two

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variance that's being requested to three point eight feet --

MR. UELLEND AHL: 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. UELLEND AHL: 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. UELLEND AHL: Yes.

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

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1 overlooked?

2
3 MR. UELLEND AHL: It happens even in my
4 lonely office.

5 But, I mean, if you do decide to accept
6 the steps as exempt, then I actually added
7 another dimension to the steps which then
8 would change the twenty-three point eight to
9 --

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

13 Any other comments for Mr. Uellendahl?

14 (No response.)

15 No.

16 Thank you.

17 MR. UELLEND AHL: Thank you.

18 MS. DiCAPUA: Going on the premise that
19 a picture is worth a thousand words, I took
20 pictures concerning the width and I showed
21 and measured the car with the doors closed,
22 SUV, and the SUV with the doors opened, and
23 you can see that it comes very close to both
24 perimeters. I don't know if the steps were
25 taken into consideration in the driveway,

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2 and also I put the measurements of all the
3 opening of the door too and the setback and
4 stairs are twenty-eight inches and also
5 where the four-by-four post would be in that
6 twenty-four-inch setback.

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

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

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

18 And I also, on the next page, showed --
19 I had said it in words, but I took pictures
20 of the area that's on the other side of that
21 fence where the carport would be, and you
22 can see that there's the electric meter, I
23 don't know that it's all that clear, but in
24 the background there's a bilco that was
25 mentioned and there's an enclosed exhaust

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2 pipe of some sort. I don't know if that's
3 for the laundry. It protrudes and it's
4 enclosed, so there's -- it's not a living
5 space, it's just an area on the side of the
6 house, it doesn't serve any purpose to the
7 occupants of the house.

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

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

19 CHAIRMAN SALADINO: David.

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

24 MS. DiCAPUA: Yeah.

25 So from that number, these other, the

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2 stairs and the setback, would be deducted if
3 my thinking is correct.

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

9 MS. NEFF: Closer to what?

10 MR. CORWIN: Three sixteenths of an
11 inch.

12 AUDIENCE MEMBER: We can't hear back
13 here.

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

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

17 MR. CORWIN: Turn the air conditioner
18 off.

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

21 CHAIRMAN SALADINO: Go ahead, David.

22 MR. CORWIN: The drawing is closer to
23 three-sixteenth inch equals one foot, but
24 it's kind of fudged together. I don't want
25 to make an argument over that. I just want

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1 to note that the drawing's not completely
2 accurate. And what's happening, what will
3 happen at fourteen-and-a-half feet, I think
4 architecturally is a little unbalanced
5 because you're making the whole front of the
6 house with a carport as key instead of the
7 front of the house, but that's probably not
8 really our job, but I point that out.

9
10 MS. DiCAPUA: The carport is gonna be
11 where the mudroom is in the house; it's not
12 gonna be right straight up front.

13 MR. CORWIN: So I measured it myself,
14 my garage to my vehicle. My vehicle is a
15 so-called mid-size truck, and I'm given a
16 foot on the passenger side -- if I'm pulling
17 in front first, seven feet for the vehicle,
18 two-and-a-half feet for the door and two
19 feet for the passenger to go around the door
20 because their door (unintelligible) door,
21 whatever their door, I come up with
22 twelve-and-a-half feet and, of course, the
23 applicant's contention is, well, I have to
24 have both doors accessed at the same time,
25 and I say, well, you can pull headfirst.

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2 And I also have to note the reason we
3 have these side yard setbacks is for fire.
4 We know we had a fire on South Street
5 several years ago, rather Second Street
6 seven years ago, several years ago, and that
7 just sat for years and years, one member
8 would remember that really well. We also
9 had the fires out in California where the
10 houses are close together.

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

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

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

25 CHAIRMAN SALADINO: Well, actually, I

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1 looked online, I went to the Honda
2 specification --
3

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

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

8 MS. DiCAPUA: Yes, I have that.

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

11 MS. DiCAPUA: I have thirty-seven.

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

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

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

24 CHAIRMAN SALADINO: Okay. Thank you.

25 MS. DiCAPUA: I'm sorry. I thought he

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2 was going to say something.

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

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

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

17 Thank you.

18 CHAIRMAN SALADINO: Thank you.

19 Is there anyone else that would like to
20 speak?

21 Mr. Kiehl, name and address for the
22 stenographer.

23 MR. KIEHL: Bob Kiehl, 242 Fifth
24 Avenue.

25 Like you said, you added it up, it

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

18 That's it.

19 CHAIRMAN SALADINO: Thank you.

20 Anyone else?

21 (No response.)

22 No.

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

25 MR. CORWIN: Second.

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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

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2 issues that came up last time.

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

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

12 When he went to the Planning Board
13 meeting in August, he gave me August 27,
14 2015, the Village Attorney who was there at
15 the time, Mr. Prokop, said there might be
16 issues with respect to this property. He
17 had no idea what that meant, and nothing was
18 explained to him.

19 So on September 18, 2015, he went to
20 sit down with the Village building
21 inspector, Eileen Wingate at the time, and
22 filed a FOIL request, and as they were
23 looking through the file of this property,
24 they found what was the Zoning Board
25 decision from 1998. So he learned of it in

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2 2015. I think there was some confusion on
3 when the FOIL was filed with the Building
4 Department. And that's when he got a copy
5 of that decision for the -- well, no
6 decision, a copy of the resolution since
7 there was no written decision.

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

19 So he, from the time of July 2015 when
20 the Planning Board had the application and
21 it was withdrawn, he asked the Planning
22 Board, well, tell me why this is not a valid
23 subdivision, and he would not get an answer.
24 So that's when he, that's when I can give
25 you the information, which is, he came to me

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2 and I said, well, if you file an application
3 with the Planning Board, they have to
4 respond, they can't just not act on an
5 application, so that's why the application
6 was re-filed with the Planning Board and
7 that's how it ultimately came to you when
8 the Planning Board directed it to go to the
9 Zoning Board.

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

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

18 MS. MOORE: Sure.

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

24 MS. MOORE: No. Because in 1998, the
25 only process to subdivide a property was the

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2 Zoning Board. There was no Planning Board
3 in place. So taking the -- and it is a
4 position that we actually in a memorandum
5 had given you that in 1998 the Zoning Board
6 had approved that subdivision, there was
7 nothing more to do. It was done by virtue
8 of the only law applicable at the time which
9 was the Zoning Board taking action to grant
10 the variances and that was, in and of
11 itself, permission.

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

15 MS. MOORE: Because we couldn't get --
16 we couldn't get off anybody's -- couldn't
17 get off the die, it's the building --
18 nobody -- he was not getting anywhere. He
19 kept asking, or his attorney, and you'll
20 see, I think that there are multiple records
21 in the transcript of the Planning Board, it
22 seemed like every month the attorney was
23 sending a letter to the Planning Board and
24 the Village Attorney and saying, hey, you
25 know, what's going on? What do you want me

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2 to do? Tell me, you know -- I have this
3 Zoning Board decision, as far as we can
4 tell, that was all that was required in
5 1998, the variance runs with the land and,
6 therefore, we're done.

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

21 CHAIRMAN SALADINO: Well, isn't --

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

24 MS. MOORE: Yes.

25 The Zoning Board would have to make

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1
2 certain decisions. One, the 1998 variance
3 is the variance that runs with the land, it
4 acted on all of the same issues that are
5 before this Board today because the
6 properties are the same size, the houses are
7 still there, so the Zoning Board in their
8 very generic decision said, okay, we think
9 this property should or could be subdivided,
10 we'll approve this. That's one of the
11 decisions you have to make right off the
12 bat, is the 1998 variance still good.

13 If you say yes, then we, at this point,
14 you could make the determination that in
15 1998, again you have the ability to
16 interpret, in 1998, the ZBA granted the
17 variance that was the only procedure
18 required and, therefore, we're done.
19 Period. We don't have to go back to the
20 Planning Board, and again that you will
21 discuss with your Town attorney.

22 The second question is, okay, the
23 variance is good, but because you have to
24 apply the law of today, the law of today
25 says there is Planning Board, so we have to

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1
2 go back to the Planning Board and finalize
3 the process because the finalization of the
4 process is just the deeds, the two deeds at
5 most because there is nothing obligating
6 anybody from actually doing the deeds, there
7 is a subdivision, but because subdivisions
8 and somebody mentioned you file them with
9 the County clerk, not a one lot separation
10 you generally don't file, it depends on the
11 procedures that the Town for, in the '90s up
12 through many, even currently, I don't know
13 whether your Planning Board makes the
14 applicant file the subdivision map with the
15 County clerk, you don't necessarily have to
16 do that, it's up to the Village's procedures
17 whether or not that gets done, but in any
18 case --

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

21 MS. MOORE: The next logical step for
22 me, in my opinion, would be just do the deed
23 so we put them in two separate titles so
24 that we don't have a merger if the merger
25 law ever changes and for some reason

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2 subdivision regulations or Zoning Board
3 actions, whatever change; so you just want
4 to do it to clean it up and, you know, just
5 kind of have a clean process where the --
6 what happens is, the assessors of the Town
7 of Southold and real property would not give
8 it its own tax map number without a, some
9 form of action and generally, it's done by
10 way of a deed when you record the deed, the
11 County center and the assessor's office give
12 you a new tax map number.

13 CHAIRMAN SALADINO: But there is a next
14 logical step.

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

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

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

23 MS. MOORE: In 2015.

24 CHAIRMAN SALADINO: No. Just recently
25 when you --

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2 MS. MOORE: Oh, when we reapplied, yes.

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

8 MS. MOORE: No.

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

11 MS. MOORE: No.

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

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

24 MS. MOORE: Yes.

25 CHAIRMAN SALADINO: So before you went

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1
2 to the building inspector, couldn't you have
3 just appealed to the --

4 MS. MOORE: Gone to the Village Board?

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

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

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

12 MS. MOORE: Okay. There may be that
13 procedure, and I'm now aware, I know the
14 standard procedure is when you have a
15 nonconformity, you need the variance to do
16 it. Now, whether the Planning Board -- I
17 don't know that the Planning Board itself
18 can make the determination of whether the
19 1998 decision was valid or invalid or
20 binding, so that's why I don't believe that
21 it would have made sense to go to the
22 Village Board because the Village Board,
23 their Village Attorney would probably say,
24 well, it's really not a decision for the
25 Village Board to make, it's a decision the

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Zoning Board has to make, so.

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

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2 Planning Board; they felt, at least, in
3 their decision that that was the end of the
4 line, that was all that was needed to create
5 that one lot, that division between the two
6 homes.

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

10 MS. MOORE: But we do have a --

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

13 MS. MOORE: I would --

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

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

25 CHAIRMAN SALADINO: But there was no

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1 decision, you just told us, there is no
2 decision --

3
4 MS. MOORE: But the resolution, you
5 know what happened because there was a
6 public hearing and there was a resolution.
7 If you read the minutes, and you read the
8 resolution, that was it.

9 CHAIRMAN SALADINO: And they're
10 incomplete too.

11 MS. MOORE: What?

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

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

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

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

21 CHAIRMAN SALADINO: And the one other
22 question that I might have for you is, the
23 last sentence of this affidavit is that, I
24 make this affidavit to correct and support
25 my Zoning Board application.

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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.

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1
2 Did I send that to you because I have
3 the original?

4 Oh, I sent it before the hearing.

5 Here's the original (handing).

6 CHAIRMAN SALADINO: Anyone for Ms.
7 Moore?

8 (No response.)

9 Thank you.

10 MS. MOORE: That's it?

11 CHAIRMAN SALADINO: That's it.

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

14 MS. JAEGER: Mary Ann Jaeger, 430 Front
15 Street, Greenport.

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

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

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

23 MR. CORWIN: I believe it was.

24 MS. JAEGER: All right.

25 Because I'm trying to figure out if

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1 that was part of that property because I
2 know at that time Len Jones owned quite a
3 bit of property, that whole area; so I'm
4 wondering was that -- if that basketball
5 court wasn't there, then it would make sense
6 for a division because you would have all
7 that property. You know what I'm saying?
8 You could divide it and make a driveway,
9 another driveway. But if it wasn't there,
10 that you can do, but with it being there, I
11 don't even see how they could say they pass
12 something like that. Especially when you
13 have all those kids there playing. They're
14 in jeopardy. You know.

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

19 MR. CORWIN: I don't think so.

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

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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

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1
2 even further up.

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

22 I do -- I can't remember when the
23 courts went in there either, and I've been
24 here, you know, since I was born, so it's
25 like I'm not really sure. I know a lot of

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1 these lands were all merged, you know, it
2 was all basically family that owned it and
3 this piece got sold and this piece got sold.
4 So I'm not sure what the lots were back in
5 1998. I personally feel this is one of the
6 worst subdivisions of a property. The
7 safety of everyone -- I come to these
8 meetings and I look at that wall, I don't
9 ever want to see that again. One of them is
10 three years older than me, and when I look
11 at those pictures, it's like it happened
12 yesterday. I don't feel the Village should
13 be approving things that are going to make a
14 dangerous situation worse for everyone
15 involved.

16
17 I wish someone from the Fire Department
18 was here to weigh in on the fire aspect to
19 it. Any rescue, any kind of first
20 responders there, we're putting them in
21 harm's way.

22 And like I said, these aren't little
23 variances. I mean, one you need over 4,000,
24 the other one was over 2,000 or 3,000 feet,
25 that's not little. These are huge, and I'm

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1 listening to the application before this
2 where you're talking about a foot or two as
3 opposed to 4,000; and I would like to see
4 this denied and send a message, we're not
5 gonna keep chopping our lots just to put
6 more housing in.
7

8 Thank you.

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

12 CHAIRMAN SALADINO: Name and address.

13 MR. REED: Mike Reed, 430 Front Street.

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

20 CHAIRMAN SALADINO: Yes.

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

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1 correct, your variance.

2 Let's get to the meat and potatoes.

3 You go through every one of these, they
4 don't qualify. It should be an open and
5 shut case. We go through this every time,
6 you know. The buck's got to stop someplace.
7

8 God bless you guys, it's a hard job.

9 I'd pull my hair out, you know, doing some
10 of this. Either that or I'd end up smacking
11 somebody, just I'm old Greenport, that's
12 just how it is.

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

20 Like Chatty said before, you go down
21 Third Street by the basketball court
22 summertime, there's cars there, you know,
23 the kids are playing, cars are there, bikes
24 are there. God forbid there is some -- how
25 you gonna be able to rescue people with one

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2 of the big trucks? I mean, safety is an
3 issue also, it's not about the all mighty
4 dollar. That's, you know, it's getting to
5 be ridiculous.

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

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

15 Thank you.

16 CHAIRMAN SALADINO: Thank you.

17 Is there anyone else that would like to
18 speak?

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

21 CHAIRMAN SALADINO: It's up to you.

22 MS. MOORE: Okay.

23 Chatty, I think it is, there she is,
24 I'm going to read to you the resolution
25 which was adopted November 18, 1998 and it's

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2 what they have in their possession and it's
3 a resolution, it says Village of Greenport
4 Zoning Board of Appeals. This was the
5 public hearing and regular meeting November
6 18, 1998. It took up item 3 on the agenda,
7 discussion and possible action on
8 application of Stinky and wife, that's James
9 Olinkiewicz for property division at 408 and
10 412 Third Street, Greenport and it gives the
11 one Suffolk County Tax Map number.

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

20 Motion made by Thomas Monsell, seconded
21 by Alicia Walker and carried to approve the
22 application of Stinky and wife for minor
23 subdivision of property for 408, 412 Third
24 Street, Greenport. Again, the same Suffolk
25 County Tax Map number.

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2 And it says, whereas a public hearing
3 was held on October 21, 1998 and whereas no
4 one came to the public hearing to speak
5 against the application, and whereas the
6 Board feels that the division of the
7 property will enhance the property value of
8 the area, and whereas dividing the property,
9 it offers the possibility of improving the
10 character of the area by having each lot
11 individually owned and now, therefore, be
12 resolved that the application be approved in
13 a roll call vote of Chairman Dwayne Early,
14 Thomas Higgins, Thomas Monsell, Alicia
15 Walker and William Morini all approved, yes.

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

21 I'm just going to repeat very briefly
22 because the Board, God bless, you do have to
23 put up with a lot, including lawyers, these
24 are two existing homes, we're asking to
25 subdivide, to put a line between the two

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2 existing homes. We have offered to keep, by
3 covenant, as a condition either by the
4 Planning Board, if it gets back to it, or
5 even voluntarily because we offered that in
6 our application, was to keep the
7 single-family home as a single-family home
8 which is more than most people would do.
9 It's not the all mighty dollar, it's trying
10 to improve the property.

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

23 In any point, you have a lot in front
24 of you, but it can be very simple, it can be
25 recognizing the 1998 variance. At the time

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1 the '98 variance was done, they handled all
2 the specific issues. It did not have to be
3 identified item by item. They saw the
4 property, they saw the setbacks and they
5 were satisfied. We are prepared to go back
6 to the Planning Board, but we would prefer
7 not to, obviously. If this subdivision is
8 recognized as having been approved in 1998,
9 we finish and then we have -- and my
10 recommendation would be for sure to put two
11 deeds, even if the two deeds are in the same
12 name, just to give the Suffolk County Tax
13 Map office an ability to put a line through
14 them, just so that in the future, if Mr.
15 Olinkiewicz chooses to keep the two
16 properties, obviously, if he sold one, the
17 County would automatically put a line
18 through the property, so that's what happens
19 ultimately one way or another.
20

21 I thank you and hope we get a favorable
22 decision.

23 MS. NEFF: I have a question.

24 MS. MOORE: Sure.

25 MS. NEFF: The last thing you said

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1
2 about a line through. I have no idea what
3 that meant, and you don't need to explain it
4 because that's not the issue that we're
5 talking about, but it sounds to me almost
6 like an aside, and it opens up other cans of
7 worms, but I just want to point out, which I
8 think bears repeating, in 1998 before and
9 now, no changes have been made to the
10 buildings which have been there and used for
11 the same purpose.

12 MS. MOORE: Exactly.

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

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

24 MS. NEFF: I'm sorry. He was one of
25 the members, right? Anyway, it doesn't

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1
2 matter.

3 As I said, I'm not going to actually
4 say that, but I think it is important to say
5 we are not increasing by considering this
6 fresh, adding nonconformity to the Village
7 any more than my house which exist, parts of
8 it, six inches from the north property line.
9 You know, the nonconformity of my house was
10 baked in 1900, actually before 1900. These
11 houses, we don't know how long they have
12 been there. I actually think the basketball
13 court, that land being owned by the Village,
14 exactly when it was purchased from the
15 previous owner, which excuse me, I can't
16 remember your name.

17 MS. JAEGER: Ms. Jaeger.

18 MS. NEFF: Ms. Jaeger, was the person
19 you mentioned who at one time owned the
20 parcel and someone else owned a big section
21 of that before that. I actually think the
22 basketball court was after 1998, but
23 whatever the case, these buildings accessed
24 by that right of way have existed as rentals
25 for a long time, and not been added to.

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2 So that's just my point. I think that
3 we lose sight of that.

4 MS. MOORE: Thank you. Yes.

5 MS. NEFF: Thank you.

6 CHAIRMAN SALADINO: Well, just to
7 comment on that.

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

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

21 CHAIRMAN SALADINO: If only that were
22 true.

23 MS. MOORE: I would say ninety percent
24 of the Building Department, but I don't
25 know.

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2 Looking at the manner in which
3 decisions were rendered in 1998, this was
4 pretty much it. And as of 2010, I had
5 decisions that the Board granted or denied
6 and this was it. The only thing the Board
7 did, and I think until most recently when
8 you have counsel now that advises you, that
9 you must have written decisions, that those
10 decisions must be filed with the Village
11 clerk and must be given to the applicant
12 because that is how the law provides that
13 notice should be given, but up until the
14 last three months or so when your new
15 Village counsel, you may on occasion have
16 written decisions, I think you mentioned
17 Mr. Tasker at one of our hearings that maybe
18 there was a contentious one of a marina or
19 something, something much more complicated
20 that maybe the attorneys realized that they
21 were going to be sued or somebody was going
22 to have an issue with it, so they wanted to
23 write a decision with all the bells and
24 whistles and so on so that it would be a
25 written decision.

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2 MR. TASKER: That's entirely
3 speculative, Ms. Moore.

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

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

10 MS. MOORE: I can only tell you that in
11 this case, it failed to be done. In two
12 other cases that I have had before this
13 Board prior to this one, it failed to be
14 done and we actually had to bring an Article
15 78 based on a transcript with no decision.
16 So I can tell you that whether or not it was
17 done or not done, all I can tell you as to
18 this one, nothing more than this was done,
19 so as far as it being an incomplete
20 transcript, it's Village records, and I
21 know, you know, sometimes things are found,
22 somethings are misplaced, but I think it's
23 pretty clear that the Board granted, at
24 least, thank goodness, this transcript very
25 clearly says that it was granted.

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1
2 CHAIRMAN SALADINO: It also says that
3 the only thing they took into consideration
4 was lot coverage and parking. There's
5 another portion of the notice of disapproval
6 about the second building, or creating a lot
7 with the building already on it, so I mean
8 --

9 MS. MOORE: I'm reading the --

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

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

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

25 MS. MOORE: I don't know what other

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2 section you're referring to, sorry.

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

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

10 CHAIRMAN SALADINO: It's not --

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

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

22 MS. MOORE: Okay.

23 MR. TASKER: All the speculation about
24 coulda, woulda, shoulda, did they, is
25 wasting time here with us.

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2 MS. MOORE: But it's being raised by
3 this Board. I'm merely responding, so if
4 you don't feel it's relevant, okay. Fine.
5 That why there's five of you.

6 Okay. Thank you.

7 CHAIRMAN SALADINO: Thank you.

8 Anyone else?

9 MS. JAEGER: Mary Ann Jaeger.

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

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

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

21 CHAIRMAN SALADINO: We're not gonna --

22 MS. JAEGER: I'm sorry.

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

25 MS. JAEGER: I'm sorry about that, but

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1
2 you know what, it's important.

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

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

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

17 MS. MOORE: Don't have an answer.

18 MS. JAEGER: Thank you.

19 MR. HOLLID: Joe Hollid, 415 South
20 Street.

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

24 CHAIRMAN SALADINO: I'm sorry?

25 MR. HOLLID: Board of Appeals, where

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1
2 are they located?

3 CHAIRMAN SALADINO: The Zoning Board of
4 Appeals?

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

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

15 MS. MOORE: Bulk and parking is the
16 section.

17 CHAIRMAN SALADINO: So bulk would
18 constitute setbacks and parking.

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

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1 we don't know --

2
3 CHAIRMAN SALADINO: Ms. Moore said it
4 perfectly.

5 MR. HOLLID: Excuse me?

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

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

11 CHAIRMAN SALADINO: I understand --

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

15 Thank you.

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

18 (No response.)

19 No.

20 What's the pleasure of the Board?

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

23 MS. GORDON: Second.

24 CHAIRMAN SALADINO: All in favor?

25 MS. GORDON: Aye.

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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

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1 included in the variances application, and
2 my recommendation or thoughts would be that
3 we do not, in this particular application,
4 say the steps have to be included.
5

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

11 CHAIRMAN SALADINO: Those numbers are

12 --

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

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

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

21 MR. CORWIN: Yes.

22 MS. NEFF: Yes.

23 CHAIRMAN SALADINO: I'm okay with it.

24 Arthur?

25 MR. TASKER: I'm sorry, I'm not quite

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2 following what we are doing.

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

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

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

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

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

25 MR. TASKER: So we are not gonna act

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1
2 that portion of that -- we're not gonna act
3 on that variance?

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

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

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

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

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

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

25 MR. TASKER: My point exactly, that's

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2 the local zoning code, if you will, local
3 code, it has nothing to do with the
4 International Building Code. The
5 International Building Code isn't answering
6 that question as to how deep the front yard
7 setback is.

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

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

22 CHAIRMAN SALADINO: My only concern is
23 that perhaps if and when this progresses to
24 the Building Department for a building
25 permit, someone looks at it and said the

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2 steps are part of the structure, you can't
3 build these steps because they would be
4 encroaching on the front yard an additional
5 three feet, and that this application would
6 come back to us.

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

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

11 MR. CORWIN: We can do that.

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

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

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

24 CHAIRMAN SALADINO: Ellen, anything?

25 MS. NEFF: The garage shows four steps,

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1 correct?

2
3 CHAIRMAN SALADINO: That's an
4 architectural rendering.

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

9 CHAIRMAN SALADINO: Three feet.

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

13 CHAIRMAN SALADINO: I agree with you --

14 MR. TASKER: That's not --

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

24 We still, as folksy and as neighborly
25 as we would like to make this, there is

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2 still a process that we have to follow.

3 There is still a process that we're
4 obligated to follow.

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

11 Again, my concern is that today or
12 tomorrow somebody looks at this building
13 permit after the application is made and
14 points out that there is no accommodation in
15 our code for the front steps, there is no
16 relief for the applicant for front steps as
17 not being part of, or not being included in
18 the front yard setback, it comes back to us
19 because they can't build it without a
20 building permit. They can't get a building
21 permit without that variance. Unless those
22 three feet can be incorporated into the
23 ten-foot porch, the porch is ten feet wide,
24 if you can incorporate those three feet into
25 the porch, seven feet from the front door to

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1
2 the first step, we can move on to the
3 carport.

4 MR. UELLEND AHL: May I?

5 CHAIRMAN SALADINO: Sure.

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

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

14 MR. UELLEND AHL: Can you hear me now?

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

22 (Handing.)

23 There is a, this is basically --

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

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2 So I submitted a revised drawing for
3 the front steps which show the steps inside
4 the porch without affecting the variance as
5 stated in the disapproval and that would end
6 the discussion about that portion of the
7 variance, the front porch.

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

11 MS. GORDON: May I ask a question?

12 So you would put a railing there?

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

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

20 So the revised elevation that I
21 submitted shows two railings on both sides,
22 the stairs are approximately four-foot-nine
23 wide with two railings that will be attached
24 to the proposed porch posts as proposed
25 obviously.

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2 MR. TASKER: I think that's a pretty
3 elegant solution.

4 MR. UELLEND AHL: Thank you.

5 CHAIRMAN SALADINO: That certainly
6 works for me.

7 MS. NEFF: Yes.

8 CHAIRMAN SALADINO: David?

9 MR. CORWIN: Yes.

10 MS. GORDON: Yes.

11 CHAIRMAN SALADINO: Okay.

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

16 MR. UELLEND AHL: This is what she likes
17 about it.

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

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

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

24 CHAIRMAN SALADINO: We, I believe, have
25 come to kind of a consensus on the front

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2 yard setback. And now, about the carport.

3 Do we have any thoughts about the
4 carport?

5 MR. TASKER: It's pretty wide.

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

16 MS. GORDON: May I?

17 CHAIRMAN SALADINO: Yes.

18 MS. GORDON: It seems to me that what
19 we're trying to do here is figure out a
20 balance between the risk of such a narrow
21 area on the west side that it's dangerous
22 for getting through, as I understand David's
23 talking about it, the risk of that on the
24 one hand, but the risk of the inconvenience
25 of not being able really to open the doors

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1 on both sides fully wide. And I come down
2 on the greater safety, accepting a little
3 bit of inconvenience. I mean, it means, I
4 guess that on the passenger side -- well,
5 no, it depends on -- having a little trouble
6 seeing this in my mind's eye, but it seems
7 to me that it makes it more inconvenient,
8 creates an inconvenience on the passenger
9 side that is unfortunate, but less important
10 than the risk of a safety problem if we
11 don't put more space on the western side.
12

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

19 CHAIRMAN SALADINO: My concern is that
20 our mandate says we'll grant the variance
21 that enables her to accomplish her goal, I'm
22 paraphrasing, accomplish the goal and, I
23 mean, the car and with the doors wide open
24 and width of the car is eleven feet, I think
25 we kind of are been moving around the

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2 twelve-and-a-half-foot mark. I just don't
3 understand how that's, you know, it's a
4 compromise that seems reasonable. We can
5 park this car under this carport with both
6 doors open. We can park this car under a
7 twelve-and-a-half-foot carport with both
8 doors open and not get wet. I mean, isn't
9 that our, isn't that the goal of this
10 request, to be able to park the car under a
11 carport with both doors open and not get hit
12 by rain?

13 MR. TASKER: That's the ask.

14 CHAIRMAN SALADINO: That's the ask.

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

16 MR. TASKER: Yeah.

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

24 CHAIRMAN SALADINO: Is there a number
25 that you have, is there --

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2 MR. TASKER: I think Mr. Corwin
3 suggested a couple of feet --

4 CHAIRMAN SALADINO: Twelve-and-a-half.

5 MR. TASKER: Yes.

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

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

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

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

25 Ellen, do you have an opinion?

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

19 (Several members of the Board speak
20 simultaneously.)

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

24 CHAIRMAN SALADINO: The carport is
25 fourteen-and-a-half feet.

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2 MS. NEFF: Let's not confuse me, John,
3 I got --

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

10 MR. TASKER: Mr. Chairman, if I may,
11 I'm looking at the notice of disapproval as
12 a starting point and if you look at the
13 second portion of it, it starts, the
14 proposed side yard setback is two feet
15 requiring an area variance of eight feet.
16 If we follow, which I rather concur with
17 Mr. Corwin, that would become the proposed
18 side yard setback is four feet requiring an
19 area variance of six feet and further down
20 you can combine similarly where the notice
21 reads the proposed combined side yard
22 setback is five point five feet, that
23 becomes seven point five feet requiring an
24 area variance of seventeen point five rather
25 than nineteen point five. In other words,

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2 it moves it over two feet and that's the car
3 parking setbacks and variances that
4 accomplish that.

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

7 MR. TASKER: Yes.

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

11 MR. TASKER: Yes.

12 MS. GORDON: Can I call the questions?

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

16 MS. GORDON: Can we make the motion?

17 MR. CORWIN: We have to do --

18 CHAIRMAN SALADINO: We have to do
19 SEQRA.

20 MS. DiCAPUA: Can I make a request?

21 CHAIRMAN SALADINO: We're gonna let her
22 ask.

23 MS. DiCAPUA: Would it be possible
24 because I won't back into the spot, there
25 are young children -- where's Joe, he's got

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2 two young kids, he has two young grandkids.

3 I will not back out of my driveway, he
4 himself parks the way I do. I will back
5 into my driveway and pull out so I can see
6 in front of me, so I'm gonna be backing up
7 no matter what the decision is. Can I ask
8 if we in the middle, maybe do three feet?

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

12 CHAIRMAN SALADINO: The other thing
13 you're not listening to is, this Board, the
14 variance has to be the minimum that you need
15 to be able to, I don't want to say
16 accomplish your goal because those aren't
17 the right words. You're asking to be able
18 to back into a parking space on your
19 property and be able to open your doors and
20 have a cover over that as you do that, and
21 if we use a mathematical equation, I mean, a
22 carport that's eleven feet wide allows you
23 to do that. Mr. Corwin suggested
24 twelve-and-a-half feet, an extra
25 foot-and-a-half, I guess in case you get out

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2 of the car and turn with -- I don't know. I
3 think it's a reasonable compromise.

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

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

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

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

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

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

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

23 MR. CORWIN: My number is for a
24 twelve-point-five-foot carport which I think
25 is generous, and I have to note there are

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2 apparently two notices of disapproval on
3 this change, so we may be looking at
4 different things, Mr. Chairman. I'm not
5 sure which one is the latest, I have May 24,
6 2018.

7 CHAIRMAN SALADINO: I have May 14th.

8 MR. TASKER: I too have May 14th.

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

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

16 MR. TASKER: May 14th is correct?

17 MS. LINGG: Correct.

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

20 CHAIRMAN SALADINO: That's what I have.

21 Excuse me one second.

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

25 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 --

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2 MS. GORDON: We could take the -- there
3 are three items, we could take the first
4 item and the second and third together
5 because the third item is the combined side
6 yard setback.

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

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

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

15 MR. UELLEND AHL: John, she agrees.

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

20 Is that good?

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

25 I'm not making myself clear.

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2 MS. GORDON: You gave the numbers which
3 include the implications of changing.

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

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

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

15 MR. TASKER: Yes.

16 CHAIRMAN SALADINO: I have to do the
17 math.

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

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

24 MR. TASKER: Two and give four and have
25 six.

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2 CHAIRMAN SALADINO: So this becomes
3 four and this becomes six.

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

6 MS. GORDON: Second.

7 CHAIRMAN SALADINO: All in favor?

8 MS. GORDON: Aye.

9 MR. TASKER: Aye.

10 MR. CORWIN: Aye.

11 MS. NEFF: Aye.

12 CHAIRMAN SALADINO: And I'll vote aye.

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

15 MS. GORDON: Yes.

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

21 David?

22 MR. CORWIN: No.

23 CHAIRMAN SALADINO: Dini?

24 MS. GORDON: No.

25 CHAIRMAN SALADINO: Ellen?

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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: 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?

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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.

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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?

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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

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2 Sanitary Code says garbage has to be in a
3 closed container for obvious reasons and
4 it's certainly not a plastic garbage bag,
5 it's a metal container. That's one thing
6 that's going through my mind.

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

11 CHAIRMAN SALADINO: What was the word?

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

14 Now, I go back several years when this
15 application came before the Planning Board
16 and I was in the audience and the Village's
17 consultant Glenis Barry and the building
18 inspector at the time, Mrs. Wingate, were
19 quite excited about this application because
20 they saw it in terms of, if it's subdivided,
21 it would be two separate pieces of property
22 and they would be lowering the value than
23 the one piece of property so somebody with
24 less of an income, two people with less
25 income could afford to buy the properties,

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2 and I run that over in my mind too. That's
3 a good argument.

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

15 Then I looked at the guys playing
16 basketball, it's a nice facility basketball
17 court, it's well used, and I said to myself,
18 gee, who is gonna come along and buy a piece
19 of property that's not gonna be cheap to
20 begin and then throw 1 or \$2,000 or more
21 into the piece of properties to have a
22 single-family dwelling, who can even afford
23 it on anything less than a good income? Who
24 with a low income can buy one of those
25 pieces of property? I have no idea what

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2 they would go for, but it wouldn't be
3 inexpensive and then put the money into it
4 to renovate, and then walk out the front
5 door and there's a bunch of guys there
6 playing basketball. They're all nice guys
7 playing basketball, I'm glad they have the
8 recreation facility, but I know I wouldn't
9 want them playing basketball next door to
10 me. I have enough stuff going on next door
11 to me as it is.

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

20 CHAIRMAN SALADINO: Dini, did you have
21 something?

22 MS. GORDON: I would say that this is
23 sort of like Arthur's comment about woulda,
24 coulda, shoulda, we don't know what would be
25 done with those properties.

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1
2 I'm going to expose my contention and
3 hope it's understood. I think that the
4 process in 1998 was not completed, and I'm
5 concerned about the legality of just riding
6 over that, so I don't think there was a -- I
7 don't think we can simply dismiss this on
8 the basis that there was a pre-existing
9 approval, so then the question about
10 subdivision seems to me very difficult for a
11 lot of reasons.

12 The inadequacy of the right of way is
13 something that concerns me, and the requests
14 are very substantial for at least one of two
15 properties. So I intend to vote negatively
16 on this proposal, but I do think that this
17 shows sort of the limitations of the whole
18 notion of zoning. I mean, zoning has the
19 complicated task of trying to balance the
20 interests of the homeowner, the property
21 owner and the interests of the Village, and
22 it just seems to me that this is -- last
23 time Ms. Moore emphasized the uniqueness of
24 this piece of property. On the one hand,
25 there are lots of properties in the Village

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1 that are nonconforming, but there aren't
2 many with these strange flag lot
3 combinations, it's a very difficult piece of
4 property to develop in any responsible way
5 that protects owners and the Village. So I
6 think it's a shame that we can't find a
7 solution to this that does a better job for
8 both the owners and the Village.
9

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

21 That's my comment.

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

24 MS. GORDON: Yes, well, I think he had
25 different, probably different purposes when

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2 he bought the property than he has now
3 because he would like to be able to sell it
4 more easily, and I understand that. That's
5 part of what we acknowledge when we say
6 zoning is balancing the interest of the
7 individual property owner and the Village.

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

22 MS. NEFF: Price of what?

23 MR. TASKER: Price of poker in the
24 Village of Greenport, real estate, to be in
25 the real estate game, which is what this is,

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2 had changed substantially and certainly is
3 even less attractive perhaps or less
4 potentially viable as two owner-occupied
5 buildings as suggested by my colleagues.

6 MS. NEFF: I have something to say.

7 MR. TASKER: One more second.

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

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

17 How do we balance, it is always in the
18 background, balance the needs of the
19 applicant, the requests of the applicant? I
20 think in this case, the applicant, with his
21 history, and as an aside, I think it would
22 be very interesting to know what the price
23 of this property as it passed hands back and
24 forth between whatever, would be interesting
25 and I think that the speculation that this

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2 property is worth, perhaps, more -- actually
3 the taxes would probably be higher as two
4 parcels and the Village would benefit from
5 that.

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

20 I'm finished.

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

24 Two structures on one parcel are not
25 conducive to homeownership because they are

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2 separate dwellings. The use is most likely
3 to remain as rentals. I kind of -- and
4 subdivision of the property will provide
5 greater opportunity for owner occupancy.

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

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

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

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

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

22 Whether the area variance is
23 substantial. The proposed lots have been
24 previously approved under more rigorous
25 zoning standards in place in 1998. The

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2 standards for an area variance are less
3 under present law.

4 I'm gonna have to dispute that too.

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

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

17 Whether the alleged difficulty was
18 self-created.

19 That goes without saying.

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

24 This is the one thing, the property
25 owner assumed his application had been

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2 denied. This kind of, out of all the things
3 in this application, the applicant went
4 through the time and effort and expense to
5 progress an application in front of the
6 Zoning Board of Appeals and then just chose
7 never to show up, and the onus all of a
8 sudden became on the Village.

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

17 There's no time limit on variance
18 except Village Code 157-28K, unless
19 construction is commenced and diligently
20 pursued within six months. The applicant's
21 attorney and I disagree what the next
22 logical step in construction, how do you
23 diligently pursue a variance, subdivisions.
24 I think it's semantics, to me personally, I
25 think it's semantics. We found out that the

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2 next -- we agreed that the next logical step
3 in the process would be filing the deed and
4 that wasn't done within the six months time
5 limit.

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

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

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

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

21 CHAIRMAN SALADINO: I agree.

22 MR. TASKER: I think that several of us
23 have been addressing the nature of the
24 property, how it's used presently, not in
25 1998, I don't think there is a substantial

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2 difference, but how it's presently used and
3 so forth that the variances that are being
4 requested are so substantial that it doesn't
5 make sense to create two parcels that are
6 substantially out of conformity when there
7 already is a parcel that has enough problems
8 of its own, whether they're economic or
9 otherwise.

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

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

22 MR. TASKER: -- considered.

23 CHAIRMAN SALADINO: -- considered.

24 And so if we take the fact that
25 undersized lots and portions of property are

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2 already occupied by a building were not
3 received that well by this Board, we have to
4 consider those decisions when we make these
5 decisions.

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

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

23 Plus the fact no one, we have had no
24 one speak in favor of it from the public. I
25 mean, we have had no one speak in favor of

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2 this application. We had mention of
3 someone, but we don't know who that -- there
4 was no name so, so I'm gonna --

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

24 Also one lot is much worse than the
25 other lot that's being proposed.

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

14 I'm sorry to interrupt you.

15 MS. GORDON: No.

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

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

23 MS. NEFF: Second.

24 CHAIRMAN SALADINO: All in favor?

25 MS. GORDON: Aye.

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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

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1 up.

2
3 MS. GORDON: But you leave the hearings
4 closed.

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

10 Am I getting that right?

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

13 CHAIRMAN SALADINO: Pardon?

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

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

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

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

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

25 CHAIRMAN SALADINO: I'm perfectly okay

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1 with that if that's the pleasure of the
2 Board.
3

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

7 Is that okay?

8 David?

9 MR. CORWIN: Sure.

10 CHAIRMAN SALADINO: Ellen?

11 MS. NEFF: Um-hum.

12 CHAIRMAN SALADINO: Dini?

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

15 CHAIRMAN SALADINO: I don't have to.
16 Adjourn what?

17 MS. GORDON: This meeting.

18 CHAIRMAN SALADINO: There is another
19 agenda item.

20 MS. GORDON: Sorry.

21 I guess I'm eager for my dinner.

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

25 (No response.)

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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.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

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

STEPHANIE O'KEEFFE

AUDIENCE MEMBER: [4] 4/4
14/11 14/14 14/18

CHAIRMAN SALADINO: [199]

MR. CORWIN: [46] 2/11 2/22
3/13 13/19 14/3 14/9 14/16
14/21 15/12 19/24 20/4 35/22
36/18 57/20 58/2 58/13 58/22
59/12 59/20 63/6 63/10 68/8
70/12 72/7 74/3 75/16 76/8
77/22 79/8 79/18 82/9 82/21
83/10 83/21 84/10 84/24 85/11
85/19 86/12 87/11 102/19
103/2 103/6 103/13 105/8
106/8

MR. HOLLID: [7] 55/18 55/24
56/4 56/18 57/4 57/8 57/11

MR. KIEHL: [1] 18/22

MR. REED: [3] 40/8 40/12
40/20

MR. TASKER: [63] 2/10 2/21
3/9 3/12 17/20 20/3 31/4 35/20
50/25 51/5 53/18 53/22 57/25
59/24 60/5 60/24 61/6 61/19
61/24 63/11 63/18 64/13 67/25
69/4 71/12 71/15 71/25 72/4
74/9 75/6 75/10 78/7 78/15
78/17 79/4 79/7 79/14 79/17
80/20 81/3 81/14 81/23 82/8
83/3 83/16 84/3 84/16 85/6
85/25 91/21 92/7 92/22 93/6
98/5 98/14 98/21 99/21 102/25
103/12 104/10 104/13 104/17
106/7

MR. UELLEDAHL: [24] 4/8
4/15 4/18 4/24 5/13 5/18 5/23
8/5 8/14 9/8 9/12 9/19 10/3
10/14 10/22 11/2 11/16 66/3
66/5 66/13 67/12 68/3 68/15
80/14

MS. ALLEN: [1] 37/5

MS. DiCAPUA: [19] 11/17
12/12 13/23 14/13 15/9 16/19
17/3 17/7 17/10 17/24 68/17
68/21 75/19 75/22 77/3 77/8
77/13 80/10 86/3

MS. GORDON: [46] 2/7 2/9
2/18 2/20 3/11 20/2 57/22
57/24 61/8 62/13 67/10 68/9
69/15 69/17 72/14 75/11 75/15
79/6 79/16 79/25 80/25 81/17
82/5 82/7 82/14 82/23 83/12
83/23 84/12 85/2 85/17 85/21
89/21 91/23 101/4 102/14

102/24 103/9 103/11 104/2
104/21 105/12 105/16 105/19
106/4 106/6

MS. JAEGER: [10] 35/13
35/23 36/19 48/16 54/8 54/15
54/21 54/24 55/5 55/17

MS. LINGG: [2] 78/11 78/16

MS. MOORE: [47] 20/17 23/17
23/23 24/14 25/23 27/20 28/14
28/22 28/25 29/7 29/10 29/23
30/3 30/7 30/11 31/14 32/9
32/12 32/17 33/3 33/10 33/13
33/18 34/2 34/7 34/11 34/21
35/9 42/18 42/21 46/23 47/11
49/3 49/13 49/22 51/3 51/9
52/8 52/11 52/24 53/6 53/10
53/21 53/25 54/13 55/16 56/14

MS. NEFF: [43] 2/12 2/23 3/14
14/8 20/5 25/21 46/22 46/24
47/12 47/23 48/17 49/4 58/3
58/19 59/21 63/24 64/4 64/9
66/11 68/6 68/11 72/5 72/25
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106/9

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\$2,000 [1] 88/20

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'90s [1] 27/11

'98 [4] 37/14 46/2 52/14 94/14

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10,000-square-foot [1] 102/8

1001-4-2-4.6 [2] 20/14 86/11

1001-4-5-12 [2] 3/23 58/11

1150 [1] 102/5

11944 [5] 3/8 3/21 20/12 58/9
86/9

12 [3] 3/23 58/11 102/7

123 [1] 5/2

12A [1] 40/17

14th [5] 78/7 78/8 78/15 78/16
78/23

150-12A [1] 40/17

150-28 [1] 31/8

150-6C [2] 52/22 53/3

157-28K [1] 97/18

16 [3] 3/6 31/11 34/16

17 [2] 2/16 34/17

18 [5] 1/9 21/19 42/25 43/6
52/14

19 [1] 107/9

1900 [2] 48/10 48/10

1992 [1] 51/8

1996 [2] 31/12 31/12

1998 [38] 21/25 22/9 22/14

23/24 24/5 25/5 25/19 26/2

26/12 26/15 26/16 30/19 31/7

31/14 31/24 33/15 35/19 37/9

37/24 39/6 42/25 43/6 44/3

45/25 46/9 47/8 48/22 50/3

51/9 52/13 56/11 56/13 90/4

92/11 94/7 95/15 95/25 98/25

19th [1] 107/15

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2,000 [2] 39/24 41/18

2,378 [1] 102/3

2,884 [2] 40/24 100/11

2004 [2] 23/13 34/17

2010 [1] 50/4

2014 [1] 34/18

2015 [7] 21/8 21/14 21/19 22/2
22/13 22/19 28/23

2018 [7] 1/9 2/5 2/16 3/6 78/6
107/9 107/15

21 [2] 2/5 44/3

24 [1] 78/5

242 [1] 18/23

27 [1] 21/13

28 [1] 31/8

28K [1] 97/18

3

3,000 [1] 39/24

3,393 [1] 100/20

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4,000 [2] 39/23 40/4

4,100 [1] 100/21

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