

1 VILLAGE OF GREENPORT  
 2 COUNTY OF SUFFOLK STATE OF NEW YORK  
 3 -----X  
 4 ZONING BOARD OF APPEALS  
 5 REGULAR MEETING  
 6 -----X

7  
 8 March 21, 2017  
 9 6:00 P.M.  
 10  
 11 Old Schoolhouse Building  
 12 Corner of First Street and  
 13 Front Street  
 14 Greenport, New York

- 15  
 16 B E F O R E:  
 17 JOHN SALADINO - Chairman  
 18 DAVID CORWIN - Member  
 19 DINNI GORDON - Member  
 20 ELLEN NEFF - Member  
 21 ARTHUR TASKER - Member  
 22  
 23 JOSEPH PROKOP - Village Attorney  
 24 EILEEN WINGATE - Village Building Inspector  
 25 KRISTINA LINGG - Building Clerk

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1 (THE MEETING WAS CALLED TO ORDER AT 6:02 P.M.)

2 CHAIRMAN SALADINO: Folks, this is the  
3 March 21st  
4 Zoning Board of Appeals meeting. Everybody  
5 voted, we're good, everybody's here. All  
6 right.

7 Item #1 is a motion to accept the  
8 minutes of the February 21st, 2017 ZBA  
9 meeting. So moved.

10 MR. TASKER: Second.

11 CHAIRMAN SALADINO: All in favor?

12 MR. CORWIN: Aye.

13 MS. GORDON: Aye.

14 MS. NEFF: Aye.

15 MR. TASKER: Aye.

16 CHAIRMAN SALADINO: Aye.

17 Item #2 is motion to approve the minutes  
18 of the January 17th, 2017 ZBA meeting. So  
19 moved.

20 MS. NEFF: Second.

21 CHAIRMAN SALADINO: All in favor?

22 MR. CORWIN: Aye.

23 MS. GORDON: Aye.

24 MS. NEFF: Aye.

25 MR. TASKER: Aye.

1 CHAIRMAN SALADINO: Aye.

2 Again, we do this every month, but  
3 motion to schedule the next -- Item #3 is  
4 motion to schedule the next ZBA meeting for 6 p.m.  
5 on April 18th, 2017 at Station One of the  
6 Greenport Fire Department. So moved.

7 MR. TASKER: Second.

8 CHAIRMAN SALADINO: All in favor?

9 MR. CORWIN: Aye.

10 MS. GORDON: Aye.

11 MS. NEFF: Aye.

12 MR. TASKER: Aye.

13 CHAIRMAN SALADINO: Aye.

14 Item #4 is tabled to -- there was an  
15 error with the note. Oh, I'm sorry, I'm  
16 sorry, I'm sorry, I'm sorry. But I just might  
17 as well say Item #5 is tabled because of an  
18 error with the public notice. Hopefully, it  
19 should be for next month, so we'll carry that  
20 over until next month.

21 Before we do Item #4, I'm going to make  
22 a motion to accept the Findings and  
23 Determinations for the application at 238  
24 Fifth Avenue for variances. So moved.

25 MR. CORWIN: Second.

1 CHAIRMAN SALADINO: All in favor?

2 MR. CORWIN: Aye.

3 MS. GORDON: Aye.

4 MS. NEFF: Aye.

5 MR. TASKER: Aye.

6 CHAIRMAN SALADINO: Aye.

7 Okay. Item #4 is to accept an  
8 application and schedule a public hearing for  
9 Alexander and Ju-lie Bell, 302 Sixth Street,  
10 Greenport, New York, 11944; Suffolk County Tax  
11 Map 1001-6.-7-8.

12 Is the applicant here?

13 MR. HARBES: I'm representing the  
14 applicant.

15 CHAIRMAN SALADINO: And you are? Could  
16 you --

17 MR. HARBES: Peter Harbes. Peter  
18 Harbes, representing Alexander and Ju-lie  
19 Bell.

20 CHAIRMAN SALADINO: You want to give us  
21 your spiel?

22 MR. HARBES: We feel that we're --

23 MR. PROKOP: Who is this?

24 MR. HARBES: -- asking for the variance  
25 to put in the said documents for the pool and

1 fence area.

2 MR. PROKOP: Could you just explain your  
3 relationship? We don't have anything from you  
4 in the file. Could you just explain who you  
5 are to the application, please?

6 MR. HARBES: Yeah.

7 MR. PROKOP: And your address.

8 CHAIRMAN SALADINO: We have --

9 MS. GORDON: We have --

10 MR. PROKOP: Oh, we do.

11 MS. GORDON: -- their authorization.

12 MS. WINGATE: Yeah, but it's a different  
13 Peter Harbes. It must be your son.

14 MR. HARBES: Yes, that's right. I'm  
15 Senior, he's Junior. He's detained in the  
16 airport. He was not able to get out here, and  
17 so was desperate to get this application  
18 approved. So he asked me to pinch hit for  
19 him, which I'm obviously doing, so that's my  
20 situation.

21 MR. PROKOP: So what is your name and  
22 address?

23 MR. HARBES: Peter Harbes, H-A-R-B-E-S,  
24 1002 Bluff Drive, Baiting Hollow, 11933.

25 MR. PROKOP: And you're Senior?

1 MR. HARBES: Yes.

2 MR. PROKOP: Okay.

3 CHAIRMAN SALADINO: And we're --

4 MR. PROKOP: And what's your --

5 CHAIRMAN SALADINO: We're okay with the  
6 authorization coming via --

7 MR. PROKOP: I haven't seen --

8 CHAIRMAN SALADINO: Arthur, could you --

9 MR. TASKER: Yeah, sure.

10 CHAIRMAN SALADINO: -- give this to the  
11 Attorney?

12 MR. PROKOP: Thanks. So there's a blank  
13 authorization. So it's Rustic and Refined, LLC?

14 Who is Rustic --

15 MR. HARBES: That's correct.

16 MR. PROKOP: Who is Rustic and Refined, LLC?

17 MR. HARBES: My son, Peter.

18 MR. PROKOP: Okay. Sorry, excuse me.

19 CHAIRMAN SALADINO: The applicant's  
20 aware that -- from the Notice of Disapproval,  
21 he should be aware that everything here is in  
22 his front yard, right?

23 MR. HARBES: Being that's the corner  
24 lot, that's the need for the variance, from my  
25 understanding.

1           CHAIRMAN SALADINO: And can you tell us  
2 something about the as-built shower in the  
3 front yard?

4           MR. HARBES: That was a preexisting  
5 structure, shower. They're willing to do  
6 whatever it is that the Board requires them to  
7 do, remove it, or whatever you guys suggest.  
8 They would just like to move forward and in  
9 whatever fashion you guys would recommend.

10          CHAIRMAN SALADINO: And about the  
11 survey, David, don't we usually get it  
12 stamped?

13          MR. CORWIN: For a survey to be valid in  
14 New York State, it has to be stamped by a  
15 licensed surveyor.

16          MR. HARBES: I believe it's a licensed  
17 surveyor. If it's missing the stamp, we will  
18 follow up and get you the stamp.

19          CHAIRMAN SALADINO: Is there any  
20 discussion from the Board?

21          MR. CORWIN: I just note the  
22 authorization isn't signed, so I don't see how  
23 it's a complete application.

24          MS. WINGATE: I'm sorry.

25          MS. NEFF: There's a -- it's signed.

1 MS. WINGATE: We'll check the survey.

2 He's got a -- yeah.

3 MS. LINGG: This is the original.

4 MS. WINGATE: An embossed -- an embossed  
5 stamp won't Xerox.

6 MR. TASKER: Yeah, there's a -- there's  
7 a seal on the original.

8 MS. NEFF: And it's signed and dated.

9 CHAIRMAN SALADINO: Okay. We'll look at  
10 that. David, Dinni.

11 MR. CORWIN: If you ever want to find  
12 out what an embossed is, you take a pencil and  
13 do that (demonstrating).

14 CHAIRMAN SALADINO: Anybody else?

15 (No Response)

16 CHAIRMAN SALADINO: All right. So we're  
17 going to put this on the agenda? We're going  
18 to accept this application, or if anybody has  
19 any comments.

20 All right. I'll make the motion to  
21 accept the application and schedule a public  
22 hearing for Alexander and Ju-lie Bell, 302  
23 Sixth Street, for our next -- our next regular  
24 meeting. So moved.

25 MR. TASKER: Second.

1 CHAIRMAN SALADINO: All in favor?

2 MS. GORDON: Aye.

3 MS. NEFF: Aye.

4 MR. TASKER: Aye.

5 CHAIRMAN SALADINO: Aye. Any opposed?

6 MR. CORWIN: No.

7 MS. NEFF: Do we have to schedule a site  
8 visit or not.

9 CHAIRMAN SALADINO: We'll do that.

10 MS. NEFF: Yeah, okay.

11 CHAIRMAN SALADINO: We'll schedule the  
12 public hearing for 6 o'clock. And we're going  
13 to have to do a site visit, so we'll schedule  
14 a site visit for -- what's convenient, 5:30?

15 MS. GORDON: 5:40.

16 CHAIRMAN SALADINO: 5:15?

17 MR. CORWIN: 5:40 would be good.

18 MS. NEFF: Perfect.

19 MR. CORWIN: It's got to be staked out.

20 MR. HARBES: Okay.

21 CHAIRMAN SALADINO: We're going to want  
22 to see where the pool is. We're going to want  
23 to see. And the other thing is -- what time  
24 did we decide, 5 --

25 MS. NEFF: 5:30?

1           CHAIRMAN SALADINO: Five -- let's make  
2 it easy, 5:30. We'll do it 5:30. We'll be  
3 there at 5:30. Have the pool staked out.

4           And, also, I noticed on the survey you  
5 have a pool dry well. We're going to need a  
6 little bit of an explanation about what that  
7 is. The pool, the backwash has to go into the  
8 sanitary system. I don't see that. You know,  
9 we'll schedule the -- we'll accept the  
10 application, but --

11           MR. HARBES: He did mention that to me,  
12 but --

13           CHAIRMAN SALADINO: This stuff, we're  
14 going to want to know about this stuff when --

15           MR. TASKER: And there's also a pool  
16 equipment cabinet, box, locker shown on the  
17 plan, as well as proposed.

18           CHAIRMAN SALADINO: Well, I see it's  
19 within the setbacks and -- but we're going  
20 to --

21           MR. TASKER: Right, we want to know  
22 where it's going to be.

23           CHAIRMAN SALADINO: We're going to want  
24 to know about that, also, and exactly what's  
25 going in this dry well. And we're going to

1 need a little information. Just as a  
2 heads-up, we're going to need a little  
3 information about -- about the shower and  
4 where that goes and stuff. You know, I can't  
5 speak for my colleagues, but showers in the  
6 front yard, you know, we're not like the --

7 MR. HARBES: I understand.

8 CHAIRMAN SALADINO: We're not like the  
9 Clampetts.

10 (Laughter)

11 MR. HARBES: I got it.

12 CHAIRMAN SALADINO: So, but I'm sure we  
13 can come to some kind of compromise.

14 MR. HARBES: Very good. So meeting at  
15 5:30 at the property what day?

16 MS. WINGATE: April 18th.

17 CHAIRMAN SALADINO: April 18th at 5:30.  
18 And, again, just whatever you want us to talk  
19 about that's on the plan when we get back to  
20 this meeting, just have it staked out; the  
21 pool equipment, the pool, and perhaps some  
22 information about -- and the fence, we assume  
23 you want to take down the old fence and put up  
24 a new fence.

25 MR. HARBES: Put up a new one, yes,

1 correct.

2 CHAIRMAN SALADINO: Okay. See you next  
3 month.

4 MR. HARBES: Okay. Thank you all,  
5 appreciate it.

6 CHAIRMAN SALADINO: Item #6, discussion  
7 and possible actions on the application of  
8 James Olinkiewicz, 221 Fifth Avenue,  
9 Greenport, New York, 11944; Suffolk County Tax  
10 Map 1001-4.-4-29.

11 Before I open it up for the discussion  
12 with the Board, what I would like to do is  
13 before we formally vote on the five questions,  
14 is to go through the five questions. This way  
15 the discussions stay focused. Go through the  
16 five questions and offer our discussions and  
17 our opinion on each question as it comes up,  
18 and then we'll take a formal vote on those  
19 five questions.

20 MS. GORDON: That's okay with me.

21 CHAIRMAN SALADINO: How does that sound?

22 MR. TASKER: Fine.

23 CHAIRMAN SALADINO: Ellen?

24 MS. NEFF: Okay.

25 CHAIRMAN SALADINO: Okay. Is there

1 anything anybody else says -- needs to say  
2 before we open this up for -- no?

3 (No Response)

4 CHAIRMAN SALADINO: Just give me one  
5 second and get this out of the way. We'll get  
6 this in the way.

7 MR. CORWIN: Excuse me, Mr. Chairman.

8 CHAIRMAN SALADINO: Sure, David.

9 MR. CORWIN: Are you saying there's --  
10 the discussion period is only going to pertain  
11 to the five questions, or we're going to have  
12 a discussion period in general?

13 CHAIRMAN SALADINO: We're going to have  
14 a discussion on whatever the members want to  
15 talk about. But just to keep it focused for  
16 the sake of these five questions, to be fair  
17 to the applicant, in case he wants some kind  
18 of review later, to be fair to the neighbors  
19 in case they want some kind of review, each of  
20 the questions could be addressed, instead of  
21 our usual yes or no answer without any  
22 discussion, and then whatever other discussion  
23 that we want to have is fine. I'm good with  
24 anything you want to talk about.

25 MR. CORWIN: I want to have the

1 discussion first.

2 CHAIRMAN SALADINO: Okay. I thought  
3 this would focus the discussion, but --

4 MR. CORWIN: Because I've prepared  
5 something I want to go over.

6 CHAIRMAN SALADINO: Then go ahead.  
7 David, you want to start?

8 MR. CORWIN: Yes.

9 CHAIRMAN SALADINO: Okay.

10 MR. CORWIN: The history. First, I want  
11 to make a comment on how I believe the Village  
12 of Greenport came to have the current R-2  
13 zoning.

14 By the way, if I go on too long, just  
15 tell me to stop.

16 CHAIRMAN SALADINO: The floor is yours,  
17 David.

18 MR. CORWIN: The history of these things  
19 is often forgotten, but bear on the issue at  
20 hand.

21 Leading up to World War II, Greenport  
22 was struggling with the Great Depression.  
23 There was some work in the shipyards, fishing  
24 and oystering, but economic activity here, as  
25 in other locations, was slow. With

1 World War II, employment opportunities  
2 exploded at the Greenport Basin and  
3 Construction Company shipyard as contracts  
4 were received by the construct -- for the  
5 construction of landing craft, tugboats and  
6 minesweepers. As many as 2,000 people were  
7 employed in the shipyard. Automobiles were  
8 not being manufactured and rubber and gasoline  
9 were rationed. Transportation was not as easy  
10 as it is today with private automobile  
11 ownership. The need to house war workers  
12 resulted in building of apartments in a lot of  
13 single family houses.

14 With the end of the war, the Village  
15 Board finally got around to instituting a  
16 zoning code in 1949. Making a zoning code  
17 with only provision for single family houses  
18 was probably a stumbling block for the Village  
19 Board, as the many apartment conversions  
20 during the war needed to be accommodated, and  
21 the way that was done was with an R-2 Zone, a  
22 two-family zone.

23 CHAIRMAN SALADINO: Guys. Guys.

24 MR. CORWIN: As the community moved into  
25 the 1950s -- as the community moved into the

1 1950s, the new zoning code was not always  
2 enforced. When I was a boy in the mid 1950s,  
3 Milton Dutcher, who lived with his sister  
4 Lynda, immediately south of my house on Main  
5 Street, decided to add two apartments to the  
6 existing single-family house. I remember the  
7 apartments because my brother and I decided to  
8 go explore the excavation for the crawl space  
9 and got into trouble for that adventure. The  
10 zoning code was not always enforced into the  
11 1950s.

12 The point here is that the designation  
13 of most of the Village of Greenport as R-2, or  
14 two-family housing, was not so much to  
15 encourage two-family housing, but to  
16 accommodate what had already been done.

17 Description: Fifth Avenue is  
18 approximately 30 feet wide by approximately  
19 1,065 feet long, as measured on Google Earth.  
20 The total right-of-way of Fifth Avenue is 50  
21 feet, with sidewalks and grass strips taking  
22 10 feet on either side. Streets in the  
23 Village of Greenport run between 30 feet for  
24 Fifth Avenue and 50 feet for Broad Street,  
25 with an average of about 40 feet.

1           There are 27 one, two and multifamily  
2 structures on Fifth Avenue, one apartment  
3 house, and one storage yard that may have  
4 living space, and at least one garage  
5 converted to living space. I cannot make an  
6 accurate determination of the distribution of  
7 one, two and multifamily dwellings.

8           The existing storage yard, the former  
9 New York State Department of Transportation  
10 maintenance yard, is located immediately south  
11 of 221 Fifth Avenue, and is 0.2 acres, or  
12 approximately 11,326 square feet. It can be  
13 anticipated that the storage yard will be  
14 developed as a one or two-family house.

15           The Southold Town tax map shows the  
16 acreage of 221 Fifth Avenue as 0.33 acres, or  
17 approximately 14,375 square feet. The west  
18 lot line of 221 Fifth Avenue was extended  
19 approximately 35 feet west of the common lot  
20 line on the west side of Fifth Avenue at some  
21 time in the past. If the rear lot line of 221  
22 Fifth Avenue was the same as the original lots  
23 on the west side of Fifth Avenue, the area of  
24 the lot line would be approximately 10,700  
25 square feet, or approximately one quarter of

1 an acre.

2 Pedestrians, motorists and the residents  
3 of the neighborhood feel the frontage on the  
4 road when they experience density and not the  
5 area of the lot where a lot line has been  
6 altered. Excuse me.

7 The water main on Fifth Avenue was  
8 probably installed prior to 1897. It is a  
9 4-inch diameter cast iron main. Present  
10 standards require the minimum size of water  
11 mains to be 6 inches for fire flow.

12 And I'll note as an aside, I asked the  
13 Village Administrator to give me some  
14 information on the water main. That came back  
15 as put in place in the 1930s or the 1940s.  
16 But I looked on Sandborn's Fire Insurance maps  
17 this morning, 1897, and there's a four-inch  
18 water main, so it's over 120 years old.

19 There are three fire hydrants on Fifth  
20 Avenue; one on the south end, one opposite the  
21 west end of South Street, and one on the north  
22 end. Two of the fire hydrants were identified  
23 in the last hydrant test to have low flow and  
24 to be in need of improvements.

25 The existing sewer was probably

1 constructed in the late nineteenth century.  
2 The sewer pipe is vitrified clay pipe with  
3 short sections. One Fifth Avenue resident has  
4 reported problems with the sewer. The joints  
5 on old clay pipe are not tight, and roots from  
6 trees that line the street grow into the sewer  
7 main or the house connections.

8 Fire Protection: Side yard clearances  
9 in older communities generally have their  
10 origin in concerns for the spread of fire.  
11 One notable fire in the past decade is the  
12 Second Street burnouts, when a porch with  
13 vinyl siding was apparently set on fire by  
14 children playing. The fire quickly spread to  
15 the neighboring structure, rendering both  
16 structures uninhabitable.

17 Another fire on January 19th, 2015, was  
18 on Kaplan Avenue, when a house was destroyed  
19 by fire and had to be demolished by the  
20 Village. The roof of the former Kaplan's  
21 Market, now a two-family rental structure, was  
22 damaged, as the fire fighters sprayed water on  
23 it to keep the fire to the north from  
24 spreading.

25 The wind that night and early morning

1 was WNW to North at 4 to 6 miles per hour. If  
2 the wind had been hard out of the north or  
3 northwest, Kaplan's Market would have caught  
4 on fire, too.

5 It should be noted that one of the fire  
6 trucks, which was hooked up to a hydrant in  
7 the area, could not be made to flow water.

8 Process: I have asked the Village  
9 Attorney more than once about precedence. His  
10 reply is usually "There is no such thing as  
11 precedence." On occasion, the Village  
12 Attorney has said there is such a thing as  
13 precedence. If you gave a variance in the  
14 past, you may be obligated to give a similar  
15 variance if a denial is questioned in court.  
16 As I understand it, to deny a variance without  
17 some reasoning may not hold up in court.

18 Members of the Zoning Board of Appeals  
19 are required by New York State to have four  
20 hours of training per year. A member who has  
21 not had the mandatory training is not  
22 qualified to be reappointed to the Board when  
23 their term expires. Two members have had the  
24 required training and three members are  
25 working on completing their training.

1           One of the handouts in a training  
2 session identified the following as reasons  
3 that should never be used to justify a  
4 variance:

5           The applicant is a good person or a  
6 "good guy".

7           The variance request is "reasonable".

8           The variance makes "common sense".

9           The ordinance provision makes no sense.

10          We have to do justice and help fairness  
11 to prevail.

12          We have always granted this type of  
13 variance request.

14          I would add another reason: The Board  
15 member wants to be the good guy.

16          Zoning Boards of Appeal in the past have  
17 approved variances allowing subdivisions that  
18 I think were a function of wanting to be the  
19 good guy.

20          The two applications that I have seen in  
21 the five years I have been on the Zoning Board  
22 are the variances for the old Volinksi  
23 property on the northwest corner of Third and  
24 Center Street, and the application on Second  
25 Street for the property that was Dr. Tuthill's

1 house, and later Prestwood/Ahrens.

2 The Center Street application was on a  
3 property that floods and it was a three for  
4 and two against decision.

5 The Second Street property variance  
6 application was needed in part because a  
7 garage had been built on the First Street  
8 property that was west of the property line  
9 defining the lots in the area. My thinking at  
10 the time was to tell the applicant to move the  
11 garage. In the end, I caved and voted with  
12 the others, because I knew the variance was  
13 going to be granted.

14 It is not easy being the single no vote,  
15 whether you think your reasoning is correct or  
16 not. You are labeled as negative, as a  
17 negative person. In other words, sometimes it  
18 is easier to go along just to get along.  
19 That, it seems to me, has been the practice in  
20 the past. Variances that facilitated  
21 subdivisions were handed out as gifts. With  
22 at least two members on the Board that are not  
23 looking to be the good guy, the Zoning Board  
24 of Appeals may be headed in a new direction.  
25 Gifts may not be handed out as readily as in

1 the past.

2           Parking: Fifth Avenue is a street I  
3 travel to avoid downtown Greenport,  
4 particularly in the summer months. As a  
5 general rule, cars are parked on both sides of  
6 the avenue. Due to the narrow width of the  
7 avenue, if two cars meet traveling in opposite  
8 directions, one vehicle must yield to the  
9 other so they can pass.

10           Cars parked on Fifth Avenue increase  
11 during the evening and on the weekends when  
12 workers are at home. Parking is generally a  
13 problem for many of the applications that come  
14 before the Zoning Board of Appeals and the  
15 Planning Board.

16           To illustrate how parking impacts  
17 neighborhoods, I again use the house south of  
18 my single-family house as an example. It is a  
19 multifamily house with one family of four  
20 operating four vehicles, one family of two  
21 operating two vehicles, and one single person  
22 who occasionally uses his mother's vehicle.  
23 Usually the three units require parking for  
24 six vehicles. The landlord, who lives in  
25 Jamesport, has paved most of the backyard to

1 accommodate these vehicles.

2 The frequently traversed gravel driveway  
3 cascades stone out onto the sidewalk. There  
4 is no one to clean the stone or the snow off  
5 the sidewalk. Where is my incentive to mow my  
6 lawn, pick up the trash from the street and  
7 shovel snow when I look out on his parking  
8 lot?

9 The 221 Fifth Avenue subdivision  
10 proposal proposes a single-family house. The  
11 single-family house has the potential to  
12 require eight vehicles, if the eight allowed  
13 occupants all have vehicles. The existing  
14 lot -- the existing house on the lot generates  
15 multiple cars that I have attempted to count  
16 and literally can't keep up with. Neighbors  
17 have reported many cars parked on the existing  
18 driveway, lawn and on the street.

19 Psychology: In the past two years, I  
20 have noticed an interesting practice that  
21 seems to be used by attorneys when they submit  
22 applications. I am naive and it takes time  
23 for me to catch on to some things, but I  
24 eventually do.

25 An attorney comes in with two parts to

1 an application. The first part is for an  
2 outlandish request, with a second part that is  
3 a little more reasonable, but by no means a  
4 sure thing. This first appeared to me when  
5 SAKD brought in the application for a  
6 hotel/restaurant on the southeast corner of  
7 Front and Third Streets. The applicant asked  
8 for an interpretation of several of the  
9 restrictions in the zoning code. When those  
10 were note -- when those were all interpreted  
11 against the applicant, several variances were  
12 asked for.

13 Another -- a similar procedure followed  
14 with 610 Main Street. The applicant asked for  
15 an interpretation of what appeared to be a  
16 typographical error by the Building Inspector  
17 when the house on the parcel was called out as  
18 M-2 rather than R-2. When the question was  
19 settled against the applicant, variances for  
20 the parcel were requested.

21 I suspect that what is going on here is  
22 that applicants try to set the Board up with  
23 something they suspect will get a no answer.  
24 Once the no answer is received, the Board may  
25 be more inclined to issue a yes on variance

1 requests. I suspect this is some sort of  
2 psychological attempt to influence the Board  
3 to be more inclined to vote yes on a less  
4 outlandish request.

5 To sum up, Fifth Avenue is densely  
6 developed with single, two and multifamily  
7 housing. Considerations for fire safety,  
8 infrastructure and parking, along with density  
9 negatively impact on the quality of life on  
10 Fifth Avenue.

11 I have to argue against the proposed  
12 subdivision. Thank you.

13 CHAIRMAN SALADINO: You didn't tell me  
14 it was going to be like eight pages.

15 (Laughter)

16 CHAIRMAN SALADINO: I'm only kidding.  
17 I'm only kidding.

18 Is there anyone else that would like to  
19 -- before we do a more formalized, addressing  
20 each of the five questions? Anybody else?

21 (No Response)

22 CHAIRMAN SALADINO: I have a question  
23 for the Attorney that I'm just -- I'm not sure  
24 of. In our discussions, and with this Board,  
25 also, I believe, we -- I don't think we ever

1 resolved the barn that was on the property.  
2 We know that the accessory building was  
3 supposed to be moved and hasn't been, but we  
4 never resolved the barn. And from what I  
5 understand is that we can't have an accessory  
6 building without a principal building.

7 MR. PROKOP: Right. So you can't  
8 with -- I have a couple of other comments, but  
9 with regard to this question, the -- you  
10 cannot subdivide -- you cannot subdivide a  
11 property that will create a nonconforming use.  
12 If the barn is a -- the barn is an accessory  
13 structure, accessory to the existing dwelling,  
14 and, therefore, you would be creating a  
15 nonconforming use.

16 CHAIRMAN SALADINO: Well, my question  
17 is, is --

18 MR. PROKOP: So that would require at  
19 least --

20 CHAIRMAN SALADINO: Assuming, regardless  
21 how this goes now, if it, in fact, gets to the  
22 Planning Board, and the request is to the  
23 Planning Board for -- to subdivide, does that  
24 mean it has to come back to this Board for a  
25 use variance before they can issue a decision

1 to subdivide?

2 MR. PROKOP: No. I think it needs a use  
3 variance. I think it's one of the variances  
4 that's required, a use variance for the barn,  
5 if the barn is going to stay in that lot.  
6 Unless the applicant has a different proposal,  
7 I don't think -- the barn had -- the barn has  
8 to be removed in order for -- I think the barn  
9 has to be removed in order for you to move  
10 ahead, because you'd be create -- you'd be  
11 granting area variances that, you know, would  
12 lead to a subdivision that can't be done.

13 CHAIRMAN SALADINO: So for this Board to  
14 consider these variances tonight, and if they  
15 were approved, one of the conditions would be  
16 that the barn has to be torn down?

17 MR. PROKOP: Yes.

18 CHAIRMAN SALADINO: Okay. That was one  
19 question that I had.

20 MR. OLINKIEWICZ: Can I just ask a  
21 question on that? Can the barn be moved to  
22 the other lot with the house to save the old  
23 barn? If the subdivision is approved, can I  
24 move the old barn over to the lot that has the  
25 existing house?

1           CHAIRMAN SALADINO: The subdivision  
2 can't be approved with that barn on that  
3 property. The barn would have to be --

4           MR. OLINKIEWICZ: Right, so it would be  
5 a condition. Right. It would be a condition  
6 that the barn either had to be moved or taken  
7 down.

8           CHAIRMAN SALADINO: Before --

9           MR. OLINKIEWICZ: The subdivision would  
10 be finished.

11          CHAIRMAN SALADINO: Before the  
12 subdivision is granted.

13          MR. OLINKIEWICZ: Correct. But if -- so  
14 if it got past this Board here, then I could  
15 move the barn to the proposed lot with the  
16 house, freeing -- because I'd like to save the  
17 1830s barn or 1840s barn and not just bulldoze it.

18          CHAIRMAN SALADINO: Well, we have a  
19 simple solution for that, but we wouldn't be  
20 here if you were inclined to go along with  
21 that solution, but --

22          MR. OLINKIEWICZ: Right.

23          MR. PROKOP: The situation that we're in  
24 is if -- as if we found another area variance  
25 looking through this that we had -- didn't see

1 in the beginning.

2 CHAIRMAN SALADINO: Well, this would be  
3 a use variance. This would --

4 MR. PROKOP: Well, it's another  
5 variance, it just happens that it's a use  
6 variance.

7 The other thing about the barn is  
8 with -- it would have to be -- if it's going  
9 to be -- continue to exist, it has to be  
10 restored to a use that's accessory to the  
11 house. It can't be used for any other use.  
12 It can't be used for storage.

13 MR. OLINKIEWICZ: Right. You mean a  
14 garage?

15 MR. PROKOP: It can't be -- store  
16 your -- somebody's art collection or  
17 appliances for a business, or anything like  
18 that.

19 MR. OLINKIEWICZ: Yeah, but it could be  
20 a garage for the house.

21 MR. PROKOP: It has to be used for an  
22 accessory structure, accessory to a  
23 residential use only, and that would be one of  
24 the conditions.

25 MR. OLINKIEWICZ: Okay.

1           MR. PROKOP: But if -- it would have to  
2 be shown on the plans. The plans would have  
3 to be submitted to the Board and you would  
4 need that to move ahead.

5           CHAIRMAN SALADINO: So is this Board --  
6 is this Board now expected, because of that,  
7 to request new plans and schedule a new public  
8 hearing for a use variance?

9           MR. PROKOP: No. If he's -- if his  
10 proposal, if the applicant's proposal is to  
11 move it to the -- to the lot that's going to  
12 have the existing house remain, he wouldn't --  
13 we wouldn't need a new variance if he could  
14 put it in a place that would be conforming.  
15 If he could locate it so it's conforming, it  
16 would not need a new variance, but he would  
17 have to -- before we could approve it, he  
18 would have to submit those plans and they  
19 would have to be before the Board.

20           CHAIRMAN SALADINO: Yeah. And to move  
21 the barn, to move -- to move the barn and the  
22 storage shed to the other lot, Lot -- what is  
23 that, Lot --

24           MS. REA: That's Lot 2.

25           MS. NEFF: Lot 2.

1           CHAIRMAN SALADINO: Lot 2, without --  
2 without having a plan or a survey, there might  
3 be area variances involved --

4           MR. PROKOP: Yes.

5           CHAIRMAN SALADINO: -- with that.

6           MR. PROKOP: There may be impacts from  
7 doing that.

8           MR. KEHL: John, does it meet the height  
9 requirement? Because if it doesn't meet the  
10 height requirement, it couldn't be in the  
11 building envelope.

12           CHAIRMAN SALADINO: I got to be honest  
13 with you, we never addressed -- we never  
14 addressed the barn, only the storage shed.

15           MR. KEHL: No. But, I mean, if he moved  
16 it, it would have to be in the building  
17 envelope of the other building that's  
18 involved.

19           CHAIRMAN SALADINO: That's -- it would  
20 have to be inside. If it's bigger than 15  
21 feet, it would have to be inside the building  
22 envelope of the principal building. Do I have  
23 that right, Eileen?

24           MS. WINGATE: That's correct.

25           MS. NEFF: And may I just point out --

1           CHAIRMAN SALADINO: So if it's inside --  
2           just one more thing. If it's inside the  
3           building envelope of the principal building,  
4           there's other things involved, but it could be  
5           35 feet tall. But before we -- before we open  
6           up that big can of worms, let's try to focus  
7           on this right now.

8           MS. NEFF: Well, may I just point out  
9           that if the barn is moved, an accessory to the  
10          house that's there, the parking that is now  
11          offered on this plan, the survey, is -- will  
12          -- doesn't fit the current uses of the house,  
13          nor would it fit with the barn and the shed in  
14          the building envelope, to my -- to the best of  
15          my knowledge.

16          MS. GORDON: Except that the barn --  
17          sorry. Except that the barn might supply, if  
18          it were used as a garage, another place to  
19          park.

20          MS. NEFF: Right, but you have to get  
21          to it.

22          MR. OLINKIEWICZ: Or can we continue  
23          forward, and if the -- with a stipulation, if  
24          this gets approved, that the barn has to come  
25          down?

1           CHAIRMAN SALADINO: I'm thinking I'm  
2 good with that. If we -- if we move forward  
3 with the application as it sits in front of  
4 us, I mean, there's two possibilities. One,  
5 the variances will be approved, and one that  
6 the variances won't be approved.

7           MR. OLINKIEWICZ: Right. And if the  
8 variances --

9           CHAIRMAN SALADINO: You know, if the  
10 variances are approved, one of the conditions  
11 would be, is that you take the barn down.

12          MR. OLINKIEWICZ: Right

13          CHAIRMAN SALADINO: That you can't have  
14 this building on that lot.

15          MR. OLINKIEWICZ: Okay.

16          CHAIRMAN SALADINO: If the variances  
17 aren't approved, then this becomes moot.

18          MR. OLINKIEWICZ: Then it just stays the  
19 way it is, right.

20          CHAIRMAN SALADINO: Did you want to say  
21 something to us?

22          MR. OLINKIEWICZ: No.

23          MR. PROKOP: The other two things I was  
24 going to say was one is that we need to do  
25 SEQRA. And then the other thing is that the

1 proposed new house is proposed as a one-family  
2 house, as I understand it, if I'm not  
3 mistaken.

4 CHAIRMAN SALADINO: Yeah.

5 MR. PROKOP: It just says proposed  
6 house. So one of the conditions that you  
7 might -- if you were inclined to approve it,  
8 and I'm not saying that you are or are not,  
9 but if you were -- another condition that you  
10 might impose is that the house remains as a  
11 single-family house only.

12 CHAIRMAN SALADINO: Anybody? Anything?

13 (No Response)

14 CHAIRMAN SALADINO: It's -- I apologize  
15 to the applicant, I apologize to the  
16 neighbors. It's hard to -- you know,  
17 normally, this is a pretty straightforward  
18 operation. We look at the parcel, we voice  
19 our opinions, we -- or, you know, we have a  
20 discussion and we vote. This particular  
21 application, this particular piece of  
22 property, because of -- because of buildings  
23 that weren't moved, and buildings that are  
24 there, and, you know, through disclosure and  
25 further investigation, stuff comes to light,

1       you know, we're at a point now. So if it  
2       pleases this Board, if my colleagues agree, I  
3       would like to talk about the current variances  
4       and discuss them, offer our opinions, perhaps  
5       vote. The barn might well, in fact, be moot  
6       or not. What do we think?

7               MS. NEFF: First of all, I want to thank  
8       Mr. Corwin for his summary and a look through  
9       time at our -- that particular part of the  
10      Village, and, in fact, most of the Village.

11             I find that what -- your suggestion,  
12      Mr. Chairman, difficult to wrap my brain  
13      around, because this is a very different look  
14      to what will be proposed on its Plot 2, the  
15      one with the house, than what's on the drawing  
16      in front of me, the survey in front of me. I  
17      find it hard to consider the one issue when we  
18      don't have a sketch of the other one in front  
19      of me, that's my point of view.

20             CHAIRMAN SALADINO: Well, what we --  
21      what was kind of progressed just now was the  
22      barn is -- if these variances are approved,  
23      this barn and this building --

24             MS. NEFF: I got that.

25             CHAIRMAN SALADINO: -- disappears.

1 MS. NEFF: But it has to be in the  
2 building envelope.

3 CHAIRMAN SALADINO: Disappears.

4 MS. NEFF: Right.

5 CHAIRMAN SALADINO: The applicant said  
6 he would tear it down.

7 MS. NEFF: Well, he tears it down.  
8 Okay, I got it now, yes.

9 CHAIRMAN SALADINO: So it doesn't --

10 MS. NEFF: Sorry.

11 CHAIRMAN SALADINO: It won't move to Lot 2.

12 MS. NEFF: Two.

13 CHAIRMAN SALADINO: So we take that barn  
14 out of the equation for Lot 2 if he makes --  
15 if the variances are approved and if he agrees  
16 to those stipulations.

17 MS. NEFF: The one-family house, the --

18 CHAIRMAN SALADINO: Well, the conditions  
19 will come later as far as the house.

20 MS. NEFF: Okay.

21 CHAIRMAN SALADINO: Those were  
22 suggestions by the Attorney. The only thing  
23 in my mind that might be carved in stone, if  
24 the variances are approved, is that the barn  
25 would come down. Am I kind of getting that

1 right?

2 MS. GORDON: Yes, that seems to me what  
3 the thinking is.

4 MR. TASKER: I have one technical or  
5 detailed question, if I may. The house that  
6 is proposed on Plot 1 is to be a single-family  
7 house.

8 MR. OLINKIEWICZ: Correct.

9 MR. TASKER: And I note from the plan,  
10 although I can't find that it says  
11 single-family house, I note from the plan, it  
12 says the proposed house has 835 square feet.  
13 I certainly hope that's a single-family house.

14 CHAIRMAN SALADINO: It's two stories.

15 MR. OLINKIEWICZ: It's two stories.

16 MR. TASKER: And is it -- But is it two  
17 stories?

18 MR. OLINKIEWICZ: Yes.

19 MS. NEFF: Yes.

20 MR. TASKER: So it's 400 and change per  
21 floor, correct?

22 CHAIRMAN SALADINO: No, 800 and change.

23 MR. TASKER: Oh, per floor. Oh, that's  
24 the footprint.

25 MR. OLINKIEWICZ: That is the footprint.

1 MR. TASKER: That's the footprint, okay.

2 MR. OLINKIEWICZ: But Village Code that  
3 was implemented, if you have a piece of  
4 property below 7500 square feet, you're only  
5 allowed to build a one-family house. So I'd  
6 have to come back to Zoning if I wanted to  
7 change it to two-family anyway.

8 MR. TASKER: Okay, I'm with you. Thank  
9 you for your clarification.

10 MS. REA: May I say that Mr. Olinkiewicz  
11 is willing to stipulate, would be willing to  
12 stipulate to the one-family house?

13 CHAIRMAN SALADINO: We believed him when  
14 he said it, but we're going to put it in  
15 writing anyway, if we approve it.

16 MS. REA: Of course, of course.

17 CHAIRMAN SALADINO: Anybody else?  
18 Dinni.

19 MS. GORDON: I'm sorry, I'm having a  
20 terrible bronchitis and I don't speak very  
21 well.

22 I think the points that have been made  
23 by neighbors and by Mr. Corwin about fire  
24 potential and the sewage, particularly the  
25 sewer, the old sewer particularly, are very

1 important matters. I don't think they bear  
2 directly on this particular property and this  
3 particular application.

4 And I guess that if we can solve the  
5 parking problem, if that is really -- that is  
6 really the problem, and I'm not sure how to do  
7 that, but I also know that we could require  
8 more parking than is provided by the  
9 applicant. And I realize that would then  
10 perhaps make the kind of situation that David  
11 was talking about, where you have to look out  
12 your window for a parking lot. But parking is  
13 going to be a problem in this Village for the  
14 foreseeable future. And it seems to me, if we  
15 can solve the parking problem and require  
16 extra parking for both Lot 1 and Lot 2, we  
17 might have a possible solution.

18 MR. TASKER: Well, but for the fact that  
19 the general character of the construction, the  
20 neighborhood, all of those things are taken  
21 into account, and they incorporate many more  
22 features, if you will, than parking on the  
23 property or on the street.

24 MS. GORDON: That's true.

25 CHAIRMAN SALADINO: I'm inclined to

1 disagree, also.

2 MR. TASKER: So what I'm saying is I  
3 don't think solving the problem, parking  
4 problem, if that can be done, solves the  
5 concerns about this proposal.

6 CHAIRMAN SALADINO: I agree with Arthur.  
7 I think there's a whole lot more to this than  
8 just the parking. I think the increased  
9 density, I think -- I think the sewer. We've  
10 heard from people that live there that there  
11 is, you know, a problem with the sewer. I  
12 think once you increase density, once you  
13 increase the amount of people that are on the  
14 block, you increase other things also, traffic  
15 and parking. Parking is a problem, too, so --

16 MR. TASKER: Well, as the Chief pointed  
17 out last -- at the last meeting, the ability  
18 to get fire trucks in and out of there is a --  
19 the street, in general, is a serious concern.

20 CHAIRMAN SALADINO: So, I'm going to go  
21 through these questions, and if -- I'm just  
22 going to offer my opinion on each one, instead  
23 of doing it as we vote, and the Board  
24 certainly can add theirs.

25 I mean, the first question is whether an

1           undesirable change will be produced in the  
2           character of the neighborhood -- guys.  
3           Whether an undesirable change will be produced  
4           in the character of the neighborhood, or a  
5           detriment to nearby properties will be created  
6           by granting the area variance? I'm inclined  
7           to say yes, because of the additional density,  
8           because of the increased traffic, because of  
9           the reduced on-street parking. And I do --  
10          and I believe that, you know, that is a  
11          quality of life issue for the -- for the  
12          neighbors. So, for me, for this first  
13          question, for those reasons, I would -- I  
14          would say -- I would say yeah, I would answer  
15          that yes.

16                 MS. GORDON: Well, if density -- if  
17                 density is the standard, then it seems to me  
18                 anything that is proposed on Fifth Avenue at  
19                 any time in the future is going to be -- would  
20                 have to be considered a detriment to nearby  
21                 properties. Are we prepared --

22                 CHAIRMAN SALADINO: Well, that would  
23                 be --

24                 MS. GORDON: Are we prepared to say  
25                 that?

1           CHAIRMAN SALADINO: Well, that would be  
2 for future applications. I would rather not  
3 speculate on future applications. I  
4 personally don't believe that variance -- I  
5 believe interpretations carry the weight of  
6 precedence, I don't believe variances do, not  
7 according to New York State Department of  
8 State, not according to Mr. Prokop's training  
9 seminars.

10           I think every application stands on its  
11 own for a time and a place when it's being  
12 considered. You know, today -- 25 years ago,  
13 30 years ago, density, perhaps on Fifth  
14 Avenue, 100 years ago, perhaps density didn't  
15 matter on Fifth Avenue. Today it's an issue,  
16 and five years from now or 10 years from now,  
17 I'm thinking it might, depending on what  
18 happens there, who sells, who doesn't, what  
19 houses.

20           MS. GORDON: Making the street one way.

21           CHAIRMAN SALADINO: Or making the --  
22 well, I'm not sure density matters with a  
23 one-way street. It would certainly help  
24 on-street parking. It would certainly help,  
25 you know, the restricted traffic flow of a

1 two-way street. But, you know, to me, density  
2 means the amount of houses and the amount of  
3 people in a given area at a particular moment  
4 in time, unless something radically changes on  
5 Fifth Avenue. I can't speak for the future,  
6 but right now I think adding more people,  
7 adding another house there would increase  
8 density. So, for me to answer this first  
9 question, because of those reasons, I would  
10 say yes. But I'm anxious to hear what other  
11 people have to say.

12 MR. TASKER: (Raised hand).

13 CHAIRMAN SALADINO: Sure.

14 MR. TASKER: Yeah. I think, again, this  
15 first question of the five is probably, you  
16 know, the real generality question, if you  
17 will, in terms of overall desirability and so  
18 forth, and without getting into detail. But I  
19 think what that needs to keep in consideration  
20 is that this more or less embodies some of the  
21 fundamental purposes of the Village of  
22 Greenport Zoning Code. And I'm going to read  
23 you a couple of those that I think are  
24 directly related here.

25 The -- this is in Article 150-1, the

1 purpose and intent of the Zoning Code itself.

2 Number D, "The prevention and reduction  
3 of traffic congestion, so as to promote  
4 efficient and safe circulation of vehicles and  
5 pedestrians."

6 Number E, "The maximum protection of  
7 residential areas."

8 And F, "The gradual elimination, not  
9 creation, of nonconforming uses."

10 So I think that when you weave those  
11 three into the overall nature of the  
12 neighborhood, the proposed change, and so  
13 forth, that needs to be taken into  
14 consideration.

15 CHAIRMAN SALADINO: Ellen.

16 MS. NEFF: I think a part of what my  
17 colleagues have spoken to involves issues of a  
18 different scope than our little world right  
19 here, and it has to do with how many cars "X"  
20 number of people might have. And if you think  
21 about it, I think they had an easier time with  
22 the horses and when everybody -- I mean,  
23 having one car was about for the house, but  
24 that is like 40 years ago. And so we're  
25 dealing with this Village, and --

1           CHAIRMAN SALADINO: Just to interrupt  
2 you, I didn't have a horse 40 years ago.

3                                   (Laughter)

4           MS. NEFF: No, I didn't say that. I  
5 said you were -- your point of view about way,  
6 way back. Forty is not long ago in our  
7 discussion here tonight.

8           But may I say that I prefer yards to  
9 parking lots. That's another principle that  
10 guides my life. But what's -- what we're  
11 talking about here is -- and some of the  
12 weight is what the existing use, which is not  
13 in any kind of law, the principal residence,  
14 the residence has evolved into, coloring a lot  
15 of how we all view this.

16           Now, if we view it from the drawings on  
17 the paper and the code, the case, you know,  
18 extracting all that and being a little bit  
19 more on another extract level, I do have  
20 problems. Undesirable change, I could vote  
21 for that.

22           And I certainly agree with the Chairman,  
23 that individually we look at each one, each  
24 one that comes before us. So that's -- that's  
25 my point of view.



1 that's in this room right now is intimately  
2 familiar with Fifth Avenue. I think to add  
3 eight cars to Fifth Avenue would be  
4 ill-advised.

5 MS. REA: For a one-family dwelling,  
6 eight cars?

7 MR. PROKOP: It's not an open  
8 discussion.

9 MS. REA: There's at least eight right  
10 now.

11 MR. TASKER: John.

12 MR. PROKOP: It's not a debate.

13 CHAIRMAN SALADINO: I'm sorry. This is  
14 our time to discuss this, so. But even -- we  
15 have testimony from the applicant's attorney,  
16 we have testimony from the Building Inspector  
17 of the house that's on Lot --

18 MS. GORDON: Two.

19 MR. TASKER: Two.

20 MS. NEFF: Two.

21 CHAIRMAN SALADINO: Two. That there's  
22 one family occupying that house right now and  
23 they have six cars. So I don't think we're --  
24 I don't think -- I don't think it's a stretch  
25 for us to say that there might be six cars

1 with a new house.

2 So, you know, was eight overstated?  
3 Perhaps, I don't know. But if it's -- if it's  
4 a three bedroom house with three couples and  
5 they all have three cars, like the Saladinos,  
6 you know, now we're talking nine cars.

7 So I'm going to -- I'm going to read  
8 number two and give you my opinion, and my  
9 colleagues can --

10 MS. NEFF: So just to be clear for me.

11 CHAIRMAN SALADINO: I'm sorry, sure.

12 MS. NEFF: We're discussing, we're not  
13 voting, and I like that approach. But I just  
14 want to clarify for me, because I missed the  
15 vote if it took place.

16 (Laughter)

17 CHAIRMAN SALADINO: No, no, no. I just  
18 thought, to make it easier, and I apologize to  
19 my colleagues and to the -- I thought I would  
20 do it this way

21 MS. NEFF: It's okay.

22 CHAIRMAN SALADINO: And, honestly, to  
23 make it easier for me.

24 MS. NEFF: Okay.

25 CHAIRMAN SALADINO: You know, because I

1 listed my concerns and I thought it would be a  
2 more pointed discussion. I also thought that  
3 it would create a better record for anybody  
4 that would need the record some -- later on,  
5 whether it's the neighbors or the applicant.

6 So, and question number two that we're  
7 asked to consider, that we're asked to vote on  
8 by the State, is whether the benefit sought by  
9 the applicant can be achieved by some method  
10 feasible for the applicant to pursue other  
11 than an area variance? I'm going to say no to  
12 that, because -- because any mitigation of one  
13 variance creates another. So I think this is  
14 -- this is the path that he would have to take  
15 to get this done. I don't see any other  
16 method that he could use to achieve his  
17 purpose. So me, personally, I would -- I  
18 would vote no for that reason on this.

19 MS. GORDON: Yes, I agree. He wants to  
20 build a property and add to his revenue from  
21 that combined -- those two lots, and any way  
22 he does it I think would require several area  
23 variances. You keep saying variance in  
24 singular, but we are talking about a total of  
25 five.

1 MR. TASKER: Yeah. Let's give the  
2 applicant credit for knowing how to do these  
3 kinds of things. If he could figure out a way  
4 to do it without having to need variances, you  
5 can be sure he would have done it.

6 MS. NEFF: Right. There is no way.

7 CHAIRMAN SALADINO: Okay. And number  
8 three is whether the requested area variance  
9 -- whether the requested area variances are  
10 substantial? I think they are. I think -- I  
11 think alone they are. And I think when you  
12 consider the totality of, the cumulative  
13 effect of five variances, I think, you know, I  
14 would be forced to answer yes for this  
15 question for those reasons. I think five  
16 variances is substantial.

17 And in singularity and alone, like I  
18 said, you know, we have the -- we have the  
19 percentages and the numbers here someplace. I  
20 didn't write them down on my pad here, I have  
21 them on the application in front of me, but I  
22 did read them and I did consider them, and  
23 that's kind of like my opinion for that.  
24 Anybody?

25 (No Response)

1           CHAIRMAN SALADINO: Nobody has an  
2 opinion about that?

3           MS. GORDON: Well, I don't think it's  
4 terribly --

5           CHAIRMAN SALADINO: Would you -- one  
6 second. Is it -- Jay, do --

7           VIDEOGRAPHER: I'll switch the tape.

8           CHAIRMAN SALADINO: Can we just hold  
9 this for one second? The Videographer has to  
10 switch the tape.

11           (The Videographer Switched the  
12 Videotape)

13           CHAIRMAN SALADINO: Are you ready, Jay?

14           VIDEOGRAPHER: Yes.

15           MS. NEFF: Yes.

16           CHAIRMAN SALADINO: Okay, folks. What  
17 was that, number three?

18           MS. NEFF: We're up to four.

19           CHAIRMAN SALADINO: Number four is  
20 whether the proposed --

21           MS. GORDON: Excuse me.

22           CHAIRMAN SALADINO: I'm sorry. Oh, I'm  
23 sorry, Dinni.

24           MS. GORDON: I just want to say  
25 something.

1 MS. NEFF: That's right.

2 CHAIRMAN SALADINO: I'm sorry. I'm  
3 sorry, I forgot.

4 MS. GORDON: Whether it's substantial.  
5 I think the one that is -- a lot of this is  
6 not substantial, the individual proposals, but  
7 the lot size requiring a variance of 913  
8 square feet is pretty substantial.

9 And in concluding that, I'm looking at  
10 part of number one, which deals not just with  
11 the character of the neighborhood, which I  
12 don't think would be changed by this house or  
13 this lot size, but a detriment to nearby  
14 properties, I think there's no question about  
15 that. The nearby properties, some of them  
16 anyway, particularly that house to the  
17 immediate north would suffer a detriment to  
18 have that, that changed. That's the only one.

19 I think most of them are not very  
20 substantial. So, on the one hand, we should  
21 be looking at the whole, but on the other  
22 hand, there's a significant difference, I  
23 think, between the first variance in Lot 1 and  
24 all the rest.

25 CHAIRMAN SALADINO: Well, my -- but my

1 opinion was that taken together -- you see, I  
2 disagree. But if -- but if we were to agree,  
3 just that the four other variances requested  
4 aren't substantial, in totality, in my mind,  
5 it makes it so, so -- and as far as how it  
6 relates to the neighborhood and -- I mean,  
7 that will come up in question four, I guess.

8 MR. TASKER: Exactly, John. But, you  
9 know, there's a compounding effect, even  
10 though, you know, several small details, shall  
11 we say, is a hypothetical, but when you put  
12 them all together, their compound -- their  
13 compound effect can be quite significant, and,  
14 as Dinni points out, to the detriment of  
15 nearby properties. Perhaps not to the overall  
16 character of the neighborhood, but certainly  
17 the concern to the nearby properties by the  
18 compounding effect.

19 CHAIRMAN SALADINO: Question number four  
20 deals with whether the proposed variance will  
21 have an adverse effect or impact on the  
22 physical or environmental conditions in the  
23 neighborhood or district.

24 MR. TASKER: I'll restate my earlier  
25 comments with respect to that as applying to

1 this question as well.

2 CHAIRMAN SALADINO: I think -- well, I  
3 would vote yes for this also. You know, I  
4 think the additional demands David pointed  
5 out. I had sewer, but now I added water,  
6 because -- because of -- there's a four-inch  
7 main now, and David's a Civil Engineer. He  
8 says six inches is current code, so the water  
9 main doesn't meet current code.

10 MS. NEFF: But then the statement of the  
11 Fire Chief about the flow in those pipes.

12 CHAIRMAN SALADINO: And also that. But  
13 the sewer, we've heard from the neighbors. I  
14 believe -- David, did you have with the  
15 Village Administrator about -- or the  
16 direct -- Adam from the wastewater treatment  
17 plant about problems in that area? Did I read  
18 that somewhere?

19 MR. CORWIN: He equivocated on that, he  
20 wouldn't commit.

21 CHAIRMAN SALADINO: Okay. But, also,  
22 the additional demands aside from water and  
23 sewer. The Road Department, you know,  
24 increased density on that block, the Road  
25 Department, whether it's something as minor as

1 grass and leaf collection. The street is  
2 narrow. We heard from the Fire Chief and the  
3 EMS personnel, you know, tough for emergency  
4 vehicles. God forbid somebody's double-parked  
5 and they got to get down there. So, for me,  
6 question four, the answer would be yes.

7 CHAIRMAN SALADINO: Dinni, Ellen?

8 MS. NEFF: Excuse me. No, I concur, I  
9 concur with you.

10 CHAIRMAN SALADINO: Okay. And number  
11 five is whether the alleged difficulty was  
12 self-created, which consideration shall be  
13 relevant to the decision of the Board of  
14 Appeals, but not necessarily preclude the  
15 granting of an area variance? For question  
16 number five, I would -- yes is -- to me is the  
17 obvious answer. I mean, the applicant  
18 purchased the parcel knowing the limitations  
19 regarding this piece of property. I don't  
20 know how there could be any other answer.

21 MS. NEFF: Yes.

22 CHAIRMAN SALADINO: Also, it's -- we  
23 have from New York State, it says, "A hardship  
24 is self-created when the applicant acquires  
25 property subject to the restrictions from

1       which relief is sought." So the difficulty is  
2       self-created. And so that would be how I see  
3       that.

4               MR. TASKER: I concur with your  
5       rationale.

6               CHAIRMAN SALADINO: David, what do you  
7       think?

8               MR. CORWIN: Of course.

9               MS. NEFF: Yes.

10              CHAIRMAN SALADINO: If this Board is  
11       ready, maybe we'll go through these questions  
12       formally, and maybe make a motion to vote on  
13       the application as a whole, instead of going  
14       through each individual variance. Can we do  
15       that, Joe?

16              MR. PROKOP: Yes

17              MS. NEFF: Do we still have to do SEQRA,  
18       did we do that?

19              CHAIRMAN SALADINO: We're going to do  
20       SEQRA.

21              MS. NEFF: Okay.

22              CHAIRMAN SALADINO: I believe this -- we  
23       decide.

24              MR. PROKOP: Now is the time.

25              CHAIRMAN SALADINO: This is a Type II.

1 MS. NEFF: Now is the time.

2 CHAIRMAN SALADINO: All right. I'm  
3 going to make a motion that -- okay, okay.  
4 That the Zoning Board of Appeals declares  
5 itself Lead Agency, and this is a Type II  
6 Action under SEQRA.

7 MS. NEFF: Second.

8 CHAIRMAN SALADINO: All in --

9 MS. NEFF: Oh, so moved. How about  
10 that?

11 (Laughter)

12 CHAIRMAN SALADINO: So moved. Is there  
13 a second?

14 MR. TASKER: Second.

15 CHAIRMAN SALADINO: All in favor?

16 MR. CORWIN: Aye.

17 MS. GORDON: Aye.

18 MS. NEFF: Aye.

19 MR. TASKER: Aye.

20 CHAIRMAN SALADINO: Aye. Any opposed?

21 (No Response)

22 CHAIRMAN SALADINO: No. So do we have  
23 to make a motion to vote on this as --

24 MR. PROKOP: Yes.

25 CHAIRMAN SALADINO: All right. Do you

1 want to make that motion?

2 MR. PROKOP: Yes. The motion would be  
3 to vote -- for the Board to consider the --  
4 for the Board to consider the five  
5 considerations for the -- all five variances  
6 together. So each time that you discuss one  
7 of the considerations, it will be the impacts  
8 of all five consider -- all five variances  
9 together.

10 MR. TASKER: Each and every one.

11 MR. PROKOP: Each and every one  
12 together.

13 CHAIRMAN SALADINO: All right. So just  
14 so it's clear in my mind, it's clear in the  
15 public's mind, because we did it differently  
16 last time, legal, but different, we're going  
17 to consider the application as a whole, all  
18 five variances. When we read the five  
19 questions, it will be for the -- for the  
20 applicant -- the application. All five  
21 variances, each question will relate to all  
22 five variances, and the eventual vote will be  
23 for the application as a whole.

24 MR. TASKER: So individually and  
25 collectively.

1 MR. PROKOP: Yes.

2 MS. NEFF: Yes.

3 CHAIRMAN SALADINO: Is that our  
4 understanding? Is everybody on the same page?

5 MR. CORWIN: Yes.

6 CHAIRMAN SALADINO: Okay.

7 MS. NEFF: Yes.

8 CHAIRMAN SALADINO: Okay. So we'll read  
9 -- I'm going to -- I'm going to read the  
10 Notice of Disapproval, the five -- the five  
11 area variances, the request.

12 So for Lot 1, the proposed subdivision  
13 creates Lot 1, which is 6,587 square feet,  
14 where Section 150-12(A) requires a minimum lot  
15 size of 7,500 square feet, requiring a  
16 variance of 913 square feet.

17 For Lot No. 1, also, the proposed lot  
18 width is 47.82 feet, where Section 150-12(A)  
19 requires a minimum lot width of 60 feet,  
20 requiring a variance of 12.18 feet.

21 For Lot 2, the proposed lot width is  
22 52.35 feet, where Section 150-12(A) requires a  
23 minimum lot width of 60 feet, requiring a  
24 variance of 7.65 feet.

25 Variance number two for Lot 2, proposed

1 combined side yard is 17.9 feet, where Section  
2 150-12(A) requires a combined yard setback of  
3 25 feet, requiring a variance of 7.10 feet.

4 The proposed subdivision creates a  
5 5-foot side yard on the north property line,  
6 requiring a 7.10 foot side yard variance.

7 MS. NEFF: I think you didn't read this  
8 one, did you?

9 CHAIRMAN SALADINO: The proposed  
10 subdivision creates a five yard --

11 MS. NEFF: Okay. Sorry, sorry, sorry.

12 MR. TASKER: I don't think you --

13 MS. NEFF: I think you -- Joe.

14 MR. TASKER: I think you co-mingled them  
15 a little bit, John.

16 MS. NEFF: Yeah, you did.

17 CHAIRMAN SALADINO: The proposed  
18 subdivision --

19 MR. TASKER: Why don't you read your  
20 number four and five, and as though --

21 CHAIRMAN SALADINO: The proposed --  
22 number two of Lot 2, the proposed combined  
23 side yard is 17.9 feet, where Section  
24 150-12(A) requires the combined yard setback  
25 of 25 feet, requiring a variance of 7.10 feet.

1           Number three for Lot 2, the proposed  
2           subdivision creates a 5-foot side yard on the  
3           north property line, requiring a 7.10 foot  
4           side yard variance.

5           MS. NEFF: No, that's where it's  
6           different. I'll read the correction, okay?  
7           You're up to where Section 150-12(A)  
8           requires --

9           CHAIRMAN SALADINO: What are you reading  
10          from?

11          MS. NEFF: You went from this line --

12          CHAIRMAN SALADINO: No, no. What is  
13          this?

14          MS. NEFF: It's the same thing you're  
15          reading.

16          CHAIRMAN SALADINO: I have the Notice of  
17          Disapproval.

18          MS. NEFF: Well, it's the same thing  
19          word for word.

20          MR. TASKER: We're looking at the legal  
21          notice.

22          MR. PROKOP: The legal notice was  
23          probably corrected. I'm not sure if I  
24          looked -- because I'm not looking at it.

25          CHAIRMAN SALADINO: Okay.

1 MR. PROKOP: But the legal notice is  
2 what we should go by.

3 MS. NEFF: Okay.

4 CHAIRMAN SALADINO: Everything up to --

5 MS. NEFF: Yes.

6 MR. TASKER: To the last.

7 MS. NEFF: Yes.

8 CHAIRMAN SALADINO: Okay.

9 MR. TASKER: But for the last one.

10 CHAIRMAN SALADINO: So number three,  
11 variance number three for Lot 2, for myself  
12 and the public, the proposed subdivision  
13 creates a 5-foot side yard setback on the  
14 north property line, where Section 150-12(A)  
15 requires a minimum side yard setback of 10  
16 feet, requiring a side yard setback variance  
17 of 5 feet.

18 MS. NEFF: Right.

19 MR. TASKER: And I would think, whether  
20 misread or not, the fact that the notice of  
21 the public hearing is part of the public  
22 record and part of the record makes this of no  
23 matter.

24 CHAIRMAN SALADINO: I'm not sure why I  
25 don't have the public notice, but if the

1 Attorney is -- if the Board is satisfied and  
2 the --

3 MR. PROKOP: The public notice gives the  
4 Board jurisdiction to consider the variances,  
5 so you need to go by the public notice.

6 CHAIRMAN SALADINO: All right. So what  
7 I was going to say is if the Board is  
8 satisfied that what we read is correct now,  
9 and the Attorney is satisfied, can we vote?

10 MR. PROKOP: Yes.

11 MS. NEFF: Yeah.

12 CHAIRMAN SALADINO: Okay. All right.

13 Question number one: Whether an  
14 undesirable change will be produced in the  
15 character of the neighborhood or a detriment  
16 to nearby properties will be created by  
17 granting of the area variances?

18 We'll go in order. David.

19 MR. CORWIN: Yes.

20 CHAIRMAN SALADINO: Diana.

21 MS. GORDON: Yes.

22 CHAIRMAN SALADINO: Ellen.

23 MS. NEFF: Yes.

24 CHAIRMAN SALADINO: Arthur.

25 MR. TASKER: Yes.

1 CHAIRMAN SALADINO: And I'll vote yes.

2 Number two is whether the benefit sought  
3 by the applicant can be achieved by some  
4 method feasible for the applicant to pursue  
5 other than an area variance? David.

6 MR. CORWIN: No.

7 CHAIRMAN SALADINO: Diana.

8 MS. GORDON: No.

9 CHAIRMAN SALADINO: Ellen.

10 MS. NEFF: No.

11 CHAIRMAN SALADINO: Arthur.

12 MR. TASKER: No.

13 CHAIRMAN SALADINO: And I'll vote no.

14 Number three, whether the requested area  
15 variance is substantial? David.

16 MR. CORWIN: Yes.

17 CHAIRMAN SALADINO: Diana.

18 MS. GORDON: Yes.

19 CHAIRMAN SALADINO: That sounds like a  
20 reluctant yes.

21 MS. GORDON: It's a reluctant yes.

22 CHAIRMAN SALADINO: Ellen.

23 MS. NEFF: Yes.

24 CHAIRMAN SALADINO: Arthur.

25 MR. TASKER: Yes.

1 CHAIRMAN SALADINO: And I'll vote yes.

2 Number four is whether the proposed  
3 variance will have an adverse effect or impact  
4 on the physical or environmental conditions in  
5 the neighborhood or district? David.

6 MR. CORWIN: Yes.

7 MS. GORDON: Yes.

8 CHAIRMAN SALADINO: Diana, yes.

9 MS. NEFF: Ellen, yes.

10 CHAIRMAN SALADINO: Arthur.

11 MR. TASKER: Yes.

12 CHAIRMAN SALADINO: And I'll vote yes.

13 And number five, whether the alleged  
14 difficulty was self-created, which  
15 consideration shall be relevant to the  
16 decision of the Board of Appeals, but shall  
17 not necessarily preclude the granting of an  
18 area variance? David.

19 MR. CORWIN: Yes.

20 CHAIRMAN SALADINO: Diana.

21 MS. GORDON: Yes.

22 CHAIRMAN SALADINO: Ellen.

23 MS. NEFF: Yes.

24 CHAIRMAN SALADINO: Arthur.

25 MR. TASKER: Yes.

1           CHAIRMAN SALADINO: And I'll vote yes.  
2           I'm going to make a motion to grant the  
3 area variances.

4           MR. TASKER: Second.

5           CHAIRMAN SALADINO: David.

6           MR. CORWIN: Nay.

7           CHAIRMAN SALADINO: Dinni.

8           MS. GORDON: No.

9           CHAIRMAN SALADINO: Ellen.

10          MS. NEFF: No.

11          CHAIRMAN SALADINO: Arthur.

12          MR. TASKER: No.

13          CHAIRMAN SALADINO: And I'm going to  
14 vote no.

15                 We have one thing before, before we make  
16 a motion to adjourn. We've been asked --  
17 there's an application in front of the  
18 Planning Board for a subdivision, and we've  
19 been asked, as the Zoning Board, we've been  
20 asked -- because it's in an Historic District,  
21 there's a coordinated review, and the Zoning  
22 Board has been asked to offer opinions, if any  
23 member of the Board has an opinion.

24                 MR. TASKER: Oh, I have no -- I have no  
25 knowledge.

1 MS. NEFF: I'm afraid I don't know what  
2 we're talking about.

3 CHAIRMAN SALADINO: I agree with you.  
4 We have no -- we have no -- I'm not sure what  
5 the date of the coordinated review was. We  
6 have 45 days from that date.

7 MR. TASKER: Well, do we have any  
8 information to weigh?

9 CHAIRMAN SALADINO: Just let me -- just  
10 let finish. I don't believe our next -- I  
11 believe our next meeting would be after the  
12 45-day time period.

13 MR. PROKOP: We -- I'll submit a -- I'll  
14 make sure that a package is submitted to each  
15 of the Board members. I'm sorry that you  
16 didn't receive it for tonight. I thought  
17 we -- we had sent a notice that was supposed  
18 to include the package, but I'll see that  
19 everybody gets a package. If we need to have  
20 a brief meeting in between, if somebody feels  
21 strongly, then we could do that.

22 CHAIRMAN SALADINO: Well, the members  
23 are free to comment individually or as a  
24 Board, right?

25 MR. PROKOP: They can comment

1 individually, yes.

2 CHAIRMAN SALADINO: So we'll get --

3 MS. GORDON: I don't understand. Is the  
4 question whether we are willing to participate  
5 in the coordinated review?

6 CHAIRMAN SALADINO: They asked for our  
7 participation, they asked for our opinion.

8 MS. GORDON: So it's not agreed on?  
9 We're not agreeing as to the substance of it,  
10 just because we don't have one.

11 MR. PROKOP: Okay. So when a  
12 coordinated review is undertaken, the notice  
13 goes out to two types of boards and agencies.  
14 One is an involved board, which is a board  
15 that will be making a decision, and the other  
16 is an interested board, which is a board that  
17 has jurisdiction in the area, but is not going  
18 to participate in a decision. So this  
19 application, if I -- is this correct, that  
20 this is the Methodist Church?

21 CHAIRMAN SALADINO: Yes.

22 MS. WINGATE: I would assume.

23 MR. PROKOP: So this is the Methodist  
24 Church.

25 CHAIRMAN SALADINO: I'm sorry, yeah.

1 MR. PROKOP: 629 First Street.

2 CHAIRMAN SALADINO: Main Street.

3 MS. WINGATE: 624.

4 MS. NEFF: The former Methodist Church.

5 MS. WINGATE: First Street.

6 MR. PROKOP: First Street.

7 MS. NEFF: Right.

8 MR. PROKOP: 629 First Street. And it's  
9 a subdivision. This -- as of right now, the  
10 way the application is set up, this Board will  
11 not be making a decision, so it's not an  
12 involved agency. However, it is what's called  
13 an interested agency and you can comment,  
14 right. So there's no -- you won't become Lead  
15 Agency, but you can still make comments on the  
16 application. And that's basically -- this  
17 would be your opportunity. So I'll make sure  
18 from what --

19 MS. GORDON: So there are no variances  
20 requested?

21 MR. PROKOP: There's no variances.

22 CHAIRMAN SALADINO: None, no variance.

23 MR. PROKOP: So I'll make sure from my  
24 office that you get packages regarding it.

25 MS. NEFF: May I just ask, if it's the

1       problem of the 45-day notice, and that we  
2       would have to fit in within that and still  
3       consider as an interested Board, I'm certainly  
4       willing to do that, with the -- if we received  
5       a packet, I just want to tell the Chairman,  
6       I'm willing to meet to take a look at it, if  
7       we have to.

8               MR. PROKOP: Whatever you'd like to do.

9               MR. TASKER: But the response should be  
10       a response of the Board, question mark?

11              MR. PROKOP: I think it should be -- the  
12       preferable way is to have a response of the  
13       Board.

14              MR. TASKER: Yeah.

15              MR. PROKOP: And it could say, "Please  
16       incorporate these comment," and then have the  
17       individual comments. You don't have to adopt  
18       them as the Board's comments, but you could  
19       have a resolution saying, "Please adopt these  
20       individual comments."

21              CHAIRMAN SALADINO: We're up to that, I  
22       think.

23              MR. PROKOP: I'll get the package to  
24       everybody. I'm sorry, I thought you had them.

25              MR. TASKER: We can figure that out.

1           CHAIRMAN SALADINO: We can figure that  
2 out.

3           All right. Item Number -- Item #7 is a  
4 motion to adjourn. So moved.

5           MS. NEFF: Second.

6           CHAIRMAN SALADINO: All in favor?

7           MR. CORWIN: Aye.

8           MS. GORDON: Aye.

9           MS. NEFF: Aye.

10          MR. TASKER: Aye.

11          CHAIRMAN SALADINO: Aye.

12          (The meeting was adjourned at 7:24 p.m.)

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