VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK
----------------------------------------X
ZONING BOARD OF APPEALS
REGULAR MEETING
----------------------------------------X

March 21, 2017
6:00 P.M.

Old Schoolhouse Building
Corner of First Street and
Front Street
Greenport, New York

BEFORE:

JOHN SALADINO - Chairman

DAVID CORWIN - Member

DINNI GORDON - Member

ELLEN NEFF - Member

ARTHUR TASKER - Member

JOSEPH PROKOP - Village Attorney

EILEEN WINGATE - Village Building Inspector

KRISTINA LINGG - Building Clerk
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THE MEETING WAS CALLED TO ORDER AT 6:02 P.M.)

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

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

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Aye.

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

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

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

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Aye.

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

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

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

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Aye.

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

Is the applicant here?

MR. HARBES: I'm representing the applicant.

CHAIRMAN SALADINO: And you are? Could you --

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

CHAIRMAN SALADINO: You want to give us your spiel?

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

MR. PROKOP: Who is this?

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

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

MR. HARBES: Yeah.

MR. PROKOP: And your address.

CHAIRMAN SALADINO: We have --

MS. GORDON: We have --

MR. PROKOP: Oh, we do.

MS. GORDON: -- their authorization.

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

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

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


MR. PROKOP: And you're Senior?
MR. HARBES: Yes.

MR. PROKOP: Okay.

CHAIRMAN SALADINO: And we're --

MR. PROKOP: And what's your --

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

MR. PROKOP: I haven't seen --

CHAIRMAN SALADINO: Arthur, could you --

MR. TASKER: Yeah, sure.

CHAIRMAN SALADINO: -- give this to the Attorney?

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

Who is Rustic --

MR. HARBES: That's correct.

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

MR. HARBES: My son, Peter.

MR. PROKOP: Okay. Sorry, excuse me.

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

MR. HARBES: Being that's the corner lot, that's the need for the variance, from my understanding.
CHAIRMAN SALADINO: And can you tell us something about the as-built shower in the front yard?

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

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

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

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

CHAIRMAN SALADINO: Is there any discussion from the Board?

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

MS. WINGATE: I'm sorry.

MS. NEFF: There's a -- it's signed.
MS. WINGATE: We'll check the survey.
He's got a -- yeah.
MS. LINGG: This is the original.
MS. WINGATE: An embossed -- an embossed
stamp won't Xerox.
MR. TASKER: Yeah, there's a -- there's
a seal on the original.
MS. NEFF: And it's signed and dated.
CHAIRMAN SALADINO: Okay. We'll look at
that. David, Dinni.
MR. CORWIN: If you ever want to find
out what an embossed is, you take a pencil and
do that (demonstrating).
CHAIRMAN SALADINO: Anybody else?
(No Response)
CHAIRMAN SALADINO: All right. So we're
going to put this on the agenda? We're going
to accept this application, or if anybody has
any comments.
All right. I'll make the motion to
accept the application and schedule a public
hearing for Alexander and Julie Bell, 302
Sixth Street, for our next -- our next regular
meeting. So moved.
MR. TASKER: Second.
CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Aye. Any opposed?

MR. CORWIN: No.

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

CHAIRMAN SALADINO: We'll do that.

MS. NEFF: Yeah, okay.

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

MS. GORDON: 5:40.

CHAIRMAN SALADINO: 5:15?

MR. CORWIN: 5:40 would be good.

MS. NEFF: Perfect.

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

MR. HARBES: Okay.

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

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

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

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

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

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

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

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

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

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

MR. HARBES: I understand.

CHAIRMAN SALADINO: We're not like the Clampetts.

(Laughter)

MR. HARBES: I got it.

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

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

MS. WINGATE: April 18th.

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

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

CHAIRMAN SALADINO: Okay. See you next month.

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

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

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

MS. GORDON: That's okay with me.

CHAIRMAN SALADINO: How does that sound?

MR. TASKER: Fine.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Okay.

CHAIRMAN SALADINO: Okay. Is there
anything anybody else says -- needs to say
before we open this up for -- no?

(No Response)

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

MR. CORWIN: Excuse me, Mr. Chairman.

CHAIRMAN SALADINO: Sure, David.

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

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

MR. CORWIN: I want to have the

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discussion first.

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

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

CHAIRMAN SALADINO: Then go ahead.

David, you want to start?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Okay.

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

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

CHAIRMAN SALADINO: The floor is yours, David.

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

Leading up to World War II, Greenport was struggling with the Great Depression. There was some work in the shipyards, fishing and oystering, but economic activity here, as in other locations, was slow. With
World War II, employment opportunities exploded at the Greenport Basin and Construction Company shipyard as contracts were received by the construct -- for the construction of landing craft, tugboats and minesweepers. As many as 2,000 people were employed in the shipyard. Automobiles were not being manufactured and rubber and gasoline were rationed. Transportation was not as easy as it is today with private automobile ownership. The need to house war workers resulted in building of apartments in a lot of single family houses.

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

CHAIRMAN SALADINO: Guys. Guys.

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

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

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

Description: Fifth Avenue is approximately 30 feet wide by approximately 1,065 feet long, as measured on Google Earth. The total right-of-way of Fifth Avenue is 50 feet, with sidewalks and grass strips taking 10 feet on either side. Streets in the Village of Greenport run between 30 feet for Fifth Avenue and 50 feet for Broad Street, with an average of about 40 feet.
There are 27 one, two and multifamily structures on Fifth Avenue, one apartment house, and one storage yard that may have living space, and at least one garage converted to living space. I cannot make an accurate determination of the distribution of one, two and multifamily dwellings.

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

The Southold Town tax map shows the acreage of 221 Fifth Avenue as 0.33 acres, or approximately 14,375 square feet. The west lot line of 221 Fifth Avenue was extended approximately 35 feet west of the common lot line on the west side of Fifth Avenue at some time in the past. If the rear lot line of 221 Fifth Avenue was the same as the original lots on the west side of Fifth Avenue, the area of the lot line would be approximately 10,700 square feet, or approximately one quarter of
an acre.

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

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

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

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

The existing sewer was probably

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

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

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

The wind that night and early morning

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

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

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

Members of the Zoning Board of Appeals are required by New York State to have four hours of training per year. A member who has not had the mandatory training is not qualified to be reappointed to the Board when their term expires. Two members have had the required training and three members are working on completing their training.
One of the handouts in a training session identified the following as reasons that should never be used to justify a variance:

- The applicant is a good person or a "good guy".
- The variance request is "reasonable".
- The variance makes "common sense".
- The ordinance provision makes no sense.
- We have to do justice and help fairness to prevail.
- We have always granted this type of variance request.
- I would add another reason: The Board member wants to be the good guy.
- Zoning Boards of Appeal in the past have approved variances allowing subdivisions that I think were a function of wanting to be the good guy.
- The two applications that I have seen in the five years I have been on the Zoning Board are the variances for the old Volinksi property on the northwest corner of Third and Center Street, and the application on Second Street for the property that was Dr. Tuthill's
house, and later Prestwood/Ahrens. The Center Street application was on a property that floods and it was a three for and two against decision.

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

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

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

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

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

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

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

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

An attorney comes in with two parts to
an application. The first part is for an
outlandish request, with a second part that is
a little more reasonable, but by no means a
sure thing. This first appeared to me when
SAKD brought in the application for a
hotel/restaurant on the southeast corner of
Front and Third Streets. The applicant asked
for an interpretation of several of the
restrictions in the zoning code. When those
were note -- when those were all interpreted
against the applicant, several variances were
asked for.

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

I suspect that what is going on here is
that applicants try to set the Board up with
something they suspect will get a no answer.
Once the no answer is received, the Board may
be more inclined to issue a yes on variance.
requests. I suspect this is some sort of psychological attempt to influence the Board to be more inclined to vote yes on a less outlandish request.

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

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

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

(Laughter)

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

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

(No Response)

CHAIRMAN SALADINO: I have a question for the Attorney that I'm just -- I'm not sure of. In our discussions, and with this Board, also, I believe, we -- I don't think we ever
resolved the barn that was on the property. We know that the accessory building was supposed to be moved and hasn't been, but we never resolved the barn. And from what I understand is that we can't have an accessory building without a principal building.

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

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

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

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

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

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

        MR. PROKOP: Yes.

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

        MR. OLINKIEWICZ: Can I just ask a question on that? Can the barn be moved to the other lot with the house to save the old barn? If the subdivision is approved, can I move the old barn over to the lot that has the existing house?
CHAIRMAN SALADINO: The subdivision can't be approved with that barn on that property. The barn would have to be --

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

CHAIRMAN SALADINO: Before --

MR. OLINKIEWICZ: The subdivision would be finished.

CHAIRMAN SALADINO: Before the subdivision is granted.

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

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

MR. OLINKIEWICZ: Right.

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

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

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

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

MR. OLINKIEWICZ: Right. You mean a garage?

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

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

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

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

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

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

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

MS. REA: That's Lot 2.

MS. NEFF: Lot 2.
CHAIRMAN SALADINO: Lot 2, without -- without having a plan or a survey, there might be area variances involved --

MR. PROKOP: Yes.

CHAIRMAN SALADINO: -- with that.

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

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

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

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

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

MS. WINGATE: That's correct.

MS. NEFF: And may I just point out --
CHAIRMAN SALADINO: So if it's inside -- just one more thing. If it's inside the building envelope of the principal building, there's other things involved, but it could be 35 feet tall. But before we -- before we open up that big can of worms, let's try to focus on this right now.

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

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

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

MR. OLINKIEWICZ: Or can we continue forward, and if the -- with a stipulation, if this gets approved, that the barn has to come down?
CHAIRMAN SALADINO: I'm thinking I'm good with that. If we -- if we move forward with the application as it sits in front of us, I mean, there's two possibilities. One, the variances will be approved, and one that the variances won't be approved.

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

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

MR. OLINKIEWICZ: Right

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

MR. OLINKIEWICZ: Okay.

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

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

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

MR. OLINKIEWICZ: No.

MR. PROKOP: The other two things I was going to say was one is that we need to do SEQRA. And then the other thing is that the
The proposed new house is proposed as a one-family house, as I understand it, if I'm not mistaken.

CHAIRMAN SALADINO: Yeah.

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

CHAIRMAN SALADINO: Anybody? Anything? (No Response)

CHAIRMAN SALADINO: It's -- I apologize to the applicant, I apologize to the neighbors. It's hard to -- you know, normally, this is a pretty straightforward operation. We look at the parcel, we voice our opinions, we -- or, you know, we have a discussion and we vote. This particular application, this particular piece of property, because of -- because of buildings that weren't moved, and buildings that are there, and, you know, through disclosure and further investigation, stuff comes to light,
you know, we're at a point now. So if it
pleases this Board, if my colleagues agree, I
would like to talk about the current variances
and discuss them, offer our opinions, perhaps
vote. The barn might well, in fact, be moot
or not. What do we think?

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

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

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

MS. NEFF: I got that.

CHAIRMAN SALADINO: -- disappears.
MS. NEFF: But it has to be in the building envelope.

CHAIRMAN SALADINO: Disappears.

MS. NEFF: Right.

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

MS. NEFF: Well, he tears it down.

Okay, I got it now, yes.

CHAIRMAN SALADINO: So it doesn't --

MS. NEFF: Sorry.

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

MS. NEFF: Two.

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

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

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

MS. NEFF: Okay.

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

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

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

MR. OLINKIEWICZ: Correct.

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

CHAIRMAN SALADINO: It's two stories.

MR. OLINKIEWICZ: It's two stories.

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

MR. OLINKIEWICZ: Yes.

MS. NEFF: Yes.

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

CHAIRMAN SALADINO: No, 800 and change.

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

MR. OLINKIEWICZ: That is the footprint.
MR. TASKER: That's the footprint, okay.

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

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

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

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

MS. REA: Of course, of course.

CHAIRMAN SALADINO: Anybody else?

Dinni.

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

I think the points that have been made by neighbors and by Mr. Corwin about fire potential and the sewage, particularly the sewer, the old sewer particularly, are very
important matters. I don't think they bear
directly on this particular property and this
particular application.

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

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

MS. GORDON: That's true.

CHAIRMAN SALADINO: I'm inclined to
disagree, also.

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

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

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

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

I mean, the first question is whether an
undesirable change will be produced in the character of the neighborhood -- guys. Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by granting the area variance? I'm inclined to say yes, because of the additional density, because of the increased traffic, because of the reduced on-street parking. And I do -- and I believe that, you know, that is a quality of life issue for the -- for the neighbors. So, for me, for this first question, for those reasons, I would -- I would say -- I would say yeah, I would answer that yes.

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

CHAIRMAN SALADINO: Well, that would be --

MS. GORDON: Are we prepared to say that?
CHAIRMAN SALADINO: Well, that would be for future applications. I would rather not speculate on future applications. I personally don't believe that variance -- I believe interpretations carry the weight of precedence, I don't believe variances do, not according to New York State Department of State, not according to Mr. Prokop's training seminars.

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

MS. GORDON: Making the street one way.

CHAIRMAN SALADINO: Or making the -- well, I'm not sure density matters with a one-way street. It would certainly help on-street parking. It would certainly help, you know, the restricted traffic flow of a
two-way street. But, you know, to me, density means the amount of houses and the amount of people in a given area at a particular moment in time, unless something radically changes on Fifth Avenue. I can't speak for the future, but right now I think adding more people, adding another house there would increase density. So, for me to answer this first question, because of those reasons, I would say yes. But I'm anxious to hear what other people have to say.

MR. TASKER: (Raised hand).

CHAIRMAN SALADINO: Sure.

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

The -- this is in Article 150-1, the
purpose and intent of the Zoning Code itself.

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

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

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

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

CHAIRMAN SALADINO: Ellen.

MS. NEFF: I think a part of what my colleagues have spoken to involves issues of a different scope than our little world right here, and it has to do with how many cars "X" number of people might have. And if you think about it, I think they had an easier time with the horses and when everybody -- I mean, having one car was about for the house, but that is like 40 years ago. And so we're dealing with this Village, and --
CHAIRMAN SALADINO: Just to interrupt you, I didn't have a horse 40 years ago.

(Laughter)

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

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

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

And I certainly agree with the Chairman, that individually we look at each one, each one that comes before us. So that's -- that's my point of view.
CHAIRMAN SALADINO: Just to the point of cars, my own personal -- my own personal experience, we have no kids at home anymore and it's only my wife and I and we have three cars, which I honestly don't understand that, but that's --

(Laughter)

MS. NEFF: That's the way of the world, John.

MR. TASKER: Neither does she, John.

CHAIRMAN SALADINO: That's the reality of the situation, so -- and I'm not sure if the people in the audience would agree, but I consider us fairly normal, you know.

(Laughter)

CHAIRMAN SALADINO: I just -- so, you know, to add -- Dinni, what did -- David, eight cars, did you say, or eight --

MR. CORWIN: Six next door to me --

CHAIRMAN SALADINO: Six cars?

MR. CORWIN: -- on the property.

MS. GORDON: You said potentially eight vehicles for eight residents.

MR. CORWIN: Potentially eight.

CHAIRMAN SALADINO: You know, everybody
that's in this room right now is intimately familiar with Fifth Avenue. I think to add eight cars to Fifth Avenue would be ill-advised.

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

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

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

MR. TASKER: John.

MR. PROKOP: It's not a debate.

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

MS. GORDON: Two.

MR. TASKER: Two.

MS. NEFF: Two.

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

So, you know, was eight overstated?

Perhaps, I don't know. But if it's -- if it's a three bedroom house with three couples and they all have three cars, like the Saladinos, you know, now we're talking nine cars.

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

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

CHAIRMAN SALADINO: I'm sorry, sure.

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

(Laughter)

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

MS. NEFF: It's okay.

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

MS. NEFF: Okay.

CHAIRMAN SALADINO: You know, because I

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

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

MS. GORDON: Yes, I agree. He wants to build a property and add to his revenue from that combined -- those two lots, and any way he does it I think would require several area variances. You keep saying variance in singular, but we are talking about a total of five.
MR. TASKER: Yeah. Let's give the applicant credit for knowing how to do these kinds of things. If he could figure out a way to do it without having to need variances, you can be sure he would have done it.

MS. NEFF: Right. There is no way.

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

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

(No Response)
CHAIRMAN SALADINO: Nobody has an opinion about that?

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

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

VIDEOGRAPHER: I'll switch the tape.

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

(The Videographer Switched the Videotape)

CHAIRMAN SALADINO: Are you ready, Jay?

VIDEOGRAPHER: Yes.

MS. NEFF: Yes.

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

MS. NEFF: We're up to four.

CHAIRMAN SALADINO: Number four is whether the proposed --

MS. GORDON: Excuse me.

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

MS. GORDON: I just want to say something.
MS. NEFF: That's right.

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

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

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

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

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

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

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

MR. TASKER: I'll restate my earlier comments with respect to that as applying to
this question as well.

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

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

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

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

        CHAIRMAN SALADINO: Okay. But, also,
the additional demands aside from water and
sewer. The Road Department, you know,
increased density on that block, the Road
Department, whether it's something as minor as
grass and leaf collection. The street is narrow. We heard from the Fire Chief and the EMS personnel, you know, tough for emergency vehicles. God forbid somebody's double-parked and they got to get down there. So, for me, question four, the answer would be yes.

CHAIRMAN SALADINO: Dinni, Ellen?

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

CHAIRMAN SALADINO: Okay. And number five is 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? For question number five, I would -- yes is -- to me is the obvious answer. I mean, the applicant purchased the parcel knowing the limitations regarding this piece of property. I don't know how there could be any other answer.

MS. NEFF: Yes.

CHAIRMAN SALADINO: Also, it's -- we have from New York State, it says, "A hardship is self-created when the applicant acquires property subject to the restrictions from
which relief is sought." So the difficulty is self-created. And so that would be how I see that.

MR. TASKER: I concur with your rationale.

CHAIRMAN SALADINO: David, what do you think?

MR. CORWIN: Of course.

MS. NEFF: Yes.

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

MR. PROKOP: Yes

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

CHAIRMAN SALADINO: We're going to do SEQRA.

MS. NEFF: Okay.

CHAIRMAN SALADINO: I believe this -- we decide.

MR. PROKOP: Now is the time.

CHAIRMAN SALADINO: This is a Type II.
MS. NEFF: Now is the time.

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

MS. NEFF: Second.

CHAIRMAN SALADINO: All in --

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

(Laughter)

CHAIRMAN SALADINO: So moved. Is there a second?

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Aye. Any opposed?

(No Response)

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

MR. PROKOP: Yes.

CHAIRMAN SALADINO: All right. Do you
want to make that motion?

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

MR. TASKER: Each and every one.

MR. PROKOP: Each and every one together.

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

MR. TASKER: So individually and collectively.
MR. PROKOP: Yes.

MS. NEFF: Yes.

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

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Okay.

MS. NEFF: Yes.

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

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

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

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

Variance number two for Lot 2, proposed
combined side yard is 17.9 feet, where Section 150-12(A) requires a combined yard setback of 25 feet, requiring a variance of 7.10 feet.

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

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

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

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

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

MS. NEFF: I think you -- Joe.

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

MS. NEFF: Yeah, you did.

CHAIRMAN SALADINO: The proposed subdivision --

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

CHAIRMAN SALADINO: The proposed -- number two of Lot 2, the proposed combined side yard is 17.9 feet, where Section 150-12(A) requires the combined yard setback of 25 feet, requiring a variance of 7.10 feet.
Number three for Lot 2, the proposed subdivision creates a 5-foot side yard on the north property line, requiring a 7.10 foot side yard variance.

MS. NEFF: No, that's where it's different. I'll read the correction, okay?

You're up to where Section 150-12(A) requires --

CHAIRMAN SALADINO: What are you reading from?

MS. NEFF: You went from this line --

CHAIRMAN SALADINO: No, no. What is this?

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

CHAIRMAN SALADINO: I have the Notice of Disapproval.

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

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

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

CHAIRMAN SALADINO: Okay.
MR. PROKOP: But the legal notice is what we should go by.

MS. NEFF: Okay.

CHAIRMAN SALADINO: Everything up to --

MS. NEFF: Yes.

MR. TASKER: To the last.

MS. NEFF: Yes.

CHAIRMAN SALADINO: Okay.

MR. TASKER: But for the last one.

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

MS. NEFF: Right.

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

CHAIRMAN SALADINO: I'm not sure why I don't have the public notice, but if the
Attorney is -- if the Board is satisfied and
the --

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

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

MR. PROKOP: Yes.

MS. NEFF: Yeah.

CHAIRMAN SALADINO: Okay. All right.

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

We'll go in order. David.

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Diana.

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen.

MS. NEFF: Yes.

CHAIRMAN SALADINO: Arthur.

MR. TASKER: Yes.
CHAIRMAN SALADINO: And I'll vote yes.

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

MR. CORWIN: No.

CHAIRMAN SALADINO: Diana.

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen.

MS. NEFF: No.

CHAIRMAN SALADINO: Arthur.

MR. TASKER: No.

CHAIRMAN SALADINO: And I'll vote no.

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

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Diana.

MS. GORDON: Yes.

CHAIRMAN SALADINO: That sounds like a reluctant yes.

MS. GORDON: It's a reluctant yes.

CHAIRMAN SALADINO: Ellen.

MS. NEFF: Yes.

CHAIRMAN SALADINO: Arthur.

MR. TASKER: Yes.
CHAIRMAN SALADINO: And I'll vote yes.

Number four is 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: Yes.

MS. GORDON: Yes.

CHAIRMAN SALADINO: Diana, yes.

MS. NEFF: Ellen, yes.

CHAIRMAN SALADINO: Arthur.

MR. TASKER: Yes.

CHAIRMAN SALADINO: And I'll vote yes.

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

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Diana.

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen.

MS. NEFF: Yes.

CHAIRMAN SALADINO: Arthur.

MR. TASKER: Yes.
CHAIRMAN SALADINO: And I'll vote yes. I'm going to make a motion to grant the area variances.

MR. TASKER: Second.

CHAIRMAN SALADINO: David.

MR. CORWIN: Nay.

CHAIRMAN SALADINO: Dinni.

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen.

MS. NEFF: No.

CHAIRMAN SALADINO: Arthur.

MR. TASKER: No.

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

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

MR. TASKER: Oh, I have no -- I have no knowledge.
MS. NEFF: I'm afraid I don't know what we're talking about.

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

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

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

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

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

MR. PROKOP: They can comment
individually, yes.

CHAIRMAN SALADINO: So we'll get --

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

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

MS. GORDON: So it's not agreed on?

We're not agreeing as to the substance of it, just because we don't have one.

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

CHAIRMAN SALADINO: Yes.

MS. WINGATE: I would assume.

MR. PROKOP: So this is the Methodist Church.

CHAIRMAN SALADINO: I'm sorry, yeah.

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MR. PROKOP: 629 First Street.
CHAIRMAN SALADINO: Main Street.
MS. WINGATE: 624.
MS. NEFF: The former Methodist Church.
MS. WINGATE: First Street.
MR. PROKOP: First Street.
MS. NEFF: Right.
MR. PROKOP: 629 First Street. And it's a subdivision. This -- as of right now, the way the application is set up, this Board will not be making a decision, so it's not an involved agency. However, it is what's called an interested agency and you can comment, right. So there's no -- you won't become Lead Agency, but you can still make comments on the application. And that's basically -- this would be your opportunity. So I'll make sure from what --
MS. GORDON: So there are no variances requested?
MR. PROKOP: There's no variances.
CHAIRMAN SALADINO: None, no variance.
MR. PROKOP: So I'll make sure from my office that you get packages regarding it.
MS. NEFF: May I just ask, if it's the
problem of the 45-day notice, and that we
would have to fit in within that and still
consider as an interested Board, I'm certainly
willing to do that, with the -- if we received
a packet, I just want to tell the Chairman,
I'm willing to meet to take a look at it, if
we have to.

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

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

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

MR. TASKER: Yeah.

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

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

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

MR. TASKER: We can figure that out.

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CHAIRMAN SALADINO: We can figure that out.

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

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Aye.

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

STATE OF NEW YORK )

) SS:

COUNTY OF SUFFOLK )

I, LUCIA BRAATEN, a Court Reporter and Notary Public for and within the State of New York, do hereby certify:

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on March 21, 2017.

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 31st day of March, 2017.

Lucia Braaten

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