VILLAGE OF GREENPORT
COUNTY OF SUFFOLK  STATE OF NEW YORK
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ZONING BOARD OF APPEALS

REGULAR SESSION
---------------------------------x
Third Street Fire Station
Greenport, New York

May 21, 2019
6:00 p.m.

BEFORE:
JOHN SALADINO - CHAIRMAN
DAVID CORWIN - MEMBER
DINI GORDON - MEMBER
JACK REARDON - MEMBER
ARTHUR TASKER - MEMBER

ROBERT CONNOLLY - ZONING BOARD ATTORNEY
PAUL PALLAS - VILLAGE ADMINISTRATOR
KRISTINA LINGG - CLERK TO THE BOARD
(The meeting was called to order at 6:01 p.m.)

CHAIRMAN SALADINO: Good evening, folks.

This is Village of Greenport Zoning Board of Appeals regular meeting.

Item No. 1 is motion to accept the minutes of the April 16th, 2019 Zoning Board of Appeals meeting. So moved.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER REARDON: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Item No. 2 is a motion to approve the minutes of the March 19th, 2019 Zoning Board of Appeals meeting. So moved.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER GORDON: Aye.

MEMBER REARDON: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: I'll vote aye.

Any abstentions?

MEMBER CORWIN: Abstain.
CHAIRMAN SALADINO: And one abstention.

Item No. 3 is motion to schedule the next Zoning Board of Appeals meeting for Tuesday, June 18th, 2019 at 6 p.m., at the Third Street Fire Station, Greenport, New York, 11944. So moved.

MEMBER TASKER: Second.

MEMBER GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER REARDON: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Item No. 4 is a public hearing for the application of 110 South St Greenport, Incorporated, for the property located at 110 South Street, Greenport, New York, 11944. The Suffolk County Tax Map No. is 1001-4.-6-34.6.

And for the members of the public that are interested, the public notice is attached to the agenda.

110 South. We have no -- I'm going to ask the Building Clerk, Kristina -- just let me go through my list here to make it official. The
notice was -- the notice was published?

MS. LINGG: Yes.

CHAIRMAN SALADINO: I have the mailings. We'll -- after we read the mailings, we'll confirm the applicant's right to make the application.

110 South Street, notified was the Village of Greenport, 236 Third Street, Greenport, New York. 101 Greenport Properties, LLC. No. 10 Fort Salonga Road, Fort Salonga, New York, 11768.


Is the applicant here?

MR. OLINKIEWICZ: Yes.

CHAIRMAN SALADINO: Name and address for the Stenographer.

MR. OLINKIEWICZ: James Olinkiewicz, 110 South St Greenport Inc., 5 Dickerson Drive, Shelter Island, New York, 11964.

We've discussed -- we had the site visit on this piece of property. 110 South Street deals with a front yard setback variance for the front
porch of 9 inches. The building meets compliance
with every other aspect that we've gone through
with the ZBA, so I'm asking for relief from the
9-inch front yard setbacks for the porch that's
going to be built on the new building.

CHAIRMAN SALADINO: Okay. Any members, any
questions for the applicant?

MEMBER CORWIN: Maybe just if you could -- I
know there's at least one member here -- resident
here tonight that's concerned, and maybe you could
just explain the difference between 110 and 112 --

MR. OLINKIEWICZ: Sure, I can --

MEMBER CORWIN: -- and what's going on.

MR. OLINKIEWICZ: I can take the whole -- my
whole flow chart. I'm going to steal a chair for
a second. I'm going to -- since you've seen it
all, is it okay to face the audience --

CHAIRMAN SALADINO: Sure.

MEMBER CORWIN: Yes.

MR. OLINKIEWICZ: -- so the audience could
follow, if that would be okay.

I just have to get my order set so. So we
have the property, the existing property at 110
and 112 South Street. The Village, 25 years ago
plus, there was a house that existed on 110 South
Street that -- where the parking lot is and the part of the building is. The Village moved that building over and straddled the property line of two pieces of property. The pieces of property have continuously been single and separate. And because it's illegal to merge properties in the Village and in Commercial, they have been kept single and separate.

MS. COSTELLO: I can't hear.

MR. OLINKIEWICZ: Okay. So they had -- they were -- they're single and separate pieces of property, okay? So we have a building that's existing here, as you see, if you come up the road. So what we have planned to do is to put a dividing wall down the center of the building along the property line. So it would be the same as a joined wall that the movie theater has with the new hotel, okay?

So we're going break the building into two pieces, not move it, but just we're going to put a wall. So we did this. You could see the sizes of the pieces that happened. At that point, you take the two pieces and we're going to enlarge each piece, so there would be a commercial piece of -- commercial property downstairs on this 112 South
Street, which is the smaller piece, that's going
to have a commercial -- one commercial unit
downstairs, and there's going to be two
one-bedroom apartments upstairs for workforce
housing.

The other piece that's the larger side,
which is -- has the parking lot, it's the larger
piece of property, we're going enlarge that,
giving the same look with the old front porch, so
both of them will have a front porch, and this
will have two commercial downstairs and two
two-bedroom apartments for workforce housing.

So we'll take the two pieces, because the
building really has never been separated, we only
use the line, this is what the front of the
building will look like, and it will have two
porches. It will have a dividing wall built into
it, but you won't see it from the road.

This is just -- this is just more of the
parking that deals with the existing parking and
how we're going to clean up this inside corner
here, where there's some grass, to make a
handicapped parking spot. We were -- because the
building had been built and had a CO prior to 1991
and had improvements, we're exempt from village
parking, which we went through a couple of months ago. But, in the stipulation with this project moving on, the ZBA and I have agreed that the parking lot is going to stay, so -- and there'll pretty much be two parking spots for the two apartments on the 112 South Street, there'll be two parking spots for the apartments on 110 South Street, so it would be designated. So there'll be three parking spots, two that are regular, one that will be handicapped for the commercial space, and then like other Village businesses, anybody that's going to come to the business will park along the street or in the parking lots near the IGA, the Village parking.

We enlarged this as another option, that if we didn't put the handicapped spot in, we could get an eighth car, but I myself feel that it's pretty important to have a handicapped spot close enough to the building. There's none until across the street and further up in the IGA parking lot. So this was scrapped. I believe it was scrapped, but -- and so we still have that.

And this is just a -- oh, for lot coverage, because my other application, which is -- for 110 South Street, which we were just discussing, the
only ZBA variance I need is a front yard variance for a setback on the porch that's being built. So the porch is 9 inches too close to the sidewalk or the setback.

On the 112 South Street, which we'll hear in a moment, we have lot coverage, because the building -- the lot coverage of the old building that's remaining is small and we want to enlarge it. So we're going to have a larger lot coverage than the Village allows in the commercial district, so we're applying for a variance for lot coverage for that piece of property.

MS. COSTELLO: How close to --

CHAIRMAN SALADINO: Wait, wait.

MS. COSTELLO: What?

CHAIRMAN SALADINO: If you're going to ask a question -- we're going to let Jimmy finish his presentation.

MS. COSTELLO: Oh.

CHAIRMAN SALADINO: And then you can -- you can ask any question. We're just going to need your name and address for the Stenographer.

MS. COSTELLO: Okay.

CHAIRMAN SALADINO: So if --

MR. OLINKIEWICZ: But that's what the plans
are for the building.

MS. COSTELLO: Okay.

MR. OLINKIEWICZ: And it will still -- it will still have the same -- well, it's going to have -- not have vinyl siding on it, it will have clapboard siding, and it will all be brought back to look to be conducive with the Village, like I did with the Meson Ole building when we purchased that and restored that. Okay. That's all I have.

CHAIRMAN SALADINO: Okay. If you have something to say, now would be a good time.

MS. COSTELLO: Okay.

MR. OLINKIEWICZ: Do you want me to stay up here and answer?

MS. COSTELLO: Yeah.

MR. OLINKIEWICZ: Okay, no problem.

MS. COSTELLO: My name is Danny Costello. I live at 116 South Street, Greenport. My question was when you add onto that building, I see where your flags are.

MR. OLINKIEWICZ: Right.

MS. COSTELLO: And it's like I could reach out and touch someone. If it -- I mean --

MR. OLINKIEWICZ: I'm unfamiliar.

MS. COSTELLO: I've lived there 25 years
upstairs from North Fork Housing.

CHAIRMAN SALADINO: 112.

MR. OLINKIEWICZ: Oh, at North Fork Housing, up above North Fork Housing.

MS. COSTELLO: Yeah. I've lived in -- I'm a local.

MR. OLINKIEWICZ: Right. The building -- the flags that you saw, there were two different colors.

MS. COSTELLO: Yeah.

MR. OLINKIEWICZ: There was yellow, and there was green. Yellow is the extension of the building. The green, which is 5-foot wide, is for the handicapped ramp that comes up the side of the building.

MS. COSTELLO: Okay.

MR. OLINKIEWICZ: From the one side of the building you'll have access.

MS. COSTELLO: And there'll be windows and everything on that side?

MR. OLINKIEWICZ: Windows are on that side.

MS. COSTELLO: Towards me?

MR. OLINKIEWICZ: Correct.

MS. COSTELLO: Okay.

MR. OLINKIEWICZ: It's going to be regular
apartments with windows and --

MS. COSTELLO: Yeah, I know that, but I'm just thinking about my own privacy and that sort of the thing. I mean, I've lived there over 25 years, so -- but I guess I did have another question, now I can't remember.

So the porch is going to be -- is it going to be next to mine? Is it going to be -- you know where my porch is, right?

MR. OLINKIEWICZ: Yeah.

MS. COSTELLO: Okay.

MR. OLINKIEWICZ: No. The porch, the porch is on the new addition and the old building. So the porch is going to start 7 feet from the property line --

MS. COSTELLO: Okay.

MR. OLINKIEWICZ: -- and then go towards First and South. So it's not going to encroach.

MS. COSTELLO: It's going to go that way.

MR. OLINKIEWICZ: It's going to go the opposite way.

MS. COSTELLO: Yeah.

MR. OLINKIEWICZ: So it's not going to be dead on the corner there. And that's only on the front of the building, which has access to the
commercial spot and the upstairs apartments. You're not going to have apartment tenants going down the property line and going in the back of the building to get upstairs. The access to their apartment is on the front of the building, step in the front door, you turn and you go up a staircase and go that way, so -- but there will --

MS. COSTELLO: And how many apartments will there be?

MR. OLINKIEWICZ: There's two one-bedroom apartments on that side.

MS. COSTELLO: That's it?

MR. OLINKIEWICZ: That's it.

MS. COSTELLO: Okay. How many all together?

MR. OLINKIEWICZ: There's four, there's two in each building.

MS. COSTELLO: Okay. All right. Thank you. Thank you.

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

(No Response)

CHAIRMAN SALADINO: If not, I'll entertain a motion to close this public hearing.

MEMBER CORWIN: So moved.

MEMBER GORDON: Second.
CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER REARDON: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Item No. 5 is a public hearing for the application of 622 First St Greenport Incorporated for the property located at 112 South Street, Greenport, New York, 11944. And the Suffolk County Tax Map No. is 1001-4.-6-32.

And for the public that's interested, the public notice is attached to the agenda.

Kristina, we -- this was published in the newspaper?

MS. LINGG: Yes.

Bethpage Road, Plainview, New York, 11803. We have no -- no letters. Jimmy, if you want to tell us.

MR. OLINKIEWICZ: James Olinkiewicz, 622 First St Greenport Inc., for 112 South Street, Greenport, 5 Dickerson Drive, Shelter Island, New York, 11964.

As discussed with the Zoning Board at the property inspection and walk-through you had a little while ago, this is the smaller commercial lot that could be able to create a couple of workforce housing apartments upstairs, and to be able to have a usable commercial space downstairs.

We're asking for a variance to enlarge our lot coverage to 62%, which I believe includes -- I'll check. Yeah, it includes all structures, ramps and porches. So it's 62% with the structures, ramps and porches that are on.

As you saw, the -- there would be a 5-foot handicapped ramp going up along the property line to allow handicapped access to the commercial site. Again, as I spoke to the neighbor, that the staircase would be inside.

We had discussed at prior meetings on 110 that that which had originally been drawn as three
apartments would become two, and that I would allow parking for the apartments from both properties to be in the existing parking lot at 110 South Street.

CHAIRMAN SALADINO: I just have a question for the Attorney, or maybe Mr. Pallas. A portion of our code says you can't use a lot for parking for a property in another district. Can we -- can we condition that he provide parking from another property for another property? Is that -- is that with -- is that something we can do?

MR. OLINKIEWICZ: Because the commercials are side by side?

CHAIRMAN SALADINO: 110 has parking for eight cars.

MR. OLINKIEWICZ: Seven cars with a handicapped spot, or eight without it.

CHAIRMAN SALADINO: So it has parking for a few cars.

MR. OLINKIEWICZ: Right.

CHAIRMAN SALADINO: 112 has no parking. The applicant is willing to provide parking for 112, for the residents of 112 in the lot on 110. Now I know if it was in a different district, he couldn't do that. Can we do it if it's in the
same district?

MR. CONNOLLY: Yeah, I think so. And generally speaking, you're not allowed to condition approval of off-site improvements to onsite for applications, but where the applicant is willing to do that, I don't think there'd be a problem with it if --

CHAIRMAN SALADINO: And where would it -- where would it put the Village if one property was sold? If 110 --

MR. OLINKIEWICZ: I would believe that the covenant on the deed would overrule and have to go and travel with the sale.

MR. CONNOLLY: It's a -- it runs with the land.

CHAIRMAN SALADINO: Okay.

MR. OLINKIEWICZ: So we would -- we would put -- two of the parking spots would be designated for the apartments at 112 South Street, one for each of the apartments upstairs. Two of the spots would be designated for 112 South -- 110 South Street for the two apartments up there. So four of the seven spots would be designated and signed for the apartments. The other three, two would be for anybody to park in, and then there
would be the handicapped spot, which would service the building.

CHAIRMAN SALADINO: That kind of answers my question.

MEMBER TASKER: And you would probably do that by easement, I would expect, which is going to be a perpetual easement that will travel with the title to the land.

MR. OLINKIEWICZ: That would be what the attorneys would decide would be the best way to proceed with that. I would ask that while that was being written up, that it didn't prevent me from going to the Planning Board to continue on my plight to get through this -- to this project, that the attorneys can write something up that winds up would be agreeable, as we've discussed, and it could be voted through while the Planning Board is continuing.

CHAIRMAN SALADINO: Well, I think the Zoning -- just to -- perhaps Mr. Connolly or Mr. Pallas could answer that better. I mean, the Zoning Board can condition it, and you can agree to it, and I don't think any of the members would have a problem. I'll poll them, but I don't think there would be a problem with you going forward to
the Planning Board --

MR. OLINKIEWICZ: Right. So if the Planning --

CHAIRMAN SALADINO: -- if we get through this process.

MR. OLINKIEWICZ: Right.

CHAIRMAN SALADINO: But I'm not sure what the Planning Board would have to say about -- about --

MR. CONNOLLY: This would be exempt from parking anyway, so we're not going to have -- yeah, they're not really going to have any say on the parking, because it's exempt, so --

CHAIRMAN SALADINO: So I'll ask the members. We don't have a problem with -- or better yet, I'll ask the Building Department. We don't have a problem with him going to Planning before this is carved in stone?

MR. PALLAS: No. And as the next step, the minutes will reflect, you know, what was agreed to. I mean, we'll certainly consult with the Chair of the Planning Board, but I don't anticipate there'd be an issue.

MR. OLINKIEWICZ: Okay, fantastic. Thank you.
CHAIRMAN SALADINO: Do any of the members have any questions for Mr. Olinkiewicz?

MEMBER GORDON: I have a very small question. I see the proposed increase of building coverage is 472 square feet. Can you say more or less how much of the 472 square feet is the ramp and porch --

MR. OLINKIEWICZ: What will the --

MEMBER GORDON: -- as opposed to the actual structure?

MR. OLINKIEWICZ: Sure, sure. The porch, which is about 5 foot deep and 14 feet wide, so that would be 70 square feet. The ramp is 4 1/2 foot by 24 feet, so that's 125. So about 200 of the 474 is for ramp and porch.

MEMBER GORDON: Okay. Thank you.

CHAIRMAN SALADINO: Anyone else?

MEMBER REARDON: I don't.

CHAIRMAN SALADINO: Arthur?

MEMBER TASKER: No, just as long as we've -- we're all in synch in terms of the fact that the number of parking spaces in total will remain unchanged, and that will probably require a covenant, and then the easement for the exchange of parking spaces or the holding of parking spaces
for each of the buildings.

CHAIRMAN SALADINO: Okay. David, any
questions?

MEMBER TASKER: If we're in synch on that,
then --

CHAIRMAN SALADINO: Oh, I'm sorry.

MEMBER TASKER: -- then I'm fine.

CHAIRMAN SALADINO: David?

MEMBER CORWIN: Not at this time.

CHAIRMAN SALADINO: Okay. Jimmy, thank you.

Any members of the public --

MR. OLINKIEWICZ: Thank you.

CHAIRMAN SALADINO: -- who'd like to comment
on this application?

(No Response)

CHAIRMAN SALADINO: If not, I'll entertain a
motion to close this public hearing.

MEMBER GORDON: So moved.

CHAIRMAN SALADINO: Is there a second?

MEMBER REARDON: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER REARDON: Aye.

MEMBER TASKER: Aye.
CHAIRMAN SALADINO: And I'll vote aye.
Well, here it comes.
Item No. 6 is a discussion and possible motion on the area variance applied for by one -- by 110 South St Greenport Incorporated for the property located at 110 South Street, Greenport, New York, 11944. And the Suffolk County Tax Map No. is 1001-4.-6-34.6.
This variance will be for a 9-inch -- a 9-inch relief for front yard setback.
For the sake of discussion about parking, can we -- can we kind of like comingle the discussion --

MR. CONNOLLY: Sure.

CHAIRMAN SALADINO: -- for 110 and 112? So we'll --

MR. CONNOLLY: And then just do two separate votes.

CHAIRMAN SALADINO: Two separate votes for the two different variances?

MR. CONNOLLY: Sure.

CHAIRMAN SALADINO: So do the members have any questions, any comments?

(No Response)

CHAIRMAN SALADINO: No?
MEMBER REARDON: I do not have any questions.

CHAIRMAN SALADINO: Okay. Just so everyone here, the public record, to the public, the applicant, we're going to -- we're going to condition it that 110 -- the parking lot at 110 South Street will provide parking for two residential apartments at 110 South Street. Is that the condition we're talking about?

MEMBER TASKER: Uh-huh.

CHAIRMAN SALADINO: So we'll make that as a condition. We'll go through the five questions. We'll do SEQRA. We'll go through the five questions.

MR. OLINKIEWICZ: Can I just ask one question? I'm sorry to interrupt. Can you make it that it's two parking spots for 110 South Street, and two for 112? Because if you just blend it as parking for the apartments --

CHAIRMAN SALADINO: Well, I thought I said that.

MR. OLINKIEWICZ: No, you said --

CHAIRMAN SALADINO: Two parkings for -- two spaces for the residential apartments at 110 South Street.
MR. OLINKIEWICZ: I just wanted clarification. Thank you.

CHAIRMAN SALADINO: And then it will be two apartments -- two parking spaces for the residential apartments at 112. And I'm not sure. Do we --

MEMBER TASKER: We'll do that in this one.

CHAIRMAN SALADINO: We'll do it in this?

MEMBER TASKER: 110 is going to be the subservient lot, so he's got to see both sets of parking spaces.

CHAIRMAN SALADINO: Okay. So the condition will be that 110 South Street will provide two residential parking -- two parkings for the residential units at 110, and two parking spaces for the residential units at 112 South Street.

MEMBER TASKER: And --

CHAIRMAN SALADINO: The remaining parking, do we -- do we care who parks in the remaining spaces?

MEMBER TASKER: No.

CHAIRMAN SALADINO: Does that -- does that matter to us where the commercial property's customers park? Folks, do we --

MEMBER GORDON: Do we want to mention the
1. handicapped spot?

   MEMBER TASKER: No.

   MEMBER GORDON: I mean --

   CHAIRMAN SALADINO: Does he need -- does --

   is a handicapped --

   MR. OLINKIEWICZ: I don't have to, because

   I'm exempt, but I think it's a good idea.

   CHAIRMAN SALADINO: I was going to say, I

   mean, do we -- he's not required to have a

   handicapped space. It would be nice if he has the

   room to do it, it would be a courtesy to the

   people there, but I'm not sure if we have the --

   again, I'm going to look to the Attorney. Do we

   have the power --

   MR. CONNOLLY: I don't think so, no.

   CHAIRMAN SALADINO: -- to do that? So --

   and as far as the three or four, depending on if

   he makes a handicapped space or not, commercial

   spots, do we care about the commercial guy's

   customers? Thoughts?

   MEMBER TASKER: Let's not lose track with --

   this is on 110. Let's not lose track of the fact

   that the total number of parking spaces can't be

   reduced, that there's got to be a covenant to

   that. So, in other words, the building can't be
built out over the parking lot, as we've discussed in the past.

MR. OLINKIEWICZ: Right.

CHAIRMAN SALADINO: Okay. That's reasonable, I think. I think it's reasonable. Is it reasonable with the applicant?

MR. OLINKIEWICZ: Yes.

CHAIRMAN SALADINO: Okay.

MEMBER TASKER: Yeah, that's been part of the -- part of the consideration all along.

MEMBER GORDON: All along.

MR. OLINKIEWICZ: Right.

CHAIRMAN SALADINO: So we'll make that part of the ask also. So I'll go through it again.

Two resident -- two parking spaces for the residential units at 110 South Street, two parking spaces for the residential units at 112 park -- South Street. The parking lot, the amount of spaces in its final determination won't be reduced from what's currently there now? Is --

MEMBER TASKER: Well, the plan adds a space; am I correct, Jim?

MR. OLINKIEWICZ: No. The plan, there was two options. It was either to create the handicapped space, or to add a space. But we
would like to keep a -- keep a handicapped space there, so that anybody who needed -- that had an area close to being able to go into the building without having to park way away in the Village and get there.

CHAIRMAN SALADINO: Well, I don't think we can -- you know, on the advice of the Attorney, I don't think we can mandate that you put a handicapped space in. Perhaps it would just be better that you work it out with the Building Department.

MR. OLINKIEWICZ: Right.

CHAIRMAN SALADINO: You know --

MR. OLINKIEWICZ: The seven spaces that are there now will stay.

MEMBER TASKER: Okay. And we'll covenant that one and include a covenant to that effect, and how you mix and match with handicapped or not, as you -- as you will.

CHAIRMAN SALADINO: Okay. So we've got that squared away? We can move on? Oh, I'm sorry.

MEMBER REARDON: Well, this has actually brought up another question. You know, Jimmy, you made mention that it's your property, you could sell one or the other half. And looking down the
road, I think vehicle sizes may change. So you got seven spots now. But if vehicles get smaller and it's justifiable to go, "You know, I really don't need that size," I think it might better us to sort of secure the parking lot size, as opposed to the number of spaces.

CHAIRMAN SALADINO: You mean the linear dimension of the parking lot?

MEMBER REARDON: Correct. Because in the future, let's say 30 years from now, 110 might want to, you know, add on the east side, which is then going to impact the parking lot and the number of available spots.

CHAIRMAN SALADINO: Well, he can't, because he's -- the covenant will be that the parking lot remains.

MEMBER TASKER: The same size.

MEMBER REARDON: Okay. Well, that hasn't been discussed, only the number of spots have been discussed.

MEMBER TASKER: Oh, no. We've been discussing that for the last several months.

MEMBER REARDON: Okay.

MR. CONNOLLY: The covenant that it's at least seven.
CHAIRMAN SALADINO: The space of the parking, again, that's a Building Department --

MEMBER REARDON: I'm not into the number of spots.

MR. CONNOLLY: Yes.

MEMBER REARDON: I'm into the size of the lot.

CHAIRMAN SALADINO: That's a Building Department issue. The space of a parking space, the size of the parking space is mandated in the code. If he has the square footage for "X" amount of space -- for seven spaces, he won't be able to reduce that, because the size of a parking space, it's 300 square feet. I'm thinking 300 square feet for a parking space?

MR. PALLAS: I'm not sure of the square footage. I think the width is what governs it in our code.

CHAIRMAN SALADINO: I thought in the CR -- anyway, I believe that's something that perhaps the fact that we're limiting the -- we're allocating spaces to two -- three businesses and four apartments, and that the parking lot, we -- the applicant is willing to, as part of a covenant, to leave the parking lot intact as is.
I'm just not sure what more we can --

MEMBER REARDON: I don't think we can do anymore. I didn't hear any discussion about leaving the parking lot intact as is. I heard about the number of parking spaces.

CHAIRMAN SALADINO: I think we mentioned that.

MEMBER TASKER: Yes.

CHAIRMAN SALADINO: But we --

MR. OLINKIEWICZ: We did before, before your tenure.

MEMBER REARDON: Okay. Thank you. I apologize for taking everybody's time with that.

CHAIRMAN SALADINO: We are --

MEMBER GORDON: It wasn't much time.

CHAIRMAN SALADINO: We're so pressed for time, Jack.

(Laughter)

CHAIRMAN SALADINO: Are we ready to move forward on this, David?

(No Response)

CHAIRMAN SALADINO: Dinni?

MEMBER GORDON: Yes.

CHAIRMAN SALADINO: Jack?

MEMBER REARDON: Si.
CHAIRMAN SALADINO: Arthur?

MEMBER TASKER: Yes.

CHAIRMAN SALADINO: I'm waiting for David.

David, are you ready to move forward or --

MEMBER CORWIN: Yes, I am.

CHAIRMAN SALADINO: Okay. I'm going to make a motion that the Zoning Board of Appeals declares itself Lead Agency for the purpose of SEQRA. So moved.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER REARDON: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye. And I'm to make a motion that this is a Type II Action for the purposes of SEQRA?

MR. CONNOLLY: (Nodded yes)

CHAIRMAN SALADINO: So moved.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER REARDON: Aye.
MEMBER TASKER: Aye.
CHAIRMAN SALADINO: And I'll vote aye.
I'm going to go through these five conditions, five questions, and then we'll vote on the -- on the variance for 110 South Street, the 9-inch front yard setback.
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 variance. David.
MEMBER CORWIN: No.
CHAIRMAN SALADINO: Diana.
MEMBER GORDON: No.
CHAIRMAN SALADINO: Jack.
MEMBER REARDON: No.
CHAIRMAN SALADINO: Arthur.
MEMBER TASKER: No.
CHAIRMAN SALADINO: And I'll vote no.
Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance. David.
MEMBER CORWIN: Yes.
CHAIRMAN SALADINO: Dinni.
MEMBER GORDON: No.
CHAIRMAN SALADINO: Jack.
MEMBER REARDON: No.

CHAIRMAN SALADINO: Arthur.
MEMBER TASKER: Yes.

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

Whether the requested area variance is substantial. David.

MEMBER CORWIN: No.
CHAIRMAN SALADINO: Dinni.
MEMBER GORDON: No.

CHAIRMAN SALADINO: Jack.
MEMBER REARDON: No.
chairman SALADINO: Arthur.
MEMBER TASKER: No.

CHAIRMAN SALADINO: And I'll vote no.

Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. David.

MEMBER CORWIN: No.
CHAIRMAN SALADINO: Dinni.
MEMBER GORDON: No.
CHAIRMAN SALADINO: Jack.
MEMBER REARDON: No.
CHAIRMAN SALADINO: Arthur.
MEMBER TASKER: No.

CHAIRMAN SALADINO: And I'll vote no.

Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance. David.

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Dinni.

MEMBER GORDON: No.

CHAIRMAN SALADINO: Jack.

MEMBER REARDON: Yes.

CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: No.

CHAIRMAN SALADINO: And I'm going to vote yes.

I'm going make a motion that we grant the area variance. So moved.

MEMBER REARDON: Second.

CHAIRMAN SALADINO: All -- David.

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Dinni.

MEMBER GORDON: Yes.

CHAIRMAN SALADINO: Jack.

MEMBER REARDON: Yes.
CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: Yes.

CHAIRMAN SALADINO: And I'll vote yes.

Okay. They should all be that easy.

Item No. 7 is discussion and possible --

discuss -- discussion and motion on the area

variance applied for by 622 First St Greenport

Incorporated for the property located at 112 South

Street, Greenport, New York, 11944. Suffolk

County Tax Map No. 1001-4.-6-32.

What we're looking at here is lot coverage

from 40% -- from 40% to 62%, an increase in 22%.

Do the members have any comments?

MEMBER CORWIN: I would like to understand a

little better why a variance is needed for this

piece of commercial -- in a Commercial Retail

District, lot coverage percent. I don't have a

zoning map in front of me, but are any of the

properties adjacent to the 112 South Street

residential?

CHAIRMAN SALADINO: I have a zoning map, but

from looking at it --

MEMBER GORDON: Yes. Isn't Ms. Costello's

building? It is adjacent.

MEMBER CORWIN: But what --
MEMBER GORDON: And she lives there.
CHAIRMAN SALADINO: Well, but it might be --
MEMBER CORWIN: But what's it zoned?
CHAIRMAN SALADINO: It might be -- it might be a residential property in the Commercial Retail District. Well, I'm -- what's your question, David, where the CR begins in the R-2?
MEMBER CORWIN: Well, you get to go right up to the property line, don't you? Did I miss something?
CHAIRMAN SALADINO: Well, we can -- we can --
MEMBER CORWIN: What it says, what I'm reading on page -- or Section 150-13, district bulk and parking regulations, and possibly I wasn't paying close enough attention as we went over this a couple of times a couple of months ago, but it says you have to have a 10-foot setback if you're within 25 feet of residential. Lot coverage percent is 40%. So that's the only reason, as I'm understanding it, because it's 40% and the lot coverage is going up past 40% in this Commercial Retail District? I'm asking.
CHAIRMAN SALADINO: The closest residential property, according to the zoning map, the closest
residential property is -- is the west side on South Street, the west side of South and Second Street.

MEMBER TASKER: Well, the question is not where there's the nearest residence, it's where is the residence district boundary --

CHAIRMAN SALADINO: Well, I'm --

MEMBER TASKER: -- and the distance from it.

CHAIRMAN SALADINO: Well, that's what I'm looking. I'm looking at -- the CR goes on South Street up to -- on the north side of the street, it goes -- the first residential property outside the CR on South Street would be the west side of Second Street.

MEMBER CORWIN: All right. So that is what is being billed the oldest house in Greenport?

MEMBER TASKER: Yeah.

MEMBER CORWIN: Okay. And what about the north side of the 112 South Street? Because there's -- the property there is used completely as residential, as far as I know, what it backs up on.

CHAIRMAN SALADINO: Well, according to the zoning map, again, all the properties between First and Second on the north side of South Street
are in the Commercial Retail District.

MR. OLINKIEWICZ: And the one behind it is also Commercial Retail. That was well researched before we came here.

MEMBER CORWIN: All right. So the 25 feet from a residential property doesn't count. The only question is lot coverage percent. The maximum you can have is 40% lot coverage.

CHAIRMAN SALADINO: And he's asking for 62.

MEMBER CORWIN: And that's why we're here, in other words, tonight, and asking for 62. Okay. I wanted that cleared up in my mind. Thank you.

CHAIRMAN SALADINO: Okay. Does anyone else have any questions? Any comments?

MEMBER GORDON: Well, my comment is a very obvious one. I don't see how you can do this project without -- without this increase.

CHAIRMAN SALADINO: Well --

MEMBER GORDON: Sorry.

CHAIRMAN SALADINO: That's why Jimmy's sweating in the back, you know.

MEMBER TASKER: Yeah.

(Laughter)

MEMBER GORDON: I mean, the 9 inches for 110 wouldn't make any sense if we denied the 112
either.

CHAIRMAN SALADINO: Well, hypothetically, it would. I mean, he could -- he could put a wall up and knock that building down and then start from scratch on 112. I mean, this is a plan that seems clear in his mind. I'm not -- I'm not about to comment on this project, but, you know.

Do we have to go through the covenants again for the parking for this piece of property or what we said for 110?

MR. CONNOLLY: What you said applies to this.

CHAIRMAN SALADINO: Okay. So if the members are in agreement, I'll -- we'll do SEQRA, and perhaps move forward with the questions, everyone?

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Folks? Okay.

MEMBER GORDON: Yes.

CHAIRMAN SALADINO: I'm going make a motion that the Zoning Board of Appeals declares itself Lead Agency for the purposes of SEQRA. So moved.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.
MEMBER REARDON: Aye.
MEMBER TASKER: Aye.
CHAIRMAN SALADINO: And I'll vote aye.
I'm going to make a motion that this is a Type II Action for the purposes of SEQRA. So moved.
MEMBER TASKER: Second.
CHAIRMAN SALADINO: All in favor?
MEMBER CORWIN: Aye.
MEMBER GORDON: Aye.
MEMBER REARDON: Aye.
MEMBER TASKER: Aye.
CHAIRMAN SALADINO: And I'll vote aye. I'll read these five questions.
Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. David.
MEMBER CORWIN: Yes.
CHAIRMAN SALADINO: Dinni.
MEMBER GORDON: No.
CHAIRMAN SALADINO: Jack.
MEMBER REARDON: No.
CHAIRMAN SALADINO: Arthur.
MEMBER TASKER: No.
CHAIRMAN SALADINO: And I'm going to vote no.

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

David.

MEMBER CORWIN: No.

CHAIRMAN SALADINO: Dinni.

MEMBER GORDON: No.

CHAIRMAN SALADINO: Jack.

MEMBER REARDON: No.

CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: No.

CHAIRMAN SALADINO: And I'll vote no.

Whether the requested area variance is substantial. David.

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Dinni.

MEMBER GORDON: Yes.

CHAIRMAN SALADINO: Jack.

MEMBER REARDON: Yes.

CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: Yes.

CHAIRMAN SALADINO: And I'm going to vote yes.
Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Excuse me. David.

MEMBER CORWIN: Yes.
CHAIRMAN SALADINO: Dinni.
MEMBER GORDON: No.
CHAIRMAN SALADINO: Jack.
MEMBER REARDON: No.
CHAIRMAN SALADINO: Arthur.
MEMBER TASKER: No.
CHAIRMAN SALADINO: And I'm going to vote no.

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 the area variance. David.

MEMBER CORWIN: Yes.
CHAIRMAN SALADINO: Dinni.
MEMBER GORDON: No.
CHAIRMAN SALADINO: Jack.
MEMBER REARDON: Yes.
CHAIRMAN SALADINO: Arthur.
MEMBER TASKER: Yes.
CHAIRMAN SALADINO: And I'm going to vote yes.
I'll make a motion that we grant the area variance.

MEMBER TASKER: Second.

CHAIRMAN SALADINO: David.

MEMBER CORWIN: No.

CHAIRMAN SALADINO: Dinni.

MEMBER GORDON: Yes.

CHAIRMAN SALADINO: Jack.

MEMBER REARDON: Yes.

CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: Yes.

CHAIRMAN SALADINO: And I'm going to vote yes.
Okay. You know the deal, you go to Planning.

MR. OLINKIEWICZ: Thank you.

CHAIRMAN SALADINO: Thank you.

Item No. 8 is 512 Second Street. It's a motion to accept the application, schedule a public hearing, and arrange a site visit for the application of Florence P. Roth and Stacey --

MS. TESSEMAN: Tesseman.

CHAIRMAN SALADINO: -- Tesseman for the
property located at 512 Second Street, Greenport, New York, 11944. The Suffolk County Tax Map No. is 1001-2.-6-25.

The applicant here?

MS. TESSEMAN: Yup.

CHAIRMAN SALADINO: Would you like to tell us a little something?

MR. PETERS: Good evening. Jason Peters, North Fork Pool Care. I'm representing Stacey and Patsy regarding the application for a swimming pool construction.

MS. TESSEMAN: And I'm Stacey Tesseman, 512 Second Street, Greenport.

MS. ROTH: And I'm Florence, 512 Second Street.

CHAIRMAN SALADINO: Okay. And?

MR. PETERS: We are looking to install the 12-by-26 fiberglass pool, which we need variance setbacks on both sides of the property. It's fiberglass construction. It's not conventional for the Northeast. A lot less invasive than cement rebar normal pool construction. So it's confined. It's surrounded by bluestone gravel for water mitigation.

We're actually looking for your advice on
whether a dry well or hooking up to septic. But we've provided in the packet everything we're looking to do regarding the swimming pool, the construction, the filtration, the decibels, noise, fencing, how we're going to mitigate water, saltwater, so on and so forth, you guys to look at.

CHAIRMAN SALADINO: It's a saltwater pool?
MR. PETERS: Yes. So the chlorine consumption is a lot less. Salt of the pool itself, it's common mixed judgment of the pool. The water itself only holds 3,000 parts per million, as opposed to the bay, which 30, 40,000 parts per million. So it does on affect wildlife around it. It's potable water. You could water your lawn with it, not a detriment to anything.

The chlorine itself that we're making with saltwater, the salt is actually denatured into chlorine gas. If the water is left of its own devices, i.e. we're shutting off the generator itself, it will renature back into saltwater, very similar to the water softening systems commonly used with well water.

MS. TESSEMAN: And I don't know, are we today going to talk at all about -- Stacey
Tesseman, sorry. Are we going to talk today about whether it's a dry well or a septic hookup? Because I do have other information to tell you about why saltwater is so different from a regular chlorinated pool. There are all the binders and additives and chemicals that have do with a regular chlorinated pool don't happen in saltwater system.

CHAIRMAN SALADINO: I think --

MS. TESSEMAN: But I don't know if that's going to be talked about today or not.

CHAIRMAN SALADINO: I think -- I don't believe we're going to talk about that today.

MS. TESSEMAN: Yeah, great.

CHAIRMAN SALADINO: I think -- I think that also might be something that you're going to have to talk to the Building Department about. I mean, with us, it's land use, you know.

MS. TESSEMAN: Yeah.

CHAIRMAN SALADINO: So as far as dewatering the pool -- well, you don't have chlorine, so dechlorinating the pool. I mean, I think -- I think the Building Department, they're going to decide if the system you choose conforms to Village Code.
MS. TESSEMAN: Oh, that's great.

CHAIRMAN SALADINO: And that will be a discussion that you'll have with the Building Department.

MS. TESSEMAN: Great. Let's do that.

CHAIRMAN SALADINO: As far as land use and -- I mean, you'll talk to us about that.

MS. TESSEMAN: Yeah. The reason that the packet that we gave you is so comprehensive is because I read the ZBA minutes every month, and I've been following it for years, and I know the questions that you've had over time were about hooking up to a septic system, and the mechanicals, and the noise, and the -- so we were sensitive to all of that and tried to mitigate that. So I thought that the septic thing was something that you -- that you had wanted, but we'll talk.

CHAIRMAN SALADINO: Well, the mechanicals and where you place it on the property, and if there's going to be an accessory building, of course, we would be interested in that.

MS. TESSEMAN: Right.

CHAIRMAN SALADINO: Dewatering the pool, when it comes to -- I read here, and I think that
maybe the members will get into it also, that --
that there is no backwash.

MS. TESSEMAN: Right.

CHAIRMAN SALADINO: I know in our code, backwash is considered a pollutant.

MS. TESSEMAN: Right.

CHAIRMAN SALADINO: So we would --

MS. TESSEMAN: There is none.

CHAIRMAN SALADINO: I think the Building Department or we would just like to know about that.

MR. PETERS: Sure.

MS. TESSEMAN: Good.

CHAIRMAN SALADINO: Do the members have any questions?

MEMBER GORDON: I have a question, might even be a sort of stupid question, about the Notice of Disapproval. I don't understand what -- on Page 2, it says the north side of the property shows a setback of 9 inches.

MS. TESSEMAN: Oh, yeah. No. Thank you.

MEMBER GORDON: I couldn't find any indication of 9 inches. What is --

MS. TESSEMAN: Yeah, yeah. No. That's a --

we were surprised that we had a round two, but
it's understandable. Our house has been there for 100 years, and it's located very close to the north side of the property.

MEMBER GORDON: Right.

MS. TESSEMAN: And the garage is very close to the south side of the property. So when we're applying for the pool, I think that the Village just wanted to like dot I's and cross T's about everything that's out of compliance. So if suddenly we had to get variances for the location of the house too close to the street, too close to the side yard, you know, the combined setback. And so --

MEMBER GORDON: Even though that --

MS. TESSEMAN: -- it has nothing to do with the pool.

MEMBER GORDON: Even though that was already done?

MS. TESSEMAN: Yeah. It has nothing to do with the pool, and those things are just so that it's on the record that we now -- because the house was there before there were any C of O's or any of those things. So this was just an attempt, as far as I understand, to get the house and the garage in compliance with the code.
MEMBER GORDON: I see. But it does --

MS. TESSEMAN: So this is just for a formality and --

MEMBER GORDON: Okay. But it does say this would require an area variance of 9 feet 3 inches. It does say that.

MS. TESSEMAN: Right.

MEMBER CORWIN: Can I say something about this?

MEMBER GORDON: Yes.

MEMBER CORWIN: This house is a noncompliant, nonconforming house prior to the Zoning Code, so it's a legal house. The fact that it's close to the property line, doesn't need any variance. I think that when the Code Enforcement Officer went through this, I don't think he had a complete understanding that a noncompliant structure is, in fact, in effect if it was before the Zoning Code, a legal structure. So the second part of this, it's -- No. 2, I don't think has any bearing on --

MEMBER GORDON: Right.

MEMBER CORWIN: -- anything. And when it's time to publish in the paper a legal notice, I think to get it correct, it's just the first part,
No. 1. No. 2, there's really no discussion on
No. 2.

MEMBER GORDON: So can we just have the
Notice of Disapproval rewritten?

CHAIRMAN SALADINO: Well, let me ask the
Building Department. We have -- we have -- the
Building Department is here. David's -- David's
comment is this is a preexisting nonconforming
house, it was there prior to zoning. Is the
Village's policy now that everything on any
application has to be -- has to be -- has to be
legitimized by variance, even -- even a
preexisting nonconforming building?

MR. PALLAS: I think if the -- it's my
understanding that if the structures on the
property are listed on the preexisting Certificate
of Occupancy, then this is probably an error, that
we should not have included it. So I will -- we
will confirm that the preexisting C of O does have
enough information for us to make that
determination.

CHAIRMAN SALADINO: All right. So you'll --
the Building Department and the applicant will
square that away for the Notice of Disapproval so
the Notice of Disapproval is right. And that
doesn't -- and the fact that you're willing to do
that, that you're willing to look at it again, not
do it, I'm saying look at it again, that wouldn't
prevent us from moving forward with this
application tonight? Do the members --

MEMBER GORDON: I think that's what --
MEMBER CORWIN: That's my position, and I --
MEMBER GORDON: Yes, I think --
MEMBER REARDON: I think we need to make a
motion separating the two, the pool variance that
we came prepared to deal with, and the
preexisting.

CHAIRMAN SALADINO: We're not -- we're
not -- we don't have the determination from --
from the Building Department yet, so we can't --
we can't say we can't give them a variance for the
pool, and then these other variance -- if the
policy of the Village today, or they find a pre-CO
that doesn't show what's -- what's being claimed,
I don't think we can separate the two.

I think I'm -- I don't have a problem with
moving forward either way. I think -- I think if
the applicant is willing to -- we can accept the
application, and when the -- we've done it in the
past, get an amended Notice of Disapproval, and
the amended Notice of Disapproval will be reflected in the public notice. Does that --

MR. PALLAS: Yes.
CHAIRMAN SALADINO: Does that sound --

MS. TESSEMAN: Terrific.
MR. PETERS: Yup.
MS. TESSEMAN: Thank you.
MEMBER REARDON: To have -- good.
CHAIRMAN SALADINO: Are there any other comments?

MEMBER CORWIN: Let me just say, the one thing that's missing from this application, and this is a very good application, I'm happy to see that, and you're the first one that did their homework, came in here and said they did their homework and looked how things work, but there is no preexisting Certificate of Occupancy in here, which would have helped possibly avoid the second part. But I will tell you, from my own personal knowledge, that house and that garage was there prior to the Zoning Code.

CHAIRMAN SALADINO: Well, I'm going to ask you, David --

MEMBER TASKER: Well, I'll add my own personal knowledge to the same thing.
CHAIRMAN SALADINO: Okay, that's two,
That's two yeses. I don't think -- I don't have
an instruction sheet in front of me for the Zoning
Board applicants. Is CO on these, on the -- on
the required documents? I don't have one in front
of me, and I'm not entirely -- oh wait, I do have
one, actually. And a copy of the -- of the pre-CO
or current CO is not on here. So if the applicant
is willing to provide that to us when you come
back, that would be --

MS. TESSEMAN: Yes. I'll have to figure out
what that is and where I get it, but I'm happy to
provide that.

MR. PETERS: Yeah, we can get it from the
Department.

MS. TESSEMAN: Yeah.

MR. PETERS: We'll provide it.

MS. TESSEMAN: Okay.

MR. PETERS: Yes, we'll provide that for
you.

MEMBER REARDON: Jason, I have a couple of
questions for you.

CHAIRMAN SALADINO: Oh, I'm sorry.

MR. PALLAS: Sure, get it from -- get it
from the Building Department.
MR. PETERS: Yep, it's the Building Department. It should be on record. Yeah, we can source that for you, not a problem.

CHAIRMAN SALADINO: As long as we don't have to get it.

MR. PETERS: We're happy to do it for you.

CHAIRMAN SALADINO: Anyone else? I'm sorry, Jack.

MEMBER REARDON: Yeah, I have a couple of questions. I looked at the -- all the information you gave us. I see the size of the pool is relatively small to all the other fiberglass pools available. How many gallons is it?

MR. PETERS: You got gallonage? It's actually provided in the specs I gave you.

MEMBER REARDON: I probably read it and forgot it.

MR. PETERS: From 15,000 gallons. I'm pulling that from memory. I can find the exact gallonage if you'd like. I just got to shuffle --

MEMBER REARDON: No. Stacey, can you tell me how you plan on filling the pool?

MS. TESSEMAN: Jason?

(MS. TESSEMAN laughs)

MR. PETERS: Two options. The two options,
if we could fill it via tap or hose. The other way we could do it is through Romanski. We could actually deliver water.

MEMBER REARDON: Right, right. I know the possibilities. I was kind of curious how she's planning on doing it.

CHAIRMAN SALADINO: We would rather --

MR. PETERS: Okay. So with fiberglass, the truck --

CHAIRMAN SALADINO: We would rather you fill it with a hose.

MR. PETERS: You would --

(Laughter)

MR. PETERS: Normally, because of the construction, how we construct the pool itself, as we are backfilling the sides, we are filling the pool at the equal levels, so that the pool does not splay or move in any direction.

MEMBER REARDON: Uh-huh.

MR. PETERS: So, normally, what we do is we bring in a water truck.

MEMBER REARDON: Got it.

MR. PETERS: And that's 99% of the time, unless we don't have the amenities to get the water truck there, or parking availability, things
of that nature. So if us bringing a truck in would detriment us, we would fill it via hose. If it is not a problem for us to bring a truck in, it would be two trucks in total. But that's how I would prefer to fill the pool, is via truck.

MEMBER REARDON: Got it, okay. And now I haven't -- I'm not intimate with that piece of property. So you have this, the pool structure. How do you get it in the backyard?

MR. PETERS: So the pools themselves are pretty unique. The pool is actually shipped up, and we take it off via either excavator -- I actually own a smaller excavator. It's only six-foot-six wide, and the tallest point on it is 18 feet. And the pool itself weighs about 1400 pounds, so it's strikingly light.

MEMBER REARDON: Uh-huh.

MR. PETERS: So, basically, what we do is with the excavator, we hook up a bar and we pick it up with tag lines and we walk it into the backyard. From there it's placed and plumb. The ground is excavated that day. A bluestone gravel bed is put down to appropriate heights and measures, but the overdig itself it required is very, very tight, so it's minimal overdig, and the
soil would be removed from the property. At that point, we would place the pool, level it, and bring in three-quarter bluestone gravel to surround the pool itself.

MEMBER REARDON: Okay. Thank you.
MR. PETERS: Not a problem.
MEMBER TASKER: This gravel is going to be pretty tough on your feet, isn't it?
MR. PETERS: Well, at the top of it. We bring soil in afterwards and put nice grass back.
MEMBER TASKER: Oh, okay.

(Laughter)
CHAIRMAN SALADINO: Okay. What's --
MEMBER CORWIN: I make a motion that we accept -- I make a motion that we accept this application, schedule a public hearing for June, and direct the Clerk to have the advertisement published in the local paper.
CHAIRMAN SALADINO: Is there a second?
MEMBER GORDON: Second.
MEMBER TASKER: Second.
CHAIRMAN SALADINO: Okay. And all in favor?
MEMBER REARDON: I'd like to amend that motion with that we're following up with the Building Department with variances on the
preexisting structures, you know, because they're included in this application.

CHAIRMAN SALADINO: Well, I kind of thought we squared that away.

MEMBER REARDON: Well, it's squared away when the paper is here.

CHAIRMAN SALADINO: Well, the -- there's a motion on the table. I just -- maybe, just a little discussion.

The two options are, is that the Building Department and the applicant work it out, and a new Notice of Disapproval and public notice -- and a public notice that's reflecting that Notice of Disapproval is published, or, if that doesn't happen, we have the application in front of us and we'll handle the variances --

MEMBER REARDON: Okay.

CHAIRMAN SALADINO: -- as they come. I mean, it's either we get a new application, a corrected application, or we deal with the one that's in front of us.

MS. TESSEMAN: Right.

CHAIRMAN SALADINO: Right? Am I getting that?

MEMBER CORWIN: So let me amend my motion.
Let me start over. I make a motion that we accept this application, schedule a public hearing for the meeting in June, and direct the Clerk -- the Clerk to publish only the first part of this Notice of Disapproval No. 1, and ignore Notice of Disapproval No. 2 as not germane to the application.

CHAIRMAN SALADINO: David, no.

MS. LINGG: No.

CHAIRMAN SALADINO: We're going to let the Building Department decide what's --

MEMBER CORWIN: I am not going to let them decide. That's my motion. If there's no second, somebody else can make a motion.

CHAIRMAN SALADINO: Well, we have a -- first of all, we have a motion on the table, number one. We can -- we can -- we have a motion on the table. I thought we decided that the Building Department was going to research it, look at the C of O, talk to the Code Enforcement Officer, talk to whoever wrote the Notice of Disapproval, and decide if this, in fact, was an error. If it wasn't, we can't make a motion. We can't make a motion that eliminates three variances that the Code Enforcement Officer, if it's decided it wasn't an
error, is including in the Notice of Disapproval.
It's --

MEMBER CORWIN: Well, I'm not in agreement
with that, I'm sorry. It was an error, and I
think you know it was an error.

CHAIRMAN SALADINO: Yeah, but it's not our
decision to make, David. It's the Building
Department's decision to make, to make the error
and to correct the error, if they decide there was
an error. If they -- if they decide there was an
error, we'll get a new Notice of Disapproval. If
they -- and a public notice reflecting that Notice
of Disapproval. If they decide that, in fact,
this is how they want to proceed, we have to deal
with what's put in front of us. If we don't
agree, our opinions will be reflected in our vote.

Let me go to the Attorney. Mr. Connolly,
what are we -- what are we thinking here, or are
we overthinking?

MR. CONNOLLY: I think you're overthinking
it. I mean, I think you should just make a motion
to accept the application, schedule a public
hearing and --

MEMBER REARDON: Let it catch up.

MEMBER TASKER: If we're asked to look at
MR. CONNOLLY: Exactly.

CHAIRMAN SALADINO: David made a motion to accept this application. Do we want to make a motion to amend that and take up the second motion, or we're content with the first one? The second one wasn't seconded.

MEMBER REARDON: Let's ask David if he wants to withdraw his motion. If he doesn't, then we could vote on it.

CHAIRMAN SALADINO: I thought it was. What do you think, David?

MEMBER CORWIN: I'm not withdrawing my motion.

MEMBER GORDON: I second it.

CHAIRMAN SALADINO: I think I'm lost. I'm kind of lost where we are here as far as motions.

MEMBER GORDON: Could I say something?

CHAIRMAN SALADINO: Sure.

MEMBER GORDON: I would be very uncomfortable voting either way on side yard setbacks requirements that apply to an old house built before our current system was in operation because of the precedent it would set. I mean, we would really be opening, I think, a substantial
...can of worms if we start accepting the requirement of voting on some -- on a property that everybody agrees, everybody who's been here, like our two colleagues for many decades.

CHAIRMAN SALADINO: I don't think there's a -- all I thought we would do is give the Building Department -- move forward with the application, give the Building Department to -- an opportunity to correct the Notice of Disapproval, put it in front of us, and take it from there. If and when the Building Department decides that this is the road they want to travel with these variances intact, then -- then we can -- we can use the power of our vote to -- the applicant is appealing these, these variance requests -- this Notice of Disapproval. The Building Department is putting it forward, the applicant is appealing it. It's up to us to decide who's right.

MEMBER GORDON: I think it's up to us to decide whether or not this is a substantial error, and I think it is, and, clearly, David thinks it is, right?

CHAIRMAN SALADINO: Well, then we could go on the premise that we can't accept an application unless it's complete and correct, but that's with...
an application. I don't remember at any training seminar where it said about a Notice of Disapproval.

MEMBER REARDON: Would this be precedent-setting if we accepted the application?

MR. CONNOLLY: No, I don't think so. It's only precedent-setting if you're granting variances or not granting variances.

MEMBER REARDON: All right. I think what you have to do is you have to vote on the motion on the floor, and then if that passes, you accept it. If it fails, you make your motion.

CHAIRMAN SALADINO: The motion on the floor is to accept the application, set a public hearing, and schedule it -- well, I don't know if he said schedule a site visit, but --

MEMBER GORDON: I thought the motion -- that was the first.

CHAIRMAN SALADINO: That was the first motion. It was seconded, we didn't vote. David's motion --

MEMBER TASKER: Is out of order.

CHAIRMAN SALADINO: -- came after that. I'm not going to be bully, I won't say out of order.

MEMBER TASKER: Yeah.
CHAIRMAN SALADINO: I'm not going to be a bully.

MEMBER TASKER: We had a motion, it was seconded, we didn't vote on it, and then we entertained another motion, which is out of order.

CHAIRMAN SALADINO: So David made the original motion. He can withdraw it. He can -- we can vote on that. He can propose a second motion. With the second -- just if I could, David. With the second motion, would that involve tabling this application?

MEMBER CORWIN: Tabling the application? Come on, John. This is simple. I did not hear a second to my first motion. Then I said I amend my motion, blah, blah, blah. Now I heard a second. So, as far as I'm concerned, it's time to vote.

MEMBER REARDON: Is it possible to read the motions on the floor. Can you re-read it for us?

MS. BRAATEN: I'd have to go way back.

MEMBER REARDON: Okay.

CHAIRMAN SALADINO: I'm not -- do you want to make the motion again? Then we'll vote on it.

MEMBER CORWIN: Okay. Then we're going out of order. As Mr. Tasker --

CHAIRMAN SALADINO: No. Make the motion
that -- you said the first motion wasn't seconded.
I believe it was, but I'll take your word for it.
It wasn't seconded. You amended your first
motion, you made a second motion, and that was
seconded by Diana. Can you -- just to refresh our
memory, it's not clear in my mind, I'm not sure
about the rest of the members. Could you make it
again? And then we'll vote on it.

MEMBER CORWIN: I make a motion to accept
the application as presented, to schedule a public
hearing for the June Zoning Board meeting, to
schedule an inspection before the public hearing,
and to direct the Clerk to put an advertisement in
the official paper that contains the first part of
the Notice of Disapproval, Part 1, and ignores
Part 2, which is an error, and Part 3 and Part 4.

MEMBER REARDON: May I ask a question of the
Attorney or of Paul? Can we accept partial
applications? Or can we follow through with what
the motion is being made, that we can proceed, but
selectively with the advertisement?

CHAIRMAN SALADINO: Can we change the Notice
of Disapproval?

MR. CONNOLLY: This Board can't change the
Notice of Disapproval, only the Building
Department can change the Notice of Disapproval.

MEMBER CORWIN: Come on, guys, this -- I'll tell you right now, this is going to pass with no trouble. We're just burning up time, burning up hours for lawyers and stenographers.

MEMBER REARDON: Put it to a vote.

MEMBER CORWIN: Somebody's got to second.

CHAIRMAN SALADINO: Dinni seconded it.

MEMBER GORDON: I'll second it again.

CHAIRMAN SALADINO: She did second it.

David.

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: Dinni.

MEMBER GORDON: Yes.

CHAIRMAN SALADINO: Jack.

MEMBER REARDON: No.

CHAIRMAN SALADINO: Arthur.

MEMBER TASKER: Yes.

CHAIRMAN SALADINO: I'm -- I don't know. I don't know if we have the right to make this, I honestly don't know. And I'm going to say this, if you'll indulge me wasting 30 more seconds. I don't know what we do after this if -- is somebody keeping track of the vote? What's the vote?

MEMBER GORDON: We just vote on the pool.
MEMBER CORWIN: It's two to two. You have to make a decision.

CHAIRMAN SALADINO: Well, that's what I'm saying.

MS. LINGG: No.

MEMBER GORDON: It's three to two.

MS. LINGG: It's three to one right now.

MEMBER GORDON: It's three to one.

MS. LINGG: It's three --

CHAIRMAN SALADINO: Oh, then I vote no. So the motion passes.

(Laughter)

CHAIRMAN SALADINO: I honestly don't think we should do that. I think it's out of process. I honestly don't, but it works for you, and it's okay. It's okay. So we're going to schedule a public hearing for 6 o'clock on June -- what day, Kristina?

MEMBER REARDON: Eighteen, I believe.

MS. LINGG: The 18th.

CHAIRMAN SALADINO: June 18th we'll schedule a public hearing at 6 o'clock. We set them all at 6 o'clock. We're going to make a site visit. What time is good with the members, 5:30?

MEMBER GORDON: Uh-huh.
CHAIRMAN SALADINO: Is that enough time, folks?

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: And we're going to be at the site at 5:30. If you could, stake it out for us. And in addition to the pool, perhaps just indicate where the coping might go and where the mechanical might go.

MR. PETERS: Is it helpful if I'm present to kind of give you guys a walk-through.

CHAIRMAN SALADINO: If -- we don't require it, but if --

MEMBER CORWIN: You should be here for the public hearing.

MR. PETERS: Oh, absolutely.

MEMBER CORWIN: I don't think we necessarily need you for the walk-through.

MR. PETERS: Okay. And you guys would like a copy of the C of O?

CHAIRMAN SALADINO: (Nodded yes)

MR. PETERS: Okay.

MS. TESSEMAN: Yes.

MEMBER TASKER: Or the non-C-of-O.

CHAIRMAN SALADINO: Or the pre-C-of-O.

MR. PETERS: Okay.
CHAIRMAN SALADINO: Whichever -- whatever you have. Thank you.

MR. PETERS: Thank you so much.

MS. TESSEMAN: Thank you.

CHAIRMAN SALADINO: Item No. 9 is -- is there any other Zoning Board of Appeals business that might properly come before this Board? I have -- I have one question for the members that maybe yous would like to comment on.

The other night, I wasn't at the work session, the Village Board's work session the other evening, but I watched it on television, and a member made a -- a Trustee made a suggestion that a portion of our code is not in synch with New York State Village Law. The portion of the code is about the Zoning Board -- the Zoning Board being able to ask itself for an interpretation of the Zoning Code.

MEMBER TASKER: Well, it's not just simply the Zoning Board to ask itself, any Statutory Board may ask for an interpretation.

CHAIRMAN SALADINO: Well, the Village -- well, Village law says that. Our law is -- our code is unique, because --

MEMBER TASKER: Yup.
CHAIRMAN SALADINO: -- it allows the Zoning Board to ask itself. So, from what I kind of remember of the Trustee's concern and the Mayor's response was that they would -- they would investigate, they would talk about it. I was just wondering if the Zoning Board has any opinion about that, that we're willing to go on the record with, that perhaps the Village Board can use in their deliberations whether to change the code or not. No?

MEMBER REARDON: No opinion.

CHAIRMAN SALADINO: No? Okay. I don't have -- me, personally, I don't have a problem. If they want to change the code, that's fine. If they don't, I don't know -- I don't know what motivated whatever Village Board or whatever -- when they wrote the code, to put that portion in there. There must have been something in their minds to make them deviate from the New York State Village Law. I don't know, so -- but that would be up to the Board, the Village Board to decide.

Item No. 10 is --

MEMBER TASKER: Well, John, before we leave that, if I may, there's nothing that prevents the code from granting more powers to the Zoning Board
than are stated in the statute.

CHAIRMAN SALADINO: Well, obviously, it's in our code.

MEMBER TASKER: I'm sorry.

CHAIRMAN SALADINO: I mean, they did it.

MEMBER TASKER: They did. There's nothing to prevent or prohibit that from being different from the statute.

CHAIRMAN SALADINO: No, no. All I -- no, I agree with you 100%. All I'm saying is the original Village Board that -- that put that portion in our code, I don't know why they would do it. I don't know what their motivation was. If I knew that, if there was somebody around from when that was done and could explain it to me, then it would make -- or explain it to the people that want to change it, then it would make it a whole lot easier. But since we don't have any other comments, we'll move -- Arthur, are you done?

MEMBER TASKER: Yeah.

CHAIRMAN SALADINO: And this is new for me. Item No. 10, a motion to enter into an executive session to discuss pending litigation.

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

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER REARDON: Aye.

MEMBER TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Folks, we're going to go into Executive Session. This is unchartered territory for me, so we'll -- thanks for coming.

(The meeting was adjourned to executive session at 7:18 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 May 21, 2019.

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 3rd day of June, 2019.

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