

1 VILLAGE OF GREENPORT
2 COUNTY OF SUFFOLK STATE OF NEW YORK
3 -----x

4 ZONING BOARD OF APPEALS

5

6 REGULAR SESSION

7 -----x

8 Third Street Fire Station
9 Greenport, New York

10

11 May 21, 2019

12 6:00 p.m.

13

14 B E F O R E:

15 JOHN SALADINO - CHAIRMAN

16 DAVID CORWIN - MEMBER

17 DINI GORDON - MEMBER

18 JACK REARDON- MEMBER

19 ARTHUR TASKER - MEMBER

20

21 ROBERT CONNOLLY - ZONING BOARD ATTORNEY

22 PAUL PALLAS - VILLAGE ADMINISTRATOR

23 KRISTINA LINGG - CLERK TO THE BOARD

24

25

1 (The meeting was called to order at 6:01 p.m.)

2 CHAIRMAN SALADINO: Good evening, folks.

3 This is Village of Greenport Zoning Board of

4 Appeals regular meeting.

5 Item No. 1 is motion to accept the minutes

6 of the April 16th, 2019 Zoning Board of Appeals

7 meeting. So moved.

8 MEMBER TASKER: Second.

9 CHAIRMAN SALADINO: All in favor?

10 MEMBER CORWIN: Aye.

11 MEMBER GORDON: Aye.

12 MEMBER REARDON: Aye.

13 MEMBER TASKER: Aye.

14 CHAIRMAN SALADINO: And I'll vote aye.

15 Item No. 2 is a motion to approve the

16 minutes of the March 19th, 2019 Zoning Board of

17 Appeals meeting. So moved.

18 MEMBER TASKER: Second.

19 CHAIRMAN SALADINO: All in favor?

20 MEMBER GORDON: Aye.

21 MEMBER REARDON: Aye.

22 MEMBER TASKER: Aye.

23 CHAIRMAN SALADINO: I'll vote aye.

24 Any abstentions?

25 MEMBER CORWIN: Abstain.

1 CHAIRMAN SALADINO: And one abstention.

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

7 MEMBER TASKER: Second.

8 MEMBER GORDON: Second.

9 CHAIRMAN SALADINO: All in favor?

10 MEMBER CORWIN: Aye.

11 MEMBER GORDON: Aye.

12 MEMBER REARDON: Aye.

13 MEMBER TASKER: Aye.

14 CHAIRMAN SALADINO: And I'll vote aye.

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

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

23 110 South. We have no -- I'm going to ask
24 the Building Clerk, Kristina -- just let me go
25 through my list here to make it official. The

1 notice was -- the notice was published?

2 MS. LINGG: Yes.

3 CHAIRMAN SALADINO: I have the mailings.

4 We'll -- after we read the mailings, we'll confirm
5 the applicant's right to make the application.

6 110 South Street, notified was the Village
7 of Greenport, 236 Third Street, Greenport, New
8 York. 101 Greenport Properties, LLC. No. 10 Fort
9 Salonga Road, Fort Salonga, New York, 11768.
10 Sweet Liberty, Incorporated, Post Office Box 616
11 Shelter Island, New York, 11964. The North Fork
12 Housing Alliance, 116 South Street, Greenport, New
13 York, 11944. Kirk Services, LLC, c/o Rosicki &
14 Associates, 51 East Bethpage Road, Plainview, New
15 York, 11803.

16 Is the applicant here?

17 MR. OLINKIEWICZ: Yes.

18 CHAIRMAN SALADINO: Name and address for the
19 Stenographer.

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

23 We've discussed -- we had the site visit on
24 this piece of property. 110 South Street deals
25 with a front yard setback variance for the front

1 porch of 9 inches. The building meets compliance
2 with every other aspect that we've gone through
3 with the ZBA, so I'm asking for relief from the
4 9-inch front yard setbacks for the porch that's
5 going to be built on the new building.

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

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

12 MR. OLINKIEWICZ: Sure, I can --

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

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

18 CHAIRMAN SALADINO: Sure.

19 MEMBER CORWIN: Yes.

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

22 I just have to get my order set so. So we
23 have the property, the existing property at 110
24 and 112 South Street. The Village, 25 years ago
25 plus, there was a house that existed on 110 South

1 Street that -- where the parking lot is and the
2 part of the building is. The Village moved that
3 building over and straddled the property line of
4 two pieces of property. The pieces of property
5 have continuously been single and separate.
6 And because it's illegal to merge properties in
7 the Village and in Commercial, they have been kept
8 single and separate.

9 MS. COSTELLO: I can't hear.

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

19 So we're going break the building into two
20 pieces, not move it, but just we're going to put a
21 wall. So we did this. You could see the sizes of
22 the pieces that happened. At that point, you take
23 the two pieces and we're going to enlarge each
24 piece, so there would be a commercial piece of --
25 commercial property downstairs on this 112 South

1 Street, which is the smaller piece, that's going
2 to have a commercial -- one commercial unit
3 downstairs, and there's going to be two
4 one-bedroom apartments upstairs for workforce
5 housing.

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

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

19 This is just -- this is just more of the
20 parking that deals with the existing parking and
21 how we're going to clean up this inside corner
22 here, where there's some grass, to make a
23 handicapped parking spot. We were -- because the
24 building had been built and had a CO prior to 1991
25 and had improvements, we're exempt from village

1 parking, which we went through a couple of months
2 ago. But, in the stipulation with this project
3 moving on, the ZBA and I have agreed that the
4 parking lot is going to stay, so -- and there'll
5 pretty much be two parking spots for the two
6 apartments on the 112 South Street, there'll be
7 two parking spots for the apartments on 110 South
8 Street, so it would be designated. So there'll be
9 three parking spots, two that are regular, one
10 that will be handicapped for the commercial space,
11 and then like other Village businesses, anybody
12 that's going to come to the business will park
13 along the street or in the parking lots near the
14 IGA, the Village parking.

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

23 And this is just a -- oh, for lot coverage,
24 because my other application, which is -- for 110
25 South Street, which we were just discussing, the

1 only ZBA variance I need is a front yard variance
2 for a setback on the porch that's being built. So
3 the porch is 9 inches too close to the sidewalk or
4 the setback.

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

13 MS. COSTELLO: How close to --

14 CHAIRMAN SALADINO: Wait, wait.

15 MS. COSTELLO: What?

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

19 MS. COSTELLO: Oh.

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

23 MS. COSTELLO: Okay.

24 CHAIRMAN SALADINO: So if --

25 MR. OLINKIEWICZ: But that's what the plans

1 are for the building.

2 MS. COSTELLO: Okay.

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

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

12 MS. COSTELLO: Okay.

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

15 MS. COSTELLO: Yeah.

16 MR. OLINKIEWICZ: Okay, no problem.

17 MS. COSTELLO: My name is Danny Costello. I
18 live at 116 South Street, Greenport.

19 My question was when you add onto that
20 building, I see where your flags are.

21 MR. OLINKIEWICZ: Right.

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

24 MR. OLINKIEWICZ: I'm unfamiliar.

25 MS. COSTELLO: I've lived there 25 years

1 upstairs from North Fork Housing.

2 CHAIRMAN SALADINO: 112.

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

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

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

10 MS. COSTELLO: Yeah.

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

16 MS. COSTELLO: Okay.

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

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

21 MR. OLINKIEWICZ: Windows are on that side.

22 MS. COSTELLO: Towards me?

23 MR. OLINKIEWICZ: Correct.

24 MS. COSTELLO: Okay.

25 MR. OLINKIEWICZ: It's going to be regular

1 apartments with windows and --

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

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

10 MR. OLINKIEWICZ: Yeah.

11 MS. COSTELLO: Okay.

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

16 MS. COSTELLO: Okay.

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

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

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

22 MS. COSTELLO: Yeah.

23 MR. OLINKIEWICZ: So it's not going to be
24 dead on the corner there. And that's only on the
25 front of the building, which has access to the

1 commercial spot and the upstairs apartments.
2 You're not going to have apartment tenants going
3 down the property line and going in the back of
4 the building to get upstairs. The access to their
5 apartment is on the front of the building, step in
6 the front door, you turn and you go up a staircase
7 and go that way, so -- but there will --

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

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

12 MS. COSTELLO: That's it?

13 MR. OLINKIEWICZ: That's it.

14 MS. COSTELLO: Okay. How many all together?

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

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

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

21 (No Response)

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

24 MEMBER CORWIN: So moved.

25 MEMBER GORDON: Second.

1 CHAIRMAN SALADINO: All in favor?

2 MEMBER CORWIN: Aye.

3 MEMBER GORDON: Aye.

4 MEMBER REARDON: Aye.

5 MEMBER TASKER: Aye.

6 CHAIRMAN SALADINO: And I'll vote aye.

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

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

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

16 MS. LINGG: Yes.

17 CHAIRMAN SALADINO: And I have the mailings
18 for 112. Village of Greenport, 236 Third Street,
19 Greenport, New York, 11944. 101 Greenport
20 Properties, LLC, 10 Fort Salonga Road, Fort
21 Salonga, New York, 11768. Sweet Liberty,
22 Incorporated, Post Office Box 616, Shelter Island
23 New York, 11964. North Fork Housing Alliance, 116
24 South Street, Greenport, New York, 11944. Kirk
25 Services, LLC, c/o Rosicki & Associates, 51 East

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

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

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

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

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

24 We had discussed at prior meetings on 110
25 that that which had originally been drawn as three

1 apartments would become two, and that I would
2 allow parking for the apartments from both
3 properties to be in the existing parking lot at
4 110 South Street.

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

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

14 CHAIRMAN SALADINO: 110 has parking for
15 eight cars.

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

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

20 MR. OLINKIEWICZ: Right.

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

1 same district?

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

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

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

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

16 CHAIRMAN SALADINO: Okay.

17 MR. OLINKIEWICZ: So we would -- we would
18 put -- two of the parking spots would be
19 designated for the apartments at 112 South Street,
20 one for each of the apartments upstairs. Two of
21 the spots would be designated for 112 South -- 110
22 South Street for the two apartments up there. So
23 four of the seven spots would be designated and
24 signed for the apartments. The other three, two
25 would be for anybody to park in, and then there

1 would be the handicapped spot, which would service
2 the building.

3 CHAIRMAN SALADINO: That kind of answers my
4 question.

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

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

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

1 the Planning Board --

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

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

6 MR. OLINKIEWICZ: Right.

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

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

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

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

24 MR. OLINKIEWICZ: Okay, fantastic. Thank
25 you.

1 CHAIRMAN SALADINO: Do any of the members
2 have any questions for Mr. Olinkiewicz?

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

8 MR. OLINKIEWICZ: What will the --

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

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

16 MEMBER GORDON: Okay. Thank you.

17 CHAIRMAN SALADINO: Anyone else?

18 MEMBER REARDON: I don't.

19 CHAIRMAN SALADINO: Arthur?

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

1 for each of the buildings.

2 CHAIRMAN SALADINO: Okay. David, any
3 questions?

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

6 CHAIRMAN SALADINO: Oh, I'm sorry.

7 MEMBER TASKER: -- then I'm fine.

8 CHAIRMAN SALADINO: David?

9 MEMBER CORWIN: Not at this time.

10 CHAIRMAN SALADINO: Okay. Jimmy, thank you.
11 Any members of the public --

12 MR. OLINKIEWICZ: Thank you.

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

15 (No Response)

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

18 MEMBER GORDON: So moved.

19 CHAIRMAN SALADINO: Is there a second?

20 MEMBER REARDON: Second.

21 CHAIRMAN SALADINO: All in favor?

22 MEMBER CORWIN: Aye.

23 MEMBER GORDON: Aye.

24 MEMBER REARDON: Aye.

25 MEMBER TASKER: Aye.

1 CHAIRMAN SALADINO: And I'll vote aye.

2 Well, here it comes.

3 Item No. 6 is a discussion and possible
4 motion on the area variance applied for by one --
5 by 110 South St Greenport Incorporated for the
6 property located at 110 South Street, Greenport,
7 New York, 11944. And the Suffolk County Tax Map
8 No. is 1001-4.-6-34.6.

9 This variance will be for a 9-inch -- a
10 9-inch relief for front yard setback.

11 For the sake of discussion about parking,
12 can we -- can we kind of like comeingle the
13 discussion --

14 MR. CONNOLLY: Sure.

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

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

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

21 MR. CONNOLLY: Sure.

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

24 (No Response)

25 CHAIRMAN SALADINO: No?

1 MEMBER REARDON: I do not have any
2 questions.

3 CHAIRMAN SALADINO: Okay. Just so everyone
4 here, the public record, to the public, the
5 applicant, we're going to -- we're going to
6 condition it that 110 -- the parking lot at
7 110 South Street will provide parking for two
8 residential apartments at 110 South Street. Is
9 that the condition we're talking about?

10 MEMBER TASKER: Uh-huh.

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

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

20 CHAIRMAN SALADINO: Well, I thought I said
21 that.

22 MR. OLINKIEWICZ: No, you said --

23 CHAIRMAN SALADINO: Two parkings for -- two
24 spaces for the residential apartments at 110 South
25 Street.

1 MR. OLINKIEWICZ: I just wanted
2 clarification. Thank you.

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

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

8 CHAIRMAN SALADINO: We'll do it in this?

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

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

17 MEMBER TASKER: And --

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

21 MEMBER TASKER: No.

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

25 MEMBER GORDON: Do we want to mention the

1 handicapped spot?

2 MEMBER TASKER: No.

3 MEMBER GORDON: I mean --

4 CHAIRMAN SALADINO: Does he need -- does --
5 is a handicapped --

6 MR. OLINKIEWICZ: I don't have to, because
7 I'm exempt, but I think it's a good idea.

8 CHAIRMAN SALADINO: I was going to say, I
9 mean, do we -- he's not required to have a
10 handicapped space. It would be nice if he has the
11 room to do it, it would be a courtesy to the
12 people there, but I'm not sure if we have the --
13 again, I'm going to look to the Attorney. Do we
14 have the power --

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

16 CHAIRMAN SALADINO: -- to do that? So --
17 and as far as the three or four, depending on if
18 he makes a handicapped space or not, commercial
19 spots, do we care about the commercial guy's
20 customers? Thoughts?

21 MEMBER TASKER: Let's not lose track with --
22 this is on 110. Let's not lose track of the fact
23 that the total number of parking spaces can't be
24 reduced, that there's got to be a covenant to
25 that. So, in other words, the building can't be

1 built out over the parking lot, as we've discussed
2 in the past.

3 MR. OLINKIEWICZ: Right.

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

7 MR. OLINKIEWICZ: Yes.

8 CHAIRMAN SALADINO: Okay.

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

11 MEMBER GORDON: All along.

12 MR. OLINKIEWICZ: Right.

13 CHAIRMAN SALADINO: So we'll make that part
14 of the ask also. So I'll go through it again.
15 Two resident -- two parking spaces for the
16 residential units at 110 South Street, two parking
17 spaces for the residential units at 112 park --
18 South Street. The parking lot, the amount of
19 spaces in its final determination won't be reduced
20 from what's currently there now? Is --

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

23 MR. OLINKIEWICZ: No. The plan, there was
24 two options. It was either to create the
25 handicapped space, or to add a space. But we

1 would like to keep a -- keep a handicapped space
2 there, so that anybody who needed -- that had an
3 area close to being able to go into the building
4 without having to park way away in the Village and
5 get there.

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

12 MR. OLINKIEWICZ: Right.

13 CHAIRMAN SALADINO: You know --

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

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

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

22 MEMBER REARDON: Well, this has actually
23 brought up another question. You know, Jimmy, you
24 made mention that it's your property, you could
25 sell one or the other half. And looking down the

1 road, I think vehicle sizes may change. So you
2 got seven spots now. But if vehicles get smaller
3 and it's justifiable to go, "You know, I really
4 don't need that size," I think it might better us
5 to sort of secure the parking lot size, as opposed
6 to the number of spaces.

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

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

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

17 MEMBER TASKER: The same size.

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

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

23 MEMBER REARDON: Okay.

24 MR. CONNOLLY: The covenant that it's at
25 least seven.

1 CHAIRMAN SALADINO: The space of the
2 parking, again, that's a Building Department --

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

5 MR. CONNOLLY: Yes.

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

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

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

19 CHAIRMAN SALADINO: I thought in the CR --
20 anyway, I believe that's something that perhaps
21 the fact that we're limiting the -- we're
22 allocating spaces to two -- three businesses and
23 four apartments, and that the parking lot, we --
24 the applicant is willing to, as part of a
25 covenant, to leave the parking lot intact as is.

1 I'm just not sure what more we can --

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

6 CHAIRMAN SALADINO: I think we mentioned
7 that.

8 MEMBER TASKER: Yes.

9 CHAIRMAN SALADINO: But we --

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

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

14 CHAIRMAN SALADINO: We are --

15 MEMBER GORDON: It wasn't much time.

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

18 (Laughter)

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

21 (No Response)

22 CHAIRMAN SALADINO: Dinni?

23 MEMBER GORDON: Yes.

24 CHAIRMAN SALADINO: Jack?

25 MEMBER REARDON: Si.

1 CHAIRMAN SALADINO: Arthur?

2 MEMBER TASKER: Yes.

3 CHAIRMAN SALADINO: I'm waiting for David.

4 David, are you ready to move forward or --

5 MEMBER CORWIN: Yes, I am.

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

10 MEMBER TASKER: Second.

11 CHAIRMAN SALADINO: All in favor?

12 MEMBER CORWIN: Aye.

13 MEMBER GORDON: Aye.

14 MEMBER REARDON: Aye.

15 MEMBER TASKER: Aye.

16 CHAIRMAN SALADINO: And I'll vote aye.

17 And I'm to make a motion that this is a Type

18 II Action for the purposes of SEQRA?

19 MR. CONNOLLY: (Nodded yes)

20 CHAIRMAN SALADINO: So moved.

21 MEMBER TASKER: Second.

22 CHAIRMAN SALADINO: All in favor?

23 MEMBER CORWIN: Aye.

24 MEMBER GORDON: Aye.

25 MEMBER REARDON: Aye.

1 MEMBER TASKER: Aye.

2 CHAIRMAN SALADINO: And I'll vote aye.

3 I'm going to go through these five
4 conditions, five questions, and then we'll vote on
5 the -- on the variance for 110 South Street, the
6 9-inch front yard setback.

7 Whether an undesirable change will be
8 produced in the character of the neighborhood or a
9 detriment to nearby properties will be created by
10 granting of the area variance. David.

11 MEMBER CORWIN: No.

12 CHAIRMAN SALADINO: Diana.

13 MEMBER GORDON: No.

14 CHAIRMAN SALADINO: Jack.

15 MEMBER REARDON: No.

16 CHAIRMAN SALADINO: Arthur.

17 MEMBER TASKER: No.

18 CHAIRMAN SALADINO: And I'll vote no.

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

23 MEMBER CORWIN: Yes.

24 CHAIRMAN SALADINO: Dinni.

25 MEMBER GORDON: No.

1 CHAIRMAN SALADINO: Jack.

2 MEMBER REARDON: No.

3 CHAIRMAN SALADINO: Arthur.

4 MEMBER TASKER: Yes.

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

6 Whether the requested area variance is

7 substantial. David.

8 MEMBER CORWIN: No.

9 CHAIRMAN SALADINO: Dinni.

10 MEMBER GORDON: No.

11 CHAIRMAN SALADINO: Jack.

12 MEMBER REARDON: No.

13 CHAIRMAN SALADINO: Arthur.

14 MEMBER TASKER: No.

15 CHAIRMAN SALADINO: And I'll vote no.

16 Whether the proposed variance will have an

17 adverse effect or impact on the physical or

18 environmental conditions in the neighborhood or

19 district. David.

20 MEMBER CORWIN: No.

21 CHAIRMAN SALADINO: Dinni.

22 MEMBER GORDON: No.

23 CHAIRMAN SALADINO: Jack.

24 MEMBER REARDON: No.

25 CHAIRMAN SALADINO: Arthur.

1 MEMBER TASKER: No.

2 CHAIRMAN SALADINO: And I'll vote no.

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

8 MEMBER CORWIN: Yes.

9 CHAIRMAN SALADINO: Dinni.

10 MEMBER GORDON: No.

11 CHAIRMAN SALADINO: Jack.

12 MEMBER REARDON: Yes.

13 CHAIRMAN SALADINO: Arthur.

14 MEMBER TASKER: No.

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

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

19 MEMBER REARDON: Second.

20 CHAIRMAN SALADINO: All -- David.

21 MEMBER CORWIN: Yes.

22 CHAIRMAN SALADINO: Dinni.

23 MEMBER GORDON: Yes.

24 CHAIRMAN SALADINO: Jack.

25 MEMBER REARDON: Yes.

1 CHAIRMAN SALADINO: Arthur.

2 MEMBER TASKER: Yes.

3 CHAIRMAN SALADINO: And I'll vote yes.

4 Okay. They should all be that easy.

5 Item No. 7 is discussion and possible --
6 discuss -- discussion and motion on the area
7 variance applied for by 622 First St Greenport
8 Incorporated for the property located at 112 South
9 Street, Greenport, New York, 11944. Suffolk
10 County Tax Map No. 1001-4.-6-32.

11 What we're looking at here is lot coverage
12 from 40% -- from 40% to 62%, an increase in 22%.

13 Do the members have any comments?

14 MEMBER CORWIN: I would like to understand a
15 little better why a variance is needed for this
16 piece of commercial -- in a Commercial Retail
17 District, lot coverage percent. I don't have a
18 zoning map in front of me, but are any of the
19 properties adjacent to the 112 South Street
20 residential?

21 CHAIRMAN SALADINO: I have a zoning map, but
22 from looking at it --

23 MEMBER GORDON: Yes. Isn't Ms. Costello's
24 building? It is adjacent.

25 MEMBER CORWIN: But what --

1 MEMBER GORDON: And she lives there.

2 CHAIRMAN SALADINO: Well, but it might be --

3 MEMBER CORWIN: But what's it zoned?

4 CHAIRMAN SALADINO: It might be -- it might
5 be a residential property in the Commercial Retail
6 District. Well, I'm -- what's your question,
7 David, where the CR begins in the R-2?

8 MEMBER CORWIN: Well, you get to go right up
9 to the property line, don't you? Did I miss
10 something?

11 CHAIRMAN SALADINO: Well, we can -- we
12 can --

13 MEMBER CORWIN: What it says, what I'm
14 reading on page -- or Section 150-13, district
15 bulk and parking regulations, and possibly I
16 wasn't paying close enough attention as we went
17 over this a couple of times a couple of months
18 ago, but it says you have to have a 10-foot
19 setback if you're within 25 feet of residential.
20 Lot coverage percent is 40%. So that's the only
21 reason, as I'm understanding it, because it's 40%
22 and the lot coverage is going up past 40% in this
23 Commercial Retail District? I'm asking.

24 CHAIRMAN SALADINO: The closest residential
25 property, according to the zoning map, the closest

1 residential property is -- is the west side on
2 South Street, the west side of South and Second
3 Street.

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

7 CHAIRMAN SALADINO: Well, I'm --

8 MEMBER TASKER: -- and the distance from it.

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

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

17 MEMBER TASKER: Yeah.

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

23 CHAIRMAN SALADINO: Well, according to the
24 zoning map, again, all the properties between
25 First and Second on the north side of South Street

1 are in the Commercial Retail District.

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

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

9 CHAIRMAN SALADINO: And he's asking for 62.

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

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

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

18 CHAIRMAN SALADINO: Well --

19 MEMBER GORDON: Sorry.

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

22 MEMBER TASKER: Yeah.

23 (Laughter)

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

1 either.

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

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

11 MR. CONNOLLY: What you said applies to
12 this.

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

16 MEMBER CORWIN: Yes.

17 CHAIRMAN SALADINO: Folks? Okay.

18 MEMBER GORDON: Yes.

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

22 MEMBER TASKER: Second.

23 CHAIRMAN SALADINO: All in favor?

24 MEMBER CORWIN: Aye.

25 MEMBER GORDON: Aye.

1 MEMBER REARDON: Aye.

2 MEMBER TASKER: Aye.

3 CHAIRMAN SALADINO: And I'll vote aye.

4 I'm going to make a motion that this is a
5 Type II Action for the purposes of SEQRA. So
6 moved.

7 MEMBER TASKER: Second.

8 CHAIRMAN SALADINO: All in favor?

9 MEMBER CORWIN: Aye.

10 MEMBER GORDON: Aye.

11 MEMBER REARDON: Aye.

12 MEMBER TASKER: Aye.

13 CHAIRMAN SALADINO: And I'll vote aye. I'll
14 read these five questions.

15 Whether an undesirable change will be
16 produced in the character of the neighborhood or a
17 detriment to nearby properties will be created by
18 the granting of the area variance. David.

19 MEMBER CORWIN: Yes.

20 CHAIRMAN SALADINO: Dinni.

21 MEMBER GORDON: No.

22 CHAIRMAN SALADINO: Jack.

23 MEMBER REARDON: No.

24 CHAIRMAN SALADINO: Arthur.

25 MEMBER TASKER: No.

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

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

7 MEMBER CORWIN: No.

8 CHAIRMAN SALADINO: Dinni.

9 MEMBER GORDON: No.

10 CHAIRMAN SALADINO: Jack.

11 MEMBER REARDON: No.

12 CHAIRMAN SALADINO: Arthur.

13 MEMBER TASKER: No.

14 CHAIRMAN SALADINO: And I'll vote no.

15 Whether the requested area variance is
16 substantial. David.

17 MEMBER CORWIN: Yes.

18 CHAIRMAN SALADINO: Dinni.

19 MEMBER GORDON: Yes.

20 CHAIRMAN SALADINO: Jack.

21 MEMBER REARDON: Yes.

22 CHAIRMAN SALADINO: Arthur.

23 MEMBER TASKER: Yes.

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

1 Whether the proposed variance will have an
2 adverse effect or impact on the physical or
3 environmental conditions in the neighborhood or
4 district. Excuse me. David.

5 MEMBER CORWIN: Yes.

6 CHAIRMAN SALADINO: Dinni.

7 MEMBER GORDON: No.

8 CHAIRMAN SALADINO: Jack.

9 MEMBER REARDON: No.

10 CHAIRMAN SALADINO: Arthur.

11 MEMBER TASKER: No.

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

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

19 MEMBER CORWIN: Yes.

20 CHAIRMAN SALADINO: Dinni.

21 MEMBER GORDON: No.

22 CHAIRMAN SALADINO: Jack.

23 MEMBER REARDON: Yes.

24 CHAIRMAN SALADINO: Arthur.

25 MEMBER TASKER: Yes.

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

3 I'll make a motion that we grant the area
4 variance.

5 MEMBER TASKER: Second.

6 CHAIRMAN SALADINO: David.

7 MEMBER CORWIN: No.

8 CHAIRMAN SALADINO: Dinni.

9 MEMBER GORDON: Yes.

10 CHAIRMAN SALADINO: Jack.

11 MEMBER REARDON: Yes.

12 CHAIRMAN SALADINO: Arthur.

13 MEMBER TASKER: Yes.

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

16 Okay. You know the deal, you go to
17 Planning.

18 MR. OLINKIEWICZ: Thank you.

19 CHAIRMAN SALADINO: Thank you.

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

24 MS. TESSEMAN: Tesseman.

25 CHAIRMAN SALADINO: -- Tesseman for the

1 property located at 512 Second Street, Greenport,
2 New York, 11944. The Suffolk County Tax Map No.
3 is 1001-2.-6-25.

4 The applicant here?

5 MS. TESSEMAN: Yup.

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

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

12 MS. TESSEMAN: And I'm Stacey Tesseman,
13 512 Second Street, Greenport.

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

16 CHAIRMAN SALADINO: Okay. And?

17 MR. PETERS: We are looking to install the
18 12-by-26 fiberglass pool, which we need variance
19 setbacks on both sides of the property. It's
20 fiberglass construction. It's not conventional
21 for the Northeast. A lot less invasive than
22 cement rebar normal pool construction. So it's
23 confined. It's surrounded by bluestone gravel for
24 water mitigation.

25 We're actually looking for your advice on

1 whether a dry well or hooking up to septic. But
2 we've provided in the packet everything we're
3 looking to do regarding the swimming pool, the
4 construction, the filtration, the decibels, noise,
5 fencing, how we're going to mitigate water,
6 saltwater, so on and so forth, you guys to
7 look at.

8 CHAIRMAN SALADINO: It's a saltwater pool?

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

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

24 MS. TESSEMAN: And I don't know, are we
25 today going to talk at all about -- Stacey

1 Tesseman, sorry. Are we going to talk today about
2 whether it's a dry well or a septic hookup?
3 Because I do have other information to tell you
4 about why saltwater is so different from a regular
5 chlorinated pool. There are all the binders and
6 additives and chemicals that have do with a
7 regular chlorinated pool don't happen in saltwater
8 system.

9 CHAIRMAN SALADINO: I think --

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

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

14 MS. TESSEMAN: Yeah, great.

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

19 MS. TESSEMAN: Yeah.

20 CHAIRMAN SALADINO: So as far as dewatering
21 the pool -- well, you don't have chlorine, so
22 dechlorinating the pool. I mean, I think -- I
23 think the Building Department, they're going to
24 decide if the system you choose conforms to
25 Village Code.

1 MS. TESSEMAN: Oh, that's great.

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

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

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

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

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

23 MS. TESSEMAN: Right.

24 CHAIRMAN SALADINO: Dewatering the pool,
25 when it comes to -- I read here, and I think that

1 maybe the members will get into it also, that --
2 that there is no backwash.

3 MS. TESSEMAN: Right.

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

6 MS. TESSEMAN: Right.

7 CHAIRMAN SALADINO: So we would --

8 MS. TESSEMAN: There is none.

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

12 MR. PETERS: Sure.

13 MS. TESSEMAN: Good.

14 CHAIRMAN SALADINO: Do the members have any
15 questions?

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

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

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

24 MS. TESSEMAN: Yeah, yeah. No. That's a --
25 we were surprised that we had a round two, but

1 it's understandable. Our house has been there for
2 100 years, and it's located very close to the
3 north side of the property.

4 MEMBER GORDON: Right.

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

14 MEMBER GORDON: Even though that --

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

17 MEMBER GORDON: Even though that was already
18 done?

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

1 MEMBER GORDON: I see. But it does --

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

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

7 MS. TESSEMAN: Right.

8 MEMBER CORWIN: Can I say something about
9 this?

10 MEMBER GORDON: Yes.

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

22 MEMBER GORDON: Right.

23 MEMBER CORWIN: -- anything. And when it's
24 time to publish in the paper a legal notice, I
25 think to get it correct, it's just the first part,

1 No. 1. No. 2, there's really no discussion on
2 No. 2.

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

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

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

22 CHAIRMAN SALADINO: All right. So you'll --
23 the Building Department and the applicant will
24 square that away for the Notice of Disapproval so
25 the Notice of Disapproval is right. And that

1 doesn't -- and the fact that you're willing to do
2 that, that you're willing to look at it again, not
3 do it, I'm saying look at it again, that wouldn't
4 prevent us from moving forward with this
5 application tonight? Do the members --

6 MEMBER GORDON: I think that's what --

7 MEMBER CORWIN: That's my position, and I --

8 MEMBER GORDON: Yes, I think --

9 MEMBER REARDON: I think we need to make a
10 motion separating the two, the pool variance that
11 we came prepared to deal with, and the
12 preexisting.

13 CHAIRMAN SALADINO: We're not -- we're
14 not -- we don't have the determination from --
15 from the Building Department yet, so we can't --
16 we can't say we can't give them a variance for the
17 pool, and then these other variance -- if the
18 policy of the Village today, or they find a pre-C0
19 that doesn't show what's -- what's being claimed,
20 I don't think we can separate the two.

21 I think I'm -- I don't have a problem with
22 moving forward either way. I think -- I think if
23 the applicant is willing to -- we can accept the
24 application, and when the -- we've done it in the
25 past, get an amended Notice of Disapproval, and

1 the amended Notice of Disapproval will be
2 reflected in the public notice. Does that --

3 MR. PALLAS: Yes.

4 CHAIRMAN SALADINO: Does that sound --

5 MS. TESSEMAN: Terrific.

6 MR. PETERS: Yup.

7 MS. TESSEMAN: Thank you.

8 MEMBER REARDON: To have -- good.

9 CHAIRMAN SALADINO: Are there any other
10 comments?

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

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

24 MEMBER TASKER: Well, I'll add my own
25 personal knowledge to the same thing.

1 CHAIRMAN SALADINO: Okay, that's two,
2 That's two yeses. I don't think -- I don't have
3 an instruction sheet in front of me for the Zoning
4 Board applicants. Is CO on these, on the -- on
5 the required documents? I don't have one in front
6 of me, and I'm not entirely -- oh wait, I do have
7 one, actually. And a copy of the -- of the pre-CO
8 or current CO is not on here. So if the applicant
9 is willing to provide that to us when you come
10 back, that would be --

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

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

16 MS. TESSEMAN: Yeah.

17 MR. PETERS: We'll provide it.

18 MS. TESSEMAN: Okay.

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

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

23 CHAIRMAN SALADINO: Oh, I'm sorry.

24 MR. PALLAS: Sure, get it from -- get it
25 from the Building Department.

1 MR. PETERS: Yup, it's the Building
2 Department. It should be on record. Yeah, we can
3 source that for you, not a problem.

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

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

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

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

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

16 MEMBER REARDON: I probably read it and
17 forgot it.

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

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

23 MS. TESSEMAN: Jason?

24 (Laughter)

25 MR. PETERS: Two options. The two options,

1 if we could fill it via tap or hose. The other
2 way we could do it is through Romanski. We could
3 actually deliver water.

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

7 CHAIRMAN SALADINO: We would rather --

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

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

12 MR. PETERS: You would --

13 (Laughter)

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

19 MEMBER REARDON: Uh-huh.

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

22 MEMBER REARDON: Got it.

23 MR. PETERS: And that's 99% of the time,
24 unless we don't have the amenities to get the
25 water truck there, or parking availability, things

1 of that nature. So if us bringing a truck in
2 would detriment us, we would fill it via hose. If
3 it is not a problem for us to bring a truck in, it
4 would be two trucks in total. But that's how I
5 would prefer to fill the pool, is via truck.

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

10 MR. PETERS: So the pools themselves are
11 pretty unique. The pool is actually shipped up,
12 and we take it off via either excavator -- I
13 actually own a smaller excavator. It's only
14 six-foot-six wide, and the tallest point on it is
15 18 feet. And the pool itself weighs about 1400
16 pounds, so it's strikingly light.

17 MEMBER REARDON: Uh-huh.

18 MR. PETERS: So, basically, what we do is
19 with the excavator, we hook up a bar and we pick
20 it up with tag lines and we walk it into the
21 backyard. From there it's placed and plumb. The
22 ground is excavated that day. A bluestone gravel
23 bed is put down to appropriate heights and
24 measures, but the overdig itself it required is
25 very, very tight, so it's minimal overdig, and the

1 soil would be removed from the property. At that
2 point, we would place the pool, level it, and
3 bring in three-quarter bluestone gravel to
4 surround the pool itself.

5 MEMBER REARDON: Okay. Thank you.

6 MR. PETERS: Not a problem.

7 MEMBER TASKER: This gravel is going to be
8 pretty tough on your feet, isn't it?

9 MR. PETERS: Well, at the top of it. We
10 bring soil in afterwards and put nice grass back.

11 MEMBER TASKER: Oh, okay.

12 (Laughter)

13 CHAIRMAN SALADINO: Okay. What's --

14 MEMBER CORWIN: I make a motion that we
15 accept -- I make a motion that we accept this
16 application, schedule a public hearing for June,
17 and direct the Clerk to have the advertisement
18 published in the local paper.

19 CHAIRMAN SALADINO: Is there a second?

20 MEMBER GORDON: Second.

21 MEMBER TASKER: Second.

22 CHAIRMAN SALADINO: Okay. And all in favor?

23 MEMBER REARDON: I'd like to amend that
24 motion with that we're following up with the
25 Building Department with variances on the

1 preexisting structures, you know, because they're
2 included in this application.

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

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

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

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

17 MEMBER REARDON: Okay.

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

22 MS. TESSEMAN: Right.

23 CHAIRMAN SALADINO: Right? Am I getting
24 that?

25 MEMBER CORWIN: So let me amend my motion.

1 Let me start over. I make a motion that we accept
2 this application, schedule a public hearing for
3 the meeting in June, and direct the Clerk -- the
4 Clerk to publish only the first part of this
5 Notice of Disapproval No. 1, and ignore Notice of
6 Disapproval No. 2 as not germane to the
7 application.

8 CHAIRMAN SALADINO: David, no.

9 MS. LINGG: No.

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

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

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

1 error, is including in the Notice of Disapproval.
2 It's --

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

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

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

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

24 MEMBER REARDON: Let it catch up.

25 MEMBER TASKER: If we're asked to look at

1 less, then we look at less.

2 MR. CONNOLLY: Exactly.

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

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

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

13 MEMBER CORWIN: I'm not withdrawing my
14 motion.

15 MEMBER GORDON: I second it.

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

18 MEMBER GORDON: Could I say something?

19 CHAIRMAN SALADINO: Sure.

20 MEMBER GORDON: I would be very
21 uncomfortable voting either way on side yard
22 setbacks requirements that apply to an old house
23 built before our current system was in operation
24 because of the precedent it would set. I mean, we
25 would really be opening, I think, a substantial

1 can of worms if we start accepting the requirement
2 of voting on some -- on a property that everybody
3 agrees, everybody who's been here, like our two
4 colleagues for many decades.

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

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

23 CHAIRMAN SALADINO: Well, then we could go
24 on the premise that we can't accept an application
25 unless it's complete and correct, but that's with

1 an application. I don't remember at any training
2 seminar where it said about a Notice of
3 Disapproval.

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

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

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

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

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

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

22 MEMBER TASKER: Is out of order.

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

25 MEMBER TASKER: Yeah.

1 CHAIRMAN SALADINO: I'm not going to be a
2 bully.

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

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

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

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

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

20 MEMBER REARDON: Okay.

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

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

25 CHAIRMAN SALADINO: No. Make the motion

1 that -- you said the first motion wasn't seconded.
2 I believe it was, but I'll take your word for it.
3 It wasn't seconded. You amended your first
4 motion, you made a second motion, and that was
5 seconded by Diana. Can you -- just to refresh our
6 memory, it's not clear in my mind, I'm not sure
7 about the rest of the members. Could you make it
8 again? And then we'll vote on it.

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

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

22 CHAIRMAN SALADINO: Can we change the Notice
23 of Disapproval?

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

1 Department can change the Notice of Disapproval.

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

6 MEMBER REARDON: Put it to a vote.

7 MEMBER CORWIN: Somebody's got to second.

8 CHAIRMAN SALADINO: Dinni seconded it.

9 MEMBER GORDON: I'll second it again.

10 CHAIRMAN SALADINO: She did second it.
11 David.

12 MEMBER CORWIN: Yes.

13 CHAIRMAN SALADINO: Dinni.

14 MEMBER GORDON: Yes.

15 CHAIRMAN SALADINO: Jack.

16 MEMBER REARDON: No.

17 CHAIRMAN SALADINO: Arthur.

18 MEMBER TASKER: Yes.

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

25 MEMBER GORDON: We just vote on the pool.

1 MEMBER CORWIN: It's two to two. You have
2 to make a decision.

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

5 MS. LINGG: No.

6 MEMBER GORDON: It's three to two.

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

8 MEMBER GORDON: It's three to one.

9 MS. LINGG: It's three --

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

12 (Laughter)

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

19 MEMBER REARDON: Eighteen, I believe.

20 MS. LINGG: The 18th.

21 CHAIRMAN SALADINO: June 18th we'll schedule
22 a public hearing at 6 o'clock. We set them all at
23 6 o'clock. We're going to make a site visit.
24 What time is good with the members, 5:30?

25 MEMBER GORDON: Uh-huh.

1 CHAIRMAN SALADINO: Is that enough time,
2 folks?

3 MEMBER CORWIN: Yes.

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

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

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

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

15 MR. PETERS: Oh, absolutely.

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

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

20 CHAIRMAN SALADINO: (Nodded yes)

21 MR. PETERS: Okay.

22 MS. TESSEMAN: Yes.

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

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

25 MR. PETERS: Okay.

1 CHAIRMAN SALADINO: Whichever -- whatever
2 you have. Thank you.

3 MR. PETERS: Thank you so much.

4 MS. TESSEMAN: Thank you.

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

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

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

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

25 MEMBER TASKER: Yup.

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

11 MEMBER REARDON: No opinion.

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

22 Item No. 10 is --

23 MEMBER TASKER: Well, John, before we leave
24 that, if I may, there's nothing that prevents the
25 code from granting more powers to the Zoning Board

1 than are stated in the statute.

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

4 MEMBER TASKER: I'm sorry.

5 CHAIRMAN SALADINO: I mean, they did it.

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

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

21 MEMBER TASKER: Yeah.

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

25 MEMBER CORWIN: Second.

1 CHAIRMAN SALADINO: All in favor?

2 MEMBER CORWIN: Aye.

3 MEMBER GORDON: Aye.

4 MEMBER REARDON: Aye.

5 MEMBER TASKER: Aye.

6 CHAIRMAN SALADINO: And I'll vote aye.

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

10 (The meeting was adjourned to executive
11 session at 7:18 p.m.)

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