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

Via Video Conference  
June 16, 2020  
6:00 p.m.

B E F O R E:  
JOHN SALADINO - CHAIRMAN  
DAVID CORWIN - MEMBER  
DINNI GORDON - MEMBER  
JACK REARDON- MEMBER  
ARTHUR TASKER - MEMBER (Absent)  
  
ROBERT CONNOLLY - ZONING BOARD ATTORNEY  
PAUL PALLAS - VILLAGE ADMINISTRATOR  
AMANDA AURICHIO - CLERK TO THE BOARD

1 (The meeting was called to order at 6:00 p.m.)

2 CHAIRMAN SALADINO: All right. Folks,  
3 people that are tuned in, this is the Village of  
4 Greenport Zoning Board of Appeals regular  
5 meeting. It's June 16th at 6 p.m. Those that  
6 are interested can tune in via GoToMeeting.  
7 Someone's calling my house, I'm not going to  
8 answer that.

9 Item No. 1 is a motion to accept the  
10 minutes of the February 18th, 2020 Zoning Board  
11 of Appeals meeting. So moved.

12 MEMBER REARDON: I'll second.

13 MEMBER CORWIN: Second.

14 CHAIRMAN SALADINO: All in favor? All in  
15 favor?

16 MEMBER REARDON: Aye.

17 MEMBER GORDON: Aye.

18 CHAIRMAN SALADINO: And I'll vote aye.

19 Item No. 2 --

20 MEMBER CORWIN: Aye.

21 CHAIRMAN SALADINO: I'm sorry. Did  
22 somebody speak? No?

23 Item No. 2 is a motion to approve the  
24 minutes of the January 21st -- January 21st,  
25 Zoning -- 2020 Zoning Board of Appeals meeting.

1 So moved.

2 MEMBER CORWIN: Second.

3 CHAIRMAN SALADINO: All in favor?

4 MEMBER GORDON: Question. I wasn't at that  
5 meeting. Can I vote or no?

6 CHAIRMAN SALADINO: Did you read the  
7 minutes?

8 MEMBER GORDON: I must be honest, I  
9 did not.

10 CHAIRMAN SALADINO: So perhaps you should  
11 abstain.

12 MEMBER GORDON: Okay, I abstain.

13 CHAIRMAN SALADINO: Jack.

14 MEMBER REARDON: Aye.

15 CHAIRMAN SALADINO: I'll vote aye. David.

16 MEMBER CORWIN: Aye.

17 CHAIRMAN SALADINO: Any abstentions besides  
18 Diana?

19 (No Response)

20 CHAIRMAN SALADINO: And David votes aye.

21 All right, so that's -- that's approved.

22 Item No. 3 is a motion to schedule the next  
23 Zoning Board of Appeals meeting for July 21st,  
24 2020 at 6 p.m. at Station One of the Greenport  
25 Fire Department, Third and South Streets,

1 Greenport, New York, 11944, or via GoToMeeting.

2 So moved.

3 MEMBER CORWIN: Second.

4 CHAIRMAN SALADINO: All in favor?

5 MEMBER CORWIN: Aye

6 MEMBER GORDON: Aye

7 MEMBER REARDON: Aye.

8 CHAIRMAN SALADINO: And I'll vote aye.

9 Item --

10 MEMBER GORDON: May I make a comment?

11 CHAIRMAN SALADINO: I'm sorry.

12 MEMBER GORDON: You know, I just want to  
13 make a comment. If we are in the third phase,  
14 there will -- there supposedly would be a limit  
15 of 25 people in a meeting. Do we think there's  
16 any chance that there would be 25 people, and  
17 should we be -- or more than 25 people. Should  
18 we just be doing something to be sure that we --  
19 that we observe that?

20 CHAIRMAN SALADINO: Well, I'm really -- I  
21 mean, if everyone wants to express their opinion  
22 as they did in emails, I think I have 19 emails  
23 on one side of the coin, and perhaps 17 or 18, 19  
24 emails on the other side of the coin for this  
25 particular application that I assume we're going

1 to have a public hearing for next month. So, you  
2 know, if we use -- if we use a mathematical  
3 equation, that's 36 or 37 people right there,  
4 that we would have to add in the Board Members,  
5 we would have to add in the applicants. So we  
6 would have to work something out with the Village  
7 to accommodate everyone that would like to speak  
8 and voice an opinion.

9 I think -- I think -- you know, I go to  
10 Home Depot all the time, we queue up outside.  
11 When there's enough room inside, they let five or  
12 ten or twelve or more people inside. Perhaps  
13 that might be something we could consider for our  
14 meeting.

15 MEMBER GORDON: Well, another, another way  
16 to do it would be to ask people to make  
17 reservations and to stop it at 25.

18 CHAIRMAN SALADINO: Well, you know, we  
19 could ask people to make reservations and they  
20 would -- I feel like we're like Studio 54 when we  
21 ask them to like stand. But we could ask -- we  
22 could ask people to make a -- we could ask people  
23 to make a reservation, and then we could also ask  
24 them that after they make their comment, to step  
25 outside and keep a social distance from their

1 neighbors, and then let other people in to make  
2 their comments.

3 You know, it's contrary to what a public  
4 hearing is really about, because people, again,  
5 pro and con, feed off of -- the cat is up on the  
6 table. Come on, get out of here. People, people  
7 feed off of what other people have to say.

8 So maybe that's a discussion Paul and the  
9 rest of us could have, you know, after we --  
10 first, assuming we're going to accept the  
11 application, and then set a date for a public  
12 hearing, and we'll have 30 days to work out the  
13 logistics.

14 I'll ask Paul, what do you think?

15 ADMINISTRATOR PALLAS: Yeah. If I may, I  
16 think the process we want -- we would certainly  
17 want consistency across all Boards. So, you  
18 know, I would be working with the Chairs, in  
19 addition to the Mayor, because there's Village  
20 Board meetings to consider as well, to make sure  
21 that we are consistent and we are following all  
22 of the State mandates. So together, I think we  
23 will work on -- we will come to a solution that  
24 is fair to anyone that --

25 (Audio Interference)

1           ADMINISTRATOR PALLAS: Anyone that's not  
2 speaking, if they could mute their phones,  
3 please. Mute your microphones. Thank you. That  
4 is fair for anyone that desires to speak.

5           CHAIRMAN SALADINO: Okay. Members, what do  
6 we think? David?

7           MEMBER CORWIN: You're talking about next  
8 month, you're saying?

9           CHAIRMAN SALADINO: Well, the next meeting  
10 would be July 21st. So for all we know, the  
11 Holocaust might be before that and this is all  
12 moot. But I don't know. I mean, I take grade  
13 stock into public hearings, so, you know, I  
14 would -- I would really like everybody to be able  
15 to voice their opinion. And this seems like to  
16 most people, again, pro and con, an important  
17 application.

18           Again, I don't want to get ahead of  
19 ourselves here, we haven't even accepted this  
20 application. I'm assuming we will, or perhaps we  
21 might. But to be proactive about the meeting  
22 date and what will happen at that meeting, I'm  
23 assuming that this application will be accepted  
24 and we'll set a public hearing for July 21st.  
25 But everybody should have, I think, the right to

1 stand someplace and voice their opinion about an  
2 application.

3 So I'm sure the Village will be fair. I  
4 know certain Boards have different, different  
5 apprehensions. You know, I know the Village  
6 Board had an apprehension, was apprehension --  
7 apprehensive about meeting and masks and  
8 sanitizing. My Board, our Board has been polled.  
9 We're kind of comfortable in the public hearing  
10 setting.

11 So, again, I'm sure in the next 30 days, we  
12 can speak to Paul, we can speak to the Attorney,  
13 and work out something that's best for the  
14 public. What do we think?

15 MEMBER CORWIN: Yes.

16 CHAIRMAN SALADINO: What do you think?

17 MEMBER CORWIN: I think some people are  
18 going to have to wait outside the meeting.

19 CHAIRMAN SALADINO: Well, logistically we  
20 can work it out, David. We can, you know --

21 MEMBER CORWIN: Yes.

22 CHAIRMAN SALADINO: With advice and counsel  
23 from the Village, we can work that out. Whether  
24 20 people are allowed in the room and voice their  
25 opinion, and then perhaps if they're willing to



1       leave and let another 20 people in to voice their  
2       opinion, I think that would be -- I think that  
3       would be beneficial to all of us, to everyone  
4       involved, the applicant and the community.

5               Jack, what do you think?

6               MEMBER REARDON: Well, I'm willing to go  
7       either way. I mean, right now, we have 36  
8       people, you know, attending, and they're all  
9       doing it virtually, so, you know, we could  
10      probably manage it all virtually.

11              But, you have -- you do have a point, that  
12      there's a little more, I don't know, compassion  
13      and comprehension when it's in person. But  
14      I'm -- this is my first virtual, so I'm willing  
15      to try either way. Not a bad idea to have 20  
16      people speak and then another 20 people speak.

17              CHAIRMAN SALADINO: Again, that's  
18      something -- that's something we have 30 days  
19      to -- actually, we have 35 days to work that out.  
20      I think maybe we're getting a little ahead of  
21      ourselves here. Maybe we'll just move on with  
22      the agenda and kind of work that out, and let the  
23      public know what's going to happen after a week  
24      or two and we'll see what happens. All right?  
25      Can we move on? All right.

1           Item No. 4 -- I'm sorry. Item No. 4 is 621  
2 Main Street. It's a Motion to accept the  
3 application, schedule a public hearing, and  
4 arrange a site visit for the application of  
5 Community Action Southold Town (CAST), for the  
6 property located at 621 Main Street, Greenport,  
7 New York 11944. This property is located in the  
8 R-2 District, One and Two-Family District, and is  
9 located in the Historic District. This property  
10 also requires an area variance and approval by  
11 the Historic Preservation Commission.

12           Before we move to the application, I'm  
13 going -- I'm going to speak to the Building  
14 Department on the Notice of Disapproval.

15                           (Audio Interference)

16           ADMINISTRATOR PALLAS: I'm sorry. Can I  
17 ask those -- if I can ask those one more time, if  
18 you could mute your microphone if you're not  
19 speaking, please.

20           CHAIRMAN SALADINO: On Notice of  
21 Disapproval, the application is for an area  
22 variance, and the Code Enforcement Officer has  
23 signed under the application, "This application  
24 is therefore denied requiring the above mentioned  
25 use variance."

1           The Notice of Disapproval and the  
2 application is dissimilar. So if the Building  
3 Department can assure this Board that that's a  
4 typographical error, I don't think -- I don't  
5 think the members would have a problem. If it's  
6 something other than a typographical error, I  
7 think we're going to need a little bit of a  
8 discussion.

9           ADMINISTRATOR PALLAS: Mr. Chairman, the --  
10 it is a ministerial error. The enumerated  
11 variances all refer to area variances, so it  
12 just -- it just didn't get translated properly in  
13 the last few sentences. It should have said in  
14 those sentences that it is an area variance.

15           CHAIRMAN SALADINO: Okay. I'm going to go  
16 to the members. Members, are we comfortable with  
17 that, David, Jack, Dinni?

18           MEMBER CORWIN: I am not.

19           CHAIRMAN SALADINO: Okay.

20           MEMBER CORWIN: I would just like to point  
21 out two things. At the Planning Board hearing,  
22 as I recall, this was designated by the CAST  
23 Attorney, Mr. Flanagan (sic), as a Type I Action.  
24 And they submitted a short --

25           MS. BRAATEN: I'm sorry. I'm sorry, hold

1 one second. I'm getting an echo in the back.  
2 Paul, I'm getting an echo in the background and I  
3 can't understand.

4 ADMINISTRATOR PALLAS: Yes, I hear it as  
5 well. I will ask, please, if everyone could mute  
6 their microphones. We're hearing a lot of  
7 background noise, very difficult for the  
8 Transcriptionist to hear, very difficult for  
9 anybody that's trying to listen to this to hear.  
10 So I would ask once again if we could mute,  
11 please.

12 MS. BRAATEN: Thank you.

13 CHAIRMAN SALADINO: David, go ahead.

14 MEMBER CORWIN: I don't have a  
15 problem with -- all right. Let me chime in.  
16 Mr. Flanagan (sic) asked the Planning Board  
17 called out as a Type I Action. Submitted was a  
18 Short Environmental Assessment Form. A Type I  
19 Action requires a Long Environmental Assessment  
20 Form. I don't see any reason to hold the  
21 application up for that, but I would like that to  
22 be cleared up about parking. That's one thing.

23 The other thing, as far as the use variance  
24 goes for -- number one on the list, it says, "Lot  
25 size requirements. Each such use shall occupy a

1 lot which will have an area containing not less  
2 than one acre." And it's implied that's a use  
3 variance, and -- or, rather, a variance, an area  
4 variance, and I contend that's a use variance.  
5 That's the same thing that we did for  
6 Mr. Olinkiewicz on Kaplan Avenue when we had that  
7 discussion about whether his application should  
8 be an area variance or a use variance.

9 So as far as I'm looking at it, number one  
10 should be a use variance, the others I see as  
11 area variances.

12 MR. CONNOLLY: The use contemplated in this  
13 location is a conditional use in this district.

14 CHAIRMAN SALADINO: That was my  
15 understanding, also, that this application would  
16 be a conditional use, whereas the other  
17 application that you mention was specifically  
18 disallowed for that particular piece of property.  
19 So I'm not --

20 MEMBER CORWIN: This is allowed -- this is  
21 allowed, too -- disallowed, too, because it's not  
22 one acre.

23 CHAIRMAN SALADINO: Well --

24 MEMBER CORWIN: The Olinkiewicz property  
25 was what, 50 feet instead of 60, and you guys

1 said, "Oh, that's a use variance." This is a  
2 half an acre, instead of an acre, and I'd say if  
3 you did it with Kaplan Avenue, you need to do it  
4 for Main Street on 621.

5 CHAIRMAN SALADINO: Well, I think what  
6 we're getting into is what's allowed on that  
7 particular piece of property. Anything other --  
8 again, I don't want to get into Mr. Olinkiewicz'  
9 application before we have the public hearing.

10 We had an interpretation, we had a -- we  
11 had a -- we scheduled -- we decided that he, in  
12 fact, needed a use variance. And with this, I  
13 mean, here you have a piece of property that the  
14 use that they're proposing is a conditional use  
15 in the -- in that district. So I'm just -- I'm  
16 just not quite seeing, me personally, am not  
17 quite seeing use variance, so -- but I'm anxious  
18 to hear from the other members. Jack, what are  
19 we thinking? I can't hear you, Jack, microphone.

20 MEMBER CORWIN: You got your mic off, Jack.  
21 Your mic's off, Jack.

22 MEMBER REARDON: Okay, I got it.

23 CHAIRMAN SALADINO: Okay.

24 MEMBER REARDON: I was at the website, the  
25 Village website getting a copy of the

1 application, because I did not know how to get  
2 it, so I just communicated with Amanda and I have  
3 one. So your question again? I did hear it, but  
4 I don't remember it.

5 CHAIRMAN SALADINO: The question is do you  
6 agree that we're going to agree, we're going to  
7 give the Building Department the benefit of the  
8 doubt that their requiring a use variance is a  
9 typographical error, and so there's no conflict  
10 with the application?

11 And then David raised a question that his  
12 opinion is that this might meet the requirement,  
13 the need for a use variance. I'm not sure I --  
14 I'm not quite sure I see that without hearing  
15 more. A philanthropic organization is allowed in  
16 our code, it is a conditional use in the R-2, so  
17 I don't -- I don't really see use variance, but  
18 I'm anxious to hear what the members have to say.

19 MEMBER REARDON: Well, I'm willing to  
20 accept that, you know, obviously it's being --  
21 it's a typo, and to help expedite this matter.  
22 It's already cumbersome enough, I'd be willing to  
23 accept it.

24 CHAIRMAN SALADINO: Okay.

25 MEMBER REARDON: Does that help answer?

1           CHAIRMAN SALADINO: In part, sure, okay.  
2           And, Dinni, what are we thinking?

3           MEMBER GORDON: Yeah, it's fine with me to  
4           treat it as an area variance. I am a little  
5           concerned about the fact that the form is  
6           different and we -- and we nonetheless, even if  
7           it's a typo, we have one -- we have the applicant  
8           saying, they're asking for area variances, and we  
9           have the Notice of Disapproval saying something  
10          else. And I think dotting the I's and crossing  
11          the T's is very important in this application, we  
12          need to get everything right.

13          So I am a little concerned about the form.  
14          But I also -- I agree with you, this is a  
15          conforming use -- I mean, a conditional use. And  
16          so, you know, if it were -- if we didn't have  
17          this little formal problem, I would say yes, we  
18          are -- we are -- we are going to be making  
19          decisions based on our understanding that we need  
20          area -- that they need area variances.

21          CHAIRMAN SALADINO: Well, under -- and I  
22          agree. And under normal circumstances, if we  
23          were there together and in each other's presence,  
24          I mean, to alleviate everybody's fears, we could  
25          just, you know, type in -- we could just pencil



1 in "area variance".

2 The head of the Building Department is  
3 here. He is the CEO's immediate superior. He  
4 could initial it and -- and Rob is here. Would  
5 that -- would that cover us in progressing this  
6 application? I mean --

7 MR. FINNEGAN: Can I comment briefly?

8 MR. CONNOLLY: It's a scrivener's error and  
9 that's what it was.

10 CHAIRMAN SALADINO: I'm sorry?

11 MR. CONNOLLY: If the Building Department  
12 agrees that it's a scrivener's error, if the  
13 Building Department feels that it's area  
14 variances that are required, and it's the  
15 Building Department who makes that determination,  
16 I think that's all you need.

17 CHAIRMAN SALADINO: Okay. Is there -- did  
18 I hear someone else ask about this? I'm sorry.

19 MR. FINNEGAN: I'm just -- it was just me,  
20 Martin Finnegan, for the applicant.

21 You know, this was the third amended Notice  
22 of Disapproval. We -- the notice is to the  
23 applicant, and to put us on notice of our right  
24 to appeal and to come before you, which we are  
25 doing for area variances. I don't -- you know,

1 it would only be our objection to an incorrect  
2 notice and we don't have any objections. So we  
3 would waive any issue with that.

4 We request that it just be treated as an  
5 area variance, which is what it is. We don't  
6 have -- I don't believe that there's any  
7 implication for a use variance here. It's a  
8 conditional and permitted use in your code, and  
9 we would like -- respectfully request that we  
10 move ahead and have a public hearing scheduled at  
11 the Board's convenience.

12 CHAIRMAN SALADINO: Well, the Board  
13 appreciates your opinion, and we'll take it into  
14 consideration, but there are other interested  
15 parties, and we would -- we like to explain to  
16 them that this is what, in fact, happened. So  
17 it's obvious that the applicant is not going to  
18 take exception to the typographical error, but  
19 there are neighbors and other interested parties  
20 that we would like to explain this to and  
21 alleviate their concerns. So the more people  
22 know, the more we explain to them, the less  
23 likely there'll be an interested party that might  
24 want to progress some kind of judicial review in  
25 the future about accepting the application.

1           As far as the application itself, that will  
2           be their right down the road, I guess. But right  
3           now, just to accept the application, we thought  
4           to give everybody that's listening the full and  
5           complete story, so this way everybody knows  
6           what's in front of them, everybody knows what's  
7           being discussed, and everybody is satisfied with  
8           the process just to accept the application, not  
9           about a decision about the application, just to  
10          accept the application.

11          So having said that, do any members have  
12          any questions about the application?

13          MEMBER CORWIN: I just want to point out no  
14          one complained my arguments that the area  
15          variance, or, rather, the lot size variance is a  
16          use variance as to a mistake there may have been  
17          into the public notice and the agenda.

18          CHAIRMAN SALADINO: Okay. So everyone  
19          having reviewed the application, having gone  
20          through the, I believe, 18 pages, the  
21          environmental form, the Planning Board already  
22          declared itself Lead Agency, so I'm sure they'll  
23          perhaps have questions about the EAF or not. So  
24          I'm going to make a motion that we --

25          ADMINISTRATOR PALLAS: Mr. Chair.

1 Mr. Chair, if I may.

2 CHAIRMAN SALADINO: Sure.

3 ADMINISTRATOR PALLAS: Before you move and  
4 make a motion, I did want to point out I did  
5 receive three comments that are about the  
6 application itself. If you want me to read them  
7 now, I can do so.

8 CHAIRMAN SALADINO: Well, I think if -- I  
9 think if we're about to -- about accepting the  
10 application, I think perhaps the time's to --  
11 this is the time to read them.

12 ADMINISTRATOR PALLAS: Very well. The  
13 first comment comes from Marcia Kebbon. I  
14 apologize if I pronounce anyone's name  
15 incorrectly. And it reads, "In the CAST  
16 application it states twice the lot size variance  
17 is likewise necessary for the conversion to  
18 philanthropic use, and although" -- this is in  
19 quotes -- "although the lot is substandard for  
20 philanthropic use," end quote, "both speak to the  
21 understanding that this would require a use  
22 variance in addition to an area variance" --  
23 "area variance, why are they not both being  
24 considered?"

25 The next comment comes from Gwendolyn

1 Grocock. The comment reads, "This is  
2 specifically disallowed because of the covenants  
3 and restrictions to a single-family only, plus,  
4 there are six area variances needed, not two?"

5 The next comment, and last comment, comes  
6 from Gwendolyn Grocock as well, and it reads, "I  
7 strongly request that the ZBA consider that this  
8 proposal is a use variance. CAST is a commercial  
9 operation as defined by the code. It  
10 acknowledges that in the application" -- "it  
11 acknowledged that in the application. The code  
12 allows philanthropic groups in the R-1 and R-2  
13 zones subject to hefty conditions, such a 50-foot  
14 setbacks all around and an acre lot size. By the  
15 strict letter of the code, CAST is a  
16 philanthropic organization, but I do not believe  
17 the framers of the code every expected a full-on  
18 grocery store/school/commercial kitchen/parking  
19 lot to try to shoehorn itself into that  
20 definition. NF" -- "NFHA and its quiet offices  
21 near the IGA is an example of this kind of use,  
22 CAST is not."

23 That's the end of the comments, Mr. Chair.

24 CHAIRMAN SALADINO: This Board has no --  
25 has no way to reach into the framers' minds, we

1 have the code to go by, we have the written word  
2 to go by. So if the code -- if strictly  
3 interpreted that this organization is a  
4 philanthropic organization, it would be a  
5 conditional use in that area.

6 The questions about lot size, about area,  
7 those, those will be addressed, I believe, in  
8 detail at the public hearing.

9 As far as the covenants and restrictions,  
10 the Planning Board chose not address them. I  
11 kind of take exception to that. I think they  
12 could have offered an opinion. They could have  
13 either offered an opinion one way or the other.  
14 We would be here if they did, or perhaps we would  
15 be -- we wouldn't be here if they did, but they  
16 chose not to.

17 But in reading the covenant, it said that  
18 any resident -- and it's Item No. 1, it's  
19 Paragraph 1. It says, "Any residence located on  
20 the lot created by this subdivision shall be  
21 limited to use as a single family residence."  
22 That was my recollection also at the Planning  
23 Board meeting where this was discussed.

24 I'm going to ask our Attorney if there's  
25 something else that we should know about this.

1           MR. CONNOLLY: No. It's my understanding  
2           from -- in my recollection from when the Planning  
3           Board was discussing -- sorry, my little kids are  
4           running around. When they were discussing this  
5           back in 2017, it had solely to do with the use as  
6           a residence. A conditional use wasn't  
7           contemplated by the Board at that time. The  
8           Planning Board then was looking to limit  
9           residences to single-family residence and not  
10          two-family residence on that property. But the  
11          Planning Board does, you know, have a work  
12          session next week, if you want clarification from  
13          them on that point.

14          CHAIRMAN SALADINO: Well, anything --  
15          again, I mean, because, you know, the redundancy  
16          kills me. Anything we decide here, the Planning  
17          Board gets the application, and because there's  
18          zoning attached, they immediately refer it to the  
19          Zoning Board. And we've been through this with  
20          subdivisions and I voiced my opinion about that.  
21          And now -- and now, you know, with this  
22          application about a C & R that's attached to the  
23          application -- I'm sorry, is somebody talking  
24          to me?

25                 And now with this application, I think -- I

1 think they could have -- they could have --  
2 whatever's decided here at the Zoning Board, we  
3 should all remember, has to go back to Planning  
4 anyway. So we could spend the next two or three  
5 months, hopefully not, but spend the next two or  
6 three months addressing all the neighbors'  
7 concerns about every page of this application,  
8 and then send it back with either a variance or  
9 not, and the Planning Board will decide about the  
10 covenant, the C & R at that time.

11 As far as land use, as far as area, as far  
12 as once we decide -- once this Board has decided  
13 that a philanthropic organization is a  
14 conditional use in that district, I kind of think  
15 that it takes area variance -- use variance off  
16 the table. I didn't feel like that in the  
17 beginning, but in reading the C & R, it's kind of  
18 clear that they're talking about not building a  
19 two-family house there. It doesn't mention  
20 anything other than if the land is used as a  
21 residence.

22 So I'm going to go back to the members to  
23 try to get me off the hook here. Members, what  
24 do we think?

25 ADMINISTRATOR PALLAS: Mr. Chair, I



1 apologize again. Before you do that, there are  
2 additional comments that have come in. I can  
3 continue to read them now.

4 CHAIRMAN SALADINO: Well, can we -- can we  
5 just hear, before we get -- before the members  
6 have too much to consider, just hear what they  
7 think about this, and then we'll hear about the  
8 comments again?

9 ADMINISTRATOR PALLAS: It's entirely up to  
10 you, Mr. Chair.

11 MEMBER GORDON: I would like to say that  
12 I'm troubled by being given, you know, no notice  
13 whatsoever to consider these things that have  
14 come in at the last minute. I mean, we are  
15 not -- this is not the hearing, this is the  
16 determination of whether the application is to be  
17 accepted for a hearing. And it seems to me, you  
18 know, we should have had these concerns -- we've  
19 had a lot of concerns already expressed that  
20 we've read in good time, but to bring this up at  
21 6:30 in a 6 o'clock meeting seems to me untoward.

22 CHAIRMAN SALADINO: Well, Dinni, in  
23 fairness to the neighbors, I did say we wouldn't  
24 entertain anything about the merits of the  
25 application, only about the validity, only about

1 the application itself. And it seems some of the  
2 members -- some of the neighbors are -- do have  
3 questions about the application process. I think  
4 a lot of those concerns should be addressed at  
5 the public hearing, but we want to be fair and we  
6 want to do things aboveboard.

7 So maybe we'll -- again, neighbors, this is  
8 only about the application, it's only about  
9 accepting this application. Our training tells  
10 us that an application has to be complete and it  
11 has to be correct. So to progress this  
12 application as an area variance for these, for  
13 these variances requested, from my looking at the  
14 application, I'm content that the application is  
15 correct, but I'm certainly willing to listen.

16 So, Jack, did you have something to say  
17 before we ask Mr. Pallas to tell us something  
18 else?

19 MEMBER REARDON: No. It seems like it is  
20 in order as an area variance. I mean, I'm all  
21 for going forward with that.

22 CHAIRMAN SALADINO: Paul, do you -- do you  
23 want to read a couple of more of the neighbors?  
24 And then -- then I think before it gets -- it  
25 gets too close to public testimony, we might

1 vote. So do you have -- we'll leave it to you.  
2 Do you have any comments that address the  
3 application directly?

4 ADMINISTRATOR PALLAS: I mean, well, yes  
5 and no, John. I mean, it's -- you know, it's  
6 mixed in with comments about the application,  
7 which could easily migrate into testimony for the  
8 hearing. I would assume that if the application  
9 is accepted, that a lot of the things that are  
10 being commented on will be repeated. But, you  
11 know, it is -- they are specifically talking  
12 about the application itself.

13 MR. CONNOLLY: And in fairness to the  
14 applicant, this is on for accepting the  
15 applications. I don't think the applicant was  
16 prepared to come here tonight to, you know, lay  
17 out their case for the granting of the variances,  
18 so I don't know if it's proper.

19 CHAIRMAN SALADINO: Well, no, I wasn't -- I  
20 wasn't suggesting that he should or -- I just --  
21 when we accept an application, it's only about  
22 the application, and normally it's minutia, you  
23 know, something, a word here or a word there is  
24 wrong, or perhaps a wrong code chapter is quoted,  
25 and we give the applicant an opportunity to

1 correct that. We usually don't get into  
2 testimony until the public hearing.

3 You know, I'm okay with the Head of the  
4 Building Department telling us that this Notice  
5 of Disapproval, it's a typographical error, and  
6 the rest of the application I think should be  
7 addressed at the public hearing. So having said  
8 that, I'm going to ask the members if we're kind  
9 of okay voting on this now, and the members'  
10 opinions will be expressed in their votes. To  
11 the neighbors, every members' opinion will be  
12 expressed in their vote. So are we -- are  
13 prepared to go forward with this?

14 MEMBER GORDON: Yes, I am.

15 CHAIRMAN SALADINO: Jack, what do you  
16 think?

17 MEMBER REARDON: Well, to tell you the  
18 truth, I'm prepared to go forward with the  
19 application, but the inundation of comments from  
20 everybody who has submitted a comment, and there  
21 have been many, and the accusations or statements  
22 made by a variety of people require me, at least,  
23 to do more research in terms of what has been  
24 said that's valid and what is said that is  
25 questionable, and what has been said that is

1       invalid.

2               So, yes, I'd accept this application, but I  
3       need to do more research. And not that I'm  
4       putting a caveat on anything, but I just want it  
5       said that not everything seems -- everything  
6       cannot be aboveboard on both sides, because  
7       there's too many contradicting statements.  
8       That's what I wanted to say.

9               CHAIRMAN SALADINO: Well, isn't that kind  
10       of squared away at the public hearing? I mean,  
11       isn't that like when somebody gives testimony,  
12       that you weigh it and then you decide what's  
13       relevant and what isn't?

14              MEMBER REARDON: Yes, but I don't want to  
15       just take people's word for it, I need to do my  
16       own research. So I'm just saying -- perhaps I'm  
17       saying I'm somewhat naive in the breadth of all  
18       of this that's going on, and I need to look more  
19       into the minutia of all the statements that are  
20       made. So yes with the --

21              CHAIRMAN SALADINO: Well, I think that's  
22       all we all do. I think -- I think that's  
23       commendable. I think, you know, when somebody  
24       walks in that door and they expect a deal from  
25       the ZBA, they expect a fair shake that we all did

1 our homework and we come to a reasoned  
2 conclusion. So, yeah, I agree with you, I'm  
3 going to take the same position.

4 David, what are we thinking about accepting  
5 this application?

6 MEMBER CORWIN: I just want to point out  
7 one thing, that as I understand it, the public  
8 hearing is the official record. So sending  
9 applications, objections for it now I don't think  
10 is so important. It's a public hearing that  
11 eventually a Judge might look at. So, yes, I  
12 want to move it.

13 CHAIRMAN SALADINO: Just -- and I agree  
14 with you, David, I think everything should come  
15 out at the public hearing, I think that's where  
16 the laundry is washed. I think that's where  
17 people get to voice their opinion and respond to  
18 other people's opinions.

19 In the past, this Board, the only time we  
20 normally reject an application is if the  
21 application is flagrantly wrong, where somebody  
22 is applying for an area variance and they had an  
23 interpretation and it was clearly a use variance.  
24 And so -- and, listen, in my -- I don't want to  
25 make it sound like enthusiasm here to accept

1 this, but I think 99 9/10% of the people's  
2 questions and concerns can be and should be  
3 addressed at the public hearing. I think by  
4 accepting the application, we give every  
5 concerned neighbor the right to voice their  
6 opinion. Right now, all we're doing is accepting  
7 opinions about -- about an application that some  
8 people may or might not have an opinion about  
9 mistakes, about code chapters, about --

10 (Phone Sounded)

11 CHAIRMAN SALADINO: I'm sorry, I have to  
12 shut this off. I don't know how to shut my phone  
13 off.

14 So, I think -- I think the path forward is,  
15 again, once we have the assurance of the Building  
16 Department that the application is not being  
17 progressed in error as far as use or area, all  
18 the other questions about the application can be  
19 addressed at the public hearing. And the people  
20 that have questions about the application, or  
21 about setback requirements, about lot size, about  
22 parking, that's all part of the public hearing  
23 process. I'm not sure -- I'm not sure why anyone  
24 would be opposed to being able to voice their  
25 opinion about a particular project.

1           So I'm going to -- I'm going to make a  
2 motion that -- that we accept this application.  
3 So moved.

4           MEMBER GORDON: Second.

5           CHAIRMAN SALADINO: All in favor?

6           MEMBER CORWIN: Roll call vote.

7           CHAIRMAN SALADINO: David.

8           MEMBER CORWIN: I'm voting no, because I  
9 believe, number one, it should be a use variance.  
10 I have no problem with the other variances,  
11 so no.

12          CHAIRMAN SALADINO: Okay. Jack.

13          MEMBER REARDON: Yes.

14          CHAIRMAN SALADINO: Diana.

15          MEMBER GORDON: Yes.

16          CHAIRMAN SALADINO: And I'm going to vote  
17 yes. Arthur's not here.

18                 So we're going to -- we're going to set  
19 this public hearing for July 21st. We set them  
20 all at 6 o'clock. We're going to do -- are we  
21 allowed to do a site inspection? Is social  
22 distancing, does that allow us to do a  
23 site inspection?

24          MEMBER GORDON: Sure.

25          CHAIRMAN SALADINO: Well, I was going to



1 ask the Village Administrator.

2 (Laughter)

3 CHAIRMAN SALADINO: I'm not sure of the  
4 mandate, so if a site inspection --

5 ADMINISTRATOR PALLAS: It would be  
6 permitted. You have to follow all the social  
7 distancing and mask-wearing guidelines, but it  
8 would be permitted, yes.

9 CHAIRMAN SALADINO: And you'll remind us of  
10 all of this, right?

11 ADMINISTRATOR PALLAS: Of course.

12 CHAIRMAN SALADINO: So we'll do a site  
13 inspection. We'll set the public hearing for  
14 July 21st at 6 p.m. We'll do a site inspection  
15 at -- what are we thinking? We'll give ourselves  
16 an extra few minutes, 5:15? Folks?

17 MEMBER GORDON: Okay.

18 MEMBER CORWIN: Yes.

19 CHAIRMAN SALADINO: Diana, 5:15?

20 MEMBER GORDON: Yep.

21 CHAIRMAN SALADINO: Okay. So we'll -- so  
22 the public hearing is July 21st at 6 p.m., and  
23 the site inspection is the same day at 5:15.

24 Is there additional construction? I read  
25 the plans and there's a couple of hundred square

1 feet. Are we going to ask them to stake that out  
2 so we know exactly what's going on? Is the  
3 Attorney here for the applicant?

4 MEMBER CORWIN: Yes, please.

5 CHAIRMAN SALADINO: Is there external  
6 construction? I read somewhere in the plans five  
7 hundred and something square feet. We could ask  
8 the applicant to stake that out to let us know  
9 exactly where --

10 MR. FINNEGAN: Yes, we could. Yes.

11 CHAIRMAN SALADINO: -- where that is going  
12 to take place. And also --

13 MEMBER CORWIN: And the parking and the  
14 loading zone, right?

15 CHAIRMAN SALADINO: And also the parking  
16 and the loading zone, so we would need --

17 MR. FINNEGAN: You want that staked out?  
18 You want parking --

19 CHAIRMAN SALADINO: Like four strings and  
20 some stakes, yeah.

21 MR. FINNEGAN: Okay. We'll have to -- we  
22 will discuss that with the owner of the property  
23 and set that up. Just for the day of the  
24 hearing?

25 CHAIRMAN SALADINO: You can set it up

1 whenever you please, but we'll be there at 5:15  
2 the day of the hearing.

3 MR. OLINKIEWICZ: This is James  
4 Olinkiewicz. There's no problem with staking  
5 everything out on the property.

6 MR. FINNEGAN: Okay.

7 CHAIRMAN SALADINO: I don't see you, Jimmy,  
8 but okay. I knew you knew the deal, so -- so all  
9 right. So we're going to move on. So we're done  
10 with this. Thank you, folks. Thanks for your  
11 interest. Thanks for attending. Thanks for  
12 offering your comments.

13 We're going to move on to -- Item No. 5 is  
14 415 Kaplan Avenue. It's a Public Hearing  
15 regarding a use variance requested by  
16 415 Kaplan Ave Greenport Incorporated,  
17 James Olinkiewicz Contract Vendee, for the  
18 property located at 415 Kaplan Ave., Greenport,  
19 New York 11944. The property is located in the  
20 R-2 (One and Two-Family) District and is not  
21 located in the Historic District.

22 Is the applicant here?

23 MR. OLINKIEWICZ: Yes, I am. I'm here,  
24 James Olinkiewicz.

25 CHAIRMAN SALADINO: Jimmy, maybe you can

1 turn your camera on so we can take a peek at --

2 MR. OLINKIEWICZ: How's that?

3 CHAIRMAN SALADINO: I don't see you.

4 MR. OLINKIEWICZ: See me okay?

5 CHAIRMAN SALADINO: No.

6 MR. OLINKIEWICZ: Hang on a second. Web  
7 cam, are you webcams all talking? Okay, share my  
8 webcam. Hang on, I'm working on it. How's that?

9 CHAIRMAN SALADINO: That's good, that's  
10 good.

11 MR. OLINKIEWICZ: Okay.

12 CHAIRMAN SALADINO: Okay. You want to tell  
13 us what your deal is?

14 MR. OLINKIEWICZ: So I'm the contract  
15 vendee with JoAnne Kehl. We've looked at -- I'm  
16 asking for a use variance for the property. I'm  
17 just trying to get online, because I sent you  
18 guys some information. I don't know if you got  
19 it this afternoon. You had asked me for -- you  
20 had asked me for some houses in the area and the  
21 values.

22 I had shown last time that we had a  
23 meeting, when we first started to discuss this,  
24 that the reason why we're asking for a use  
25 variance is the fact that no matter which way the

1       Kehls would go, because the application has the  
2       Kehls as owner, not me, because based on the  
3       rules of New York State, the contract vendee has  
4       to discuss the terms as if they -- for the owner,  
5       and not for themselves, for what the purchase  
6       price that the owner has.

7               So the contract vendee -- or let's just  
8       roll back, I'm sorry. The Kehls, JoAnne Kehl, if  
9       she was to build a piece -- a building on that  
10      property to get a reasonable rate of return. I  
11      had done all of these attachments that you guys  
12      had gotten back in January or February, which we  
13      had discussed the valuation of building the  
14      property out. Do you want me to go through all  
15      of that again?

16             CHAIRMAN SALADINO: Jim, it's your time,  
17      you do whatever you want.

18             MR. OLINKIEWICZ: So what you have is that  
19      the Kehls, if they were going to build the  
20      property, they paid \$125,000 for the land. Right  
21      now it's \$250 a square foot to build a house. So  
22      to build a 2,000 square foot house would cost  
23      \$500,000, so they bid a total cost of 625,000.  
24      The appraised value of that described house would  
25      be 675 for resale. So after paying the real

1 estate commission, they would really have no rate  
2 of return, so they wouldn't make a single penny  
3 on it.

4 Then back in January, based on -- back in  
5 January, based on --

6 CHAIRMAN SALADINO: Wait, wait, wait, wait.

7 MR. OLINKIEWICZ: Go ahead.

8 CHAIRMAN SALADINO: I'm looking at your  
9 figures and it said the appraised value of the  
10 described house is \$675,000.

11 MR. OLINKIEWICZ: Correct.

12 CHAIRMAN SALADINO: So assuming they have  
13 to pay into a real estate and whatever -- I'm not  
14 sure of the 2%, it says they're going to get a 1%  
15 rate of return.

16 MR. OLINKIEWICZ: Correct. So if you  
17 had -- if you had \$675,000 of the value to sell  
18 the property at and you have 625,000, you take  
19 out the real estate commission of 5%, that's  
20 32 grand, right? That's the average, is 5 or 6%.  
21 So there would be a \$17,000 profit on \$625,000  
22 invested, which is less than 1%, okay? So the  
23 profit would be so minimal that it was -- it  
24 doesn't pay for them to build.

25 If they -- if they rented the property and

1 they rented it for -- as a one-family house for  
2 \$2600 a month, which is the going rate now for a  
3 house, that's \$31,200 a year. After you pay all  
4 the expenses, the rate of return would be  
5 about 3%, so if they built and rented the house.

6 If you went and built a two-family house at  
7 \$250 a square foot, you'd have to up it to 2300  
8 square feet, which is what the application is,  
9 approximately. It would cost 600,000 to build,  
10 and their rate of return on that would be 5.7%,  
11 which is a reasonable rate of return based on the  
12 expenditure.

13 CHAIRMAN SALADINO: Where do you -- just  
14 for my information, where do you -- where do you  
15 get this table of a reasonable rate of return?  
16 Where -- you know, I know a 10-year T-bill now  
17 pays like a quarter point. I know my bank pays  
18 like a quarter point. Where do you get 5 1/2% as  
19 a reasonable rate of return when the government  
20 thinks a quarter of a percent is a reasonable  
21 rate of return?

22 MR. OLINKIEWICZ: So are you saying that  
23 the government is always correct?

24 CHAIRMAN SALADINO: Well, I'm saying --

25 MR. OLINKIEWICZ: I'm just -- I'm just --

1           CHAIRMAN SALADINO: I'm saying that I have  
2 the government on one hand and a builder on the  
3 other hand. I was just wondering where we get --  
4 where we're getting our numbers from, that's all.

5           MR. OLINKIEWICZ: Okay. So when you build  
6 a spec house, normally, you would expect to make  
7 20% on your money. I've done tons of them,  
8 that's what you expect. So what you invest, if  
9 you invest 600,000, you expect to make 20%, you  
10 expect to make \$120,000 on the build of the house  
11 as a spec house, okay?

12           So you go as low as 15% when you're  
13 building out and you're doing it. When you're  
14 doing rental properties, you try to get between 7  
15 and 9% rate of return on the property, okay,  
16 because of the amount -- because of all of the  
17 issues that deal with the rental property.

18           So, I mean, that's -- I guess I could go  
19 back to the industry and find you all of the  
20 paperwork on that, but other than that I do this  
21 for a living and I've done it for 35 years,  
22 right, I mean, I have a better -- I have a better  
23 handle on it. Yes, the government will only pay  
24 you a half a percent --

25           CHAIRMAN SALADINO: Yeah, but what you're



1 not taking into consideration is the code. The  
2 code doesn't have a table. The code, the code --

3 MR. OLINKIEWICZ: The code asks for a  
4 reasonable rate of return.

5 CHAIRMAN SALADINO: A reasonable return.  
6 It doesn't say profit, it says reasonable return.  
7 It doesn't say you're entitled to make a profit.

8 MR. OLINKIEWICZ: Right. So then that's a  
9 matter of opinion whether you may accept a  
10 reasonable return as 1 1/2%. I would never  
11 accept a reasonable rate of return on \$650,000  
12 of 1 1/2%. I would expect to get 5 to 7%  
13 minimally. So, I mean, that's just -- I mean,  
14 that's just who you are and how you invest.

15 CHAIRMAN SALADINO: Well, I'm not talking  
16 about me personally, but I'm talking about what  
17 I'm reading in this book. You know, this book  
18 also says that profit is not one of the  
19 motivating factors. You know, an additional  
20 profit isn't -- isn't one of the motivating  
21 factors, it's what -- it's what this Board  
22 thinks.

23 Anyway, I'm -- I just didn't want to lose  
24 my train of thought, it's getting dark in here.  
25 And I apologize for interrupting, so.

1 MR. OLINKIEWICZ: No, no problem. No  
2 problem. So, yeah. So I guess depending on what  
3 you expect as a reasonable rate of return on your  
4 money, right, that would weigh into the situation  
5 of whether it's worth a use variance or whether  
6 it's not, right? And, you know, only you guys  
7 can decide if they build out the property and  
8 made 1% on their money, if that was worth all of  
9 them putting all of that money at risk or not. I  
10 mean, for me, a reasonable return, you know, over  
11 the long period is more than that.

12 CHAIRMAN SALADINO: Okay. Okay.

13 MR. OLINKIEWICZ: I think for dealing with  
14 rental properties, and all the issues and all the  
15 tenants, and the people not paying at times, and  
16 everything that you have to do to maintain and  
17 keep up, which you don't have to do with a normal  
18 house, right, you would expect to get a little  
19 more, I don't know, return on your investment,  
20 right? I mean, it's not -- with all the staff  
21 you have to deal with and everything else.

22 Now, granted, we're talking from the Kehls  
23 perspective, so we can't talk about it from my  
24 perspective, and they're not landlords. Would  
25 they put \$600,000 into the property to make 15?

1 I don't think so. I don't think there's a person  
2 in this room or that I'm talking to who would put  
3 \$600,000 down and hope to make 15,000 in the real  
4 estate market, whether you know it's going up or  
5 going down, right?

6 CHAIRMAN SALADINO: Well --

7 MR. OLINKIEWICZ:

8 So how do you judge -- so how do you judge  
9 a reasonable return? Reasonable return to me is  
10 that I buy the property, I build a two-family  
11 house and do the work, I rent it out, I give  
12 housing to people that need housing that's in  
13 desperate need, and I get a 4 1/2 or 5% rate of  
14 return on the money, plus we help, you know, the  
15 community. Is that reasonable? To me it is, to  
16 you guys it might not be. So that's just a  
17 decision you have to make whether you decide or  
18 not.

19 CHAIRMAN SALADINO: Yeah, but, Jimmy, we  
20 don't deal -- we don't deal in -- we don't deal  
21 in that, we deal in the code. We deal in -- we  
22 deal in one-family house, two-family house. We  
23 deal in a code that says -- that says profit is  
24 not the motivator, what a reasonable return is.

25 MR. OLINKIEWICZ: But it does say --

1           CHAIRMAN SALADINO: We also deal in the  
2 fact that if you chose to build a house, and  
3 not in your situation, in someone else's  
4 situation, they chose to build a house and live  
5 in it, and do they expect -- and build equity in  
6 that house, you know, does the profit come today  
7 or does the profit come 5 years or 10 years from  
8 now?

9           MR. OLINKIEWICZ: That is -- I get it, I  
10 understand it, that's why we're having this  
11 conversation. So is it based off of this moment  
12 if they built, would they get a reasonable return  
13 on their money? No. But if they waited 25 years  
14 from now, they probably would.

15           So this is a total issue for you guys to  
16 discuss. Whichever way it goes it goes. I mean,  
17 I just -- I'm just saying that to expect a  
18 reasonable return, you would need to build a  
19 two-family house and rent it, in my mind and how  
20 I have it. If you have a difference of opinion,  
21 that's okay, that's a decision for you guys to  
22 make on whether this property, which is 11 1/2  
23 thousand square feet, which is far bigger than  
24 needed, but it's 8 feet too narrow or 9 feet too  
25 narrow, whether that doesn't warrant being able

1 to build a house for a, you know, reasonable  
2 return.

3 CHAIRMAN SALADINO: Well, as far as -- as  
4 far as the lot size and as far as being too  
5 narrow, we already covered that. We had a  
6 hearing.

7 MR. OLINKIEWICZ: Right, we had --

8 CHAIRMAN SALADINO: We had the application  
9 for a use variance. It was decided by this Board  
10 unanimously that you needed a use variance. So  
11 we're going to take the size of the lot out of  
12 the narrative now.

13 MR. OLINKIEWICZ: Okay. So the use  
14 variance -- so a use variance --

15 CHAIRMAN SALADINO: Now we're going to talk  
16 about money. We're going to talk about money.

17 MR. OLINKIEWICZ: The use variance depends  
18 on what is an acceptable rate of return for each  
19 person there, whether I should expect, if I buy  
20 the building, to get 5 or 6%, or whether I don't  
21 buy it and the Kehls expect to get 1% on their  
22 money if they build a house there. That's what  
23 it comes down to.

24 CHAIRMAN SALADINO: Okay. Members, do we  
25 have any questions for the applicant?

1           MR. OLINKIEWICZ: Just one other thing.  
2           You had asked for information on other houses in  
3           the area that sold, just to verify that my  
4           numbers were correct. So we sent you -- we had  
5           sent it back in February. We resent it to Amanda  
6           this morning, the list of the neighboring six  
7           houses or seven houses that sold, and I don't  
8           think any of them sold for over 600,000. Maybe  
9           I'm wrong. I don't have that information in  
10          front of me. For some reason my office manager  
11          decided not to email it to me again. But  
12          everything -- I don't think there was a single  
13          one of them over 600 grand in the  
14          block-and-a-half surrounding this property.

15          CHAIRMAN SALADINO: Jimmy, just to clarify,  
16          we had gotten this information in February? This  
17          is the same information that you sent us, too, in  
18          February?

19          MR. OLINKIEWICZ: I believe it was. I  
20          didn't verify with my office manager. I asked  
21          her to --

22          CHAIRMAN SALADINO: It's just hard for  
23          us -- it's just hard for us to disseminate, to  
24          absorb the information when we get it at  
25          4 o'clock in the afternoon the day of the

1 meeting, whether --

2 MR. OLINKIEWICZ: Correct.

3 CHAIRMAN SALADINO: -- it's area comps. If  
4 it's the same information, we're aware of it. If  
5 it's different information, I have to be honest  
6 with you, I didn't look at it, just because --

7 MR. OLINKIEWICZ: I would probably say that  
8 she added a couple of extra to the other  
9 information. There are ones in there that match.  
10 She added some more when she sent it out today,  
11 because I think she sent --

12 CHAIRMAN SALADINO: Well, in all fairness  
13 to the Board --

14 MR. OLINKIEWICZ: Well, I think she sent  
15 out --

16 CHAIRMAN SALADINO: In all fairness --

17 MR. OLINKIEWICZ: Well, I think she sent  
18 out three back in February or four. She sent out  
19 six this time, because there were a couple of  
20 other closings that happened from February until  
21 now that she added in.

22 CHAIRMAN SALADINO: Okay. But in all  
23 fairness to this Board, this last -- our last  
24 meeting was in February and now this is June. So  
25 if there was any additional information to get to

1 this Board, it should have come to this Board  
2 prior to 4 o'clock or 4:30 on the day of the  
3 meeting. So we will take that into  
4 consideration.

5 MR. OLINKIEWICZ: I get it, I get it.

6 CHAIRMAN SALADINO: I apologize for myself,  
7 I can't speak for the rest of the members.

8 MR. OLINKIEWICZ: I get it, but there still  
9 is not a single house that's sold over 600 grand  
10 in that neighborhood or in that area.

11 CHAIRMAN SALADINO: Okay.

12 MR. OLINKIEWICZ: So, I mean, that's --

13 CHAIRMAN SALADINO: Any member have any  
14 questions for Mr. Olinkiewicz?

15 (No Response)

16 CHAIRMAN SALADINO: No, okay. Jimmy, thank  
17 you. Is there anybody else from the --

18 MR. OLINKIEWICZ: Thank you.

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

21 ADMINISTRATOR PALLAS: Mr. Chair, we do  
22 have two comments through the chat function on  
23 the GoToMeeting app, if you'd like me to read  
24 them.

25 CHAIRMAN SALADINO: Sure.



1           ADMINISTRATOR PALLAS: The first one comes  
2 from Gwendolyn Grocock. It reads, "Well, now  
3 this is very interesting, isn't it? Why do I  
4 think this cushy rate of return might be relevant  
5 to 621 Main Street?"

6           The second comment is from someone, Brennan  
7 is the only name on screen. It says, "Ten-year  
8 Treasury rate is 0.65%. Our community is not  
9 obligated to guarantee a property owner or  
10 developer with any rate of return, it is entirely  
11 developer's risk."

12           I do not believe we received any additional  
13 email comments by the 5 p.m. deadline.

14           CHAIRMAN SALADINO: Okay. I apologize to  
15 the first commenter. I -- honestly, I can't --  
16 I'm not relating to the comment. My mind doesn't  
17 work the same way. I don't know what 621 Main  
18 Street has to do with 415 Kaplan Avenue, aside  
19 from the same, the same contract vendee. And  
20 we're talking about two different variances,  
21 about two different -- so I'm not sure about  
22 that.

23           I apologize to the second commenter if I  
24 got the 10-year T-bill rate wrong. I don't have  
25 any T-bills, so I don't check daily. I thought

1 that was a quarter point. It's .65, I apologize,  
2 Jim, if I gave you the wrong information. So --

3 (Video Malfunction)

4 CHAIRMAN SALADINO: But we'll certainly  
5 move on from there.

6 Is there anyone -- anyone else has any  
7 questions for the applicant due to this public  
8 hearing? Members have any comment or questions?

9 (No Response)

10 CHAIRMAN SALADINO: No? All right. I'll  
11 make a motion that we close this public hearing?

12 ADMINISTRATOR PALLAS: Mr. Chair, I don't  
13 know if you can hear me. I think there may be  
14 some connection problems.

15 CHAIRMAN SALADINO: I didn't hear you,  
16 Paul, I'm sorry. I can't hear you.

17 ADMINISTRATOR PALLAS: I'm not sure if it's  
18 just my -- I think we're having some connection  
19 problems.

20 MS. BRAATEN: I had the same problem. I  
21 couldn't hear his last statement very well.

22 MEMBER CORWIN: Everybody is having  
23 troubles, too.

24 CHAIRMAN SALADINO: Did you hear my  
25 comments?

1 ADMINISTRATOR PALLAS: Most of them, John.  
2 If I just -- I'm going to go off screen for a  
3 moment and see if I can find the problem. Bear  
4 with me.

5 CHAIRMAN SALADINO: Okay. It's probably  
6 the Coronavirus affecting everybody's hearing.

7 (Laughter)

8 MEMBER GORDON: I can't see you, John. Is  
9 your camera on?

10 CHAIRMAN SALADINO: It is, it is. I don't  
11 have a clue how to fix this, so I'm going to have  
12 to -- I'm going to have to rely on somebody  
13 helping me here. I see myself here, and I see  
14 Dinni, I see Diana.

15 MEMBER CORWIN: It's the bandwidth, it's a  
16 bandwidth problem.

17 CHAIRMAN SALADINO: I'm sorry, David.

18 MEMBER CORWIN: It's a bandwidth problem,  
19 the machine just can't keep up to it. The server  
20 can't keep with what's going on, it's a bandwidth  
21 problem.

22 CHAIRMAN SALADINO: I just paid my cable  
23 bill, it was \$270, and you're telling me I can't  
24 hear you talk to me? That's crazy.

25 MEMBER CORWIN: Maybe it's the server.

1           CHAIRMAN SALADINO: That's crazy talk.  
2           This is why we should be at the Firehouse looking  
3           in each other's eyes talking about this stuff.

4           ADMINISTRATOR PALLAS: I made a few  
5           changes, hopefully, that helps.

6           CHAIRMAN SALADINO: Okay. Yeah, I hear you  
7           fine. Is there -- and I think we left it at is  
8           there any member that might have a comment  
9           about -- about this public hearing before -- did  
10          I make a motion to close it already?

11          MEMBER CORWIN: You did, it was not  
12          voted on.

13          CHAIRMAN SALADINO: Okay. So before --  
14          before we vote on closing the public hearing,  
15          I'll give the members one more opportunity. Does  
16          anybody else have something to say, or perhaps  
17          ask the applicant?

18          MEMBER CORWIN: I have a few comments I  
19          want to make either before or after the public  
20          hearing.

21          CHAIRMAN SALADINO: Well, why don't you  
22          make them now, David, so they're part of the  
23          record of the public hearing.

24          MEMBER CORWIN: Just to look at example one  
25          Mr. Olinkiewics put together, it's a 3,000 square

1 foot house, which is a very good size house for a  
2 one-family house, particularly in that area.

3 I don't think the Village of Greenport is  
4 in business to make sure developers or builders  
5 make money on every deal they make. Going in the  
6 stock market, sometimes we lose money. You just  
7 hope you make more money. So maybe the original  
8 purchaser made too much money from the property.

9 I also want to remark that we're in a  
10 troubled time and we really don't know what's  
11 going to happen with any figures, building  
12 construction, interest rates, work, who knows.  
13 That's it.

14 MR. OLINKIEWICZ: Okay. Can I respond for  
15 one quick second?

16 CHAIRMAN SALADINO: Absolutely.

17 MR. OLINKIEWICZ: So the only issue with  
18 that is you're looking at it as me. I'm here  
19 talking about the Kehls. This has nothing to do  
20 with a rate of return for me. This has nothing  
21 to do about a profit, what's a reasonable return  
22 for my money. This is based off of if I was  
23 JoAnne Kehl doing the project. That's how I had  
24 to come in and talk about that, that's how by law  
25 I'm supposed to talk about it. It has nothing to

1 do with me, so I am an innocent party on a rate  
2 of return. The rate of return deals on what  
3 JoAnne Keh1 should possibly expect on her money  
4 and whether she's happy with that or not. That's  
5 all I have to say.

6 So to put it against a builder, or a  
7 developer, or anything else has nothing to do  
8 with me. This is not a -- not a dig at what my  
9 rate of return is, this deals with whether it's a  
10 reasonable return for the Kehls, period, nothing  
11 with me.

12 CHAIRMAN SALADINO: Okay.

13 MR. KEHL: John, this is Bob Keh1.

14 CHAIRMAN SALADINO: I didn't take it as a  
15 dig at you, but okay.

16 MR. KEHL: John, this is Bob Keh1. Can I  
17 say something?

18 CHAIRMAN SALADINO: Absolutely. Can you  
19 turn your camera on?

20 MR. KEHL: Okay. Well, I don't know how  
21 to -- we don't know how to work it.

22 CHAIRMAN SALADINO: Join the club, Bob.

23 (Laughter)

24 MS. KEHL: Hold on, we can try.

25 MEMBER GORDON: The bottom of the screen.

1 CHAIRMAN SALADINO: While Bob's figuring  
2 that out, I have to get up one second, I want to  
3 turn the light on in here. I can't read any of  
4 the papers anymore.

5 MS. KEHL: Well, hold on.

6 MR. KEHL: She's going to take over the  
7 camera, go on.

8 (Laughter)

9 MR. KEHL: Is that better?

10 MS. KEHL: Wait, hold on.

11 CHAIRMAN SALADINO: We can see part of you.

12 MR. KEHL: There we go, I'm here now.

13 CHAIRMAN SALADINO: Okay.

14 MR. KEHL: All right. I agree with John,  
15 because -- I mean, Jim Olinkiewicz, because if I  
16 couldn't make 20% on the thing, it wouldn't be  
17 worth it. I mean, right now, you say we're not  
18 worried about making a profit for the  
19 contractors, or whoever is selling a piece of  
20 property, but it seems like everyone's worried  
21 about all the people downtown in this Village  
22 making a profit in their restaurant. So what is  
23 the difference?

24 I mean, they don't realize, when we say 20%  
25 on something, or even making, like you said, 5 or

1 7%, that doesn't even cover half of the time that  
2 we spent and we aren't even figuring for.

3 There's a lot of paperwork and running around  
4 time that no one even has a clue to. It's  
5 unbelievable the stuff we just let slide that we  
6 don't count for or get credit for. And everyone  
7 thinks everyone's making a big profit. You're  
8 not making a big profit.

9 CHAIRMAN SALADINO: Bob, first of all,  
10 first of all, nobody's -- nobody's accusing  
11 anybody of trying to make an excessive profit, or  
12 whatever.

13 The other thing I want to mention is this  
14 is the Zoning Board of Appeals, it's not the  
15 Business Improvement District, so what happens  
16 downtown, unless they're looking for land use,  
17 we're not involved in that. That you have to go  
18 to the Village Board meeting on Thursday nights  
19 and voice your opinion there as far as who makes  
20 a profit downtown.

21 This Board has to go by New York State  
22 Village Law and Greenport Village Code, and  
23 nowhere in any those codes is there a number.  
24 There's a phrase that says, "A reasonable  
25 return." The training sessions that we go to



1 tell us that profit is not -- is not one of the  
2 motivators in how you vote on a use variance. So  
3 we have to take that into consideration, and we  
4 have to take the code into consideration.

5 I think -- I think by now, after watching  
6 this Board for a few years, that with this Board,  
7 it's all about the code, it's not -- it's not  
8 about who deserves what, or nice guy status, or  
9 what I think, or what David thinks, or what the  
10 applicant thinks about what's -- what's fair to  
11 make.

12 I'm not a -- I freely admit, I'm not a  
13 contractor. I have no clue what your profit  
14 margin has to be, but, again, the code doesn't  
15 dictate profit. So there's -- and that's only  
16 one portion of the four questions that we're  
17 going to ask. You know, and again, by State Law,  
18 by New York State Village Law, a plurality of a  
19 yes answer for any one of the questions, it's not  
20 like we have any latitude. We're mandated to say  
21 yes or no. It almost takes the decision out of  
22 our hands, except how we vote.

23 So I don't want to be like unsympathetic.  
24 You know, you paid a lot of money for a piece of  
25 property, it cost you a lot of money to build a

1 house. You expect some cash in your pocket after  
2 you go through five, six, eight, however long it  
3 takes you to build a house, but that's your job.  
4 Our job is to apply the code in every situation.  
5 So I can assure you the members hear what you're  
6 saying, but -- do any of the members have any  
7 questions for Mr. Kehl?

8 MEMBER GORDON: I don't have a question, I  
9 have a comment.

10 CHAIRMAN SALADINO: Sure.

11 MEMBER GORDON: And that is as a former,  
12 thank God no longer, landlady with rental, with  
13 tenants, and a very long time experience with  
14 this, 43 years, I think this is a perfect -- 5 to  
15 7% seems to me a perfectly reasonable rate of  
16 return, and well within an industry standard, at  
17 least for a relatively modest neighborhood.

18 Something we haven't talked about is what  
19 would happen if you built a one-family house?  
20 That it's not clear to me that a one-family house  
21 that is sizeable and expensive to buy is going to  
22 give you the rate of return ever that you would  
23 really have to have. And I just think we need to  
24 be thinking about the neighborhood and the houses  
25 that are already there. We know that none

1 have -- none have sold for more than 600,000.  
2 So, you know, there are other things to consider.  
3 But I just wanted to comment on the rate of  
4 return question based on my experience, and I'm  
5 sorry.

6 (Audio Interference)

7 CHAIRMAN SALADINO: I have to be honest  
8 with you, I don't know who's talking now. Dinni,  
9 are you done? I'm sorry.

10 MEMBER GORDON: Yeah.

11 CHAIRMAN SALADINO: Are you finished?

12 MS. KEHL: I'm sorry. It looked like Jim  
13 was going to say something.

14 CHAIRMAN SALADINO: He's got that look?

15 (Laughter)

16 MR. OLINKIEWICZ: No, I'm good. I'm good.  
17 My phone's almost dead. I'm trying to find a  
18 battery to plug it in.

19 CHAIRMAN SALADINO: You know, again, I have  
20 to apologize for this. I know we're all -- we're  
21 all listening. For some of you business folks, I  
22 guess this is -- this is fairly routine. But for  
23 me, this is -- this is -- I feel like I'm on a  
24 prairie someplace trying to, you know, signal for  
25 help. So, hopefully, in the future this is not

1 going to be the paradigm the Zoning Board  
2 employs.

3 ADMINISTRATOR PALLAS: Mr. Chair.  
4 Mr. Chair, if I may.

5 CHAIRMAN SALADINO: Sure.

6 ADMINISTRATOR PALLAS: There was one, one  
7 additional comment that has come in. I don't  
8 believe you've closed the hearing, so I don't  
9 know if you want me to read off that comment.

10 CHAIRMAN SALADINO: We haven't closed the  
11 hearing, so sure, read the comment.

12 ADMINISTRATOR PALLAS: Yeah. It's a  
13 comment from Mitchell Pickman. It reads, "I  
14 agree with Corwin, it is not the Zoning Board's  
15 responsibility to guarantee a profit for a  
16 builder."

17 CHAIRMAN SALADINO: Okay. Does Mr. Pickman  
18 have an address? Is he -- did he give you his  
19 address? No? Okay.

20 ADMINISTRATOR PALLAS: No.

21 CHAIRMAN SALADINO: Members, what are we --  
22 what are we thinking? Are we going to keep this  
23 public hearing open, are we going to close it?  
24 Hello.

25 MEMBER CORWIN: I make a motion that we

1 close it.

2 MEMBER GORDON: Second.

3 CHAIRMAN SALADINO: David makes a motion we  
4 close the public hearing, it's so moved. Is  
5 there a second? Dinni seconds it. All in favor?

6 MEMBER CORWIN: Aye

7 MEMBER GORDON: Aye

8 CHAIRMAN SALADINO: I vote aye. Jack?

9 MEMBER REARDON: Aye.

10 CHAIRMAN SALADINO: Okay, moving on.

11 Item No. 6, 415 Kaplan Avenue.

12 Discussion and possible motion on the use  
13 variance applied for by 415 Kaplan Ave  
14 Greenport Incorporated, James Olinkiewicz  
15 Contract Vendee for the property located at  
16 415 Kaplan Ave., Greenport, New York 11944.

17 Comments, members?

18 (No Response)

19 CHAIRMAN SALADINO: No member has a  
20 comment? Well, I'm going to read -- I'm going to  
21 read -- I'm going to read the provision in  
22 Village and State Law for a use variance, and  
23 then perhaps that will solicit some comments.

24 "A Use Variance. The Board of Appeals, on  
25 appeal from the decision or determination of the

1 administrative officer charged with the  
2 enforcement of such local law, shall have the  
3 power to grant use variances, as defined herein.

4 No such use variance shall be granted by a  
5 Board of Appeals without a showing by the  
6 applicant that the applicable zoning regulations  
7 and restrictions have caused unnecessary  
8 hardship. In order to prove such unnecessary  
9 hardship, the applicant shall demonstrate to the  
10 Board of Appeals that for each and every  
11 permitted use under the zoning regulations for  
12 that particular district where the property is  
13 located; the applicant cannot realize a  
14 reasonable return, provided the that lack of  
15 return is substantial as demonstrated by  
16 competent financial evidence; that the alleged  
17 hardship relating to the property in question is  
18 unique, and does not apply to a substantial  
19 portion of the district or neighborhood; that the  
20 requested use variance, if granted, will not  
21 alter the essential character of the  
22 neighborhood;" and number 4 is "that the alleged  
23 hardship has not been self-created.

24 The Board of Appeals, in the granting of  
25 use variances, shall grant the minimum variance

1 that it deems necessary and adequate to address  
2 the unnecessary hardship provided by the  
3 applicant, and at the same time preserve and  
4 protect the character of the neighborhood and the  
5 health, safety and welfare of the community."

6 So those are the four questions that we  
7 have to address. The financial questions, we  
8 have an opinion by some that they put a dollar  
9 figure on what's reasonable; some disagree. The  
10 thing that -- the thing that strikes me the most  
11 is that the applicant cannot realize a reasonable  
12 return provided the lack of return is  
13 substantial, that the alleged hardship relating  
14 to the property in question is unique and does  
15 not apply to a substantial portion of the  
16 district.

17 I'm willing to admit there are an equal  
18 amount of two-family houses, as opposed to  
19 one-family houses. So the fact that he's  
20 required to build a one-family house doesn't make  
21 the hardship unique.

22 And no such use variance shall be granted  
23 by the Board of Appeals without showing that the  
24 applicant -- that the applicable zoning  
25 regulations have caused -- in order to prove --

1 the applicant shall demonstrate to the Board that  
2 for each and every permitted use under the zoning  
3 regulations for that particular district where  
4 the property is located.

5 The contract vendee's contention is he  
6 needs to build a two-family house to realize a  
7 reasonable rate of return. The owner of the  
8 property's contention is they arbitrarily decide  
9 that it's a 2,000 square foot house, and that  
10 \$250 is -- per square foot is what it costs to  
11 build that, for a total cost of \$625,000. If  
12 they built a smaller house, it would be less  
13 money. And the appraised value of the described  
14 house is \$675,000. Assuming there is a real  
15 estate, assuming that -- well, we know there are  
16 other fees, you know, 2% transfer, well, the  
17 buyer pays that, not the seller, right? The  
18 buyer pays that. So I'm just not sure of this 1%  
19 rate.

20 Those are the questions I have. Those are  
21 the things that go through my mind. I would like  
22 to hear from the other members. I don't think --  
23 I don't think this Board should decide what  
24 profit and loss, what reasonable -- what a  
25 builder, or a property owner, or an investment



1 piece of property should pay back that particular  
2 owner. I think -- I think it's -- I'm just  
3 having a hard time getting around that. If I'm  
4 being a little thick-headed or obtuse, I  
5 apologize, but I just -- I just can't square that  
6 away in my mind.

7 The owner of the property doesn't have to  
8 build a house and he could sell the -- sell the  
9 land, you know, if actually the land is for sale,  
10 to a contract vendee for \$140,000 above what they  
11 paid for it. I mean, nowhere does it say in this  
12 code that we have to build a house on this  
13 property. Nowhere -- you know, it's each and  
14 every use of the land. So you could use the land  
15 to build a house, you could use the land to sell  
16 and make a profit or --

17 MEMBER GORDON: But nobody's going to buy  
18 the land without intending to put a house on it.

19 CHAIRMAN SALADINO: Diane, we don't know  
20 what people are going to do today in the hopes  
21 of --

22 MEMBER GORDON: Are the going to have a  
23 little park on Kaplan Avenue? I mean, I want to  
24 be realistic. We can't -- it's not a commercial  
25 area.

1           CHAIRMAN SALADINO: I think we would be  
2           overstepping our bounds to decide that that would  
3           be the only use of that land is to build a house  
4           today. We don't know. We don't know. We don't  
5           know what somebody with "X" amount of dollars in  
6           their pocket enough to buy this piece of property  
7           in the hopes -- people buy land all the time in  
8           the hopes of building a home down the road. We  
9           don't know. We're applying -- you and I are  
10          applying our standards to that -- to that lot for  
11          today. We don't --

12          MEMBER GORDON: I think we're applying the  
13          standards of a reasonable purchaser.

14          CHAIRMAN SALADINO: We have never heard,  
15          you have never met anybody or heard somebody that  
16          bought a piece of property and built a house  
17          perhaps a year, two years, three years, five  
18          years later? I have.

19          MEMBER GORDON: Sure.

20          CHAIRMAN SALADINO: I've done it.

21          MEMBER GORDON: Just it's hard for me to  
22          imagine a person who's going into this  
23          transaction thinking that they would leave the  
24          land vacant for any significant period of time,  
25          given -- I'm also thinking about what Greenport

1 is like these days. You know, people want to  
2 come here and they want to build here, and I just  
3 think that's what's going to happen, and it's  
4 very -- it's pretty limiting.

5 CHAIRMAN SALADINO: Well, to that point, to  
6 that point, we all read the former Mayor's, at  
7 least I did, we read his op-ed today or yesterday  
8 that people, in fact, do want to come here. And  
9 you and I live in West Dublin, we've seen the  
10 prices in West Dublin. There's absolutely no way  
11 I would pay for my house for what people would  
12 pay for it. So, I mean, it's ridiculous, the  
13 prices.

14 So to say that because of a particular  
15 block, the -- yeah, perhaps today on that block  
16 prices may be limited and on the lower end of the  
17 scale, but you and I, and I'm looking at the  
18 folks on -- that are tuned in now, except for  
19 Connolly, you and I are old enough to remember  
20 when we wouldn't live in Bedford-Stuyvesant, or  
21 Williamsburg, or Ridgewood, or, you know, a lot  
22 of those places that -- I could speak for my -- I  
23 can't speak for you, I could speak for myself, I  
24 can't afford to live there now. You know, I  
25 can't afford to buy a house there now. We

1 remember what the prices are on -- in Alphabet  
2 City on the Lower East Side. I couldn't --

3 MEMBER GORDON: Well, that's where --  
4 that's where I bought in the '60s, and I  
5 certainly know it was a very modest neighborhood  
6 full of children, and working class families, and  
7 druggies, and, you know, prices go up. But even  
8 there, then, when somebody was buying a piece of  
9 property, the intention was to put a building on  
10 it. So I just -- you know, I just would like to  
11 be realistic about what is likely to be the  
12 approach of somebody building on Kaplan Avenue.

13 Okay. I've said enough, you know what I  
14 think.

15 CHAIRMAN SALADINO: I think I've said  
16 enough, too. I think everybody knows what I  
17 think. David, Jack, anybody, any comments?  
18 Excuse me. No?

19 (No Response)

20 CHAIRMAN SALADINO: Do we want to -- do we  
21 want to think about this for a -- or do we want  
22 to go through these four questions and vote on  
23 this tonight?

24 MEMBER CORWIN: Let's get the agony over with.

25 CHAIRMAN SALADINO: I didn't hear you.

1 David, was that you? I didn't hear you, I'm  
2 sorry.

3 MEMBER CORWIN: Let's get the agony over  
4 with.

5 CHAIRMAN SALADINO: Okay. I'm going  
6 to make a motion that --

7 MEMBER REARDON: John, can you repeat what  
8 he said, because I can't hear his microphone.

9 CHAIRMAN SALADINO: David said let's get  
10 the agony over with.

11 MEMBER REARDON: Oh, thank you.

12 CHAIRMAN SALADINO: No. I'm taking that to  
13 mean let's vote, right, David?

14 MEMBER CORWIN: Correct.

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

19 MEMBER CORWIN: Second.

20 CHAIRMAN SALADINO: All in favor?

21 MEMBER CORWIN: Aye.

22 MEMBER GORDON: Aye.

23 MEMBER REARDON: Aye.

24 CHAIRMAN SALADINO: And I'll vote -- and  
25 I'll vote aye.

1           And I'm going to make a motion that this is  
2 a, Rob, Type II Action?

3           MR. CONNOLLY: Type II Action.

4           CHAIRMAN SALADINO: Type II Action for the  
5 purposes of SEQRA, so moved.

6           MEMBER REARDON: Second.

7           MEMBER GORDON: Second.

8           CHAIRMAN SALADINO: And all in favor?

9           MEMBER CORWIN: Aye

10          MEMBER GORDON: Aye

11          MEMBER REARDON: Aye

12          CHAIRMAN SALADINO: And I'll go through  
13 these four questions. I have them, I have them  
14 here. Actually, I don't have them here, I'll  
15 read them out of this book. This is from Village  
16 Law. This is from -- this is -- so if they're  
17 not the same questions as -- that are in David's  
18 book, they're the same. I don't have my Village  
19 Code book in front of me, I have New York State  
20 Village Law in front of me.

21          Number one is the applicant cannot realize  
22 a reasonable return provided the lack of return  
23 is substantial as demonstrated by financial  
24 evidence. You know what, that doesn't -- that  
25 doesn't kind of sound right to me.

1           MEMBER CORWIN: That's the correct  
2 question, Mr. Saladino. It's a very confusing  
3 question and I never understood it.

4           CHAIRMAN SALADINO: Well, I hope you  
5 understand it well enough to vote on it.

6           MEMBER CORWIN: I'm going to vote with an  
7 explanation, and I think we have to have a roll  
8 call vote for all these.

9           CHAIRMAN SALADINO: Okay. Since I'm used  
10 to starting with you, I'm going to start with  
11 you, and then do our usual. I'm going to start  
12 with you, go to Diana, Jack and myself for all  
13 the four questions. Is that okay?

14          MEMBER CORWIN: Yes.

15          CHAIRMAN SALADINO: Okay. So number one is  
16 the applicant cannot realize a reasonable return  
17 provided that the lack of return is substantial  
18 as demonstrated by competent financial evidence.  
19 David.

20          MEMBER CORWIN: I'm voting yes, because I  
21 feel that if it's tuned properly, the size of the  
22 building, whatever, it can be a reasonable rate  
23 of return. I'm voting yes in that respect.

24          CHAIRMAN SALADINO: Diana.

25          MEMBER GORDON: Yes.

1 CHAIRMAN SALADINO: Jack.

2 MEMBER GORDON: Mute, yeah.

3 MEMBER REARDON: There we go. What did  
4 David vote? I did not here him.

5 CHAIRMAN SALADINO: He voted yes.

6 MEMBER REARDON: Okay. Yes.

7 CHAIRMAN SALADINO: He voted yes with an  
8 explanation.

9 And I'm going to vote yes. Oh, wait a  
10 second. Wait a second, we're on question one.  
11 Actually, I'm going to vote no. I think -- I  
12 think the applicant can realize a rate of -- a  
13 reasonable return for whatever use the property  
14 is used for. For all the uses that property can  
15 be used for, I think there can be a reasonable  
16 return. So it's three yeses.

17 MEMBER CORWIN: Let me just say -- John,  
18 let me say your vote and mine are the same for  
19 the same reason, but I voted yes and you voted  
20 no. That's the problem with this question, it  
21 doesn't really make sense. So I'll say again, I  
22 voted yes, because I think the applicant can make  
23 a reasonable rate of return if the project is  
24 sized properly and is done right.

25 CHAIRMAN SALADINO: So shouldn't you -- do



1 we go and ask the Attorney? Shouldn't you have  
2 some related to what --

3 MR. CONNOLLY: How about we say this: Has  
4 the applicant provided substantial, or  
5 demonstrated by competent financial evidence that  
6 without the use variance it cannot realize a  
7 reasonable return?

8 MEMBER CORWIN: And the answer to that  
9 is no.

10 CHAIRMAN SALADINO: So you're changing your  
11 vote to no?

12 MEMBER CORWIN: I will change my vote to no  
13 to accommodate it as far as Mr. Connolly said it.

14 CHAIRMAN SALADINO: Okay. Anybody else  
15 want to change their vote?

16 MEMBER GORDON: (Shook head no)

17 CHAIRMAN SALADINO: No? Okay. So that's  
18 two nos and two yeses. Arthur's not here, so we  
19 don't have a plurality, we don't have a majority.  
20 I'm going to have to go back to the Attorney with  
21 this.

22 MR. CONNOLLY: If there's no majority, it's  
23 a deny, it's a no.

24 CHAIRMAN SALADINO: Okay. No. 2 -- so  
25 that's a no for question one. No. 2, that the

1 alleged hardship relating to the property in  
2 question is unique and does not apply to a  
3 substantial portion of the district or  
4 neighborhood. David.

5 MEMBER CORWIN: Yes.

6 CHAIRMAN SALADINO: Diana, Dinni.

7 MEMBER GORDON: Yes.

8 CHAIRMAN SALADINO: Jack.

9 MEMBER REARDON: Yes.

10 CHAIRMAN SALADINO: Again, I don't see this  
11 as being unique. I see there's a ton of 50-foot  
12 lots in the Village that would prevent somebody  
13 from building a two-family house on it. So I'm  
14 going to vote no. So that's 3-1. I think  
15 there's -- my house is a 50-foot lot, so I  
16 couldn't build a two-family house here.

17 No. 3 is that the requested use variance,  
18 if granted, will not alter the essential  
19 character of the neighborhood. David.

20 MEMBER CORWIN: No, it will not alter the  
21 essential character.

22 CHAIRMAN SALADINO: Dinni.

23 MEMBER GORDON: No, meaning no, it will not  
24 alter the neighborhood. Yeah, okay, no.

25 CHAIRMAN SALADINO: Okay. Jack.

1           MEMBER REARDON: I'm going to say no, but I  
2 swear all of these are razor thin. You know, it  
3 does alter the character of the neighborhood,  
4 maybe not today or next week, but it does,  
5 because it is an eight-bedroom house and that  
6 alters the character. It's got the potential for  
7 a lot of change.

8           CHAIRMAN SALADINO: Okay. I'm going to  
9 vote -- I'm going to vote no. I think there's a  
10 lot of two-family houses in --

11          MEMBER GORDON: Yes.

12          CHAIRMAN SALADINO: You know, within "X"  
13 amount of blocks of that house. So I really --  
14 as a member of the Zoning Board, I don't -- if  
15 you know me, I don't -- I don't even like going  
16 inside these houses, I don't want to know what's  
17 inside. We deal with land use. So one bedroom,  
18 eight bedrooms, I don't really care. But I'm  
19 going vote no.

20          The last one is --

21          MEMBER GORDON: That's four, four, four  
22 nos.

23          CHAIRMAN SALADINO: Four nos, four nos.  
24 The last one is that the alleged hardship has not  
25 been self-created. David.

1 MEMBER CORWIN: Yes, it has been  
2 self-created.

3 CHAIRMAN SALADINO: Dinni.

4 MEMBER GORDON: No.

5 CHAIRMAN SALADINO: Jack.

6 MEMBER REARDON: Yes, it has been  
7 self-created.

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

10 So I think our vote on No. 1 and No. 4 kind  
11 of takes it -- and, again, I'm going to consult  
12 with the Attorney, because he would have to  
13 handle any lawsuit if we get it wrong. Does that  
14 take like voting on the variance out of our --  
15 out of our hands, that it is a denial on 1 and a  
16 denial on 4? Does that kind of take -- make it  
17 mandatory that we vote no to the variance? Is  
18 that the way I understand?

19 MR. CONNOLLY: Well, when you don't have a  
20 plurality or a majority when there's a member  
21 missing and there's a split vote, when that  
22 occurs, it's a denial without prejudice.

23 CHAIRMAN SALADINO: Well, I'm talking  
24 about, I'm talking about my understanding of use  
25 variance under New York State Village Law is

1 that --

2 MR. CONNOLLY: Right.

3 CHAIRMAN SALADINO: If one of the  
4 conditions --

5 MR. CONNOLLY: Is not met, then it's a  
6 denial.

7 CHAIRMAN SALADINO: Is -- you don't meet  
8 the standard, it's a -- you're mandated to deny  
9 the variance.

10 MR. CONNOLLY: Correct.

11 CHAIRMAN SALADINO: Am I getting that  
12 wrong? No?

13 MR. CONNOLLY: Yep.

14 CHAIRMAN SALADINO: So I'm going to -- I'm  
15 going to -- I'll make the motion to the members,  
16 but I'm not sure if it's -- if it's --

17 MEMBER GORDON: Yeah. If it's a denial  
18 because of the two conditions on which we voted  
19 no, or which the group voted no, then we don't  
20 need to -- it's just a no without voting on the  
21 overall question, right?

22 CHAIRMAN SALADINO: That would be my guess.  
23 But I want to say, Mr. Connolly going to court  
24 for an Article 78, and just kind of like do it  
25 right, so would we vote anyway or just let the --

1 MR. CONNOLLY: Just vote on the request,  
2 the overall request.

3 CHAIRMAN SALADINO: And we would have to  
4 take into consideration the vote on No. 1 and  
5 No. 4.

6 MR. CONNOLLY: Correct.

7 CHAIRMAN SALADINO: All right. I'm going  
8 to make a motion that we grant the use variance.  
9 David.

10 MEMBER CORWIN: I don't understand.

11 CHAIRMAN SALADINO: Question 1 failed  
12 because of the 2-2 vote. Question 4 failed  
13 because of the unanimous vote. Because of New  
14 York State Village Law, when one of these  
15 questions fail, it's a denial, it's mandated that  
16 there be a denial.

17 MR. CONNOLLY: Right. The case law says  
18 that the Board must find that each of the  
19 elements of the test has been met by the  
20 applicants.

21 CHAIRMAN SALADINO: So if No. 1 and No. 4  
22 hasn't been met, we can't grant the variance.

23 MEMBER GORDON: And then that means that if  
24 we're voting on the overall matter, nobody can  
25 vote yes.

1 CHAIRMAN SALADINO: We'd have to vote no.

2 MEMBER GORDON: We can't vote yes if we've  
3 decided that we haven't met the requirements.

4 CHAIRMAN SALADINO: Well, I think, I think,  
5 I think our vote on 1 and 4 has shown what we  
6 decided, so, I mean --

7 MEMBER GORDON: So then a unanimous vote on  
8 the larger question must occur and must be no.

9 CHAIRMAN SALADINO: That's my thinking.

10 MR. CONNOLLY: Correct.

11 MEMBER GORDON: I don't like it, but I will  
12 comply.

13 MEMBER REARDON: It doesn't necessarily  
14 have to be a -- or can it be a motion to deny the  
15 variance?

16 MEMBER GORDON: But how could anybody -- a  
17 motion to deny the variance, how could anyone  
18 reject that, given what has happened with the  
19 two -- the two questions that may not --

20 CHAIRMAN SALADINO: I apologize for  
21 interrupting.

22 MEMBER GORDON: No, I just thought --

23 CHAIRMAN SALADINO: You're talking about  
24 voting in the affirmative or voting in the  
25 negative? It's just, you know, to -- the motion

1 was to approve the area variance. According to  
2 the law, and according to the Attorney's opinion,  
3 we're almost -- we're obligated to vote no.

4 MEMBER GORDON: Yes.

5 CHAIRMAN SALADINO: If we vote -- if we  
6 phrased it -- if I phrased it to say approve the  
7 variance --

8 MEMBER GORDON: No, I understand.

9 CHAIRMAN SALADINO: -- then we would  
10 vote -- to deny the variance, we would vote yes.  
11 It's just in the phrasing, I think Jack raised  
12 the question. So I'm going to do it --

13 MEMBER CORWIN: John, you said area  
14 variance, and it's a use variance.

15 CHAIRMAN SALADINO: I didn't hear you,  
16 David, I'm sorry.

17 MEMBER CORWIN: You just said area  
18 variance. This is a use variance, that's why  
19 we're --

20 CHAIRMAN SALADINO: I apologize.  
21 Everything, everything, everything in terms of  
22 this application revolved around use variance.  
23 This light is really strong, it's giving me a  
24 little bit of a headache, so I apologize for  
25 misspeaking.



1 I'm going to make the motion again. I'm  
2 going to make a motion that we approve the use  
3 variance. David.

4 MEMBER CORWIN: No.

5 CHAIRMAN SALADINO: Dinni.

6 MEMBER GORDON: No.

7 CHAIRMAN SALADINO: Jack.

8 MEMBER REARDON: No.

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

11 I'm going to move on. I'm sure we'll talk  
12 to Mr. Kehl in a little while or tomorrow, but  
13 right now we're going to move on a little bit.

14 Item No. 7 is kind of important, and I hope  
15 you guys -- I know we're here, I know it's  
16 getting late, but -- and I apologize, but  
17 Item No. 7 is kind of important. Just to let  
18 some people know we're serious about doing our  
19 job.

20 Item No. 7 is since the Zoning Board of  
21 Appeals frequently reviews applications where  
22 parking is an issue, the Village Board of  
23 Trustees has requested input from the ZBA on two  
24 Village of Greenport Code Sections: 150-12 --  
25 excuse me -- and 150-16. To that end, the

1 Village Board of Trustees has requested the  
2 Zoning Board of Appeals place this on the  
3 agenda -- on the agenda for discussion.

4 Diana has stepped up and she and I had a  
5 few discussions. She made up a draft document.  
6 I believe she mailed it to all the members for  
7 comment.

8 MEMBER GORDON: Yes.

9 CHAIRMAN SALADINO: I'm going to ask her --  
10 I'm going to ask her to read it, and the members  
11 can either add to it, they can subtract from it,  
12 they can concur. If we get plurality, if we get  
13 a majority, we'll pass that on to the -- to the  
14 Village Board as our recommendation on those two  
15 portions of the code. Are we okay with that?  
16 We'll let Dinni read her draft and we can either  
17 yes, no, or indifferent. All right, members?  
18 I'm going to take their silence as an  
19 affirmative. Dinni, could you read your --

20 MEMBER GORDON: Yeah, I'll read the draft.  
21 I'm going to read it from the computer. And I'm  
22 curious, because I don't understand this process  
23 very well, can you see me now?

24 CHAIRMAN SALADINO: Yes.

25 MEMBER GORDON: Oh, okay. I can't see

1 myself, I can only see my document.

2 Okay. This is revising 150-12 (B) and (C),  
3 and conforming 150-16(A)(1).

4 "Greenport's economic base has changed  
5 dramatically in the last 30 years, as evidenced  
6 by the increase in restaurants and public  
7 accommodations of various kinds in the Waterfront  
8 Commercial and Retail Commercial Zoning  
9 Districts.

10 Adaptation to the development of the  
11 tourist economy has also included changes in  
12 modes of transportation used to get around and in  
13 and out of downtown. Our business areas are  
14 attractive to guests because they are walkable,  
15 and density of retail establishments is not a  
16 detriment to our kind of tourism. Many of  
17 Greenport's visitors do not rely on cars to get  
18 around town, and, increasingly, there are options  
19 for those who need vehicles to explore the North  
20 Fork. These realities suggest that it is time to  
21 modify the provision for exemption from  
22 off-street parking requirements, as set forth in  
23 Section 150-12(C) of the Village Code.

24 In recent years, the Zoning Board of  
25 Appeals has wrestled with two variance

1 applications for businesses that could not have  
2 operated in compliance with the off-street  
3 parking requirements of Section 150-12(B), and  
4 were not eligible for the exemption of Section  
5 150-12(C), because they were not applying for  
6 buildings in existence as of January 1, 1991.  
7 Both projects were in other respects desirable  
8 additions to Greenport's Commercial Districts,  
9 and it is conceivable that applications for other  
10 such businesses will be forthcoming."

11 I wanted to part from the text just to  
12 remind everybody that the two applications for  
13 businesses that I'm referring to are the Menhaden  
14 Hotel and the Greenporter.

15 "The simplest way to change the law to  
16 allow for greater flexibility in off-street  
17 parking requirements is to update the operative  
18 date of 150-12(C). If the objective is to enable  
19 current businesses to make modifications without  
20 running afoul of 150-12(B), but leave room for  
21 regulation of new ones, a date reflecting the  
22 immediate present, for example, July 1, 2020,  
23 could be chosen and substituted in 150-16(A).

24 In addition the word "building" in  
25 150-12(C) should be changed to "business" to

1 reflect the possibility that future projects may  
2 involve expansion beyond a single physical  
3 structure.

4 A slightly more complicated solution would  
5 be to update only the provision for exemption  
6 from off-street parking regulations and delete  
7 the exemption for payment in lieu of parking.

8 The Planning Board has recommended some  
9 form of payment as a tool to curb unfettered  
10 expansion by existing businesses, and keep some  
11 control over parking decisions by new ones.

12 There is general agreement in the Village  
13 that there is a need for additional off-street  
14 parking. The revenue received for payment in  
15 lieu of parking could address that need by  
16 funding new parking projects, relieving the  
17 taxpayers from bond payments that  
18 disproportionately benefit the Business District.

19 On balance, the ZBA supports the idea of  
20 payment in lieu of parking spaces as a compromise  
21 that respects the interests of both the developer  
22 and the Village. We do not take a position on  
23 the amount of such payments.

24 Beyond these changes questions remain.  
25 Retaining the last sentence of 150-12(C), that

1 the last sentence, the sentence that says the  
2 exemption shall apply thenceforth to improved  
3 parcels only, and shall not apply to unimproved  
4 parcel, notwithstanding other provisions to the  
5 contrary. So retaining that sentence, the last  
6 sentence of 150-12(C) allows for greater Village  
7 control over future development. Eliminating it  
8 would give a business owner greater freedom in  
9 planning a new structure.

10 Modifying 150-12(B) to reduce the number of  
11 off-street parking spaces required, or changing  
12 the method for calculating that number, are  
13 possibilities also. But modifying the code in  
14 both these areas would require a more extensive  
15 discussion of aims and processes than the changes  
16 proposed above."

17 So that's my draft. What do you think?

18 CHAIRMAN SALADINO: I understand it was a  
19 lot to absorb. We had it -- you know, I had read  
20 it before, so I'm kind of -- the other members,  
21 any thoughts, any comments?

22 MEMBER CORWIN: I didn't do my homework. I  
23 saw it. I did read what Diana said, but my  
24 concern remains existing structures that go out  
25 and say, "I'm putting 20 more chairs in, I'm

1 filling up my backyard with chairs and tables,  
2 and I don't need parking." I don't see, as I  
3 understood it, that that's the gist of what was  
4 said.

5 CHAIRMAN SALADINO: Well, I think, I think  
6 if you -- if you take the letter of the -- if you  
7 go to the spirit of the draft and you change  
8 "property" to "business", that might give the  
9 Planning Board for those -- for those -- or we  
10 could include that, we include that into the  
11 draft. We could include that into our comments  
12 to the Village Board, you know, that a change  
13 from "property" to "business", or the expansion  
14 of a business, would be required to pay payment  
15 in lieu of parking.

16 MEMBER CORWIN: Payment in lieu of parking  
17 for property was put in place by myself, what, 30  
18 years ago, but that went towards -- 2500 was a  
19 reasonable figure today. As I've said before,  
20 2500 is giving a parking space away. So to me, a  
21 perfect example is the place north of First and  
22 South, what used to be (inaudible) house, and the  
23 guy came in, he was from the vineyard -- from a  
24 vineyard, I don't know which one, and he said,  
25 "Hey, I want to make the whole thing, the whole

1 backyard paved and put in tables and chairs, plus  
2 anything I could put inside." And to me, that's  
3 just too much. That's no parking places, and  
4 making half a dozen or more tables and chairs  
5 outside. To me, that's a problem, because once  
6 you open it up, everybody's going to say, "Hey, I  
7 can get more tables in there."

8 CHAIRMAN SALADINO: That business was  
9 Sparkling Pointe, but next to First and South.

10 MEMBER CORWIN: Yes.

11 CHAIRMAN SALADINO: And that would -- that  
12 would -- you know, this suggestion to the Board  
13 would eliminate stuff like that happening. They  
14 would have to comply with parking. If we added  
15 the caveat, if we added the -- if we add to the  
16 draft, and where it goes from building or  
17 property to business, every time the business  
18 turns around, they would have to comply with the  
19 parking or payment in lieu of. If there's an  
20 expansion of the business, it would give the  
21 Building Department the right to go in there,  
22 recalculate the need and charge accordingly.

23 As far as the amount, I personally don't  
24 think we should get involved in the amount of a  
25 parking space. I think we're not elected



1 officials. The Mayor, the Village Board, they're  
2 elected to decide. Me, personally, I would like  
3 to see it -- actually, to get people to go along  
4 with this, make the price even less. You know,  
5 you say 2500 was 30 years ago, and 30 years ago  
6 that was probably appropriate. Now you're saying  
7 that it should be more than that. But for a guy  
8 that's opening a business on a shoestring, or  
9 maybe not even a shoestring, is going to invest  
10 50, 100, \$150,000 of his money and he needs 20  
11 parking spaces, and he's got to come up with  
12 100 grand for -- just to pay for parking might  
13 be -- you know, it might be the tipping point  
14 whether that guy comes here, opens that business,  
15 or goes someplace else.

16 You know, so -- you know, it's a discussion  
17 we can have if and when the Village Board has  
18 the -- takes up the discussion. So I think it  
19 might be a mistake for us to opine about a dollar  
20 figure for a parking space. You know, we should  
21 let them do their job and let them decide how  
22 much a parking space should cost, if, in fact,  
23 they take this recommendation seriously. So --

24 MEMBER GORDON: And to David's -- to  
25 David's point, I mean, if we did the simple thing

1 and simply updated the exemption date, the date  
2 at which a business can call and claim the  
3 exemption, you have control over what comes in  
4 the future, and we don't -- we don't currently  
5 have businesses that are eager to pave over the  
6 parking and put chairs and tables.

7 CHAIRMAN SALADINO: I didn't understand  
8 that.

9 MEMBER GORDON: He was concerned about --  
10 he was thinking back to the paving over the  
11 parking lot and putting in chairs and tables. If  
12 you update the exemption, the exemption provision  
13 to -- and it applies only to current businesses,  
14 you're not going to have that problem, because it  
15 wouldn't be a current business who was coming in  
16 and proposing the kind of thing that David saw --  
17 worried about in the past.

18 CHAIRMAN SALADINO: Exactly, exactly,  
19 you're right. You know, it would have to be a  
20 date -- basically, if you don't add the provision  
21 about expansion of business, then it would only  
22 apply to any new business that --

23 MEMBER GORDON: Right.

24 CHAIRMAN SALADINO: From whatever date we  
25 would like to recommend, you know, yesterday, or

1 tomorrow, a week from tomorrow. I remember the  
2 original law was passed in 1990, but they gave  
3 exemption for any business prior to 1991, so --

4 MEMBER GORDON: January 1, it was the same  
5 sort of idea.

6 CHAIRMAN SALADINO: So -- but we can  
7 certainly continue to discuss this. Dinni maybe  
8 can send it out again. If we agree with it, we  
9 can add our signature to it. I'm not sure if  
10 Paul's back. When is the Village Board meeting,  
11 Paul?

12 ADMINISTRATOR PALLAS: There's a work  
13 session next week, and then a regular meeting the  
14 following week.

15 CHAIRMAN SALADINO: This would be better  
16 served -- I think, I think the Village Board  
17 would be better served if they had it at a work  
18 session, as opposed to a regular meeting.

19 ADMINISTRATOR PALLAS: Yes, I would agree.  
20 Yes, I would agree with that.

21 CHAIRMAN SALADINO: Dinni, do you think you  
22 could get it, you know, a copy to Amanda and she  
23 can mail it to the members?

24 MEMBER GORDON: Sure, of course, yep.

25 CHAIRMAN SALADINO: And then we could agree

1 or disagree and forward it to Paul to be included  
2 maybe at the work session, or when they feel --  
3 you know, what they told you in our email was,  
4 well, we did our job, we did our job, and now the  
5 Village Board has like four or five years to  
6 ponder this and come to a decision of it.

7 MEMBER GORDON: I want to be sure, I want  
8 to be sure I understand what you said. You said  
9 I should send to Amanda the existing draft, or I  
10 should send it around to all of you? I wasn't  
11 clear.

12 CHAIRMAN SALADINO: I think, I think, I  
13 think all of that. I think it would be good to  
14 send it to all of us.

15 MEMBER GORDON: To the Board Members again  
16 and to Amanda? Sure.

17 CHAIRMAN SALADINO: And to Amanda.

18 MEMBER GORDON: Yes.

19 CHAIRMAN SALADINO: And if the Board -- and  
20 if the Board Members, via email, concur with what  
21 you say, and there's no redlining, or whatever,  
22 we could just ask her to type it up and give it  
23 to the Village Board as our work product. No?

24 ADMINISTRATOR PALLAS: If I may.  
25 Mr. Chair, if I may, I don't believe there's an

1 agenda item for -- an agenda item for this issue  
2 at this month's meeting, just to be clear. So  
3 I'm not sure if they will do much other than  
4 accept the -- accept it and table it for a  
5 discussion at a later date when they take up the  
6 issue specifically.

7 MEMBER CORWIN: Fine, there's no rush, the  
8 way things --

9 MEMBER GORDON: Right.

10 MEMBER CORWIN: -- go in life, that's for  
11 sure.

12 CHAIRMAN SALADINO: Okay.

13 ADMINISTRATOR PALLAS: Just I didn't  
14 want -- I didn't want you folks to think that it  
15 was being ignored. If we get it to the Board and  
16 they say nothing, it could be just simply because  
17 the agenda is finalized at this stage, that's  
18 all.

19 CHAIRMAN SALADINO: We're used to being  
20 ignored by the Village Board. We're used to it.

21 ADMINISTRATOR PALLAS: There's a work  
22 session this week. If I said next week, I meant  
23 this week.

24 CHAIRMAN SALADINO: All right.

25 ADMINISTRATOR PALLAS: So actually two days

1 from now.

2 CHAIRMAN SALADINO: We had it on our  
3 agenda, it was a request made by the Village.  
4 We're good soldiers here, we did our duty. We're  
5 going to give it to you. What you guys do with  
6 it, you know, we'll see what happens next.

7 I really want to thank Dinni, she worked  
8 hard on this, took a lot of thought, a lot of --  
9 a lot of effort. And I think it's -- I think  
10 it's -- there's some really valid suggestions  
11 there. I think everybody believes that. I  
12 think -- I don't think there's a -- except maybe  
13 one or two or three or five business owners that  
14 would disagree. But I think the overwhelming  
15 majority of the population of the Incorporated  
16 Village think that might -- this is an idea  
17 that's -- whose time as come. But we're going to  
18 do that.

19 So, and moving on is Item No. 8, any other  
20 Zoning Board of Appeals business that might  
21 properly come before this Board. I only see a  
22 few initials left up there. If there's anybody  
23 that has a question for this Board that they need  
24 answers, other than something about the public  
25 hearing that we scheduled for next month, we

1 would be glad to answer that. No?

2 (No Response)

3 CHAIRMAN SALADINO: The only thing I would  
4 have is I would like to square away with the  
5 Village Administrator that -- about the  
6 acceptance of applications and stuff. And also  
7 make an apology to the neighbors about the  
8 confusion with the public hearing and stuff. I  
9 don't think it was an overstep, I don't think it  
10 was anybody exerting undue authority. I think it  
11 was just a miscommunication between myself, Paul  
12 and Mr. Connolly when it came to -- it came to  
13 accepting the application for 621 Main Street and  
14 scheduling the public hearing. I think it was  
15 just a miscommunication between us. I don't  
16 think anybody was overstepping their authority.  
17 I know I certainly -- that wasn't my intention,  
18 and I believe my colleagues, that they weren't  
19 doing the same.

20 So as far as accepting the applications, I  
21 understand the Village has every right to do it.  
22 I understand other municipalities do it. This  
23 Board has at least two other -- two other  
24 conversations, discussions about it. The Board  
25 was always comfortable in their role as accepting

1 the application. It's been a 50-year tradition.  
2 The only thing I would ask, and I'll ask the  
3 members to comment, also, is that if it is a  
4 change of policy, that we make it an official  
5 change of policy; that it's discussed by the  
6 Village Board, they decide that this is, in fact,  
7 the policy going forward, and we'll live with it.  
8 We'll -- again, we're good soldiers, we'll do  
9 what's expected of us.

10 Any member have any comment about that,  
11 about accepting applications? No?

12 MEMBER GORDON: I think we should be the  
13 ones to do it, because we're then going to have  
14 to deal with what we've accepted.

15 CHAIRMAN SALADINO: I understand. Yeah, I  
16 agree with you. I think since we're the Board,  
17 that we're intimately familiar, all the members  
18 are intimately familiar with the code, not that  
19 the Attorney or Building Department isn't, but --  
20 and I understand the process, that a building  
21 permit is applied for, a Notice of Disapproval is  
22 written, an appeal is applied for. I just kind  
23 of thought that that appeal should be -- that  
24 form, that appeal should be accepted by the  
25 Zoning Board.



1           But, again, if there's going to be a policy  
2 change, if the Village is more comfortable doing  
3 it the other way, all I would ask is that we make  
4 that policy official.

5           So anybody else? David, Jack, anybody?  
6 Jack, what do you got headphones on? Were you  
7 wearing those headphones the whole time?

8           MEMBER REARDON: No. That's the only way I  
9 can hear everybody.

10          CHAIRMAN SALADINO: Oh.

11          MEMBER REARDON: Is it -- can you hear me?  
12 Is the mic still working?

13          CHAIRMAN SALADINO: Yes.

14          MEMBER REARDON: Okay. How about making  
15 your request a motion for the Town Board?  
16 Because I, too, feel that better that we accept  
17 the applications and review it for its  
18 appropriateness, only -- maybe that's because  
19 that's how I was brought in, that's all I'm  
20 familiar with, but we are that body and  
21 responsible for the acceptance. And, you know,  
22 I've seen you have to deal with miswritten or  
23 misinterpretations of half what people said. So  
24 making a comment about it is one thing.  
25 Making -- you know, like perhaps the Town Board

1 could make it official, and one way to assure  
2 that is for us to move it out of our venue with a  
3 motion.

4 CHAIRMAN SALADINO: Well, I don't think we  
5 can make a motion. I don't think we have the  
6 authority to make a motion to the Town Board that  
7 they have to listen to. We can --

8 MEMBER CORWIN: It's the Village Board.  
9 It's the Village Board. The Town Board doesn't  
10 listen to us.

11 CHAIRMAN SALADINO: Okay, David, you're  
12 absolutely right.

13 MEMBER CORWIN: At this point, I make a  
14 motion to close the meeting.

15 CHAIRMAN SALADINO: We're all long-time  
16 residents, we certainly should know that, but  
17 you're absolutely right, sometimes -- see how  
18 easy it is to misspeak? Who knows better than  
19 Jack or myself or you that it's not the Town  
20 Board, it's the Village Board? But sometimes we  
21 get tired, sometimes the light is bright, it  
22 gives us a headache and we misspeak.

23 So I don't think we have the authority to  
24 progress a motion to the Village Board. We can  
25 make a recommendation to the Village Board.

1 Mr. Pallas is here, you could certainly discuss  
2 it with him, and he'll let us know what they  
3 decide.

4 So, you know, I don't think we should  
5 overcomplicate it as far as motions and written  
6 requests, or, you know, they know how we feel.  
7 The Village Administrator knows how we feel, the  
8 Attorney knows how we feel. That's what we're  
9 comfortable with. That's been the history and  
10 tradition for the last 50 -- since 1949, however  
11 long that is, 70 years, since '71 at least, since  
12 the new code came in. So, you know, that  
13 would -- that's what we would prefer. If the  
14 Village Board prefers something else, they  
15 certainly have the right to do that.

16 What do we think? That's okay, what we  
17 think? Guys?

18 MEMBER CORWIN: Yes.

19 CHAIRMAN SALADINO: Paul, you -- okay.

20 MEMBER CORWIN: I make a motion we close  
21 the meeting.

22 CHAIRMAN SALADINO: Okay. I was just  
23 getting to that. And Item No. 9 is a motion to  
24 adjourn. So moved.

25 MEMBER GORDON: Second.

1 CHAIRMAN SALADINO: Okay. All in favor?

2 MEMBER CORWIN: Aye.

3 MEMBER REARDON: Aye.

4 MEMBER GORDON: Aye.

5 CHAIRMAN SALADINO: Aye, and I'll vote aye.

6 (The meeting was adjourned at 8:14 p.m.)

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C E R T I F I C A T I O N

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 June 16, 2020 via video conference.

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 28th day of June, 2020.

Lucia Braaten
Lucia Braaten

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