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

July 18, 2017
6:00 P.M

Third Street Fire Station
Greenport, New York

BEFORE:

JOHN SALADINO - Chairman
DAVID CORWIN - Member
DINNI GORDON - Member
ELLEN NEFF - Member
ARTHUR TASKER - Member

JOSEPH PROKOP - Village Attorney
EILEEN WINGATE - Village Building Inspector
KRISTINA LINGG - VILLAGE BUILDING CLERK

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THE MEETING WAS CALLED TO ORDER AT 6:07 P.M.

CHAIRMAN SALADINO: Folks, are we ready?

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

Item #1 is going to be to accept the minutes of the June 20th, 2017 ZBA meeting. So moved.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Aye.

Opposed?

(No Response)

CHAIRMAN SALADINO: Item #2 is motion to approve the minutes of the May 16th, 2017 ZBA meeting. So moved.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Any abstentions?

MR. CORWIN: I abstain.
CHAIRMAN SALADINO: And I'll vote aye.

Item #3 is to schedule the next ZBA meeting for August 15th, 2017 at 6 p.m at Station One of the Greenport Fire Department. So moved.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Aye.

Item #4 is a public hearing, the application of Sixth Street LLC, Michael Kimack. I have it here, it's on the back. It's Michael Kimack, Agent for Sixth Street LLC, 429 Sixth Street. 429 Sixth Street. Suffolk County Tax Map #1001-6-3-5. Mr. Kimack has jurisdiction here, so that's okay.

We'll do the mailings. The mailings went to GJC Partnership, P.O. Box 253, Greenport, New York, 11944; ADF Ventures LLC, 138 Oregon Avenue, Medford, New York, 11763; the Village of Greenport, 236 Third Street, Greenport, New York; Debra Riva, 433 Sixth Street, Greenport, New York, 11944; Jennifer Kennedy, 293 Fourth Avenue, Saint James, New York, 11780; Brett Stephenson,
MR. CORWIN: Excuse me, Mr. Chairman. Was the notice sent to the Long Island Railroad?

CHAIRMAN SALADINO: We can ask the applicant.

MR. CORWIN: Was the notice sent to --

CHAIRMAN SALADINO: I don't have a response from the Long Island Railroad.

MR. CORWIN: Was a notice sent to the Town of Southold?

CHAIRMAN SALADINO: Well, I'm going to get to the Town of Southold. I thought we would need a confirmation from the Town of Southold and the Suffolk County Planning Association.

MS. WINGATE: What you -- the map that has the names, that's who it went out to. That's what Municity offered. It did not go out to the Railroad, I know that for a fact. It didn't go to the Town of Southold, it went to the properties adjacent to the property.

CHAIRMAN SALADINO: Aren't we required to notify the Town and the Suffolk County --

MS. WINGATE: Only if the Town is adjacent to the property.

CHAIRMAN SALADINO: It is.
MR. TASKER: Yeah.

MS. WINGATE: They're a private --

MR. CORWIN: Well, we had this discussion three or four months ago.

MS. WINGATE: I don't --

MR. CORWIN: And I was confused as to how the Town of Southold was going to know about this, and you replied, "We're going to send them the notice."

MS. WINGATE: Can I see the map?

CHAIRMAN SALADINO: I gave it to Joe. I gave it to him --

MS. NEFF: It's here.

MR. TASKER: Is it here?

CHAIRMAN SALADINO: -- to give back to you, actually.

MS. NEFF: Yes.

CHAIRMAN SALADINO: But while we're doing -- while the Building Inspector is looking at that, we're -- Kristina, we have a confirmation that it was sent to the newspaper?

MS. LINGG: Yes.

CHAIRMAN SALADINO: Okay. And before we let the applicant and the public speak, Joe, as far as SEQRA, do we decide what -- if this is -- what
type of action this is?

MR. PROKOP: You should -- you're supposed to do it as early in the process as possible. What I would do is I would do it -- you could determine what type of action it is, but I would not make a finding of significance until after the public hearing is done.

CHAIRMAN SALADINO: All I was looking to do, if it's an unlisted or a Type I Action is to declare Lead Agency now, and then make a determination later. If it's a Type II Action, we could do it later.

MR. PROKOP: I believe, if it's area variances for single family residence --

CHAIRMAN SALADINO: It's a subdivision.

MS. WINGATE: It's a subdivision.

MR. PROKOP: Oh, it's a subdivision? It ends up being a subdivision. So it would be a Type -- it's an Unlisted Action.

CHAIRMAN SALADINO: So we can declare Lead Agency status and --

MR. PROKOP: Yes. It's not in the Historic District, right?

MS. WINGATE: No.

CHAIRMAN SALADINO: No.
MR. PROKOP: No. So it's an Unlisted Action.

CHAIRMAN SALADINO: Can we get that out of the way now? This way --

MR. PROKOP: Yes.

CHAIRMAN SALADINO: -- it wouldn't be -- all right. I'm going to make a motion that the Zoning Board of Appeals declares itself Lead Agency in this -- in this application.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Aye.

Okay. And do we have something from the Planning Board? I had asked you last month to -- if they --

MS. LIN G G: They never returned it back to me signed.

MR. TASKER: This was the written request from the Planning Board to us, correct?

CHAIRMAN SALADINO: To either -- all I wanted was something over the -- over the
Chairman's name saying they either had a comment or they didn't have a comment, as per the policy that we all agreed to. I don't understand the push-back, but we're not going to hold this public hearing up because of that. But before we close it, I'm going to kind of want that.

Did anybody else have any question about the --

MR. TASKER: There was a -- in dealing with notice to neighbors and so forth, we noted that there was no sign on the property.

MS. WINGATE: There was no placard. That was my error. It didn't -- the placard did not get published for the -- for placement in the yard.

MR. TASKER: So the neighborhood did not get the notice it's entitled to --

MS. WINGATE: Just -- just --

MR. TASKER: -- by virtue of having the sign on the front yard.

MS. WINGATE: My error.

MR. TASKER: But irrespective of whose error it is, it didn't happen.

MS. WINGATE: It did not happen.

MR. TASKER: I think we had a notice problem.
CHAIRMAN SALADINO: So there's another question for the Attorney. No placard.

MR. PROKOP: If it's in the -- if it's in the code or our agreed -- our adopted procedures that there needs to be a placard, then there would not have been proper notice. But I have to -- we would have to first make sure that it's -- like I said, make sure that it's in your -- in either the code or the -- our procedures.

MS. WINGATE: I know it's in the Planning Board. I don't believe that we ever changed our code for the Zoning Board. I will look that up right now. I'm getting there.

Section 150-27(A) says, "The Planning Board shall not decide upon any appeal for a variance or for an interpretation of this chapter without first holding a public hearing. Notice of a public hearing and substance of the appeal or application shall be given by publication of the official newspaper of the Village and at least 10 days before the date of such hearing and by posting a placard of notice of a public hearing."

So I screwed up.

MR. CORWIN: Well, let's get it straight who's responsible. As far as I'm concerned, the
applicant is just as responsible as you are, so
I'm not putting the whole thing on you.

MS. WINGATE: I'm willing to --
MR. CORWIN: No. I don't hear that.
CHAIRMAN SALADINO: We're not here to
assign. We don't have to -- we don't have to
put -- the question on the -- for now is where do
we -- do we move forward from here? I'm going to
ask the Attorney.

MR. PROKOP: Can I see the section?
CHAIRMAN SALADINO: I'm going to ask the
Attorney if we can open this public hearing, hear
from-- the members of the public took time out to
come here, the applicant took time to come here,
open the public hearing, but keep it open.

MS. GORDON: Right.
CHAIRMAN SALADINO: And notice the public
hearing with a placard, and keep the public
hearing open and continue until next month.

MR. PROKOP: My recommendation is that yes,
you could do that. You could have -- if there are
people that are here that would like to be heard,
you can have them give testimony and have their
testimony be part -- be included in the minutes of
the next minute, or in the record, even though
that this is not -- it cannot officially be the opening of the public hearing. However, people had been led to believe that there would be a public hearing tonight, and if they have something they'd like to say, then they should be allowed to say it, and we'll -- you could make those comments part of the record of the application.

CHAIRMAN SALADINO: So, just so it's clear in my mind, we won't open the public hearing. We won't open the public hearing.

MR. PROKOP: The public hearing cannot be officially open, no.

MS. NEFF: It's kind of like the prequel.

(Laughter)

MR. PROKOP: It's in lieu of writing a letter, in other words. You know, you don't -- you don't write a letter at the public hearing, you write it -- so if they would like to give testimony that's being recorded verbatim they can do that, and the verbatim testimony will become part of the record.

MR. TASKER: We can just move to incorporate that into --

MR. PROKOP: By motion.

MR. TASKER: Yes.
MS. NEFF: All right.

MR. PROKOP: But there -- I would recommend that you have very limited back and forth with the applicant, because there's people that are entitled to hear that it did not get notice.

CHAIRMAN SALADINO: Well, they could certainly -- they could certainly attend the next public hearing.

MR. PROKOP: They can attend the next meeting.

MR. TASKER: And won't hear what's been said tonight.

MR. PROKOP: Right.

CHAIRMAN SALADINO: Well, it would be part of the public record. You heard.

MR. KIMACK: No. I understand the legalities of it, basically, and your Attorney is correct on that matter. When's the next hearing?

CHAIRMAN SALADINO: The next hearing is -- we just read that.

MR. TASKER: August 15.

MS. GORDON: Meeting.

CHAIRMAN SALADINO: August 15th.

MR. KIMACK: Okay. Then probably the most prudent way to go forward, in order to take care
of this matter, is that -- the posting is 10 days prior, Eileen?

MS. WINGATE: Yes.

MR. KIMACK: So the posting would be by August 5th.

MS. WINGATE: Yes. Do I need to renotice in the newspaper?

MR. TASKER: Yes.

MR. PROKOP: And I would over-notice the surrounding -- if there's any question, please have the applicant send that notice.

MR. KIMACK: If you -- I mean, we could expand the -- we could expand the certified mailings, that's not a problem. From my understanding, you would like one to go to the Town of Southold.

CHAIRMAN SALADINO: We would -- we would like it. We would like it if the Town of Southold --

MR. KIMACK: And the LI -- the LIRR, which is --

CHAIRMAN SALADINO: And the MTA, perhaps.

MR. KIMACK: Okay.

CHAIRMAN SALADINO: I'm not sure how --

MR. KIMACK: So we'll treat it as a de novo
and start over again.

MR. PROKOP: Right, because --

CHAIRMAN SALADINO: And do it --

MR. PROKOP: Thanks for bringing that up.

So I wanted -- if you start the public hearing and then you adjourn it --

MR. KIMACK: No, no, no. It's --

MR. PROKOP: -- you don't have to notice the adjournment. But we're not -- we're not doing that. It's going to be a new hearing.

MR. KIMACK: The difficulty that I'm going have is that I'm going -- I would like to be able to resolve some issues, but we can't resolve any issue, because it's not going to be a matter of record, it's not going to matter of the public record.

CHAIRMAN SALADINO: Well, it is going to be a matter of record. We're going to take testimony from the neighbors.

MR. KIMACK: Yeah, but you can't take any testimony from me, so --

MS. NEFF: Okay.

MR. KIMACK: -- essentially, so.

CHAIRMAN SALADINO: So I'm going to make that motion.
MS. NEFF: Can I just ask?

CHAIRMAN SALADINO: Sure.

MS. NEFF: Who would you notify in the Town of Southold, the Superintendent of Highways, the ZBA?

CHAIRMAN SALADINO: Southold Town Planning Board.

MS. WINGATE: No, the Town Clerk.

MS. NEFF: The Town Clerk, got it.

CHAIRMAN SALADINO: Or the Clerk.

MS. NEFF: Thank you.

CHAIRMAN SALADINO: And she would pass it on to --

MR. KIMACK: Yeah.

CHAIRMAN SALADINO: -- the appropriate --

but also Suffolk County. Shouldn't -- aren't we required to give them 45 days?

MS. WINGATE: I believe they were noticed. I hadn't gotten a response from them that's typical.

MR. TASKER: Do you have the outgoing mail certificate?

MS. WINGATE: It's all --

MR. TASKER: For the outgoing?

MS. WINGATE: I speak to Suffolk County on
my computer, not through the mail.

MR. TASKER: They get their notices that way?

MS. WINGATE: Those I will mail.

CHAIRMAN SALADINO: Maybe you can, for the public hearing, just get something from Suffolk County.

MS. WINGATE: No problem.

MR. KIMACK: That's a good idea, though.

May I ask a question on those?

CHAIRMAN SALADINO: Sure.

MR. KIMACK: On the posting, would it be helpful if we had two signs, one for Sixth Street and one for Corwin?

MS. WINGATE: If that's what you want, that's --

MR. KIMACK: I -- let's overkill.

MS. WINGATE: Okay.

MR. KIMACK: I'd put one on the Railroad, but they'd probably knock it down.

MR. TASKER: I'd also like to note for the benefit of the -- any people of the public who are going to speak tonight, they will not have had an opportunity to hear the applicant's representative tonight. So I think we want to make it clear that
they have the opportunity to speak again at the public hearing, which will probably -- we haven't made the motion yet -- which will be held at the next ZBA meeting. So you will have -- so anyone in the public will have an opportunity to speak tonight informally, have it incorporated into the record, but also to come back and respond, if they wish, to any comments by the applicant.

MR. KIMACK: Yeah, they would have the opportunity to formulate additional questions based upon whatever presentation I make.

CHAIRMAN SALADINO: Well, I think the majority of the public that's been to a ZBA meeting knows we give everybody a couple of bites at the apple. So, you know, nobody gets shut out here as far as -- so Mr. Kimack -- oh, I got to make a motion that we reschedule this public hearing for --

MR. KIMACK: August 15th?

CHAIRMAN SALADINO: For -- we're going to reschedule the public hearing for Sixth Street LLC, with Michael Kimack as the representative, for August 15th, 2017 at 6 p.m

I don't think we have to do another site visit. Is that agreeable to everyone?
MR. CORWIN: Yes
MS. NEFF: Yes
MR. TASKER: Yes.
MR. KIMACK: Are you okay with that? Okay
CHAIRMAN SALADINO: No more site visit. And
for that public hearing, we would like from the
applicant the additional mailings.
MR. KIMACK: Yes.
CHAIRMAN SALADINO: Long Island Railroad
Company and the Town of Southold.
MR. KIMACK: It would be --
MR. TASKER: Full round of mailings, I
believe.
MR. KIMACK: Pardon?
MR. TASKER: Full round of mailings, I
believe.
MR. KIMACK: I --
MR. PROKOP: All the mailings have to be
done again.
MR. KIMACK: Oh, no, no, I know, everything
goes out.
MR. PROKOP: We agreed to it.
CHAIRMAN SALADINO: No, this is in addition.
MR. TASKER: Full round.
MR. KIMACK: Plus every -- the six, plus the

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three we additionally talked about.

MR. TASKER: Yes.

MR. KIMACK: No, no, that's easy enough to do.

CHAIRMAN SALADINO: Okay. And we're going to hear from the Building Inspector about Suffolk County. So we voted. So moved to move the public hearing. All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Thank you, Mr. Kimack.

MR. KIMACK: Okay.

CHAIRMAN SALADINO: We're going to -- we're going to take some comments from the public. If you would, you could come to the podium give your --

MS. KENNEDY: I have no comments tonight.

MS. BRAATEN: I'm sorry, what is your name?

MS. KENNEDY: Jennifer Kennedy.

MS. RIVA: Debra Riva. I have no comments tonight.

CHAIRMAN SALADINO: We have these, these letters. I believe Ms. Riva wrote one. You would
rather read it yourself at the -- at the next public meeting?

MS. RIVA: Yes.

CHAIRMAN SALADINO: Okay. That makes it easy. That makes Item #5 very easy.

And Item #6 is going to be -- unless the -- unless anybody else has a comment about Sixth Street LLC. No? And then Item #6 is a motion to adjourn.

MR. TASKER: So moved.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Aye. Sorry, folks.

(THE MEETING WAS ADJOURNED AT 6:25 P.M.)
CERTIFICATION

STATE OF NEW YORK )
  ) SS:
COUNTY OF SUFFOLK )

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

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on July 18, 2017.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of July, 2017.

Lucia Braaten

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ZBA 7/18/17

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