

1 V I L L A G E O F G R E E N P O R T  
 2 C O U N T Y O F S U F F O L K S T A T E O F N E W Y O R K  
 3 -----X  
 4 Z O N I N G B O A R D O F A P P E A L S  
 5 R E G U L A R M E E T I N G  
 6 -----X

8 August 15, 2017  
 9 6:00 P. M.

11 Third Street Fire Station  
 12 Greenport, New York

15 B E F O R E:

- 17 JOHN SALADINO - Chairman  
 18 DAVID CORWIN - Member  
 19 DINNI GORDON - Member  
 20 ELLEN NEFF - Member  
 21 ARTHUR TASKER - Member  
 22  
 23 JOSEPH PROKOP - Village Attorney  
 24 EILEEN WINGATE - Village Building Inspector  
 25 KRISTINA LINGG - Village Building Clerk

1 (The meeting was called to order at 6:04 p.m.)

2 CHAIRMAN SALADINO: This is the August 15th  
3 meeting of the Zoning Board of Appeals.

4 Item No. 1 is motion to accept the minutes  
5 of the July 18th, 2017 ZBA meeting. So moved.

6 MS. NEFF: Second.

7 CHAIRMAN SALADINO: All in favor?

8 MR. CORWIN: Aye.

9 MS. GORDON: Aye.

10 MS. NEFF: Aye.

11 MR. TASKER: Aye.

12 CHAIRMAN SALADINO: Aye.

13 Item No. 2 is motion to approve the minutes  
14 of the June 20th, 2017 ZBA meeting. So moved.

15 MS. GORDON: Second.

16 CHAIRMAN SALADINO: All in favor?

17 MS. GORDON: Aye.

18 MS. NEFF: Aye.

19 MR. TASKER: Aye.

20 CHAIRMAN SALADINO: Any abstentions?

21 MR. CORWIN: I abstain.

22 CHAIRMAN SALADINO: And I'll vote aye.

23 Item No. 3 is motion to schedule the next  
24 ZBA meeting for September 19th, 2017, at 6 p.m. at  
25 Station One of the Greenport Fire Department. So

1 moved.

2 MS. NEFF: Second.

3 CHAIRMAN SALADINO: All in favor?

4 MR. CORWIN: Aye.

5 MS. GORDON: Aye.

6 MS. NEFF: Aye.

7 MR. TASKER: Aye.

8 CHAIRMAN SALADINO: Aye.

9 Item No. 4 is a public hearing. The public  
10 notice is attached to the agenda for the folks  
11 that need that information. We're going to just  
12 do -- before we open the public hearing, we're  
13 going to do a couple of things.

14 We have some mailings we're going to read.  
15 And I believe we already confirmed that Mr. Kimack  
16 is the representative of the applicant. And we're  
17 just going to ask Kristina that we know this was  
18 sent to the newspaper, was sent?

19 MS. LINGG: Yes.

20 CHAIRMAN SALADINO: Okay. And I have some  
21 mailings here.

22 MS. ZEMSKY: John, could you make it just a  
23 little louder?

24 CHAIRMAN SALADINO: Wait, let me turn it up.

25 MS. ZEMSKY: Or closer?

1 CHAIRMAN SALADINO: Let me turn up the  
2 volume. How's that?

3 MS. ZEMSKY: Thank you.

4 MS. NEFF: Is it on?

5 CHAIRMAN SALADINO: Sorry. We have -- we  
6 have some mailings here that -- ADF Ventures, LLC,  
7 138 Oregon Avenue, Medford, New York, 11763;  
8 Jennifer Kennedy, 293 Fourth Avenue, Saint James,  
9 New York, 11780; Debra Riva, 433 Sixth Street,  
10 Greenport, New York, 11944; the Village of  
11 Greenport, 236 Third Street, Greenport, New York,  
12 11944. I'm not sure that -- anyway, Long Island  
13 Railroad, C/O North Ferry Company, Post Office Box  
14 589, Shelter Island Heights, New York, 11965.

15 MS. WINGATE: That's the address of record.

16 CHAIRMAN SALADINO: For the Long Island  
17 Railroad Company?

18 MS. WINGATE: For the Long Island Railroad  
19 Company.

20 CHAIRMAN SALADINO: Okay. I worked for them  
21 for 28 years. I always thought their office was  
22 in --

23 MS. WINGATE: I actually --

24 CHAIRMAN SALADINO: In Jamaica.

25 MS. WINGATE: I actually --

1 CHAIRMAN SALADINO: But that's okay. That's  
2 okay. That's good. If everybody's happy, I'm  
3 happy.

4 Michael Green, 356 Fifth Street, Brooklyn,  
5 New York, 11215. And Brett Stephenson, 428 Sixth  
6 Street, Greenport, New York, 11944.

7 I would ask if -- I'll ask the Board, should  
8 we -- we have some letters from --

9 MR. CORWIN: Excuse me, Mr. Chairman.  
10 First, I didn't hear anything of the Town of  
11 Southold. Did I miss something?

12 CHAIRMAN SALADINO: I'm coming to that,  
13 David. I have that. I have -- I'll do that now.

14 I have a letter from Jamie Richter from the  
15 Town of Southold, and he -- well, I won't  
16 paraphrase it, I'll just read it.

17 "Eileen, I have reviewed the two-lot  
18 subdivision with the Highway Superintendent and  
19 the Town Assessor's Office and confirm that would  
20 be no issues with the Village residential parcel  
21 accessing a Town road. The only concerns would be  
22 that the proposed driveway from the property line  
23 to the Town road be constructed to meet the  
24 minimum requirements of the Town Highway  
25 specifications.

1           Also, if any road or drainage improvements  
2 are required" -- "are required to improve Corwin  
3 Street, the applicant or property owner should be  
4 responsible for the work.

5           If this subdivision is approved by the  
6 Village, the Town requests that you require the  
7 applicant to submit a curb cut drawing to the  
8 Engineering Department for review. This drawing  
9 must show" -- "must show the all work that will be  
10 done within the Town right-of-way on Corwin  
11 Street. This design drawing should include all  
12 clearing of trees, new pavement work, and any  
13 drainage that may be deemed to be necessary to  
14 comply with Chapter 236 for stormwater  
15 management." And it's signed by James A. Richter,  
16 James A. Richter, R.A., Stormwater Manager, Office  
17 of the Engineer, Town of Southold.

18           This was also sent -- this was sent to our  
19 Building Inspector, Eileen Wingate. And Vinny  
20 Orlando is their Superintendent of Highways?

21           MS. WINGATE: Of Highways.

22           CHAIRMAN SALADINO: Do you need this?

23           MS. WINGATE: I believe there's a copy.

24           MR. CORWIN: So I can take it that there was  
25 an email exchange between the Building Inspector

1 and the Town Engineer, and there was no notice or  
2 exchange of information between the Supervisor's  
3 Office or the Clerk?

4 MS. WINGATE: The Clerk. The notice of --  
5 the legal notice was sent to the -- to the Town  
6 Clerk, Louise Neville, and -- Elizabeth Neville,  
7 and nobody responded.

8 MR. CORWIN: Okay.

9 MS. WINGATE: So I took it so far as to call  
10 Jamie Richter, because I wasn't sure that the  
11 letter would end up in the right place in a timely  
12 fashion.

13 MR. CORWIN: All right, good. Thank you.

14 CHAIRMAN SALADINO: And the only -- the  
15 other question I might have is Suffolk County  
16 Department of Planning.

17 MS. WINGATE: And nobody has responded, and  
18 their 45 --

19 CHAIRMAN SALADINO: Has it been the 45 days?

20 MS. WINGATE: It's been over 45 days, which  
21 is not atypical. They --

22 CHAIRMAN SALADINO: Should it be a concern?

23 MS. WINGATE: No. They often don't respond.

24 CHAIRMAN SALADINO: Okay.

25 MR. PROKOP: So there's no receipt for the

1 Town Clerk. Was it sent certified mail?

2 MS. WINGATE: Yes.

3 MR. PROKOP: Okay. I think the --

4 CHAIRMAN SALADINO: Are we waiting for a  
5 thought? No?

6 (No Response)

7 CHAIRMAN SALADINO: We did SEQRA, right? Do  
8 we have to do it again, Joe, Attorney?

9 MR. PROKOP: I would re-vote on it. Since  
10 this is the public hearing, I would re-vote on it  
11 after -- because you --

12 CHAIRMAN SALADINO: After the public hearing  
13 opens?

14 MR. PROKOP: You could get -- there could be  
15 comments from the public regarding SEQRA.

16 CHAIRMAN SALADINO: Okay. I have some  
17 letters from the neighbors. Normally we would  
18 read them, but I'm kind of thinking we're going to  
19 let the applicant say what he has to say, and then  
20 we'll read the neighbors' letters, unless any of  
21 the neighbors that are here that plan on speaking  
22 that would rather read their own letter into the  
23 record, that would be fine, also.

24 So I'm going to open this public hearing.  
25 And the applicant is here, or his representative

1 is here, Mr. Kimack.

2 MR. KIMACK: Good evening. It's been a long  
3 journey on this, but I think it would be helpful  
4 if I can kind of put together what we tried to  
5 accomplish in terms of the subdivision.

6 We're here because it's a 7,000 square foot  
7 lot and 7500 was required. We tried in many  
8 respects, when we put together the lot division,  
9 to not create any additional variances.

10 MR. CORWIN: Wait a minute. You just said  
11 it was a 7,000 square foot lot?

12 MR. KIMACK: Yeah. That's my understanding.

13 MR. CORWIN: That's not what I see listed on  
14 Sheet --

15 MR. KIMACK: What do you have?

16 MR. CORWIN: -- Sheet 2 of your latest  
17 submission.

18 CHAIRMAN SALADINO: Lot 1 is -- we have  
19 Lot 1 as being 65 -- 6,544 square feet, and lot --  
20 and Lot 2 as being 7,544 square feet.

21 MR. KIMACK: I'm sorry. The lot overall is  
22 14,088. It would have broken into two 7,000  
23 square feet. I apologize for that.

24 It created the situation where the width  
25 became the issue. The two variances that we're

1 asking for is the width on the -- on both proposed  
2 lots. Lot No. 1 would be going from -- the  
3 requirement is 100 feet, it would be a 90-footer;  
4 Lot No. 2 required 100 feet, it would be 81.61. I  
5 bring it up because the way that everything was  
6 situated on there is that the fact that it isn't  
7 as wide as it should be did not create any  
8 additional variances. In essence, we were able to  
9 maintain the setbacks, the 30-foot setbacks from  
10 the front and the back on both properties, which I  
11 think is helpful from that perspective.

12 We are undersized in the front lot. We --  
13 you know, rather than the required 7500 square  
14 foot, it's 65.6, which is the third variance. But  
15 we have basically -- with those three variances in  
16 place, what we want to be able to do here is --  
17 one of the things we don't have, and we were  
18 fortunate there, is we don't have a flag lot,  
19 because we have Corwin Street. So we --

20 MS. NEFF: I didn't hear what you just said,  
21 the last sentence.

22 MR. KIMACK: We don't have a flag lot --

23 MS. NEFF: Right, right.

24 MR. KIMACK: -- because we have Corwin  
25 Street, which is helpful.

1           Now this piece of property does abut the  
2 Long Island Railroad. And I think, basically,  
3 some of the concerns may be that the neighbors  
4 have when we're constructing this is traffic,  
5 because we have Corwin Street and there's no  
6 additional traffic that would be coming back out  
7 onto Sixth Street as a result of this. So traffic  
8 in itself should not -- should not be an increase  
9 that's going back into Sixth Street. It was what  
10 it was and it still is what it's going to be in  
11 the future.

12           From a visibility point of view, if you look  
13 at the drawing, the existing house with the --  
14 with the garage basically being moved forward is  
15 pretty much going to shield the proposed new  
16 building on the lot from Sixth Street. There  
17 isn't really from the -- from the Long Island  
18 Railroad, obviously, that's not an issue. And  
19 from Corwin Street, there's a fairly substantial  
20 amount of vegetation in place right now, 15 foot  
21 high, that blocks that one existing house right on  
22 Corwin Street.

23           So putting up that new structure is going to  
24 be minimally evasive to the sight lines for people  
25 either on Corwin Street or certainly from Sixth

1 Street, because you won't be able to see the new  
2 building. And the one to the north, basically,  
3 has a six-foot fence, but the house is forward  
4 towards Sixth Street, so the new house would be  
5 pretty much in the backyard of that one.

6 MR. CORWIN: Just for the record, maybe you  
7 could say Corwin Street is not in the Village of  
8 Greenport.

9 MR. KIMACK: Corwin Street is not in the  
10 Village of Greenport, which has created some  
11 issues for us. As you well know, because of the  
12 Health Department, basically, they stop at the  
13 boundary line with extending the -- well, the  
14 water line, basically, you know, coming in. But  
15 the sewer line, which is in the Town of Southold,  
16 it has to stop at the boundary, but we'll -- we've  
17 taken care of that.

18 MS. NEFF: Excuse me, Mr. Kimack. Because  
19 of this ventilation --

20 MR. KIMACK: Yeah.

21 MS. NEFF: -- it's hard for me to hear the  
22 end of the sentences.

23 MR. KIMACK: Okay.

24 MS. NEFF: Could you -- yeah, a little  
25 louder would help me.

1 MR. KIMACK: Pick it up right there?

2 MS. NEFF: Yeah, thank you.

3 MR. KIMACK: We are going to -- we have  
4 agreed we were going to work with the Town of  
5 Greenport for the sewer, basically, that would go  
6 to the proposed building, which would come off of  
7 Corwin Street. That could either be a gravity  
8 feed line, or, if not, that would be a grinder  
9 pump station, a grinder pump back into the -- back  
10 into the manhole.

11 CHAIRMAN SALADINO: And all that information  
12 will be conveyed to the Building Inspector and to  
13 the --

14 MR. KIMACK: Yeah. The water line for the  
15 new building will come off of the Village of  
16 Greenport, Sixth Street, basically back to that.  
17 The sewer line would go back out, and, of course,  
18 it would go from the Village to the -- to the  
19 Town.

20 And the Health Department, since it doesn't  
21 serve the Village, you know, they couldn't extend  
22 the water line that way, but we can certainly get  
23 the sewer line out that way.

24 We did find out that there is water  
25 available on Corwin Street, but they can't bring

1 it in because their jurisdiction stops at the  
2 line. So that's why it's -- that's why the water  
3 is coming off of Sixth Street, proposed water off  
4 of Sixth, but the sewer would go back into the  
5 line that's in the Town of Southold.

6 CHAIRMAN SALADINO: And on our drawings,  
7 because it's been a while --

8 MR. KIMACK: Yeah.

9 CHAIRMAN SALADINO: -- you show the easement  
10 for the water?

11 MR. KIMACK: Yeah, we did, basically, you  
12 know, we showed it.

13 So I think -- I just wanted to cover a  
14 couple of the points, that what we really tried do  
15 for the area for the -- is to really minimize the  
16 visibility, minimize the look of that building  
17 could be, and where it's being situated. Given  
18 its proximity to the railroad, given it's  
19 proximity on the back side of the existing house,  
20 and pretty much with a lot of lined trees, it's  
21 going to have a minimally invasive profile on the  
22 proposed Lot No. 2.

23 Obviously, traffic should not be an issue,  
24 because it has its own -- its own ingress, egress  
25 right off of Corwin Street.

1           And in terms of the variances, we try to  
2 keep those to a minimum. You do know the last  
3 time we were here, we felt if we could eliminate a  
4 variance, we would. We took what we had proposed  
5 to be a separate front yard garage and combined it  
6 with the building, so that we eliminated that  
7 variance, primarily. And, right now, it's an  
8 attached garage and without -- without  
9 compromising the setbacks from the side, from the  
10 side yards.

11           One thing, when I looked through the  
12 purposes of the ZBA, obviously, it's to try to --  
13 you know, try to minimize the types of variances  
14 required. One of the things that, in this  
15 particular existing structure, it's in relatively  
16 poor condition structure-wise. It had been -- it  
17 had been pretty heavily used in the past. There  
18 had been a lot of people going through there and  
19 had been pretty much chopped up. It needs an  
20 extensive amount of work on it in order to be  
21 brought back into any kind of -- into good use.  
22 My client's willing to make that kind of an  
23 investment in the building to improve it, to add  
24 to the overall value, not only of the building,  
25 but of the neighborhood, primarily. And they

1 would like to be able to have the opportunity to  
2 create that additional lot, to create more --  
3 obviously, more value, that's what you do with  
4 subdivisions, for himself, and without creating  
5 any kind of adverse, overall adverse conditions  
6 for the neighbors.

7 CHAIRMAN SALADINO: And just for the sake of  
8 the neighbors, you've told us, but for the  
9 neighbors that weren't here, on Lot 2 -- on Lot 1,  
10 you plan on keeping the existing building? You're  
11 going to keep it as a two-family house?

12 MR. KIMACK: Yeah.

13 CHAIRMAN SALADINO: Because it went to --

14 MR. KIMACK: Yeah, it's --

15 CHAIRMAN SALADINO: -- a two to a one.

16 MR. KIMACK: Yeah. And the back -- the back  
17 section, that whole back section that we're taking  
18 off was pretty shoddily put together. I mean, if  
19 you had a chance to go in there, it was -- it's  
20 amazing it stood. It's all coming off, simply  
21 because it's just -- it's not usable on the  
22 inside; low ceilings and just two-by-four framing.

23 The whole understructure of that building  
24 has to be recarried. I do -- I've done a lot of  
25 construction in my life, and when I went down

1 there doing the inspection, I didn't want to stay  
2 too long. It's amazing what they tried to carry  
3 that with.

4 So, in essence, my client has to put a  
5 significant amount of money in not only to -- it's  
6 not a beauty contest, this is a restructure of the  
7 house. The whole interior bottom frame has to be  
8 restructured and everything has to be recarried  
9 for the entire frame, yes.

10 CHAIRMAN SALADINO: I would just ask the  
11 Building Inspector, Eileen, on undersized lots,  
12 which this would be 6500 square feet, aren't they  
13 restricted to a one-family house?

14 MS. WINGATE: When they're building new.  
15 It's an existing two-family house, so they're  
16 allowed to maintain what they have.

17 MS. NEFF: But they're changing the lot  
18 size.

19 MR. TASKER: But the lot isn't the same lot.

20 MS. WINGATE: But that's your deal.

21 CHAIRMAN SALADINO: No. That would be, I  
22 think, a question for the Building Department and  
23 a question for the Planning Board, if it goes that  
24 far. I just wanted your response.

25 MS. ZEMSKY: We can't hear you, sorry.

1 MS. NEFF: Yeah, it's very hard to hear  
2 because of this. Bring it closer.

3 MS. WINGATE: We could try to crank up the  
4 volume here.

5 MS. NEFF: Just bring it closer.

6 CHAIRMAN SALADINO: Now she's yelling at me.

7 MS. WINGATE: Does that help?

8 CHAIRMAN SALADINO: Does that help, folks?

9 MS. RIVA: It could.

10 CHAIRMAN SALADINO: Un poqui to?

11 MS. GORDON: Maybe we should open the doors  
12 and turn off the fan?

13 CHAIRMAN SALADINO: No.

14 MR. TASKER: No.

15 CHAIRMAN SALADINO: No, I'll talk -- I'll  
16 talk louder. I'll talk louder. Let's not shut  
17 off -- let's not shut off the air conditioner or  
18 the fan.

19 MS. NEFF: Please.

20 CHAIRMAN SALADINO: I apologize to the folks  
21 for not speaking up.

22 You know, we -- if we're talking in the  
23 abstract, right now it's one lot, but if it moves  
24 forward to the Planning Board and becomes two  
25 lots, it's undersized, and just as long as the

1 applicant's aware of that. But once it -- if it  
2 does move forward, if it does leave here, I just  
3 don't -- again, if it does move forward, I just  
4 don't want it coming back here, so I would like to  
5 resolve these issues.

6 MR. KIMACK: The only thing I could add,  
7 basically, to that is it existed before it was  
8 purchased by my client, actually as an illegal  
9 use, because it was multiple uses in that building  
10 coming and going. If you walked in the inside and  
11 you saw how much it was broken up with little  
12 rooms here and there, I know that it must have  
13 been a fairly active building.

14 He's purchased it. He would like to be able  
15 to maintain the two. One is owner-occupied and  
16 one is rental, and the other new as  
17 owner-occupied. So, yes, it's a two-family, and  
18 yes, it's an undersized lot. But between what it  
19 used to be and what he's proposing and what he  
20 would like to be able to do, his actual usage,  
21 legally, once approved, would be far less than  
22 what actually has been on that site illegally.

23 CHAIRMAN SALADINO: Well, normally, we  
24 wouldn't -- we would -- this Board wouldn't  
25 involve itself with a variance request about

1 one-family, two-family. You would -- you would --  
2 floor plan, or, you know, that would be between --

3 MR. KIMACK: Yeah.

4 CHAIRMAN SALADINO: -- the applicant and the  
5 Building Department. But we are creating a  
6 substandard lot, if -- again, if the variances are  
7 approved, and if the Planning Board approves it,  
8 they are creating a substandard lot, a new lot  
9 where this house, under normal circumstances,  
10 wouldn't be permitted. I don't want to make a big  
11 issue of that now. I just -- I would just like to  
12 make everybody aware those are one of my concerns.

13 MR. KIMACK: Understood.

14 MR. TASKER: Where is this leading, John?

15 CHAIRMAN SALADINO: It's leading to the --

16 MR. TASKER: No, your inquiry about  
17 undersized lots, and subdivisions, and so forth.

18 CHAIRMAN SALADINO: I would just rather,  
19 if -- again, if this application moves forward, I  
20 would just rather not have this come back to us  
21 with a variance request for a two-family house on  
22 an undersized lot.

23 MS. WINGATE: The code chapter you're  
24 referring to is 150-13(E). It says existing small  
25 lots. So on an existing small lot, if the lot

1 area or the lot width is less than prescribed in  
2 this chapter, it may be used for a one-family  
3 residence. But this is not an existing small lot,  
4 it's actually an existing large lot that you're  
5 making small lots, if it were to get a variance.  
6 So I don't know that those words fit. Joe?

7 MS. GORDON: And you said that it may be  
8 used as a one-family house. That's what you read.

9 MS. WINGATE: Well, that's what it --  
10 that's --

11 MS. GORDON: Not that it shall be used as a  
12 one-family. I think this is beyond our --

13 CHAIRMAN SALADINO: Absolutely

14 MS. GORDON: -- purview

15 MR. TASKER: I don't.

16 MR. CORWIN: I don't either. I think that  
17 once it's changed to the smaller lot, that's what  
18 it is, and Paragraph E applies to it, because they  
19 certainly could have come in here with the -- made  
20 the Lot No. 1 7500 feet, then fine. And maybe  
21 that's something that needs an interpretation.

22 CHAIRMAN SALADINO: An interpretation. Do  
23 any of the members have any other comments?

24 MR. PROKOP: I don't know -- I don't think  
25 that -- I'm sorry, excuse me.

1 CHAIRMAN SALADINO: Or the Attorney.

2 MR. PROKOP: The Subsection E is titled  
3 "Existing Small Lot", and I don't know that it's  
4 not an existing small lot, right?

5 MS. WINGATE: (Nodded yes).

6 MR. PROKOP: Yeah. That's my only comment.  
7 I mean, I have to look at it.

8 MR. CORWIN: But it will be if it's  
9 subdivided.

10 CHAIRMAN SALADINO: All right. So perhaps  
11 we could -- we could ponder that for a few  
12 minutes. We'll let Mr. Kimack finish up at the  
13 podium.

14 MR. KIMACK: I've pretty much wrapped it up.  
15 I didn't want to spend too much time, but I wanted  
16 to -- what I thought were the salient points in  
17 terms of what we were trying to do with this  
18 particular piece of property, and the kind of  
19 impacts that we would foresee as a result of the  
20 activity we're taking.

21 CHAIRMAN SALADINO: We're going to open it up. Can

22 MR. TASKER: No.

23 CHAIRMAN SALADINO: Oh, I'm sorry.

24 MR. TASKER: I have a question of  
25 Mr. Kimack, if --

1 CHAIRMAN SALADINO: Sure.

2 MR. TASKER: Okay.

3 MR. KIMACK: Sure.

4 MR. TASKER: You mentioned that the owner  
5 would reside in some portion of --

6 MR. KIMACK: Yes.

7 MR. TASKER: -- these properties.

8 MR. KIMACK: Yes.

9 MR. TASKER: Which, the single family?

10 MR. KIMACK: Both.

11 MR. TASKER: The owner will reside in both  
12 parts?

13 MR. KIMACK: Yeah. There's more -- there's  
14 more than one owner in the corporation. They'll  
15 be -- it will be owner-occupied in the new,  
16 owner-occupied in the existing, with one rental  
17 unit.

18 MR. TASKER: So there's one rental --

19 AUDIENCE MEMBER: With what? What?

20 MR. TASKER: Say that again.

21 MR. KIMACK: The existing house that's going  
22 to be reconstructed into a two-family house now,  
23 is proposed to remain a two-family house, will be  
24 owner-occupied, with one rental apartment, one  
25 floor and second floor. I'm not quite sure

1 whether he's taking the first or the second. The  
2 other building is completely owner-occupied, just  
3 one.

4 MR. KENNEDY: So how did they get the new  
5 money --

6 CHAIRMAN SALADINO: Wait, wait.

7 MR. TASKER: No.

8 CHAIRMAN SALADINO: Wait, wait. We are  
9 going to have you -- he's going to speak.

10 MR. KIMACK: What new money?

11 CHAIRMAN SALADINO: Wait, please, please,  
12 please. The public's going to be allowed to  
13 speak, ask any question they want. The applicant,  
14 if he chooses, will come back up and respond to  
15 them, but we're not going to have a dialogue  
16 between the audience and --

17 MS. SMITH: Could you just clarify about the  
18 owner-occupied thing? How can the owner live in  
19 two properties?

20 CHAIRMAN SALADINO: We're going to --  
21 we're --

22 MS. GORDON: Two owners.

23 MR. KIMACK: No, no.

24 MR. PFLANZL: I'm one. I have a partner.  
25 There's two owners.

1 MR. TASKER: Of the corporation? You're one  
2 of the owners, is that -- is it what I recall?

3 MR. PFLANZL: I'm one of the owners.

4 MR. TASKER: Yeah. So there are two owners  
5 of the LLC --

6 MR. PFLANZL: Yes.

7 MR. TASKER: -- which owns the property.

8 MR. PFLANZL: Right.

9 MR. TASKER: Which is going to be subdivided  
10 and there's going to be two LLCs at that point.

11 MR. PFLANZL: Right.

12 MR. TASKER: Will you each own both LLCs?

13 MR. PFLANZL: No. We're going to --

14 MR. TASKER: So one of you is going to own  
15 one LLC, the single-family house.

16 MR. PFLANZL: Yeah.

17 MR. TASKER: One of you is going to own the  
18 other L -- the other LLC and the two-family  
19 house --

20 MR. PFLANZL: That's correct.

21 MR. TASKER: -- with a rental unit in it.

22 MR. PFLANZL: That's correct.

23 MR. TASKER: Okay.

24 MR. CORWIN: Would you give your name for  
25 the recording secretary, please.

1 MR. PFLANZL: My name is Wolfgang Pflanzl.

2 MR. CORWIN: Spell it.

3 MR. PFLANZL: P-F-L-A-N-Z-L.

4 MS. NEFF: What's the name? I can't hear.

5 MR. PFLANZL: Wolfgang Pflanzl,

6 P-F-L-A-N-Z-L.

7 MR. CORWIN: Can I ask a couple of

8 questions?

9 CHAIRMAN SALADINO: Sure.

10 MR. CORWIN: Lot No. 2, is that going to  
11 remain a one-family lot?

12 MR. KIMACK: That's what's proposed. We  
13 would have no objection to you conditioning that  
14 in the -- in the decision. That absolutely will  
15 be a one-family lot. Now, look, I know that,  
16 obviously, a lot of conditions could be put forth  
17 and this has to be an enforcement factor. But if  
18 it's there, you've got something to enforce  
19 against, if it's part of the ZBA decision. We  
20 have no qualms at all. Just saying that proposed  
21 Lot 2 will simply be a single family, period.

22 MR. TASKER: So that when you separate, when  
23 you -- if you separate, subdivide those, there  
24 would be a covenant attached to Lot 2. You say  
25 you're willing to covenant that that will remain a

1 single family unit?

2 MR. KIMACK: Yes, yes.

3 CHAIRMAN SALADINO: Wouldn't that be a  
4 discussion for the Planning Board? I mean, this  
5 is about --

6 MR. TASKER: No.

7 CHAIRMAN SALADINO: -- Land use. And what  
8 he -- I'm not sure about, you know, our authority  
9 over a floor plan, as long as it's -- you know, if  
10 it progresses to the Planning Board, I'm sure  
11 they're going to have --

12 MR. KIMACK: You can --

13 CHAIRMAN SALADINO: -- something to say  
14 about that.

15 MR. KIMACK: Look, I'm not your Attorney,  
16 and you have a very competent Attorney there, but  
17 you can certainly make that recommendation to the  
18 Planning Board, if, in fact, that's the case.

19 CHAIRMAN SALADINO: Oh, and if it -- again,  
20 if it goes that far, this Board, I'm sure, will  
21 have more than one recommendation to the Planning  
22 Board. But it's not for us to -- I don't believe  
23 it's for us to put that condition on a variance  
24 request as far as inside space of a house.

25 MR. CORWIN: Well, that reflects on the

1 character of the neighborhood, so it certainly a  
2 consideration for me. Let me ask some more  
3 questions.

4 Is the -- you made the statement that  
5 Lot No. 1 and Lot No. 2 each will be occupied by  
6 the lot owner.

7 MR. KIMACK: Correct.

8 MR. CORWIN: So I take that, is there going  
9 to be vacation homes for one owner and another  
10 owner? And then with a rental unit in Lot No. 1,  
11 let's say upstairs, why not, is the rental unit  
12 going to be for a yearly rental, or a monthly  
13 rental, or for a short-term rental such as Airbnb?

14 MR. PFLANZL: This hasn't decided yet, but  
15 it's definitely --

16 CHAIRMAN SALADINO: Again, just your name  
17 and address for the --

18 MR. PFLANZL: Wolfgang Pflanzl, 115 Sullivan  
19 Street, Brooklyn, New York. It's long-term  
20 renters.

21 MR. TASKER: Microphone, please.

22 AUDIENCE MEMBER: Can't hear you.

23 MR. PFLANZL: Long-term renters.

24 MR. CORWIN: This is very important to me,  
25 because the character of the Village is being

1 changed by these short-term rentals, these  
2 Airbnbs. That's what I like to hear, but I'd also  
3 like to be reassured that that's, in fact, what  
4 it's going to be.

5 MR. PFLANZL: No. I'm personally not a fan  
6 of short-term renters.

7 MR. CORWIN: On Lot No. 2 --

8 MR. KIMACK: We could -- what we can do for  
9 this, basically, if it's something that you would  
10 like, I know you're struggling with the fact in  
11 whether or not it falls within your jurisdictional  
12 window or not, but we could put together  
13 affidavits, if we have to, to submit to you on our  
14 own accord, exactly how the property is going to  
15 be subdivided, the LLCs, essentially like that,  
16 and how it's going to be occupied. So that, in a  
17 sense, we can volunteer that to the Zoning Board  
18 so that it becomes part of your portfolio.

19 MR. TASKER: Affidavits don't mean a thing.  
20 If there are covenants, perhaps.

21 MR. KIMACK: We could do a covenant and file  
22 it, sure. I could work that language out with  
23 your Attorney.

24 CHAIRMAN SALADINO: I'm -- we would  
25 certainly accept that from you, if you chose to

1 submit them.

2 MR. CORWIN: The plan on Lot No. 2, the  
3 house changed from four bedrooms to two bedrooms,  
4 as you accommodated the garage, and I just wonder  
5 if there's any particular reason or reasoning  
6 behind that, or what?

7 MR. KIMACK: Wolfgang. The original -- the  
8 original design was a four bedroom, now it's a two  
9 bedroom. This is a two bedroom house?

10 MR. PFLANZL: You're talking about Lot No. 2?

11 MR. KIMACK: Yes.

12 MR. CORWIN: Lot No. 2.

13 MR. KIMACK: Lot No. 2. Two bedroom.

14 MR. PFLANZL: And it used to be four  
15 bedroom?

16 MR. CORWIN: Yes.

17 MR. PFLANZL: Oh, okay. Well, this house is  
18 -- this house is for my partner and he doesn't  
19 really need that many bedrooms.

20 MR. CORWIN: And then on the second floor --  
21 and the Chairman may be correct, we're getting  
22 into minutia we shouldn't be in, but you've got  
23 one big open space, 774 square feet. That  
24 befuddles me, I guess, but I won't take that any  
25 further. And let me ask you, finally --

1           MR. KIMACK: I can't shed anything on it,  
2 because I was not involved in the overall design  
3 with my client exactly what that space is going to  
4 be used for.

5           The other part of this LLC, Andy does a lot  
6 of traveling, he does a lot of boating. He was on  
7 America's Cup, he just got back. So I'm not quite  
8 sure exactly his living style, but he's  
9 certainly -- he sails around the world a lot,  
10 essentially like that, so he's -- he'll be here as  
11 much as he can.

12           MR. CORWIN: My last question, why was the  
13 lot size split up rather than the lot depth? I  
14 mean, was there any particular -- I'm not  
15 criticizing that, but I'd like to understand the  
16 thinking.

17           MR. KIMACK: You mean in terms of why we  
18 didn't balance off between the two, getting it  
19 closer to 7,000, 7,000?

20           MR. CORWIN: Yes.

21           MR. KIMACK: We would not have been able  
22 to -- had we done that, we would not have been  
23 able to maintain the 30-foot setback front and  
24 back and still had a reasonable width of the house  
25 on No. 2. We kept -- we thought if we kept one of

1 the lots at least large enough -- it was really --  
2 allowed us to do the 30 feet in the front of No. 2  
3 and the 30 feet in the back, but also the 30 feet  
4 from the proposed new construction to the back  
5 there, not creating additional variances, but, at  
6 the same time, giving us the ability to have the  
7 second house wide enough so that it was reasonable  
8 in terms of its accommodation of the interior  
9 structure.

10 MR. CORWIN: So this was your best balancing  
11 act for --

12 MR. KIMACK: That's a good way of saying it,  
13 yeah, the best. It was really a balancing act on  
14 the property.

15 MR. CORWIN: Thank you.

16 MR. TASKER: Another change I noticed in  
17 this most recent set of plans is the garage for  
18 Lot 1 is now substantially larger, like two-thirds  
19 larger, and it comes right up to the lot line.  
20 How can that be?

21 CHAIRMAN SALADINO: Side yard?

22 MR. TASKER: Yes.

23 CHAIRMAN SALADINO: It's a nonresidential  
24 building.

25 MR. TASKER: Well, it's an accessory

1 building, as I see it, and they're required --

2 MR. KIMACK: Your code, your code allows an  
3 accessory building when it's next to a railroad  
4 track not to have a setback.

5 MR. TASKER: There is such a provision. Can  
6 you direct me to it?

7 MR. KIMACK: I looked at it the other day.  
8 Five? As a matter of fact, I missed it when I  
9 originally looked at it, because originally we  
10 were going with the 5-foot setbacks, and it was  
11 like two or three paragraphs below that, and it  
12 surprised me when I looked at it. I wasn't  
13 expecting to find it, because I hadn't quite dealt  
14 with a railroad before.

15 MR. TASKER: It's in the wrong place.

16 MR. KIMACK: But it specifically said --

17 MR. TASKER: It's in the wrong place in the  
18 code, for sure.

19 MS. WINGATE: Yeah.

20 MR. KIMACK: Yeah. I mean, it was in a  
21 place where I didn't expect to find it, but I  
22 didn't expect -- I wasn't looking for it, only  
23 because I didn't think there was something like  
24 that about it allowed that.

25 CHAIRMAN SALADINO: I believe it's in the

1 nonresidential building regulations.

2 MR. TASKER: Well, this is --

3 CHAIRMAN SALADINO: I got the big book here,  
4 so we'll look in the big book.

5 MR. KIMACK: I apologize. I didn't think I  
6 had to bring it along. But I did look at the code  
7 to be sure that it was there, and sent it off to  
8 the architect, because he questioned it before he  
9 stamped the drawings.

10 MR. CORWIN: It's 1 --

11 MR. KIMACK: Oh, 150-14(A).

12 MR. CORWIN: 150-14, yes, you're correct.

13 MR. KIMACK: And, actually, the architect  
14 had the same issue that you did. He said, "Can we  
15 do it?"

16 MR. TASKER: Because the earlier iteration  
17 showed a 5-yard set -- a 5-foot setback.

18 MR. KIMACK: Yes.

19 MR. TASKER: Thank you.

20 MR. KIMACK: Yes, sir. And I looked at the  
21 code and I sent him a copy of it, so that he was  
22 comfortable enough to stamp his -- stamp the  
23 drawings.

24 CHAIRMAN SALADINO: I'm going to read this  
25 just for the sake of the public that don't have

1 this big book.

2 In our Zoning Code, Chapter 150-14(A),  
3 Paragraph A, it's waiver of yards.

4 "No side yard or rear yard shall be required  
5 where such premises abuts an operating railroad  
6 right-of-way."

7 So that would relieve a nonresidential  
8 building --

9 MS. NEFF: A garage.

10 CHAIRMAN SALADINO: -- which -- a garage  
11 from complying with the 5-foot setback.

12 MR. KIMACK: Yeah. I was surprised as  
13 everyone else that it was there. I just didn't  
14 realize it was in the code, I wasn't looking for it.

15 CHAIRMAN SALADINO: Arthur?

16 MR. TASKER: Yeah, fine, all set.

17 CHAIRMAN SALADINO: Are you done?

18 MR. PROKOP: I just have one other quick  
19 question.

20 CHAIRMAN SALADINO: Sure.

21 MR. PROKOP: I was going to ask about the  
22 garage, too, but -- so on that same Plan, A001, to  
23 the upper right corner of Lot 1 you have 2.5.

24 MR. KIMACK: That's the distance from the  
25 existing building to the property line.

1 MR. PROKOP: Right. So the 2.5 is not --  
2 that's actually 10 -- where the 2.5 is is actually  
3 10, right, and the 2.5 is just that -- that space  
4 above that, the --

5 MR. TASKER: That's the side yard setback of  
6 the existing building.

7 MR. KIMACK: Yeah. The 2.5, the way it's  
8 written, falls within that little --

9 MR. PROKOP: No, I got it, I understand.

10 MR. TASKER: That little --

11 MR. PROKOP: Yeah, she just --

12 MR. KIMACK: It falls within that little  
13 section over there. It's not written. It's not  
14 written there.

15 MR. PROKOP: No, I see.

16 MR. KIMACK: But it actually -- it goes to  
17 this little --

18 MR. PROKOP: Okay.

19 MR. KIMACK: -- dimension here. It's not  
20 well presented.

21 MR. PROKOP: Thank you.

22 MR. KIMACK: That we can't move.

23 CHAIRMAN SALADINO: Mr. Prokop, you're done?

24 MR. PROKOP: Yeah.

25 CHAIRMAN SALADINO: Thank you.

1 MR. KIMACK: Thank you very much.

2 CHAIRMAN SALADINO: Is there anyone from the  
3 public that would like to -- name and address for  
4 the stenographer, please.

5 MS. RIVA: My name is Debra Riva. I live at  
6 433 Sixth Street, Greenport.

7 What I'd like to do is read my letter and  
8 then just add a few comments.

9 CHAIRMAN SALADINO: Sure.

10 MS. RIVA: Okay. Can you hear me? Okay.  
11 My name is Debra Riva and I am a full-time  
12 resident of the Village of Greenport. I live at  
13 433 Sixth Street. The property mentioned above is  
14 next door to my property, just south of my home.  
15 So just in -- just listening to what they're  
16 proposing, now, from what I understand, if this  
17 goes through, there's going to be three families  
18 living next to me instead of one.

19 CHAIRMAN SALADINO: Instead of two.

20 MS. NEFF: Two. It's a two-family.

21 MS. RIVA: Well, two family, yeah, okay. So  
22 as the above mentioned lot is a substandard lot, I  
23 am requesting the Zoning Board to deny property  
24 owners' request for a number of variances in  
25 relation to their request for a subdivision in

1 order to build an additional house.

2 When I purchased my home, I never for a  
3 moment thought that there could or would be  
4 another house built on the property next to mine.  
5 If I had thought that was a possibility, I  
6 probably would not have purchased the property.  
7 After I purchased my property, I did a big  
8 renovation and invested a large amount of money in  
9 my home.

10 Should the ZBA approve this request, it may  
11 very well greatly reduce the value of my property,  
12 as well as my right to peace and quiet. The house  
13 next door, which is a two-family house, was  
14 previously occupied before it was sold, with many  
15 people living there with a number of cars, and, on  
16 occasion, having parties and playing music outside  
17 late into the night. If this request is granted,  
18 it doubles the threat to my peace and quiet, as  
19 well as my property value and those of my  
20 neighbors. It would also be sending a message  
21 that is not in keeping with what this Village  
22 represents to its residents and visitors. It  
23 can't always be about money. This is not  
24 Levittown, let's keep it that way.

25 Not only would this impact my property and

1 quality of living, but it will impact the Village  
2 of Greenport. Granting this request is not in  
3 keeping with the character and charm of our  
4 Village. In addition, because of the density of  
5 the neighborhood, this would have a negative  
6 impact on the surrounding homes.

7 As I walked down Sixth Street to the Peconic  
8 Bay, I noted all but one property did not have  
9 another house on a small lot behind them. I  
10 understand that there can be access from Corwin  
11 Street, but, in my opinion, this is not a good  
12 enough reason to allow this substandard lot  
13 request to be granted in order to create another  
14 lot and allow another home to be built.

15 If I understand correctly, I believe that  
16 the Zoning Board is charged with keeping the  
17 character and charm of the Village of Greenport  
18 and should maintain the charm, atmosphere and  
19 environment for which -- which makes Greenport  
20 what it is today, and, hopefully, continue in the  
21 future. Should this request be granted, it would  
22 set a precedent and send a message to others, and  
23 I believe would lead to a change in the overall  
24 environment of our beloved town.

25 From what I understand, the Planning Board

1 and the Zoning Board of Appeals are reviewing a  
2 number of applications for subdivisions and  
3 variances, and I trust that both of the Boards  
4 will consider and protect our neighborhoods, not  
5 set a precedent, and do the right thing for the  
6 greater good of all of us.

7 Thank you for your consideration.

8 Respectfully, Debra Ri va.

9 I'm a little shocked at learning that there  
10 -- I thought, and I don't know where I heard this  
11 from, that if that went through, they would have  
12 to make that front house, which is a two-family, a  
13 one-family in order to have the okay, but now I'm  
14 hearing something different. So --

15 CHAIRMAN SALADINO: If I could just --

16 MS. RIVA: Sure.

17 CHAIRMAN SALADINO: The original plans that  
18 were submitted had the home as a one --

19 MR. PFLANZL: Two.

20 MR. KIMACK: Two.

21 MR. PFLANZL: It's two.

22 CHAIRMAN SALADINO: Then the second set of  
23 plans, that somewhere along the line we have  
24 numerous sets of plans. Somewhere along the line  
25 the applicant decided that the front property, the

1 Sixth Street property, Lot 2, would be -- Lot 1 --

2 MS. RIVA: No, Lot 1.

3 CHAIRMAN SALADINO: -- would be a one-family  
4 housing.

5 MS. RIVA: But now they're saying --

6 CHAIRMAN SALADINO: But now he's decided  
7 that it would be a two-family house.

8 MS. RIVA: You know --

9 CHAIRMAN SALADINO: And that's how that  
10 happened.

11 MS. RIVA: Yeah. I mean, I don't want to be  
12 rude, I don't want to be disrespectful, but this  
13 sounds so all about greed and money. And I need  
14 to say that, because it's going to ruin this town  
15 and it's going to set a precedent. And I just  
16 hope you guys take that into consideration, which  
17 I know you will. So thank you.

18 CHAIRMAN SALADINO: Thank you. Is there  
19 anyone else from the public that would like to --

20 MR. FRAGOLA: Could I see a set of plans?  
21 Could I see a set of plans?

22 CHAIRMAN SALADINO: I'd be glad to give them  
23 to you.

24 MR. FRAGOLA: So we know what we're talking  
25 about, please.

1 MS. GORDON: What did he ask?

2 CHAIRMAN SALADINO: For a set of plans.

3 MS. ZEMSKY: Dena Zemsky, 306 Sixth Street.

4 I'm not going to address this particular  
5 variance proposal, but I just want to talk about  
6 zoning in general and how I feel about it, which  
7 then follows over into all of this. So I'm going  
8 to read so I don't go off message.

9 I want to address this variance request from  
10 a bigger picture of zoning codes and why having  
11 them in place ensure prospective buyers and  
12 existing citizens of the community.

13 MR. TASKER: Excuse me. Can you speak  
14 closer to the mic, please? Thank you.

15 MS. ZEMSKY: Did you hear the first  
16 paragraph?

17 MR. TASKER: Thank you, yes.

18 MS. ZEMSKY: Okay. As I understand, that  
19 one of the prime directives is not only to ensure  
20 the laws are adhered to, but to ensure all the  
21 homeowners in the Village a standard that ensures  
22 the quality of life they base their decision on to  
23 buy and live in the Village.

24 When I first started house-hunting on the  
25 North Fork 25 years ago, town and village zoning

1 codes, laws were issues I researched to help me  
2 choose a community. I originally found a great  
3 property in East Marion which had everything I  
4 needed. First I talked to the neighbors about  
5 noise level, traffic, and then researched the  
6 zoning codes.

7 I found East Marion didn't work for me, as  
8 their codes were laxer than I -- than what I felt  
9 comfortable with for a home I planned to own for  
10 decades. Then I found my house in Greenport, and  
11 when I researched the codes, I felt I knew I could  
12 do with my property -- I knew what I could do with  
13 my property and what my neighbors could do as  
14 well. This gave me the security to plan long term  
15 and invest in my home and the Village.

16 But on the big picture, it was not only  
17 insurance for me and my plans for my property, but  
18 also for my neighbors to assess when they bought  
19 their home. It works for all both ways. How else  
20 can you make an informed decision on purchasing a  
21 home?

22 Buyers know what they can do, what they can  
23 and cannot do with a property when they purchase.  
24 I think the Zoning Board needs to keep this in  
25 mind when assessing the validity of owners

1 requesting large variances to change the usage of  
2 their property. So that's it.

3 CHAIRMAN SALADINO: Thank you. Anyone else  
4 from the public?

5 MR. KENNEDY: James Kennedy, 765 Corwin  
6 Street.

7 So a couple of things here. I -- you know,  
8 I'm just going to speak openly here, a couple of  
9 things that I've, you know, just trying to proof  
10 out here.

11 So just looking at the drawings here quickly  
12 with Fred, it looks like I can put a foot in my  
13 driveway and I can put a foot in the new driveway.  
14 I'm right at the end of Corwin Street.

15 So a couple of things come into play. I  
16 don't know, yard waste, when it gets picked up,  
17 where are they going to drop it? Are they going  
18 to drop it in front of my house at the end of my  
19 driveway?

20 AUDIENCE MEMBER: Jim, can you lift that up?

21 MR. KENNEDY: In front of Fred's house? I  
22 don't know, yet I don't want to see that.

23 You know, street parking, there's going to  
24 be no street parking there. So everybody's got to  
25 come into the driveway, and there's just nothing

1 available at the end of this block.

2 Fire trucks, emergency. You know, right now  
3 the snow plow comes down to the end and usually  
4 there's a big pile at the end of my driveway. So  
5 now that snow plow is going to just push it right  
6 into the new driveway, I guess, or are they going  
7 to leave it in front of my driveway? You know,  
8 these are things that need to be thought about.

9 You know, the entire time that I've lived  
10 there, I've been there about eight years, it's  
11 always said dead end. It hasn't said, you know --  
12 you know, a new road that's going to lead to  
13 something new. It's always been a dead end every  
14 time, you know, for as long as I've lived there.

15 So, yeah, as far as the vegetation that's  
16 there, and that's going to screen this new house  
17 from my house, you know, I've -- they're my  
18 hedges. I can cut them down, they can be that  
19 high. So as far as, you know, any potential  
20 screening that's there right now, that would make  
21 everything nice, I own that, that's mine, my wife  
22 and mine.

23 (Laughter)

24 MR. KENNEDY: So we spent some time talking  
25 about also this 115-14(A) (sic), the setback. So

1 I just want to understand that setback. Is that  
2 setback going to allow that accessory building to  
3 push right against the railroad, or is it going to  
4 be for the lot line that separates Lot 1 and 2?

5 CHAIRMAN SALADINO: The accessory building,  
6 the accessory -- the accessory building that we're  
7 talking about on Lot 2, this is --

8 MR. PFLANZL: Lot 1.

9 MR. KIMACK: Lot 1.

10 MS. NEFF: Lot 1. The front is Lot 1.

11 CHAIRMAN SALADINO: Oh, Lot 2, I apologize.  
12 Lot 2 --

13 MR. PFLANZL: Lot 1.

14 CHAIRMAN SALADINO: Lot --

15 MS. NEFF: No, Lot 1. There's an accessory  
16 building only on Lot 1.

17 CHAIRMAN SALADINO: Lot -- Lot 1, we're  
18 talking about a side yard setback. As far as the  
19 proximity from all he's required to have for the  
20 rear lot line is -- he has 10 feet, which --

21 MR. KENNEDY: Okay. So it is the lot line  
22 that he shares with Long Island Railroad.

23 CHAIRMAN SALADINO: Yes.

24 MR. KENNEDY: Okay. I was just wondering  
25 how that would apply. And so I understand now,

1 with respect to the railroad, that's why.

2 You know, there is a realtor that's let us  
3 know that both places are up for sale. So, you  
4 know, that's something I heard around town, you  
5 know; that I don't know, you know, what the future  
6 here is with both properties, but, you know, the  
7 realtor let us know, you know, what the asking  
8 prices are for both places. So just another thing  
9 to mention. So thank you for your time.

10 CHAIRMAN SALADINO: Thank you. Is there  
11 any --

12 MS. GORDON: I was going to ask, is that  
13 true?

14 CHAIRMAN SALADINO: It's hearsay. Who are  
15 you going to ask? Well, he'll come up.

16 MS. GORDON: Maybe I'll ask him.

17 CHAIRMAN SALADINO: He'll come -- I'm sure  
18 he'll come up and respond to these things.

19 MS. SMITH: Hi. My name is Susan Smith. I  
20 live at 432 Seventh Street.

21 MS. NEFF: Which street, excuse me?

22 MS. SMITH: Seventh.

23 MS. NEFF: Got it.

24 MS. SMITH: Seventh. So just a couple of  
25 things.

1           One, it's great to hear there's no increase  
2 in traffic on Sixth Street, but it is going  
3 somewhere, and it looks like it's going to go on  
4 Seventh Street. And it's going to be traffic from  
5 not one family, but it appears to be three  
6 families. So that's quite a lot of traffic and a  
7 lot of -- well, it's two -- supposed to be a  
8 one-family lot and two families, but we've got  
9 like a renter and, you know, two different owners.

10           CHAIRMAN SALADINO: Just to clarify, just to  
11 clarify that, and perhaps I'm still  
12 misunderstanding, the front lot that fronts onto  
13 Sixth Street, if it does move forward to the  
14 Planning Board and they do approve the  
15 subdivision, it will be a separate lot on Sixth  
16 Street, and the driveway and the entrance to the  
17 property would be from Sixth Street. The second  
18 property would be entered from Corwin Street, and  
19 that's a proposed one-family house.

20           MS. SMITH: Okay. But that's still an  
21 increase in traffic. You know, there's going to  
22 be an increase in traffic.

23           CHAIRMAN SALADINO: Okay. I'm just  
24 explaining.

25           MS. SMITH: Okay, I understand. Yeah, yeah,

1       yeah. Thank you.

2               And then, you know, you can refine the  
3 words, but this is a one-family lot that is, in  
4 essence, not going to be any longer a one-family  
5 lot, it's going to be a two-family lot. Even if  
6 lawyers refine the verbiage and it sounds like it  
7 remains a one-family lot, it's going to be a  
8 two-family lot, you know, in -- for the way it's  
9 going to be used, it's going to be two families on  
10 a property that should be a one-family lot as it  
11 -- you know, so, you know, you could -- I'm sure  
12 lawyers can make it sound fine, but that is what  
13 it's going to be, a two-family lot.

14              So -- and then, you know, one of these lots  
15 is going to be almost 1,000 feet, you know, out of  
16 order. And it just seems to me that you're going  
17 to set a precedent where you're going to -- you  
18 know, you're going to be up against it, you guys,  
19 because you're going to have other people coming  
20 in and saying, "Well, they" -- you know, "They're  
21 1,000 feet under, so why can't I be, you know,  
22 this amount?"

23              You know, you are the guardians of this  
24 Village, and so it's really something to consider.  
25 You know, you're allowing -- if you go -- if it

1 goes forward and that, you know, the owners are  
2 allowed to build, you know, on a lot that's so out  
3 of order. So that's all.

4 CHAIRMAN SALADINO: Thank you.

5 MS. GORDON: I'd like to just be sure you  
6 are clear about the facts. This lot, as it now  
7 exists, which is 14,000 square feet, has had a  
8 two-family house on it for as long as any of us  
9 would remember, so it has been a two-family lot.  
10 And it's in the R-2 District, which permits either  
11 one family or two families. So now it will  
12 presumably -- if it was approved, it will have  
13 three families, two families in the existing  
14 two-family house, and one family in the new house.  
15 So I just want to be sure you understand.

16 MS. SMITH: No, no, I understand. I  
17 understand. I mean, I'm trying to --

18 MS. GORDON: It has been a two-family lot,  
19 is what I'm saying.

20 MS. SMITH: I'm trying to -- I'm trying  
21 not -- trying not to be incendiary by saying we're  
22 dealing with three families here, but you got --  
23 you know, it's officially a one-family lot.

24 MS. GORDON: Why do you say that?

25 MS. NEFF: No, no.

1 MS. SMITH: Well, I don't know. That's what  
2 I was hearing before that.

3 MS. GORDON: No, that's not the case, that's  
4 what I'm trying to say.

5 MS. SMITH: Okay.

6 MS. GORDON: I just want you to be more  
7 comfortable because you have the real facts, and  
8 it's not a one-family lot. It's in a mixed --  
9 it's in the R-2 District, where it could be either  
10 one-family or two-family, and it has been for many  
11 years two families.

12 MS. SMITH: Okay. Well, now it's going to  
13 be three-family, so.

14 MS. GORDON: Yes, that's true.

15 MRS. KENNEDY: Good evening. Jennifer  
16 Kennedy, 765 Corwin Street.

17 I just had a question as far as having the  
18 opportunity to understand the purpose of the house  
19 on Lot 2, since Wolfgang and his counsel were  
20 unable to answer those questions related to the  
21 changes in the plans that you brought up. Will  
22 the Corwin community have the opportunity to speak  
23 with the partner that is proposing these plans?

24 CHAIRMAN SALADINO: We can't mandate that.

25 MRS. KENNEDY: Okay.

1 CHAIRMAN SALADINO: I don't think it's  
2 within our portfolio to mandate that.

3 MRS. KENNEDY: Okay. I just wanted to see  
4 if we had that opportunity, since it was unclear.

5 CHAIRMAN SALADINO: I'm sure if -- you know,  
6 the one owner is here. You could certainly, you  
7 know, talk to him about that.

8 MRS. KENNEDY: Well, he had stated that he  
9 was not sure of the plans for Lot 2.

10 CHAIRMAN SALADINO: No.

11 MRS. KENNEDY: The use.

12 CHAIRMAN SALADINO: As far as -- as far as  
13 getting in touch with the other member of the LLC.

14 MRS. KENNEDY: Oh, okay. Okay. I also --  
15 as far as what Susan was just commenting on, I  
16 just want to clarify that the lot that the house  
17 is now on, the combined lot before it's separated  
18 is zoned for a two-family house, correct?

19 CHAIRMAN SALADINO: It's zoned for a one or  
20 two family.

21 MS. GORDON: Either one.

22 MRS. KENNEDY: One or two-family.

23 MS. NEFF: One or two.

24 MRS. KENNEDY: So when that lot is split and  
25 it's a substandard, a smaller lot, is there any --

1 I know that we referred to a code before that  
2 spoke about existing small lots, but this is not  
3 an existing small lot, it will be a new small lot,  
4 correct?

5 MS. NEFF: Lot 1 will be --

6 MRS. KENNEDY: Yeah.

7 MS. NEFF: -- smaller, Lot 2 will not. It  
8 will be 7,541 square foot, the one in the back.

9 MRS. KENNEDY: So the new Lot 1 would be  
10 substandard, correct?

11 CHAIRMAN SALADINO: Yes.

12 MS. NEFF: By a little bit less than 1,000  
13 square feet.

14 MRS. KENNEDY: Right. So how does that  
15 impact? Is there a code that states a new  
16 substandard lot can be a two-family home, one or  
17 two-family home?

18 CHAIRMAN SALADINO: That was -- that was the  
19 topic of the question that we raised, and right  
20 now we're kind of asking the question in the  
21 abstract.

22 MS. WINGATE: There is nothing in code that  
23 precisely deals with that.

24 MR. TASKER: Well, there certainly is, the  
25 schedule of regulations.

1 MS. WINGATE: Well, that's why --

2 MR. TASKER: Bulk regulations makes it very  
3 clear.

4 MS. WINGATE: Yeah, that's --

5 MR. TASKER: A two-family dwelling requires  
6 7500 square feet.

7 MS. WINGATE: That's why they're here.

8 MR. TASKER: No, they're not. They don't  
9 have an application -- they don't have an  
10 application in for a variance for a two-family  
11 home on a substandard lot, do they?

12 MS. WINGATE: No.

13 MRS. KENNEDY: Do they?

14 MR. TASKER: And that begs the --

15 MRS. KENNEDY: They have -- they have --

16 MR. TASKER: It begs the question -- it begs  
17 the question, why not?

18 MRS. KENNEDY: And, lastly, I just want  
19 to -- again, as my husband said, I am wondering  
20 what kind of space is needed between one driveway  
21 to the next, because, literally, these driveways  
22 will be perpendicular and meet.

23 MR. PROKOP: That's a Planning Board issue.

24 Excuse me, I'm sorry. I mean --

25 CHAIRMAN SALADINO: I was just going to say,

1 that's kind of like -- it's fairly -- it's fairly  
2 common in the Incorporated Village. Actually, I  
3 can stand in my driveway and my next door  
4 neighbor's driveway, you know, when you share a  
5 fence --

6 MS. RIVA: They would be parallel.

7 CHAIRMAN SALADINO: I'm sorry?

8 MS. GABRIEL: These are perpendicular.

9 MS. RIVA: They would be parallel. This  
10 is -- they're like this (demonstrating).

11 MS. GABRIEL: It makes a "T".

12 MS. GORDON: What do they mean? They're  
13 saying perpendicular. How would that be?

14 CHAIRMAN SALADINO: Their driveway comes --

15 MRS. KENNEDY: Corwin Street --

16 CHAIRMAN SALADINO: Mrs. Kennedy's driveway  
17 comes out this way.

18 MS. GORDON: Oh, I see.

19 MS. NEFF: Right.

20 CHAIRMAN SALADINO: And this driveway comes  
21 this way.

22 MS. GORDON: I see.

23 MRS. KENNEDY: So that's more for the  
24 Planning Board.

25 CHAIRMAN SALADINO: Well, it's certainly

1 something for us to consider in considering the  
2 variance. But, again, if this progresses to the  
3 Planning Board, that would certainly be, you know,  
4 something --

5 MRS. KENNEDY: Right. And those hedges that  
6 we have on our property, that screen the property,  
7 go to the end of the driveway. So if I have one  
8 of my children coming out of that driveway and  
9 somebody is backing out of the Corwin -- the new  
10 Lot 2, I'd like, you know, it to be said on record  
11 I think that's a very dangerous situation.

12 CHAIRMAN SALADINO: And that's certainly a  
13 consideration. And, again, if it progresses to  
14 the Planning Board, their mandate is health,  
15 welfare and safety of --

16 MR. CORWIN: You could also point out the  
17 Village has an ordinance for a driveway. The  
18 hedge can't be higher than 30 inches.

19 MRS. KENNEDY: Okay.

20 MR. CORWIN: Just for -- to address your  
21 concern.

22 MRS. KENNEDY: Okay.

23 MR. CORWIN: And, of course, the problem  
24 here is one driveway is in the Village of  
25 Greenport, one driveway is in the Town of

1 Southold, and then these questions were not  
2 brought before the Town of Southold. I'm sure  
3 they didn't consider them.

4 MRS. KENNEDY: Okay. And earlier on, before  
5 we had started, I believe the gentleman on the end  
6 was asking for a registered mail receipt from -- I  
7 don't know if it was the Town of Southold or --

8 CHAIRMAN SALADINO: From the Town Clerk.

9 MS. WINGATE: From the Southold Town Clerk.

10 MRS. KENNEDY: Okay. So was that received?

11 MS. WINGATE: We haven't gotten the mailing  
12 back.

13 MRS. KENNEDY: Okay, okay. All right.

14 Thank you.

15 CHAIRMAN SALADINO: Is there anyone else  
16 that would like to address --

17 MR. FRAGOLA: Yes.

18 CHAIRMAN SALADINO: -- the Zoning Board?  
19 Just name and address for the stenographer.

20 MR. FRAGOLA: Hi. My name is Fred Fragola.  
21 I have the property at 6 --

22 CHAIRMAN SALADINO: Once again, please. I'm  
23 sorry.

24 MR. FRAGOLA: My name is Fred Fragola. I  
25 have the property --

1 MR. CORWIN: Spell it.

2 MS. GORDON: Spell your last name, please.

3 MR. FRAGOLA: Sure. F-R-A-G-O-L-A. I have  
4 the property at 620 Corwin Street. So my concerns  
5 here is, number one, you had talked about the -- I  
6 believe you were going to tie into the sanitary  
7 system for the Village of Greenport; is that  
8 correct? You're talking about a mulching pump?

9 MR. CORWIN: Yes, they would have to, that's  
10 correct.

11 MR. FRAGOLA: Okay. So my question is how  
12 do you propose to do this, directional boring, you  
13 turn up the road? What is the mechanics of  
14 installing this, is my first question.

15 CHAIRMAN SALADINO: He's going to -- the  
16 applicant -- we're going to let you ask your  
17 questions, and the applicant's going to get up --

18 MR. FRAGOLA: Okay.

19 CHAIRMAN SALADINO: -- and address them.

20 MR. FRAGOLA: Yeah. Let me just explain my  
21 point here. As a contractor, I understand what it  
22 entails. If the road is torn up, it shuts down  
23 the road, it's not a one-day process, that's  
24 number one, that's my concern. Two, the road is  
25 so narrow, if there is a problem there, fire

1 safety pertaining to James' property is an issue.

2 My driveway is further down, so I'm out of  
3 the way of it. But one of the things that  
4 transpired, when I initially started this years  
5 ago and developed my property, my property was  
6 commercial. I listened to all of the members of  
7 the Town of Southold, all the neighbors rallied,  
8 they wanted residential, and I gave it some  
9 serious thought. To make a long story short, I  
10 had to spend all this money, the engineering,  
11 going through everything, I decided to rescind my  
12 decision, make it residential because of the  
13 neighborhood.

14 My whole point is I spent a tremendous  
15 amount of money to keep the nature of the area the  
16 way it is. So to have people come down Corwin,  
17 and it will be an event, no matter how you look at  
18 it, when they drive into their property, Lot 2; do  
19 I have it correct?

20 MS. NEFF: Yes.

21 MR. FRAGOLA: How are they going to turn  
22 around, facilitate those cars? There's no room to  
23 spin around. So they're either going to be able  
24 to increase parking on Lot 2 to spin it around or  
25 back down the road.

1           So I look at this as a potential hazard, and  
2           that's about it. All right? Thank you.

3           MR. CORWIN: Can I ask you, your property is  
4           some kind of storage now?

5           MR. FRAGOLA: My property is a single  
6           one-family dwelling. The house is built in such a  
7           way the second floor is a three bedroom, and  
8           underneath it I put the garage.

9           MR. CORWIN: Does that have any septic  
10          system or cesspools now?

11          MR. FRAGOLA: Does it have a what?

12          MR. CORWIN: Septic system or some hookup?

13          MR. FRAGOLA: No, I'm not tied -- yes, yeah,  
14          my -- I have my own septic system there. We're  
15          not tied into the Village.

16          MR. CORWIN: Because, frankly, I was down  
17          there and I was looking at it, and I couldn't find  
18          any indication of it, and I was just confused as  
19          to the hookup.

20          MR. FRAGOLA: Yeah, it's off the side of the  
21          property. You can see the manhole cover there.

22          MR. CORWIN: All right. I missed that.

23          MR. FRAGOLA: Okay. Any other questions?

24          MR. CORWIN: No. Thank you.

25          MR. FRAGOLA: Thank you.

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

4 MS. GABRIEL: My name is Rosemary Gabriel.  
5 I live at 431 Seventh Street, which is between  
6 Wiggins and Corwin.

7 Now, as you understand, there is a "T". The  
8 Sixth Street runs right across and there's is no  
9 access from Corwin right now. That's sort of a  
10 dead end, with the Kennedy's down at the end, and  
11 this gentleman on the other side.

12 So even though you're telling me that the  
13 people in the front of the house, the two-family  
14 house, will be entering from Sixth Street and  
15 turning into their driveway and into their garage,  
16 the other house, the egress would be from Corwin.  
17 But once they get past the dead end, they enter  
18 the property and there's going to be a place for  
19 the vehicle there, because there's no room on  
20 Corwin, because it is a "T". There's no side of  
21 the street -- there's no side of the street  
22 parking, because Kennedy's house comes the other  
23 direction. So if the second house has more than  
24 one driver, where are those cars going to be  
25 parked?

1 CHAIRMAN SALADINO: He has a two -- a  
2 two-car garage. The driveway --

3 MS. GABRIEL: The garage belongs to the back  
4 property?

5 MS. NEFF: Yes,

6 CHAIRMAN SALADINO: Yes.

7 MS. NEFF: There's two garages.

8 MS. GABRIEL: And the front property will  
9 just use the -- the two-family house is in the  
10 front property and they will use the sidewalk on  
11 -- they will use the --

12 CHAIRMAN SALADINO: No.

13 MS. GABRIEL: I'm confused about who's  
14 parking where.

15 CHAIRMAN SALADINO: Could I just explain?

16 MS. GABRIEL: Please.

17 CHAIRMAN SALADINO: Can I try to explain?

18 (Laughter)

19 CHAIRMAN SALADINO: The property, Lot No. 2,  
20 the property on Corwin Street, the plan was  
21 revised and there's no longer a separate garage.  
22 The garage was attached to the house. So a  
23 two-car garage was attached to the house, and the  
24 driveway reconfigured to enter that garage from  
25 Corwin Street.

1 MS. NEFF: There's no space to turn around  
2 to back up on the property.

3 CHAIRMAN SALADINO: Let's just -- let's just  
4 get past that first.

5 MS. NEFF: Okay.

6 CHAIRMAN SALADINO: The second property, Lot  
7 No. 1, has a proposed -- has a garage on the  
8 property now, a two-car garage on the property now  
9 that's going to be demolished, and a new garage  
10 built, a new two-car garage built. So, in a  
11 perfect world, the occupants on Sixth Street will  
12 use the garage on Sixth Street and perhaps not  
13 park on the street. And in that same perfect  
14 world, the occupants on Corwin Street would also  
15 use their garage to park.

16 MS. GABRIEL: But the -- which of the  
17 properties will have a long-term rental, or a B&B,  
18 or whatever?

19 CHAIRMAN SALADINO: The applicant, the --

20 MS. GABRIEL: The Corwin or the Sixth?

21 CHAIRMAN SALADINO: The applicant told us  
22 that he wasn't in favor of short-term rentals and  
23 he had planned on year-round rentals for both  
24 properties.

25 MS. GABRIEL: So we're talking about --

1 MR. PFLANZL: No, only one property, only  
2 Lot No. 1.

3 MS. GORDON: Only the second --

4 MR. PFLANZL: Lot No. 1 upstairs, the rental  
5 property downstairs, owner-occupied.

6 CHAIRMAN SALADINO: Lot No. 2,  
7 owner-occupied.

8 MR. PFLANZL: Owner-occupied.

9 MS. GABRIEL: Okay. Because I'm imagining  
10 with the three families, as we said, one is  
11 two-family, one is one, if anybody had -- if  
12 anybody in their family has more than one car,  
13 it's going to be a zoo parade at the end of Corwin  
14 Street.

15 CHAIRMAN SALADINO: We've just experienced  
16 that, yes.

17 MS. GABRIEL: And it's because of the --  
18 because it's not parallel driveways, it's  
19 perpendicular, and it's a dead end. And living on  
20 practically that corner on Seventh Street, I think  
21 it might be a nightmare about cars trying to  
22 negotiate in and out of Corwin Street in a  
23 snowstorm, or whatever. Thank you.

24 CHAIRMAN SALADINO: Thank you.

25 MS. RIVA: I have one more comment. I can

1 speak loud enough, if that's all right.

2 MR. TASKER: No.

3 MR. CORWIN: No.

4 CHAIRMAN SALADINO: Please.

5 MS. RIVA: Okay. They're talking about a  
6 one rental in the front, in the front house, which  
7 was going to be, if it happens, a two-family.  
8 There's no guarantee that that's going to be a  
9 year -- yearly, a long-term, there's no guarantee.  
10 So he can say that now, and then after, if this  
11 goes through, it could be anything. And the back,  
12 the back -- Lot 2 could be the same thing. I  
13 mean, there's no guarantee about this, and I think  
14 that we ought to know that and it should be on the  
15 public record. Thank you.

16 CHAIRMAN SALADINO: If there's no one -- is  
17 there anyone else from the public that would like  
18 to speak? If there's no one else from the public  
19 that would like to speak, I have a couple of  
20 letters from neighbors that I would like to read  
21 into the record, and then if the applicant would  
22 like, he can come up and respond.

23 I have a letter from Mary Wade, 440 Sixth  
24 Street, Greenport, New York, 11944. And she says,  
25 "Please provide these comments to the Zoning Board

1 of Appeals as comments on Mr. Kimack's application  
2 to subdivide 426 Sixth Street into two substandard  
3 lots. The applicant cannot demonstrate the  
4 required hardship to justify such a variance under  
5 the law. Approval would violate proper procedures  
6 and undermine the zoning map. Sincerely, Randy  
7 (Mary Miranda) Wade, Post Office Box 5, 440 Sixth  
8 Street, Greenport, New York."

9 The second letter we have is from Patricia  
10 Bennett, 182 Fifth Street, Greenport, New York  
11 11944.

12 "To whom it may concern,

13 It has come to my attention that the Village  
14 Board is considering a subdivision of the property  
15 currently listed at 429 Sixth Street.

16 As a resident of West Dublin, I feel that  
17 this would be very damaging to the integrity of  
18 the neighborhood, which is characterized by  
19 traditional but well-maintained homes that are not  
20 overcrowded. Adding an additional home on a lot  
21 that is not of standard size for the neighborhood  
22 would compromise the integrity of the community  
23 that we know and love.

24 Please do not set a precedence here that  
25 will be hard to undue in the future, and would

1 turn our community into a city-like environment.  
2 This is not the reason that people love Greenport  
3 and contribute to its future.

4 Thank you very much for your attention.  
5 Sincerely, Patricia Bennett."

6 And the last one we have is to Greenport  
7 Village Board -- Greenport Village Board of  
8 Appeals.

9 Reasons -- "Reasons to reject lot size  
10 variance request for 429 Sixth Street:

11 The proposed variance and lot size will be  
12 out of place in this neighborhood. The Court of  
13 Appeals, Pecoraro vs. Board of Appeal of the Town  
14 of Hempstead, the Board of Appeals was found  
15 justified in rejecting the variance because the  
16 neighborhood consisted overwhelmingly of parcels  
17 which met the required minimum.

18 The length of each yard on both sides of  
19 Sixth Street are essentially identical. The  
20 mirror of the lot in question would face Seventh  
21 Street. However" -- "However, it faces a dead end  
22 road instead of a lot. That does not distinguish  
23 its shape as it relates to Sixth Street.

24 Number two, the owner purchased a two-family  
25 house that already offers more value than if the

1 house had been located in a single-family district  
2 in Greenport. We rely on zoning to protect  
3 neighborhood character from unbridled development  
4 that benefits one owner at the expense of the  
5 property values of its neighboring owners.

6 Please reject this variance request.

7 Sincerely, Randy Wade, 440 Sixth Street,  
8 Greenport, New York."

9 That's what I have from the neighbors. If  
10 the applicant would like to --

11 MR. KIMACK: If I can remember some of the  
12 concerns.

13 Dealing with the gentleman's concern about  
14 the sewer line, for Lot No. 2, it would come up  
15 Corwin Street to the manhole that's on Seventh  
16 Street. As we had discussed previously, we don't  
17 know how deep that manhole is. And that gentleman  
18 chose to put his own septic on the system -- on  
19 his own lot.

20 We had -- we have had conversations with the  
21 town, with the Village of Greenport, and they  
22 agreed to cooperate with us to extend the line to  
23 the property from that manhole. That extension  
24 could take the form of either a gravity feed,  
25 which we do not know whether it would work,

1 because we don't know how deep the invert is in  
2 that manhole, or, as I had suggested, it could be  
3 a grinder pump station and a two-inch force main.

4 Yes, there would be some disturbance. It's  
5 not a -- it's not a long distance. That could be  
6 done in a couple of days, that kind of  
7 construction. I've done over 20,000 linear feet  
8 of sewer lines, so it's not something I'm  
9 unfamiliar with.

10 One of the other concerns was off-street  
11 parking, which I think is valid, because it is a  
12 dead end street. And the configuration of that,  
13 of that driveway was done in a way that would  
14 suggest that you pulling into the two -- into the  
15 garage, but there's a 30 foot difference between  
16 the property line and that garage, and the  
17 standard for most turn-arounds minimum is 22 to  
18 25. There's enough room there to be able to swing  
19 the cars in and out and keep the cars off the --  
20 off of that. I don't expect, with the size of  
21 that and the number of bedrooms, I don't expect  
22 more than two cars anyway. That's all that's  
23 required as an off-street parking.

24 Just to clarify, and I think the Chairman  
25 said it best, Lot No. 1 is the two-family, Sixth

1 Street, Lot No. 2 is the one-family, Corwin, just  
2 to make sure that we've got that down.

3 I'm not quite sure. Did I miss any of the  
4 other questions that were raised? Look, I also  
5 know I'm not going to address a lot of the  
6 concerns, because that's for you, and that's --  
7 that's what they're worried about. Whether those  
8 concerns fall within your jurisdictional propriety  
9 or so, you'll be the judge of that, in terms of  
10 whether their concerns are valid from that  
11 perspective.

12 MS. GORDON: One of the -- oh, excuse me, I  
13 didn't mean to --

14 MR. KIMACK: Go right ahead.

15 MS. GORDON: One of the concerns that we  
16 have and one of the questions that we are mandated  
17 to ask is, of course, about neighborhood  
18 character. And so I think the questions about  
19 whether the buildings were for sale, this rumor --

20 MR. KIMACK: They're not.

21 MS. GORDON: -- is relevant.

22 MR. KIMACK: They're not for sale.

23 MS. GORDON: And I wanted to get that --

24 MR. KIMACK: Yeah.

25 MS. GORDON: I mean, rumors are, you know,

1 abundant in these situations.

2 MR. KIMACK: 429 Sixth Street is not for  
3 sale, and you certainly can't sell two if you  
4 don't have the approval for two lots, so --

5 MS. GORDON: Okay. Thank you.

6 MR. KIMACK: But they're not for sale, no.  
7 The expectation here is for both owners to have  
8 their own LLC and occupy both buildings.

9 MS. GORDON: Thank you.

10 CHAIRMAN SALADINO: The thing that I might  
11 add is I would ask the Building Inspector or  
12 Kristina, the Clerk, was the applicant provided --  
13 does he have a copy of this from the Town Engineer  
14 and the Superintendent of Highways?

15 MS. WINGATE: No.

16 CHAIRMAN SALADINO: Can we -- can we perhaps  
17 get him a copy of this --

18 MS. WINGATE: Sure.

19 CHAIRMAN SALADINO: -- so we -- so he knows  
20 exactly?

21 And for the public, just I don't know if  
22 this reassures you or if it's just overload, the  
23 Town is going to decide. He's going to have to  
24 submit plans to the Town for any work done on Town  
25 property.

1 MR. KIMACK: Yeah.

2 CHAIRMAN SALADINO: So as far as sewer, as  
3 far as the laterals to the street, that  
4 Mr. Richter and Mr. Orlando, the Superintendent of  
5 Highways, I'm sure they're going to have some  
6 input as to --

7 MR. KIMACK: This is not unfamiliar with me.  
8 I'm very use to doing curb cuts both for County  
9 and for Town.

10 MS. NEFF: At the present time, there is no  
11 curb there, is there?

12 MR. KIMACK: No, it's --

13 CHAIRMAN SALADINO: No.

14 MR. KIMACK: It ends and it's grass, and  
15 then there's a fence.

16 MS. NEFF: Yeah, yeah.

17 MR. KIMACK: And that's it, basically, but  
18 no. Jamie was correct in the sense, when you're  
19 making that kind of cut in, they have standards  
20 for residential in terms of the width and in  
21 terms of the radius, turn-arounds, etcetera, like  
22 that. And Jamie, as much as he knows, as much as  
23 I knew, whether the presentation would be the one  
24 that would be appropriate for that particular  
25 location.

1 CHAIRMAN SALADINO: I just wanted to  
2 reassure the public that it's not just the members  
3 of this Board and the applicant that are going  
4 to -- or the Building Department that's going to  
5 square away, you know, the septic and the curb,  
6 and, you know, the Town of Southold also has --

7 MR. KIMACK: Yeah. And the Village of  
8 Greenport is involved with us, if we do get that  
9 far, to get a sewer line put in. We've already  
10 had that conversation, and they've agreed to work  
11 with us to accomplish that.

12 CHAIRMAN SALADINO: As far as being a  
13 customer.

14 MR. KIMACK: Yeah.

15 CHAIRMAN SALADINO: As far as that property  
16 being a --

17 MR. KIMACK: Being attached to the sewer  
18 line.

19 CHAIRMAN SALADINO: A ratepayer.

20 MR. KIMACK: Yes, as a ratepayer.

21 MS. NEFF: Well, just to clarify, is it not  
22 true, Mr. Chairman, that if that becomes a lot,  
23 Lot 2, it's required to be connected to the sewer?

24 CHAIRMAN SALADINO: Yes.

25 MS. NEFF: That's what I thought.

1 MR. KIMACK: Yeah. We knew that from the  
2 beginning. We knew that the close proximity with  
3 -- now could you -- because everyone is served  
4 with water in the area, the back -- the backstop  
5 is you could put something onsite, basically. I  
6 mean, that gentleman basically did his own septic  
7 and he's closer to the sewer line than I am, than  
8 we are, basically.

9 MR. FRAGOLA: We're not in the Village.

10 MS. NEFF: But he doesn't live in the  
11 Village.

12 MR. FRAGOLA: We're not in the Village.

13 MR. KIMACK: That's --

14 CHAIRMAN SALADINO: No, we understand.

15 MS. NEFF: That's the requirement.

16 MR. KIMACK: That's the issue, that's the  
17 issue.

18 MR. FRAGOLA: He is not making that clear.  
19 There's a difference. I'm not in the Village.

20 MS. NEFF: Right.

21 MR. FRAGOLA: If I was in the Village, it  
22 would be mandatory to hook up.

23 MS. NEFF: Exactly.

24 CHAIRMAN SALADINO: Thank you for that, and  
25 this Board was aware of that. Thank you.

1 MR. FRAGOLA: I'm trying to make everybody  
2 aware. He's making it sound like I didn't hook up  
3 to the sewers, that I had the option. I could  
4 not. I am in the Town of Southold.

5 CHAIRMAN SALADINO: Well, that's incorrect,  
6 too. You had the opportunity to hook up to the  
7 sewer.

8 MR. FRAGOLA: I know I filed for it to see  
9 what it was and it became a burden financially to me.

10 CHAIRMAN SALADINO: Well, that's a different  
11 story. That --

12 MR. FRAGOLA: Well, that's --

13 CHAIRMAN SALADINO: The opportunity is  
14 there.

15 MR. FRAGOLA: But he's going to turn around  
16 and tie into something, there is no burden. He  
17 doesn't pay 25,000, as a hypothetical. He ties in  
18 for a flat fee as a resident. If I, if I had to  
19 tie in, it's a substantial amount of money, it's  
20 an extreme burden.

21 MS. NEFF: Right.

22 CHAIRMAN SALADINO: Okay.

23 MR. FRAGOLA: I'm just trying to clarify so  
24 we all understand it. And the point about whether  
25 he's going to do a directional boring or cut in

1 the road, I want to make that clear, because he's  
2 making it sound like it's a cake walk. That could  
3 tie up the road for over a week, whatever it is.  
4 That blocks up his access, it blocks up my access.

5 MR. KIMACK: All I could say there is that  
6 we have had preliminary conversations with the  
7 Village in terms of the extension of the sewer.  
8 They had agreed to work with us. I suspect that  
9 particular accommodation would certainly take into  
10 consideration the working conditions and being  
11 able to get it done with minimum disruption.

12 CHAIRMAN SALADINO: Well, in all fairness to  
13 the neighbors, I think Greenport, the Incorporated  
14 Village of Greenport, as far as accessing the  
15 sewer system, David might know better than I do, I  
16 kind of think they're out of the loop. You know,  
17 I'm sure the Incorporated Village would be glad to  
18 make you a customer and -- because you would be  
19 inside the Incorporated Village, they would --

20 MR. KIMACK: Right.

21 CHAIRMAN SALADINO: -- waive the connection  
22 fee. But from your property line to the manhole  
23 on --

24 MR. KIMACK: Seventh Street, yeah.

25 CHAIRMAN SALADINO: -- on Seventh Street, I

1 don't believe the Village is going to be involved  
2 in that at all.

3 MS. WINGATE: Not financially.

4 MS. NEFF: Absolutely not.

5 CHAIRMAN SALADINO: So to say they're  
6 willing to work with you is kind of like -- did  
7 they say how they would work with you?

8 MR. KIMACK: We didn't get that far.

9 CHAIRMAN SALADINO: Okay. Well, I think  
10 that's an important point to -- for the neighbors,  
11 especially, to make. David, did you --

12 MR. CORWIN: Just to clarify that. On  
13 Wiggins Street outside the village of Greenport  
14 and then on Seventh Street, the Village installed  
15 sewer pipes in Southold Town streets. And I  
16 assume that's what would happen again, the Village  
17 would install a sewer pipe in the Southold Town  
18 street. Of course, that would mean going to  
19 Southold Town and saying, "We're going to dig up  
20 the street." And I assume Southold Town would  
21 say, "Okay, here's how you got to put it back."

22 CHAIRMAN SALADINO: I'm not sure I could  
23 make that assumption, but, again, David, you have  
24 more experience with this.

25 MR. TASKER: It doesn't have much to do with us.

1 MS. NEFF: Right.

2 MR. KIMACK: Yeah.

3 CHAIRMAN SALADINO: Exactly, so --

4 MR. KIMACK: Is there any other questions I  
5 may be able to answer?

6 MR. PROKOP: I have a question. How did  
7 this 14(A) -- 150-14(A), how did that come up?

8 MR. KIMACK: During the site visit,  
9 basically, I'm not quite sure it was mentioned  
10 that because of the LIRR exception, that the  
11 garage had the capability of being moved against  
12 the property line.

13 MR. PROKOP: Who brought that up? I'm  
14 sorry.

15 MR. KIMACK: I'm not quite sure. It just --

16 MR. PROKOP: Okay. I just wanted to mention  
17 to the Board that in Article 6, which is where  
18 that is found, there's a -- the heading is  
19 Supplementary Regulations, and then it divides --  
20 there's a division of the Supplementary  
21 Regulations into residential regulations and  
22 nonresidential building regulations. And it's --  
23 you know, it's obviously not artfully drawn, not  
24 clearly drawn.

25 MR. KIMACK: Right.

1 MR. PROKOP: But my -- the concern that I  
2 have, and I'm not saying that it does apply or  
3 doesn't apply, I think that's up to the Board  
4 whether it applies, because it's going to affect  
5 other properties, obviously, but if you continue,  
6 150-14(C) then talks about the setback for  
7 nonresidential buildings from the street, but I  
8 think that that would be understood to be  
9 commercial buildings, right, Eileen?

10 MS. WINGATE: I'm trying to keep up here.

11 MR. PROKOP: 150-14(C).

12 MR. KIMACK: That was -- that was my  
13 interpretation. That was --

14 MS. WINGATE: Is this the setbacks?

15 MR. PROKOP: Yes. So I think that the --  
16 between 150-13, the top of this -- excuse me. The  
17 Article 6 is Supplementary Regulations, and then  
18 there's a division into different subdivisions,  
19 150-13 and 150-14. The 150-14 talks about  
20 nonresidential buildings, but I don't -- I don't  
21 know that -- your interpretation of that is that  
22 there's nobody living in the building.

23 MS. WINGATE: Right.

24 MR. PROKOP: I don't know that that -- I'm  
25 not sure, because this just came up tonight. I

1 have never been asked -- I was asked this question  
2 tonight, I haven't been asked this question  
3 before. But I think that an accessory building  
4 that's accessory to a residential building might --

5 MS. WINGATE: Yes, I agree.

6 MR. PROKOP: -- be considered a residential  
7 building, even though there's no -- people  
8 living -- person living in it --

9 MR. KIMACK: I think that was how I've  
10 always perceived that it was an accessory building  
11 to a residential building, as a residential  
12 building in an R -- in an R Zone, and R-2 Zone.

13 MR. PROKOP: But I think you need -- I think  
14 you need the setback for the garage, is what I'm  
15 saying.

16 MS. WINGATE: I agree.

17 MR. KIMACK: I'm sorry, what did you say?

18 MS. WINGATE: I agree that an accessory  
19 building in a residential district is a  
20 residential utility, is a -- is a residential  
21 building.

22 MR. KIMACK: And then that falls under 114?

23 CHAIRMAN SALADINO: I disagree.

24 MR. PROKOP: No, 13.

25 CHAIRMAN SALADINO: I disagree. I don't see

1           how -- and I don't know if this is --

2                   MS. WINGATE: Most of --

3                   CHAIRMAN SALADINO: -- a question for  
4           interpretation, or the Lawyer. Mr. Prokop, our  
5           Attorney just mentioned it's up to this Board to  
6           decide if that's, in fact, a question. I think  
7           somebody, first and foremost -- I think, first and  
8           foremost, the Lawyer should -- the Attorney should  
9           say that we're --

10                  MR. KIMACK: If it -- yeah, go ahead.

11                  CHAIRMAN SALADINO: And second, is anybody  
12           here asking for an interpretation? I don't know  
13           how a garage can be considered a residential  
14           building. By definition, it's nonresidential.  
15           Are we allowed to put --

16                  MR. TASKER: No, no.

17                  CHAIRMAN SALADINO: Are we allowed --

18                  MR. TASKER: No, that's not right, the  
19           definition, nonresidential, John.

20                  CHAIRMAN SALADINO: Well, how would you  
21           explain it, then?

22                  MR. TASKER: Well, they could get out the  
23           definition of nonresidential and show me where it  
24           says garages are nonresidential.

25                  CHAIRMAN SALADINO: Take it on face value.

1 Take it on with this -- on black --

2 MS. WINGATE: Garages are accessory to  
3 residential.

4 MS. NEFF: Accessory, it's an accessory  
5 building.

6 MS. WINGATE: They're accessory to  
7 residential.

8 CHAIRMAN SALADINO: It's an accessory  
9 building to a residential.

10 MR. PROKOP: You could have a garage that's  
11 a commercial garage, or you could have a garage  
12 that's -- that -- which is nonresidential, or you  
13 could have a garage which is accessory to a  
14 residential building, and then I would consider  
15 that residential.

16 CHAIRMAN SALADINO: Well, if that's your  
17 opinion, and you want to offer it to the Board,  
18 then it's -- then we'll --

19 MR. PROKOP: No. My question -- my comment  
20 was really that it just came up tonight for the  
21 first time and I just --

22 MS. WINGATE: Yeah.

23 MR. PROKOP: I think the Board should be  
24 cautious, and now we have the Building Inspector  
25 agreeing.

1 MS. WINGATE: I had never thought about it.

2 MR. CORWIN: Mr. Chairman, maybe we should  
3 have this during our discussion part of the --

4 MS. WINGATE: Right.

5 MR. TASKER: Yeah.

6 MR. CORWIN: -- proceedings.

7 CHAIRMAN SALADINO: Oh, absolutely

8 MR. KIMACK: Could I make --

9 MR. CORWIN: Either close our hearing or  
10 adjourn it and move on.

11 MS. NEFF: Sounds like an idea.

12 MR. KIMACK: Could I make -- could I make  
13 one suggestion before you do?

14 CHAIRMAN SALADINO: You could make a  
15 comment, sure.

16 MR. KIMACK: If this becomes something of a  
17 difficult statute in terms we don't want to set  
18 perhaps a negative precedent because of the  
19 ambiguity of residential and commercial, I mean, I  
20 could take one side essentially like that, we'd be  
21 willing to move back to five feet, I mean,  
22 basically so that it avoids creating the  
23 possibility of a future conflict.

24 CHAIRMAN SALADINO: So, obviously, the --  
25 I'm sorry, go ahead.

1 MS. GORDON: I was just --

2 MR. KIMACK: We just thought -- we just  
3 thought we could.

4 MS. GORDON: We would return to the  
5 earlier -- I have the earlier plans here which  
6 show 360 square foot -- a garage with a -- it's a  
7 little hard to see. With a 5 --

8 MR. KIMACK: With a 5-foot -- with a 5-foot  
9 setback. It seemed clear to me when I read it,  
10 but then, again, everyone reads it from a  
11 different perspective, that it was a residential  
12 accessory building, that it was allowed under that  
13 particular exception next to the LIRR. If there's  
14 a different interpretation that may cloud that  
15 reasoning, and it's going to be something that you  
16 are uncomfortable looking at, we'd be willing to  
17 remove that from becoming a difficult issue in the  
18 future.

19 CHAIRMAN SALADINO: Well, I'm willing to  
20 take Mr. Prokop's opinion into consideration. But  
21 having said that, then I'm inclined to keep this  
22 public hearing open, because if the application  
23 changes, I would like -- I would like to give the  
24 neighbors an opportunity to speak again.

25 Also, because now these -- these meetings

1 are live-streamed to the Village's website, people  
2 tend to watch at home, sometimes when it's  
3 inconvenient to get here at the start of the  
4 meeting, and they hear and see stuff that perhaps  
5 they didn't think of, but would like to comment  
6 on. So having said all that, hoping that it made  
7 some sense --

8 MR. KIMACK: It does. I mean --

9 CHAIRMAN SALADINO: -- I would -- I would  
10 ask my colleagues, would we consider keeping this  
11 open and get a -- get an opinion from our  
12 Attorney, and, also, if there's any other members  
13 of the public that, after seeing what they saw  
14 here tonight, wish to comment?

15 MR. TASKER: Would this be solely in regard  
16 to the 5-yard setback -- the 5-foot setback of the  
17 garage?

18 CHAIRMAN SALADINO: I would be just inclined  
19 to take the easier path just to keep the public  
20 hearing open.

21 MS. GORDON: I would be opposed to that,  
22 because I think the -- if, in fact, we decided  
23 that it had to have the 5-foot setback, we're  
24 making it less noncompliant, the whole situation.  
25 And I don't know why that would require new public

1 comment.

2 CHAIRMAN SALADINO: Because the Attorney is  
3 not willing to -- is not prepared to make -- to  
4 offer an opinion.

5 MR. PROKOP: No. I mean, that's --

6 MS. GORDON: I don't think that's what he  
7 said.

8 MR. PROKOP: I think the comment is fair, I  
9 was going to say that, because I think that if  
10 it's going -- if there's going to be the change,  
11 the change would be towards more compliance, not  
12 less compliance than that.

13 MS. GORDON: Right.

14 MR. PROKOP: I mean, I think -- I just want  
15 to put on the table for the Board that the  
16 supplementary regulations are broken into two  
17 subsections. One is clearly residential, one is  
18 clearly commercial, and the one that's being  
19 relied on is in the commercial subsection. It's  
20 not really clearly drawn, but it's -- the division  
21 of the two -- the intentional division of the two  
22 sections I think is fairly clear. And the  
23 Building Inspector agrees with me after we've had  
24 time now to review this, so.

25 CHAIRMAN SALADINO: Go figure.

1 (Laughter)

2 MS. NEFF: I would just like to point out  
3 that many of the principals have weighed in, you  
4 know, the owner, the neighbors. I don't see an  
5 overriding reason to keep the hearing open.

6 CHAIRMAN SALADINO: Then our opinion will be  
7 expressed in our vote --

8 MRS. KENNEDY: Can I ask a question?

9 CHAIRMAN SALADINO: -- about closing the  
10 public hearing. If you could.

11 MRS. KENNEDY: Sure. I just -- what I had  
12 spoke about before with the first property  
13 being -- property No. 1 being substandard, and  
14 there's not an application for a variance for a  
15 two-family, one or two-family dwelling, what --  
16 how does that affect this being closed?

17 CHAIRMAN SALADINO: It was raised tonight.  
18 I have to be honest with you, I didn't think of  
19 that. I didn't take that into --

20 MS. GORDON: It seems to me we may be  
21 saddled with having to review again, after the  
22 Planning Board looks at this, if we accepted this  
23 subdivision, to deal with that question and to  
24 interpret the question that you ask, and I don't  
25 see any way around that.

1 MS. NEFF: And there's not a way around it  
2 that gets it done here and then the Planning  
3 Board.

4 MS. GORDON: Right.

5 MS. NEFF: It may be here, the Planning  
6 Board, back to us. Is that -- that's basically  
7 what you're saying, Dinni?

8 MS. GORDON: Yes.

9 MS. NEFF: Yes.

10 MR. TASKER: I don't see why we have to go  
11 that loop.

12 MS. NEFF: What's our way out of it?

13 MS. GORDON: Yeah. How would we deal --

14 CHAIRMAN SALADINO: Well, what's your  
15 thought, Arthur?

16 MS. GORDON: We would have to do the  
17 interpretation.

18 MR. TASKER: My thought is that it appears  
19 that the application for variances or the  
20 denial -- for the denial of the permit to begin  
21 with --

22 MS. WINGATE: Well, let's go over the denial  
23 and how it's written.

24 MR. TASKER: Let me speak, please. That  
25 the -- either a combination of the -- the denial

1 of the application or the application for  
2 variances is insufficient in the light of this  
3 question of a substandard lot being used for a  
4 more than one-family -- an existing or  
5 nonexisting, as the case may be, substandard lot  
6 being used for a one or a two-family dwelling.  
7 And that could -- we could, as the Zoning Board,  
8 say the application is insufficient, bring us a  
9 new corrected, modified, however, application to  
10 consider this question of substandard lot, one,  
11 two-family, etcetera, and it doesn't have to go  
12 back through the Zoning Board to do that.

13 MR. CORWIN: To the Planning Board.

14 MR. TASKER: To the Planning Board, that's  
15 right.

16 MS. NEFF: Yeah.

17 MR. TASKER: Back to the Planning Board to  
18 do that.

19 MS. NEFF: In other words, you're saying  
20 tied to the existing -- or make a new application  
21 in which you ask for a variance to retain the  
22 two-family on, once approved --

23 CHAIRMAN SALADINO: The substandard lot.

24 MS. NEFF: -- the substandard lot.

25 MR. TASKER: In the light of this --

1 MS. NEFF: Rolling it into that --

2 MR. TASKER: In the light of -- in the light  
3 of this new question of substandard lot and what's  
4 permitted, to ask the applicant to update, modify,  
5 whatever term you want to use, to incorporate that  
6 question to the Zoning Board.

7 This is not a Planning Board question. If  
8 we let the Planning Board touch this, we're nuts,  
9 because they will be interpreting the Zoning Code.

10 MS. WINGATE: Excuse me. Could we look at  
11 the Notice of Disapproval for a moment --

12 MS. NEFF: Yes.

13 MS. WINGATE: -- because the way it's  
14 written is talking about substandard lots. It's  
15 not substandard in reference to a two-family,  
16 because it doesn't matter. A one-family, a  
17 two-family is still 7500 square feet, so it's  
18 written in reference to the size of the lot. It's  
19 being called out as a substandard lot. Regardless  
20 of whether it's a two-family or a one-family, the  
21 size that it's in deficit of is still the same  
22 number. So we're still --

23 MR. TASKER: And it didn't make any  
24 difference at the time of the initial -- you're  
25 correct. And it doesn't make any -- didn't make

1 any difference at the time they did the  
2 application, because the initial application was  
3 for a one-family house.

4 MS. WINGATE: That's correct. But, still --

5 MR. TASKER: So you didn't even have to look  
6 at --

7 MS. WINGATE: Add a two-family house --

8 MR. TASKER: -- existing small lot when  
9 this --

10 MS. WINGATE: But add -- but add -- oh,  
11 didn't it? But it's still deficient for the same  
12 number, whether it's two-family or one-family.

13 MR. TASKER: Right.

14 MS. WINGATE: It's still 950 --

15 MS. NEFF: Nine hundred -- right.

16 MS. WINGATE: -- square feet shy.

17 MR. TASKER: Correct.

18 MS. WINGATE: So I don't think you -- it  
19 matters whether it's one-family or two-family, the  
20 words hold.

21 MR. PROKOP: I just have one other comment.

22 CHAIRMAN SALADINO: Sure.

23 MR. PROKOP: So the plan that we're looking  
24 at is August 7th, and the -- what was the plan  
25 before the -- the notice first went -- actually,

1 the notice on this went out in July, but it went  
2 out again August 1st, or some other time. But  
3 what was the plan that was in the files when the  
4 notice was mailed --

5 MS. LINGG: Joe, this was the plan that was  
6 in the files. It's just that we had an electronic  
7 copy.

8 MR. PROKOP: Oh, we had an electronic, okay.

9 MS. LINGG: And he brought in the larger  
10 copies.

11 MR. PROKOP: And nothing changed --

12 MS. LINGG: No.

13 MR. PROKOP: Between the plans in -- before  
14 August 1st and the plan -- and this plan, there  
15 was no change in the --

16 MR. KIMACK: No changes.

17 MR. PROKOP: -- setbacks or sizes of  
18 buildings or --

19 MR. KIMACK: No.

20 MR. PROKOP: Okay. Thank you.

21 MR. CORWIN: Wait a minute.

22 CHAIRMAN SALADINO: Wait, wait.

23 MR. CORWIN: No, I don't think that the  
24 dates are correct.

25 MS. WINGATE: Wait. The one change was the

1 attached garage.

2 CHAIRMAN SALADINO: Well, that's a major  
3 change.

4 MR. PROKOP: Yeah. I don't think that --

5 MS. WINGATE: But it also eliminates --

6 MR. CORWIN: Let me speak.

7 MS. WINGATE: Let me just finish my  
8 sentence. It eliminates one of the variances,  
9 because it eliminated the variance for the  
10 accessory structure in the front yard. So  
11 everything remains the same. They're asking for  
12 less and not anymore. Sorry, David.

13 MR. CORWIN: I have a plan, a plot plan  
14 dated July 17th in front of me, which is my latest  
15 plan, and we've had several, and stamped received  
16 August 7th. And the date now is 15?

17 MS. WINGATE: Yes.

18 MR. CORWIN: So that's not 10 days before  
19 for the publication of the notice in the paper.

20 MS. LINGG: What I just explained to Joe is  
21 we didn't have the large hard copies until that  
22 day, but we had it electronically.

23 MR. CORWIN: Well, I -- personally, I don't  
24 count electronic copies. When somebody sends you  
25 an email, fine, it's helpful, but I like them like

1 this (indicating).

2 MS. WINGATE: But we don't feel responsible  
3 for printing everything out. So we did, in fact,  
4 have what we needed, and Michael brought them in  
5 soon after.

6 MR. PROKOP: Isn't there a requirement with  
7 the application you need to submit copies of  
8 plans? Isn't there --

9 MS. WINGATE: This has been before the Board  
10 now, I think, four or five times, so it's been a  
11 chore keeping up with it.

12 CHAIRMAN SALADINO: I didn't hear the  
13 question from the Attorney. I'm sorry.

14 MR. PROKOP: My only question was whether  
15 the plan changed after the -- after the notice  
16 went out. I just --

17 MS. LINGG: No.

18 MS. WINGATE: No.

19 MR. PFLANZL: No.

20 MR. KIMACK: No.

21 CHAIRMAN SALADINO: The public notice.

22 MR. PROKOP: Right.

23 CHAIRMAN SALADINO: I wasn't sure that the--

24 MR. PROKOP: Because, you know, there was a  
25 comment that the plan was changed after the site

1 visit. The site visit occurred in July.

2 MS. WINGATE: It changed.

3 MS. LINGG: Yes.

4 MS. WINGATE: It did change after the site  
5 visit, and two days after our last meeting was  
6 when pretty much we got a new -- I mean, it was  
7 really spontaneous.

8 MR. PROKOP: Okay.

9 CHAIRMAN SALADINO: Arthur, are you willing  
10 to -- are you concerned about asking for an  
11 additional variance about the -- about the home  
12 being on a substandard lot?

13 MR. TASKER: Yes.

14 MS. NEFF: Will you rephrase it? I don't  
15 know what lot you're -- you're talking about this  
16 one, and you're talking about the part about  
17 two-family, retaining --

18 MS. WINGATE: You're talking about the  
19 section that says existing small -- existing small  
20 lots. This is not an existing small lot, this is  
21 a brand new small lot.

22 MS. NEFF: Right, right.

23 MS. WINGATE: It has a legitimate  
24 Certificate of Occupancy for a two-family house.  
25 It's before you for --

1 MR. TASKER: Before subdivided it has a --  
2 had a CO.

3 MS. WINGATE: Before that, before it was  
4 subdivided, it -- well, yes. I don't know how  
5 that -- I don't know how that plays out, Arthur,  
6 really, but it's not an existing small lot. And,  
7 again, the numbers, the deficiency remains the  
8 same whether it's a one-family or a two-family.

9 CHAIRMAN SALADINO: What is the pleasure of  
10 this Board? Are we going to ask the applicant to  
11 provide -- to ask to modify his application and  
12 ask for the additional variance, or are we going  
13 to keep the public hearing open while he does  
14 that?

15 MR. CORWIN: I think we have to settle this  
16 issue one way or another.

17 MS. NEFF: I'm sorry, I lost the part -- say  
18 again.

19 MR. CORWIN: I think we have to settle one  
20 way or another existing small lot, whether it  
21 applies or not, probably before we close the  
22 public hearing, or it's a complete do-over.

23 CHAIRMAN SALADINO: So -- so you're  
24 suggesting we have a -- someone asks for an  
25 interpretation of "existing small lot"?

1 MR. CORWIN: Well, according to the Building  
2 Inspector's definition, yes. According to mine  
3 and Arthur's, no, it's settled.

4 MR. PROKOP: It's not an existing small lot,  
5 it's a --

6 MR. TASKER: Yes.

7 MR. PROKOP: It's a lot that you're  
8 creating.

9 MS. GORDON: And we haven't created it yet,  
10 which is why I think we should move forward with  
11 the subdivision question and deal with the other  
12 question later, and I don't see how it's an  
13 existing small lot.

14 CHAIRMAN SALADINO: Our questions is --

15 MS. NEFF: Excuse me?

16 CHAIRMAN SALADINO: Our question is strictly  
17 land use. Our question is variances. The  
18 subdivision question we're not -- we're not smart  
19 enough to make that procedure.

20 MR. TASKER: How could the Planning Board  
21 make a determination on agreeing to a subdivision  
22 or not with that hanging in the air?

23 CHAIRMAN SALADINO: My experience with the  
24 Planning Board is, is that if there's a question  
25 of zoning, any question of any zoning issue, they

1 refer it to the Zoning Board. They won't address,  
2 for whatever reason, they won't address any  
3 subdivision application that has any element of  
4 zoning in it. So are we going to -- we going  
5 to send this --

6 MR. TASKER: Here we are.

7 MS. NEFF: Finish your sentence, please.

8 CHAIRMAN SALADINO: So are we going to send  
9 this -- rule on these variances and send it back  
10 to Planning with -- with these three elements of  
11 zoning addressed, but not the elephant in the  
12 room, or --

13 MS. NEFF: Which is? Just to clarify,  
14 whether or not this retains being a two-family  
15 house? Is that what you're saying? Is that what  
16 the elephant is?

17 CHAIRMAN SALADINO: No. The elephant in the  
18 room -- the elephant in the room is, does he need  
19 a variance to have this house on a substandard  
20 lot.

21 MS. NEFF: I don't understand what you said.

22 CHAIRMAN SALADINO: Arthur and David think  
23 that it --

24 MS. GORDON: On the new substandard. On the  
25 a new substandard lot.

1 CHAIRMAN SALADINO: On the new substandard  
2 lot.

3 MS. NEFF: Now you're talking about, then,  
4 this house.

5 CHAIRMAN SALADINO: No, this house. Arthur  
6 and David believe that he does need to amend his  
7 application to ask for that variance, the Building  
8 Inspector says no.

9 MS. ZEMSKY: Is this for Lot No. 1 you're  
10 talking about?

11 CHAIRMAN SALADINO: Oh, Dena, please don't  
12 interrupt me. I'm having a hard enough time  
13 getting through this as it is, you know.

14 MS. GORDON: Yes, yes.

15 (Laughter)

16 MS. WINGATE: It's not an existing small  
17 lot. We have plenty of existing small lots --

18 MS. NEFF: Yes, we do.

19 MS. WINGATE: -- in the Village. They exist  
20 today. This lot does not exist today. It's a new  
21 lot, and, therefore, it's in front of you for  
22 zoning, for a variance for being substandard.  
23 It's not an existing small lot.

24 CHAIRMAN SALADINO: Well, I had suggested it  
25 before in that the members' opinion can be

1 expressed in their vote. We can make a motion to  
2 address that, or we could leave the application as  
3 it is. Does anybody have an opinion about that?

4 MS. GORDON: Would the motion be to close  
5 the hearing?

6 CHAIRMAN SALADINO: Well, I think we should  
7 resolve this question first. The motion would be,  
8 if --

9 MS. GORDON: Doesn't that vote -- doesn't  
10 the way we vote indicate how we view that  
11 question?

12 CHAIRMAN SALADINO: The motion would be --  
13 and then we can decide what our opinions really  
14 are. The motion would be to suggest that the  
15 applicant or to mandate the applicant to submit  
16 another variance request for the small house for  
17 the -- for the house on the substandard lot, to  
18 ask for a variance to have that house permitted on  
19 that sub -- am I getting that right, Arthur, is  
20 that your concern?

21 MR. TASKER: I'm sorry, John, I was not  
22 focusing closely.

23 MS. WINGATE: But how could it be an  
24 existing small lot if it doesn't exist today? It  
25 doesn't exist.

1 CHAIRMAN SALADINO: I'm addressing the  
2 concerns of the members. If the members -- we  
3 have the opinion of the Building Inspector.

4 MR. PROKOP: Well, one of the things is --

5 CHAIRMAN SALADINO: Now we're going to have  
6 the opinion of the Attorney.

7 MR. PROKOP: One of the things is they're  
8 talking -- what they're talking about is a  
9 substandard lot. If you create -- unless I'm  
10 mistaken, I think if you create the lot that's  
11 substandard, it's no longer a substandard lot,  
12 it's a conforming -- it then becomes a conforming lot.

13 MS. WINGATE: It then becomes a conforming lot.

14 CHAIRMAN SALADINO: That was my understanding, too.

15 MS. WINGATE: That's --

16 MR. PROKOP: That's the same way if -- once  
17 you approve a small setback, you know, a  
18 nonconforming setback, it's then technically  
19 conformance.

20 CHAIRMAN SALADINO: That was my  
21 understanding, too.

22 MR. KIMACK: May I interject? I mean, this  
23 is -- it's --

24 CHAIRMAN SALADINO: Were you still standing  
25 there? I'm sorry.

1 MR. KIMACK: I need --

2 (Laughter)

3 MS. GORDON: Are you still a awake?

4 MS. NEFF: Wait, wait, wait.

5 MR. KIMACK: I need to stand. I need to  
6 stand.

7 MS. NEFF: Mr. Chairman, could we have a few  
8 minute break? I need to go to the restroom. I  
9 don't -- I think we're talking in circles. Maybe  
10 if we take a five-minute break --

11 MR. KIMACK: I think we're --

12 MS. NEFF: -- it might make sense what  
13 people are saying.

14 MR. KIMACK: I think we're closing in and  
15 I'm beginning to put it together.

16 CHAIRMAN SALADINO: I'll ask the members.  
17 Are we -- are we agreeable to a 10-minute break?  
18 Do a 10-minute break?

19 MR. CORWIN: Five minutes.

20 MR. TASKER: Five minutes.

21 MS. NEFF: I'm taking 10 minutes.

22 CHAIRMAN SALADINO: We're adjourned for five  
23 minutes, but nobody's looking at their watch.

24 (The meeting was recessed at 7:53 p.m. and  
25 resumed at 8:03 p.m.)

1 CHAIRMAN SALADINO: While everybody had a  
2 few minutes to gather their thoughts, I'm going to  
3 make a motion to close this public hearing, and so  
4 moved.

5 MS. GORDON: Second.

6 CHAIRMAN SALADINO: I'm going to take a roll  
7 call vote.

8 (Roll Call Vote by Chairman Saladino)

9 MR. CORWIN: Yes.

10 MS. GORDON: Yes.

11 MS. NEFF: Yes.

12 Could I just point out for the audience here  
13 that the discussion of this would go on to the  
14 next meeting. We're not doing anything other than  
15 closing the public hearing. I don't know whether  
16 that was clear. Yes.

17 CHAIRMAN SALADINO: Arthur.

18 MR. TASKER: Yes.

19 MS. RIVA: You can't see how unhappy I am  
20 here.

21 MS. NEFF: I think you've made that clear.

22 CHAIRMAN SALADINO: Could I vote? And I'm  
23 going to vote yes. So that public hearing is  
24 closed.

25 Item No. 5 is discussion and possible action

1 on the proposed subdivision application of Sixth  
2 Street, LLC., represented by Michael Kimack, agent  
3 for the property located at 429 Sixth Street.

4 This Board, I believe, if I understood them,  
5 we're going to -- we're going to have our  
6 discussion about this next month. Everyone, the  
7 applicant certainly knows we have 62 days. It's  
8 not going to take that long. We're going to have  
9 our discussion next month, and I'm going to step  
10 out on a limb, probably vote next month. But  
11 tonight we're going to -- we're not going to  
12 address it any further.

13 Item No. 6 is motion to accept an  
14 application, schedule a public hearing, and order  
15 a site visit -- you're going to have to help me  
16 out here.

17 MS. NEFF: Oh, the name.

18 CHAIRMAN SALADINO: What is it?

19 MS. GORDON: Eftherios Kougentakis.

20 MR. SOLOMON: Eftherios Kougentakis.

21 Represent this group tonight.

22 MR. KIMACK: Thank you.

23 MS. NEFF: Good night.

24 CHAIRMAN SALADINO: Good night, take care.

25 Before -- before we hear from the applicant, or

1 the applicant's -- Mike, Mr. Solomon, you  
2 represent the applicants?

3 MR. SOLOMON: That's right.

4 CHAIRMAN SALADINO: Do we have something  
5 from Mr. Solomon saying that he represents the  
6 applicant?

7 MS. WINGATE: Yeah, it's all in the package.

8 CHAIRMAN SALADINO: Okay.

9 MR. CORWIN: I didn't see it. I looked for it.

10 MS. WINGATE: It's all there.

11 CHAIRMAN SALADINO: We believe you, but we  
12 just -- we're going to kind of look here for a  
13 second. I didn't see anything either saying that  
14 you were the attorney.

15 But I'm sure we can -- I have a couple of  
16 questions for the Building Inspector about this.  
17 One of them is -- one of them is about a  
18 nonconforming building with a nonconforming use,  
19 and it -- and I ask it now, because we don't want  
20 to accept -- I would just like it clarified before  
21 we accept the application, depending on the answer  
22 and depending on the opinion of the Board, if it's  
23 progressed as an area variance or a use variance.

24 MS. WINGATE: Sure.

25 CHAIRMAN SALADINO: Chapter 150-21.1,

1 Nonconforming Buildings with a Nonconforming Use.

2 "A nonconforming building containing a  
3 nonconforming use shall not be enlarged,  
4 reconstructed, structurally altered or moved  
5 unless such building is changed to a conforming  
6 use." That's 150-21-1, Paragraph A. So if we  
7 have -- if we have -- if we have a building with  
8 -- that's nonconforming and it's a nonconforming  
9 use, and it is being altered and reconstructed,  
10 would this particular property be forced to have a  
11 conform -- changed to a conforming use? Right  
12 now, in that it's the R-1. Right now in the R-1,  
13 doctor's offices aren't a permitted or a  
14 conditional use, but they're a permitted accessory  
15 use, but that's limited to a residence with a  
16 doctor in attending -- in residence, so -- and  
17 with two assistants. So could you just clear that  
18 up for me, why --

19 MS. WINGATE: What's the question?

20 MS. NEFF: I don't hear a question either.

21 MS. WINGATE: Okay. I'll -- that's okay,  
22 John, I will answer it.

23 The Notice of Disapproval was written for  
24 Section 150-20, which is a nonconforming use. The  
25 reason I didn't use a nonconforming building with

1 a nonconforming use is because it had received a  
2 ZBA variance in --

3 CHAIRMAN SALADINO: 1969?

4 MS. WINGATE: 1969. Now here's the history  
5 of what I have. Records of Village Hall are not  
6 always what we'd like them to be, but as far as I  
7 can tell, Zoning Board minutes go back to August  
8 of 1966. That was the most extreme I could find.

9 This building's history is this: January  
10 1967, the building was purchased by Eastern Long  
11 Island Medical Building, at which time I cannot  
12 find any documentation of how it was put in the  
13 R-1 Zone, other than it did, okay? So that  
14 happened in '67.

15 In 1969, June 1969, there was an area  
16 variance given to the property for the  
17 construction of the new building, which connected  
18 the two old houses. So it's not a nonconforming  
19 building, because it has a variance to be so. So  
20 we're only dealing with nonconforming use.

21 If you read nonconforming uses and  
22 nonconforming buildings, you'll find that 150-20,  
23 nonconforming uses, is slightly -- has a higher  
24 threshold than the nonconforming building with  
25 nonconforming uses.

1           And it's just a couple of additional words  
2 that are found in the nonconforming uses that are  
3 not found in the nonconforming buildings with  
4 nonconforming uses.

5           So now that we have an area variance from  
6 June 16th, 1969, we're only looking at 150-20.

7           CHAIRMAN SALADINO: Well, let me just --  
8 just could I just interrupt --

9           MS. WINGATE: Sure.

10          CHAIRMAN SALADINO: -- on second? So we're  
11 assuming that in 1969 that Zoning Board of Appeals  
12 had some proof in front of them that this was a  
13 permitted building, a permitted use in a permitted  
14 building --

15          MS. WINGATE: I wish --

16          CHAIRMAN SALADINO: -- in that district?

17          MS. WINGATE: I wish I could come up with an  
18 answer that would satisfy you, the Board, the  
19 Attorney and myself. I have the --

20          CHAIRMAN SALADINO: So you're not satisfied?

21          MS. WINGATE: I wish I could find the piece  
22 of paper, it just doesn't exist.

23          CHAIRMAN SALADINO: Oh, I'm sorry for  
24 interrupting. Go ahead.

25          MS. WINGATE: I have a copy of the Zoning

1 Code that goes back to 1949. I looked at the old  
2 building codes. I've looked at everything that I  
3 can find. But, clearly, in 1967, when the  
4 building was bought, they merged the lots. The  
5 lots were merged and it became a medical building  
6 in 1967.

7 CHAIRMAN SALADINO: Well, we have no proof  
8 that that was done legally.

9 MS. WINGATE: It was done 50 years ago. I  
10 have no proof that it was done.

11 MR. SOLOMON: Can I interject something?

12 MS. WINGATE: Sure.

13 MR. SOLOMON: I know I'm supposed to --

14 CHAIRMAN SALADINO: We'll ask Eileen, she's  
15 running the meeting, sure.

16 MR. SOLOMON: Well, if you're asking about  
17 papers, I have some papers that -- whether Eileen  
18 has them, I mean, I've got the granting variance  
19 in 1969.

20 CHAIRMAN SALADINO: Well, she has that also.

21 MS. WINGATE: That was in --

22 MR. PROKOP: But isn't it true, the --  
23 excuse me. The variance that was received was a  
24 front yard setback for a portion of the building,  
25 right?

1 MR. SOLOMON: What the variance is, what  
2 the -- here's where the whole thing sits.

3 CHAIRMAN SALADINO: Mike, could you just  
4 identify yourself for --

5 MR. SOLOMON: Sure. It's Michael Solomon,  
6 135 Bay Avenue, Greenport, New York.

7 MR. PROKOP: And I just -- before you start  
8 speaking, I just want to mention something,  
9 respectfully, to --

10 MR. SOLOMON: I'll just -- I'll just read  
11 this, because, I mean, you know, I think we really  
12 need to --

13 MR. PROKOP: Respectfully, to the Chairman,  
14 the question that you asked before was if  
15 Mr. Solomon -- if there's a letter of  
16 authorization for Mr. Solomon. But I think the  
17 letter of authorization that I think we need is  
18 for Eleftherios Kouge -- the -- somebody acting on  
19 behalf of the Lanmark Group. It's not  
20 Mr. Solomon. Mr. Solomon is appearing for the  
21 attorney. We're looking for -- who's the  
22 applicant on it?

23 MS. WINGATE: She's sitting right here.

24 MR. SOLOMON: Right here.

25 MR. PROKOP: Okay.

1 MR. SOLOMON: The applicant's here, the  
2 architect is sitting there.

3 MR. PROKOP: Hi .

4 MR. SOLOMON: We have everybody.

5 MR. PROKOP: But we need the authorization  
6 from the Lanmark Group for the applicant.

7 MS. WINGATE: But Mr. Kougentakis is the  
8 Lanmark Group.

9 MR. PROKOP: Okay. And I just wanted to  
10 make that comment. You were -- asked for an  
11 authorization before, and I just wanted to point  
12 out, it's the attorney --

13 CHAIRMAN SALADINO: I don't have anything  
14 from anybody.

15 MR. SOLOMON: I'm right on the -- I'm the --  
16 I'm right on the various applications as a  
17 representative. On Page 1.

18 MS. NEFF: Page 1.

19 CHAIRMAN SALADINO: I'd be glad to show you  
20 this. I don't have that. I don't have you. And,  
21 again, not that it's --

22 MS. WINGATE: We have it, it's right here.  
23 I don't know why it's not in the packages.

24 CHAIRMAN SALADINO: Unless -- perhaps one of  
25 my colleagues. Am I missing something here?

1 MR. CORWIN: I don't see it.

2 CHAIRMAN SALADINO: But -- and, also,  
3 Mr. Solomon, we didn't know -- we didn't accept --

4 MS. WINGATE: Oh, there's a -- there's a  
5 second piece. I see what -- I see what you're  
6 saying now.

7 MR. PROKOP: It should be -- the  
8 authorization should be from the Lanmark Group to  
9 the applicant.

10 MS. WINGATE: Oh, this is not it. Wait,  
11 wait, wait, I have everything.

12 CHAIRMAN SALADINO: I have -- I have a  
13 Zoning Board of Appeals application, dated August  
14 3rd, that says the applicant is the Lanmark Group,  
15 gives the address 2125 Mill Avenue, Brooklyn, New  
16 York, and signed the application as the owner and  
17 the applicant. I don't have anything that --

18 MR. SOLOMON: Well, I know the architect --  
19 the question -- Chuck is there claiming that what  
20 they see, they don't see me as a representative on  
21 the front of the form.

22 MR. SOUTHARD: You are on the application.

23 MS. WINGATE: You are. I've seen it. I  
24 have it and I've seen it.

25 CHAIRMAN SALADINO: Let me -- let me clarify

1 this once and for all. Could you step up here?

2 MR. SOLOMON: Sure.

3 CHAIRMAN SALADINO: And perhaps I'm missing  
4 it. Could you show me?

5 MR. SOLOMON: Only what you have, no, but  
6 what we filed, the answer is yes. This is what  
7 was the final version of it, and Eileen's  
8 indicated she has it.

9 MR. SOUTHARD: The final version has the  
10 attorney for the --

11 MR. SOLOMON: Yeah.

12 CHAIRMAN SALADINO: Okay.

13 MR. CORWIN: Just write it up by hand right  
14 now, and then we have it.

15 MS. WINGATE: I remember.

16 CHAIRMAN SALADINO: Okay.

17 MS. WINGATE: I mean, I've seen it, I have  
18 it. I don't know where --

19 CHAIRMAN SALADINO: Well, we're going to  
20 take -- I believe we're -- if the members are  
21 comfortable, we're going to take the Building  
22 Inspector's word that we have it.

23 MR. CORWIN: Yeah.

24 MS. GORDON: And we've also seen --

25 CHAIRMAN SALADINO: We have it.

1 MS. GORDON: We've also seen his final copy.

2 CHAIRMAN SALADINO: Well, in all fairness,  
3 he could present anything he wants. You know,  
4 it's not stamped by the Village.

5 MR. SOLOMON: I could -- I could represent  
6 as an officer of the court that the original one  
7 that we filed I was listed as a representative.  
8 My client is here anyway.

9 CHAIRMAN SALADINO: I'm just -- I'm just  
10 interested in the answer to my question to the  
11 Building Inspector, and perhaps the Attorney might  
12 offer his opinion, and then we can let the  
13 applicant's attorney speak.

14 MS. WINGATE: Let me just say, I don't know  
15 where that piece of paper is at this time.

16 CHAIRMAN SALADINO: Oh, that's it, you lost it?

17 MS. WINGATE: If you'd like the LLC, all  
18 that paperwork, I could provide that as well. I  
19 don't know why it escaped the package.

20 CHAIRMAN SALADINO: Okay.

21 MS. WINGATE: I apologize.

22 CHAIRMAN SALADINO: Okay. Were you done?

23 MS. WINGATE: I'm done.

24 CHAIRMAN SALADINO: Do you have anything  
25 to add?

1 MR. PROKOP: I think that we're missing  
2 paperwork, but I don't think it's -- I think since  
3 everybody's here, it's something that could be  
4 done later on.

5 CHAIRMAN SALADINO: Okay. Let's get past  
6 the paperwork. Do you have any comment about  
7 150-20, 150-21?

8 MR. PROKOP: When I viewed the application,  
9 it stated that it was an application to change a  
10 nonconforming use in a nonconforming building.  
11 But what we're hearing tonight is that it's a  
12 nonconforming use in a conforming building.  
13 That's the opinion of the Building Inspector. And  
14 I don't have any -- there hasn't been any  
15 testimony or any evidence, so I don't have  
16 anything to say to the contrary, except that I  
17 would point out to the Board, though, that under  
18 nonconforming uses, it does say that a  
19 nonconforming use shall not be altered or  
20 reconstructed. It says except that such building  
21 or use shall not be reconstructed, etcetera,  
22 placed in a different part of the lot or parcel.

23 I'm not sure. You know, the application  
24 hasn't been developed. We do that after we -- you  
25 know, during the hearing, so I don't know --

1 CHAIRMAN SALADINO: Well, I'm reading the  
2 Notice of Disapproval. The Notice of Disapproval  
3 says for a building permit to renovate, repair,  
4 alter a preexisting nonconforming building with a  
5 nonconforming use.

6 MR. PROKOP: Right, that's what I saw.

7 MS. WINGATE: And that was --

8 CHAIRMAN SALADINO: That doesn't pertain to  
9 150-20.

10 MS. WINGATE: That was, as I saw it, when I  
11 got -- before I did all my research.

12 CHAIRMAN SALADINO: But that's what we have  
13 in front of us. That -- so I hope nobody's angry  
14 if I'm -- if I'm asking this question. I mean,  
15 the application that I have in front of me is --  
16 and it's dated 7/25. It's marked "Final Copy".  
17 So I hope everybody understands why I'm asking  
18 this question.

19 MR. SOLOMON: The final -- the final version  
20 that was submitted was not 7/25.

21 MR. SOUTHARD: No, it was 8/3.

22 MR. SOLOMON: It was like 8/4 or 8/3.

23 MR. SOUTHARD: I believe it was 8/3; 8/2,  
24 8/3.

25 CHAIRMAN SALADINO: I'm reading from the

1 Notice of Disapproval .

2 MR. SOUTHARD: Excuse me?

3 CHAIRMAN SALADINO: I'm reading from the  
4 Notice of Disapproval .

5 MR. SOLOMON: Oh, the notice, yeah that was  
6 correct. That's 7/25, that's correct.

7 MR. SOUTHARD: Oh, okay. That was 7/25,  
8 that's correct. The application was dated -- it  
9 was filed on August 3rd.

10 MR. PROKOP: So you want us to look at the  
11 August 3rd application, not the July --

12 MR. SOLOMON: That should be the only one  
13 filed. That should be the only one.

14 MR. PROKOP: So we need a disapproval of the  
15 August 3rd application. If you submitted an  
16 application on --

17 MR. SOLOMON: No, the August 3rd -- the  
18 August 3rd wasn't for the building permit, the  
19 August 3rd was the application --

20 CHAIRMAN SALADINO: No. What we need is --

21 MR. SOLOMON: -- for the variance.

22 CHAIRMAN SALADINO: Excuse me. If I --  
23 wait.

24 MR. SOUTHARD: The denial. What he's  
25 saying, the denial does not match --

1 CHAIRMAN SALADINO: Wait.

2 MR. SOUTHARD: -- what we filed for a  
3 variance.

4 CHAIRMAN SALADINO: If I could just --

5 MR. PROKOP: That's right.

6 CHAIRMAN SALADINO: -- ask it. What we --  
7 what we really need is, is a Notice of Disapproval  
8 that conforms to the disapproval. The Notice of  
9 Disapproval is for a nonconforming building with a  
10 nonconforming use, without going into the rest of  
11 it. The reason stated is Section 150-20 is for a  
12 conforming building with a nonconforming use.  
13 Call me crazy, but I thought --

14 MR. SOLOMON: Can I --

15 CHAIRMAN SALADINO: I thought this stuff  
16 should just match. You know, I thought we should  
17 have the Notice of Disapproval reflect the reason  
18 and the code section that the Building Inspector  
19 used to deny the application.

20 MS. WINGATE: Well, frankly, that on  
21 July 31st, the entire month of July was spent  
22 discussing this nonconformity inside of Village  
23 Hall.

24 CHAIRMAN SALADINO: Eileen, be that as it  
25 may, I mean, I picked these papers up -- I picked

1 these paper up on --

2 MS. WINGATE: I'm not --

3 CHAIRMAN SALADINO: -- Tuesday or Wednesday,  
4 which was well after the end of July. So for me  
5 to raise this question tonight, I apologize to the  
6 applicant, I apologize to the members. This is --  
7 this is wrong. I don't know what --

8 MS. WINGATE: Well, you know what, when I  
9 got the application and I looked at it, and I  
10 wrote my Notice of Disapproval, it wasn't until  
11 the conversation came up that I did the research  
12 and started digging, and went into Village Hall  
13 basement and came up with these minutes. I didn't  
14 feel obligated, maybe it was my mistake, to  
15 rewrite the Notice of Disapproval, as the clients  
16 were already in the process of filling out their  
17 application.

18 CHAIRMAN SALADINO: You don't think this is  
19 information that the Zoning Board should have?

20 MS. WINGATE: That's why I pulled it all  
21 out, because I felt obligated to do my research on  
22 how this building got to be a medical office in an  
23 R-1 District, but it takes time to pull all this  
24 kind of information together. So I wrote the  
25 Notice of Disapproval based on the application

1 that I had, and then I went to the basement and  
2 did my research.

3 CHAIRMAN SALADINO: But that's contrary to  
4 what's written here. What's written here is that  
5 your Notice of Disapproval is based on a  
6 nonconforming building with a nonconforming use.  
7 Then you quote a section of the code in that  
8 Notice of Disapproval.

9 MS. WINGATE: But that's -- right. Okay.  
10 The -- it's complicated to --

11 CHAIRMAN SALADINO: All I want to do -- all  
12 I want to know is --

13 MS. WINGATE: Okay. Let me just -- may I  
14 finish?

15 CHAIRMAN SALADINO: All I want to know is  
16 from the members, and perhaps the Attorney, is how  
17 do we move forward from here? We don't want to  
18 assess blame.

19 MS. WINGATE: Okay.

20 CHAIRMAN SALADINO: We just -- we just want  
21 to -- we just -- everybody's tired, we just want  
22 to move forward from here.

23 MR. PROKOP: Well, the public -- if you  
24 accept the application, the public notice has to  
25 be based on the disapproval that we have, that's

1 the problem.

2 MS. WINGATE: No, I could -- I could placard  
3 and rewrite the legal notice --

4 MR. PROKOP: Yeah, that's what I -- that's  
5 what I was --

6 MS. WINGATE: -- to reflect what --

7 MR. PROKOP: -- what I was just about to  
8 say.

9 MS. WINGATE: Okay, I'm sorry.

10 MR. PROKOP: No, that's --

11 MS. WINGATE: The other thing is even though  
12 it's -- even though it's a legitimate -- now I  
13 have my words all screwed up. Even though --

14 CHAIRMAN SALADINO: Do you need -- do we  
15 need to take another break?

16 MS. WINGATE: -- it's a conforming building  
17 because it's been given a variance, I think it's  
18 important that the Zoning Board know that the  
19 building does exceed the setbacks. So it's  
20 like -- I don't know if this counts. It's like a  
21 legal nonconforming building, because it was given  
22 a 13-foot variance back in 1969 for the building  
23 to be closer to the front property line. So I  
24 think that's an important piece of information,  
25 but it is -- it is a conforming building.

1 MR. SOLOMON: Just let me know when I could  
2 say something.

3 CHAIRMAN SALADINO: Mr. Solomon.

4 MR. SOLOMON: You know, I live in the  
5 Village, I spend a lot of time here. I don't want  
6 -- and I've watched the Board tonight and I've  
7 watched the Board struggle with some procedural  
8 issues. One thing I don't want to do with this  
9 application is put my client, who has an  
10 investment trying to improve a really good  
11 project, into a procedural mess because we're  
12 coming out of the gate in the wrong direction.

13 And I've worked with the Building Department  
14 and I've worked with Joe, and, you know, there's  
15 nothing -- nobody here is strangers to me. But I  
16 think the problem we're running into is -- and I  
17 think the Building Department struggled with it,  
18 and I think the Village Attorney has struggled  
19 with it. And we're trying to accommodate this to  
20 get it done, because we have a building they've  
21 invested in and they want to work on it and go  
22 with the system, so to speak.

23 But I think where we're losing direction, if  
24 in 1969 a variance was granted effectively to  
25 combine two -- that's what it was, it was to

1 combine two buildings, put a rotunda in the  
2 middle, effectively make it a medical office, in  
3 1969. So it's really not a nonconforming use. It  
4 became a conforming use at that point, because it  
5 was conforming under a variance.

6 Then, to make it worse, in 2003, Joe  
7 Townsend came before the Board and made an  
8 application to put an apartment upstairs, and that  
9 was approved by the Board. So that's not a  
10 nonconforming use, that was a -- that was a  
11 conform use. There's a variance. There's an  
12 apartment upstairs, and it's a five-doctor medical  
13 office. That's really what's there now.

14 Now this little confusion we're running into  
15 is we're going in and we're filing a permit. I  
16 mean, my real position is this is a permit that  
17 should be granted on its face, quite honestly,  
18 because all we're looking to do is to make  
19 alterations to a building that's already been  
20 there since 1969. We're not -- we're not doing  
21 anything to increase the use. We're actually  
22 taking off a little section to make the parking  
23 more accessible.

24 And the only thing that's getting done here  
25 is to make this building -- first of all, forget

1 the new roof, and the new windows, and the beauty,  
2 and to make it aesthetically proper, so these  
3 neighbors on Manor have a nice looking building  
4 there now, because it's -- any of us who go by it  
5 know it's not in the greatest shape anymore.

6 We're making it ADA compliant. That's this  
7 whole thing. We're putting an elevator in, we're  
8 making it wheelchair accessible. And right now  
9 there is -- there are eight parking spots, and  
10 we're willing to go to 15, which is seven spots  
11 more than is there now. So when I come here on  
12 a -- to me it's a conforming building, it's not a  
13 nonconforming. And I can make an argument we  
14 shouldn't even be here.

15 CHAIRMAN SALADINO: Well, let me -- on that  
16 argument, let me ask you --

17 MR. SOLOMON: And that's where you're going.  
18 I understand where you're going with this.

19 CHAIRMAN SALADINO: Well, let me ask you, on  
20 that argument, how come you didn't make this  
21 argument to the Planning Board that referred this  
22 to us? I was at that Planning Board meeting where  
23 they said --

24 MR. SOLOMON: Well, one thing you'll know --

25 CHAIRMAN SALADINO: Where the Planning

1 Board's Attorney said, "No, the building's being  
2 altered. The component is zoning, you've got to  
3 send it to Zoning."

4 MR. SOLOMON: Well --

5 CHAIRMAN SALADINO: Now we have it, and I  
6 don't feel guilty about asking these questions,  
7 since we got it.

8 MR. SOLOMON: Now, but you're asking --  
9 listen, I'm not -- I mean, I'm not disputing the  
10 nature of the questions. But I already see your  
11 eyes are open, you're focused on what's going on  
12 here. I'm not here to -- as I said, I don't want  
13 delay.

14 And to answer the question, I wasn't at the  
15 Planning Department, okay, that's all I can tell  
16 you. And a lot of this stuff we've developed  
17 afterwards -- anybody who's been in this Village  
18 long enough knows, when you go to Village Hall  
19 sometimes, you need to get records. They're just  
20 not always there, and it takes time and it takes  
21 effort, you know, to get things back from 1969, to  
22 pull out the files. But, I mean, technically,  
23 it's all there.

24 And listen, if the real result is not going  
25 to be happy, make my client all happy, but the

1 real result is, "Guess what, we're going back to  
2 planning," then so be it, we'll go back to  
3 Planning with potentially the proper arguments  
4 that may not have been put there the first time.  
5 I wasn't there. I can't tell you what arguments  
6 were put there that day, okay? But I -- when I  
7 look at this application now, even though we filed  
8 it, as I said, to go with the program, where the  
9 Planning was already over, this was what we were  
10 told to do, we went with the program, we're here.  
11 But I already feel that -- I'm not using the word  
12 "resistance" in a negative way. I'm using that  
13 you're dotting I's and you're crossing T's, and  
14 everybody's trying to understand really what's  
15 happening here.

16 CHAIRMAN SALADINO: Well, I think that's our  
17 role here. I don't think we should have to --  
18 and, again, I'm not trying to be argumentative. I  
19 think that's our role here, to dot the I's and  
20 cross the T's, so the next guy, there's a proper  
21 record of exactly what went on.

22 I say this all the time, Mike, I'm a process  
23 guy, I mean, and if the process takes an extra  
24 couple of minutes to get everything squared away  
25 so the public record reflects exactly what's right

1 and exactly what's going on, so be it. But,  
2 again, I'm only one vote, and my colleagues, if my  
3 colleagues decide that --

4 MR. PROKOP: We have -- you know, we came  
5 to --

6 CHAIRMAN SALADINO: -- that this is a  
7 nonissue, then we'll move forward.

8 MR. PROKOP: We came to -- everybody here is  
9 a volunteer, except for some of us who are getting  
10 paid to be here, but --

11 MR. SOLOMON: I'm not hearing you. Talk  
12 into the mic. I just can't hear you.

13 MR. PROKOP: But the thing is --

14 MS. NEFF: Joe, he did not hear you.

15 MR. PROKOP: Okay. So we have an initial  
16 threshold question with -- you just said there's  
17 resistance to the application. It's really unfair  
18 to the Board. And we have a -- we have an initial  
19 question about your paperwork, all right? There's  
20 a threshold question about the paperwork, and we  
21 continued to listen to you for 30 minutes even  
22 with that.

23 We didn't fill out your application. Nobody  
24 in this Board or nobody at this table filled out  
25 your application, you filled it out, and it's

1 requesting -- it addresses a nonconforming use in  
2 a nonconforming building; is that correct or not?

3 MR. SOLOMON: Yeah, based upon a Notice of  
4 Approval issued with your approval.

5 MR. PROKOP: So if you disagree --

6 MR. SOLOMON: You did it. Joe, you did it.  
7 Let's cut to the chase. I mean, you were involved  
8 in this process, too. There's been arguments  
9 about what this is for.

10 MR. PROKOP: No, I was --

11 MR. SOLOMON: I mean, the fact of the  
12 matter --

13 MR. PROKOP: No, you're not going to pin --  
14 I was involved after the notice was issued, and it  
15 doesn't have anything to do -- I -- of course I'm  
16 involved, I'm the Village Attorney, but what does  
17 that have to do with anything?

18 MR. SOLOMON: Okay. Listen, we're talking  
19 August 3rd to August 15th. This is a 12 -- this a  
20 12-day delay, so to speak. But if the consensus  
21 is it doesn't belong here, then okay, let's agree  
22 it doesn't belong here. I can't afford for my  
23 client to get bounced back and forth from Planning  
24 to Zoning, to Zoning to -- it's just not right.  
25 So if the approval is wrong, then let's address

1 the approval. The real issue, why was this  
2 disapproved? I guess that's the real question.

3 MS. GORDON: I'd like to add --

4 MR. SOLOMON: You told me why it's  
5 disapproved, you told me I have to come for a  
6 variance. Okay. I didn't write that, you wrote it.

7 MS. GORDON: I'd like --

8 MR. SOLOMON: Or somebody wrote it. I  
9 didn't write it.

10 MS. GORDON: I'd like to ask a question.

11 MR. SOLOMON: Absolutely.

12 MS. GORDON: There is also Section 150-23,  
13 which provides that, "Notwithstanding any of the  
14 above regulations, nothing in this article should  
15 be deemed to prevent normal maintenance and repair  
16 of any use or building," and so forth. And I  
17 would like to know how is this project -- how does  
18 it go beyond normal maintenance and repair?

19 It seems to me there is a case to be made  
20 that it is normal maintenance, but I don't know --  
21 I don't know what it really looks like. It seems  
22 to me there is a case to be made that this is  
23 normal maintenance and repair, given all the  
24 requirements that have been made for medical  
25 facilities by the Federal Government and the State

1 Government, and that -- you know, to bring this  
2 building into compliance is really at this point  
3 normal maintenance and repair. Have you made that  
4 case, and is that a reasonable case? And what  
5 does --

6 MR. SOLOMON: In all fairness --

7 MS. GORDON: What is being done that goes  
8 beyond normal maintenance?

9 MR. SOLOMON: In all candor and all  
10 fairness, because I have the same problem running  
11 in the Village of Port Jefferson with the exact  
12 same problem, with trying to get elevators into an  
13 existing restaurant, so to speak, the fact of the  
14 matter is, the fact -- putting in windows, certain  
15 things may or may not require permits.

16 MS. GORDON: That's the normal maintenance.

17 MR. SOLOMON: Making an alteration where  
18 you're putting in an elevator, I know, you can't  
19 build an elevator without coming for a permit,  
20 so -- but, effectively, we filed and we just want  
21 to make alterations and renovations to the  
22 building, and we're getting rejected on this --

23 MR. PROKOP: But you're moving -- aren't you  
24 also moving a -- isn't there a medical use that's  
25 going to the second floor?

1 MR. SOLOMON: We're not removing any medical  
2 uses.

3 MR. PROKOP: Is there medical uses going to  
4 the second floor as part of this application?

5 MR. SOLOMON: There's always been medical  
6 uses in the building. The only -- there's only  
7 one little section where there's an apartment  
8 downstairs.

9 MR. PROKOP: Don't answer my question.

10 MR. SOLOMON: The whole building is medical  
11 uses.

12 MR. PROKOP: I'd just like to state and  
13 correct you that I did not write -- as you well  
14 know, I did not write the Notice of Disapproval,  
15 and I wanted to say that for the Board.

16 MR. SOLOMON: I didn't say you wrote it. I  
17 said you were involved in the input.

18 MR. PROKOP: Yes, you did. You did.

19 MR. SOLOMON: You were involved in the  
20 input.

21 MR. PROKOP: You said that I was involved in  
22 the writing of it, I was not. There was a  
23 discussion.

24 MR. SOLOMON: We -- you know, you could  
25 disagree all you want. I mean, I know what

1 happened here. There was input from the Village  
2 Attorney. I'm not saying -- I'm not blaming  
3 anybody, Joe. I'm not blaming anybody, I'm just  
4 trying to face the reality of where we are right  
5 now.

6 CHAIRMAN SALADINO: Well, I'm going to --  
7 I'm going to address my colleague's comment.

8 MR. PROKOP: I don't know what he's talking  
9 about. It's totally irrelevant and we -- I had  
10 nothing to do with this application until the --

11 CHAIRMAN SALADINO: Okay. We're going to --  
12 we're going to take you at your word that you had  
13 nothing to do with the application.

14 MR. PROKOP: -- disapproval was issued.

15 CHAIRMAN SALADINO: I would like to address  
16 my colleague's concern that this would be  
17 considered normal maintenance and repair. I don't  
18 believe removing ramps from the front of the  
19 building, putting them to the back of the  
20 building -- if I read the plans right, we're going  
21 to take down staircases, put up different  
22 staircases. I don't -- in my mind, that's not  
23 normal maintenance, that's not normal repair,  
24 that's additional maintenance and additional  
25 alterations.

1           So without, you know, getting into a big  
2           protracted debate about what's normal or what's  
3           maintenance, windows, I agree with you 100%, I  
4           think that's part of normal maintenance. A new  
5           roof, I think that's part of normal maintenance.  
6           To put in an elevator, to put in -- to put in new  
7           staircases, to put in a new parking lot, to put in  
8           new drainage, to put in -- just off the top of my  
9           head from glancing at the plans, to put in new  
10          staircases, new ramps, new handicapped ramps, I  
11          think I'm hard-pressed to accept that as normal  
12          maintenance. So --

13           MR. SOLOMON: I'm not suggesting --

14           CHAIRMAN SALADINO: Again, I --

15           MR. SOLOMON: I'm not suggesting it is. I'm  
16          not suggesting it is normal maintenance.

17           CHAIRMAN SALADINO: I was addressing my  
18          colleague's comment.

19           MR. SOLOMON: That's fine.

20           CHAIRMAN SALADINO: So what -- my question  
21          was never answered about -- to my satisfaction,  
22          but I'm not going to hold up this procedure.  
23          What's the pleasure of this Board? Are we going  
24          to accept this application? Does anyone have any  
25          questions?

1 MS. NEFF: If I have followed this  
2 discussion, and to the best of my knowledge, to  
3 the best of my ability I have, what you are  
4 basically asking for is a reworded Notice of  
5 Disapproval.

6 CHAIRMAN SALADINO: The Notice of  
7 Disapproval is wrong.

8 MS. NEFF: That's what -- that's all I've  
9 heard here, basically. And all of the rest of it  
10 is in -- you know, secondary to that. What's --  
11 where are we? Is that where we are? I  
12 certainly -- you say you have the previous ZBA  
13 action. I would like to see a copy of those in  
14 the file, if, in fact, we're going to accept it  
15 and deal with this. But I do see this as, given  
16 the type of building it is and has been, and  
17 alteration, improvement, and not a subject of  
18 anything else, I'm not sure that we need to have  
19 this in front of us. But if --

20 CHAIRMAN SALADINO: This application.

21 MS. NEFF: Yes, because I don't see it as  
22 more than that. For the kind of building and the  
23 use it has been, and upgrading it to 2018, or, God  
24 knows, '19 -- no, I mean, '17 and '18 by the time  
25 he gets finished.

1 CHAIRMAN SALADINO: Well, let me ask the  
2 Building Inspector. Let me ask the Building  
3 Inspector. In your opinion, are this -- is this  
4 normal maintenance and repair?

5 MS. WINGATE: No. This is an alteration and  
6 a rehabilitation. I would never be able to issue  
7 a building permit for --

8 CHAIRMAN SALADINO: So, in your opinion, the  
9 alterations -- this, in fact, belongs in front of  
10 the Zoning Board? These alterations are zoning  
11 issues?

12 MS. WINGATE: If I could have found the  
13 piece of paper that said there was a use variance  
14 given back in the day, then it would --

15 CHAIRMAN SALADINO: We're past that.

16 MS. NEFF: Wait a minute, let her finish her  
17 sentence.

18 MS. WINGATE: Then it would be a conforming  
19 building and a conforming use, and I probably  
20 would feel a lot better. Having read the words  
21 that I was able to find, I believe that this is --  
22 this should be heard by the Zoning Board.

23 CHAIRMAN SALADINO: Because the project  
24 described is --

25 MS. WINGATE: Well, we have this --

1 CHAIRMAN SALADINO: -- not normal  
2 maintenance? The project --

3 MS. WINGATE: I don't think it's normal  
4 maintenance. Putting in an elevator is not normal  
5 maintenance. Is it -- you know, it's structural.  
6 That's probably the only structural aspect of this  
7 project, is the elevator. Everything else --

8 CHAIRMAN SALADINO: The staircase?

9 MS. WINGATE: Removing a staircase is not  
10 necessarily structural. I do -- but it is  
11 alterations. They're widening halls to make it  
12 handicapped accessible, bathrooms are getting  
13 bigger to make them handicapped accessible.

14 CHAIRMAN SALADINO: Do we have a report? Do  
15 we have --

16 MS. WINGATE: And the report --

17 CHAIRMAN SALADINO: Do we have a Planning  
18 Board -- do we have -- the Planning Board referred  
19 this to the Zoning Board.

20 MS. WINGATE: The Planning Board will be  
21 meeting in two weeks and they will be preparing a  
22 recommendation for your next meeting, and they'll  
23 be --

24 CHAIRMAN SALADINO: But my understanding,  
25 that was just for parking.

1 MS. WINGATE: That would be about parking.  
2 That's all they're --

3 CHAIRMAN SALADINO: Do we have a report from  
4 the Planner as to -- or the attorney for the  
5 Planning Board as to their logic why this -- or  
6 they took your --

7 MS. WINGATE: They took -- they took my --

8 CHAIRMAN SALADINO: That this is a zoning  
9 issue?

10 MS. WINGATE: Yes.

11 MR. PROKOP: She wrote two -- the Planner  
12 wrote two -- just wrote two opinions in May, when  
13 the application first came in. There's two --  
14 there's two different write-ups from the --  
15 they're continuations of -- one's a continuation  
16 of the other one, but there are two write-ups from  
17 Glynis in May.

18 MR. SOLOMON: John, just so you know, I have  
19 FOI'ed all of the records from this since 1950, I  
20 haven't gotten them yet. So I'm talking to  
21 "Mr. FOIL", so --

22 CHAIRMAN SALADINO: I've never -- I've never  
23 filed a FOI request.

24 MR. SOLOMON: Oh, really? Well, maybe it  
25 was your cohort.

1 (Laughter)

2 CHAIRMAN SALADINO: Former cohort, but he's  
3 filed one or two, sure. But me personally, I've  
4 never filed a FOIL request.

5 MR. SOLOMON: Okay. But there's a FOIL out  
6 there to see what's really out there. There  
7 should be -- and, theoretically, there should be  
8 minutes from these hearings. There was a hearing  
9 in 2003, there was a hearing in 1969.

10 MS. WINGATE: Yes, there are -- well, the  
11 1969, you've seen the minutes, I think. They're,  
12 you know, one paragraph, and it's about an area  
13 variance, which I assume that they took up the use  
14 variance previously, but that's an assumption.

15 I clearly know that in 1967, when the  
16 building was purchased, it was purchased by a  
17 medical group and it went forward. And then they  
18 -- then they built a new building between and it  
19 got bigger. And all I can say is there -- the  
20 Certificates of Occupancy are dated 2002.

21 I just don't have the -- enough information  
22 to make me comfortable about being able to issue a  
23 building permit without review from the Zoning  
24 Board, and whatever their pleasure is will work  
25 for me.

1 CHAIRMAN SALADINO: I have the Planner's  
2 comment. Do all the members have the comments  
3 from the Planner?

4 MR. CORWIN: No.

5 MS. GORDON: No.

6 MS. NEFF: No, no.

7 CHAIRMAN SALADINO: Could we -- could we  
8 supply?

9 MS. WINGATE: We could do that.

10 MR. SOLOMON: We have the architect here.  
11 He may be able to add something, whatever he wants  
12 to talk about.

13 MR. SOUTHARD: My name is Charles W.  
14 Southard, Jr., I'm the Architect. You need my  
15 address? Okay. 435 Bay Home Road, Southold,  
16 11971.

17 All of the work that's going on within this  
18 building is to make it conform to today's code.  
19 This is a medical building. There are certain  
20 codes which you've already mentioned that apply to  
21 medical buildings. If this renovation was not  
22 done, it could not operate as a medical facility.  
23 A medical facility by code must have an elevator  
24 for a second floor, no matter what the size of the  
25 second floor is. It must have certain width

1 hallways, it must have certain width doorways.  
2 And that's what this project is all about, is  
3 making this legal today.

4 We could not have a building permit issued  
5 for this building if we didn't renovate it,  
6 because it would be illegal to use it the way it  
7 is now as a medical facility. So that's the  
8 purpose of this project, is to bring it up to  
9 standards today that conform with today's building  
10 code.

11 MR. PROKOP: Have you been in the building?

12 MR. SOUTHARD: Excuse me?

13 MR. PROKOP: You've been in the building?

14 I'm not asking --

15 MR. SOUTHARD: Many times.

16 MR. PROKOP: I'm not asking you that  
17 disrespectfully. Is there a medical use in the  
18 second floor right now?

19 MR. SOUTHARD: Yes, there is.

20 MR. PROKOP: There is, okay.

21 MR. SOUTHARD: Yes, there is. There are --  
22 there were five -- when the owners purchased it, I  
23 think there were five doctors occupying, and there  
24 was one -- there's one apartment there.

25 MR. PROKOP: Okay.

1 MR. SOUTHARD: And that's exactly the same  
2 use as we propose for it when it's finished and  
3 renovated.

4 CHAIRMAN SALADINO: I don't think anybody  
5 here is disputing that this work has to be done  
6 for you to operate it as a medical building.

7 MS. NEFF: Right.

8 CHAIRMAN SALADINO: Unless I'm giving you  
9 the wrong message here. I don't think -- I don't  
10 think I'm --

11 MR. SOLOMON: I mean, nobody -- it's not the  
12 message. I appreciate the message, and I  
13 appreciate the time and the effort and the thought  
14 that's gone in here.

15 CHAIRMAN SALADINO: But it was handed to us  
16 and said there are these particular zoning issues  
17 that have to be addressed. Some members of the  
18 Board raised the question that perhaps they don't  
19 have to be addressed, because they could be  
20 applied under a different section of the code that  
21 -- so that's something I think we kind of settled,  
22 I'm thinking we kind of settled that an alteration  
23 here is, in fact, a zoning issue.

24 As far as the original question, which  
25 was -- seems like a week ago, as far as the use

1 variance and stuff, the Building Inspector is  
2 convinced that it doesn't need one. I have a hard  
3 time accepting the fact that, well, that would --  
4 the language, well, that's the way it always was.

5 The attorney for the applicant says the  
6 records are there since 1950, we just can't find  
7 them.

8 We go to training seminars all the time that  
9 NYCOM gives, and the other people that give them,  
10 and say that a use can't be grandfathered in  
11 unless it was legal to begin with.

12 My original question was how did it get --  
13 how did this building get into the R-1 District?  
14 I guess that was my original question. How did  
15 this building get into an R-1 District, and in a  
16 district where there's a permitted accessory use  
17 for a physician's office if he lives there?  
18 There's a permitted accessory use for a  
19 physician's office if he lives there and he's only  
20 limited to two assistants. The fact that in 1969  
21 that an area variance was granted doesn't explain  
22 to me, it might not be important to my colleagues,  
23 but it doesn't explain to me how the building got  
24 there in the first place.

25 MS. NEFF: Well, could I make a comment? It

1 got there partly because it's across the street  
2 from a hospital, and the hospital was at one time  
3 the owner --

4 CHAIRMAN SALADINO: That's not -- that's  
5 not --

6 MS. NEFF: -- of those two houses. That's  
7 actually --

8 CHAIRMAN SALADINO: That's not a reason.  
9 That's not a reason. That's not a reason.

10 MS. NEFF: And the backtracking to get some  
11 kinds of approvals is what we have what we have.  
12 We don't have very much, granted, but you don't  
13 dispute that that has been the use for 50 years.

14 CHAIRMAN SALADINO: I don't dispute that.

15 MS. NEFF: Okay.

16 CHAIRMAN SALADINO: I don't dispute that.  
17 You know, I would -- perhaps one of the people  
18 that -- I haven't lived here for 50 years.

19 MS. NEFF: (Raised hand).

20 CHAIRMAN SALADINO: I've only owned a house  
21 here since 1971, so -- but maybe David, maybe  
22 Arthur, maybe --

23 MS. NEFF: Even me.

24 CHAIRMAN SALADINO: Maybe Ellen.

25 MR. PROKOP: But this is really a case

1 where we're -- the kinds of things that we're now  
2 talking about are really, you know, the evidence  
3 of the application, it's not what's before you  
4 tonight.

5 CHAIRMAN SALADINO: Well, I suggested we  
6 move forward. You know, we brought the subject up  
7 again, and, you know, I'm responding to it. I'm  
8 willing to -- again, the Board's vote will -- the  
9 opinions will be expressed in their vote.

10 MR. TASKER: Can I suggest a possible  
11 solution to this?

12 CHAIRMAN SALADINO: Sure.

13 MR. TASKER: I've listened to this long  
14 enough, okay?

15 The concern seems to be that the Notice of  
16 Disapproval, dated July 25, uses the words "to  
17 alter a preexisting nonconforming building with a  
18 nonconforming use." Later on, four or five lines  
19 down, it refers to Section 150-20, not 150- --

20 CHAIRMAN SALADINO: Twenty-one.

21 MR. TASKER: Twenty-one or 22, whichever --

22 MS. WINGATE: 21.1.

23 MR. TASKER: The application of the Zoning  
24 Board of Appeals by the owner as a result of that  
25 disapproval makes reference to Section 150-20(A),

1 not 150-21. So it's koko (phonetic). Can we --

2 CHAIRMAN SALADINO: Define koko (phonetic).

3 I don't know what that means.

4 MR. TASKER: It's okay.

5 CHAIRMAN SALADINO: Okay.

6 MR. TASKER: Can we accept this approval, or  
7 rather this application, conditioned on the Notice  
8 of Disapproval being amended to talk about  
9 nonconforming use, I believe it is, 150-20? Yeah,  
10 nonconforming uses, and it's --

11 CHAIRMAN SALADINO: In a conforming  
12 building.

13 MR. TASKER: The second line of its first --  
14 you don't even have to mention conforming  
15 building.

16 CHAIRMAN SALADINO: Well, if you're going to  
17 reference the code issue, if you're going to  
18 reference the --

19 MR. TASKER: 150-20 talks about  
20 nonconforming uses.

21 MS. WINGATE: Use.

22 MR. TASKER: It does not mention --

23 CHAIRMAN SALADINO: A conforming building  
24 with a nonconforming use.

25 MR. TASKER: No, it doesn't, it doesn't make

1 that distinction.

2 CHAIRMAN SALADINO: It does.

3 MS. WINGATE: Twenty -- no, 20 is just a  
4 nonconforming use, and that's exactly what I  
5 intended to focus on.

6 CHAIRMAN SALADINO: Okay.

7 MR. SOLOMON: Can I make one more  
8 suggestion?

9 CHAIRMAN SALADINO: I'm going to make a  
10 motion here I think is going to clear up  
11 everything, and we're going to let -- perhaps,  
12 perhaps it won't.

13 I'm going to make a motion we accept this  
14 application, conditioned -- we're going to accept  
15 the application and ask the applicant -- ask the  
16 Building -- ask Building Inspector to provide us  
17 with an updated Notice of Disapproval.

18 MS. WINGATE: Do I have to write a legal  
19 notice that will be correct as well?

20 MS. NEFF: Okay.

21 CHAIRMAN SALADINO: We're going to ask the  
22 Building Inspector to provide us with an updated  
23 Notice of Disapproval and make the public notice  
24 conform to her Notice of Disapproval. Does that  
25 sound right?

1 MR. TASKER: That's what I said.

2 MR. SOUTHARD: Yeah, that sounds correct.

3 Thank you.

4 CHAIRMAN SALADINO: Well, I'm the guy making  
5 the motion.

6 MS. GORDON: Second.

7 CHAIRMAN SALADINO: So we have a second.

8 (Roll Call Vote by Chairman Saladino)

9 MR. CORWIN: Yes.

10 MS. GORDON: Yes.

11 MS. NEFF: Yes.

12 MR. TASKER: Yes.

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

14 Wait, wait. We're going to schedule a public  
15 hearing for -- if you guys want to leave, you can.  
16 We're going to schedule a public hearing for our  
17 next meeting. Is --

18 MS. LINGG: The 19th.

19 CHAIRMAN SALADINO: I'm sorry?

20 MS. LINGG: The 19th.

21 MR. TASKER: September 19th.

22 CHAIRMAN SALADINO: September 19th at  
23 6 o'clock. And we're going to schedule a site  
24 visit. Do we need a site visit?

25 MS. NEFF: Yes.

1 MR. CORWIN: Yes.

2 MR. TASKER: Yes.

3 CHAIRMAN SALADINO: We're going to schedule  
4 a site visit for -- this is a bigger building.

5 MS. GORDON: 5:30?

6 CHAIRMAN SALADINO: Well, 5:30 is -- 5:15  
7 agreeable?

8 MR. TASKER: Yeah.

9 MS. NEFF: Sure.

10 CHAIRMAN SALADINO: David?

11 MR. CORWIN: Yes.

12 CHAIRMAN SALADINO: Ellen?

13 MS. NEFF: Yes.

14 MS. GORDON: Could we ask also for a final  
15 application with the authorization of Mr. Solomon  
16 on it?

17 MS. WINGATE: Yes.

18 CHAIRMAN SALADINO: Well, she has that.

19 MS. WINGATE: I have it.

20 CHAIRMAN SALADINO: We don't have it, she  
21 has it.

22 MS. WINGATE: I have it.

23 MS. GORDON: Okay.

24 CHAIRMAN SALADINO: Mike gave it to her,  
25 Mr. Solomon gave it to her.

1 MR. SOUTHARD: I might have to amend it if  
2 you change the section.

3 MS. WINGATE: Change my section.

4 MR. SOUTHARD: I might have to amend the  
5 application if you change the section for  
6 disapproval.

7 MS. WINGATE: You know what, Chuck, I'll  
8 speak with you tomorrow.

9 MR. SOUTHARD: Okay.

10 MS. NEFF: Could I ask that the copies of  
11 the pre -- the decisions of previous Boards be  
12 included?

13 MS. WINGATE: Yes, yes.

14 CHAIRMAN SALADINO: So --

15 MS. WINGATE: Does everybody want it  
16 electronically or in your mailboxes?

17 MR. TASKER: Electronically.

18 MS. WINGATE: Okay.

19 CHAIRMAN SALADINO: So --

20 MS. NEFF: Okay.

21 CHAIRMAN SALADINO: -- just so we're here,  
22 we know there's a public hearing at 6 o'clock. We  
23 know there's a site inspection at 5:15. And for  
24 the Clerk, we're going to -- we're going to get  
25 the members the --

1 MS. LINGG: Yes.

2 CHAIRMAN SALADINO: The Planner's report.

3 MS. LINGG: Yes.

4 CHAIRMAN SALADINO: In addition to  
5 everything else that was requested.

6 MS. LINGG: Yes.

7 MR. SOUTHARD: Did you say 5:15 for the  
8 inspection?

9 MS. WINGATE: Yes.

10 MS. NEFF: Yes.

11 CHAIRMAN SALADINO: 5:15 we said. And  
12 nothing has to be -- does anything have to be  
13 staked out on this property?

14 MR. SOUTHARD: No.

15 CHAIRMAN SALADINO: I'm going to let him  
16 answer. David, we're good on the property?

17 MR. CORWIN: I don't know.

18 MS. NEFF: Well, some things are going to be  
19 removed.

20 MR. CORWIN: I think there are -- there is  
21 stuff to be staked out a little bit. I looked at  
22 the plans. As I recall, they're going to take  
23 part of the building down, they're going to put a  
24 new driveway in, and they're going to put parking  
25 spaces in the back.

1 CHAIRMAN SALADINO: Along the back?

2 MR. CORWIN: And they're going to change  
3 around the access ramps.

4 MS. NEFF: Yes, stake.

5 MR. CORWIN: And that's on the exterior, and  
6 I don't --

7 CHAIRMAN SALADINO: And on the inside we  
8 don't -- we don't really --

9 MR. CORWIN: We're not here for --

10 CHAIRMAN SALADINO: We don't care about the  
11 inside. So maybe you could just --

12 MR. SOUTHARD: I'll spray paint it.

13 CHAIRMAN SALADINO: -- Let us know.

14 MR. SOUTHARD: I'll spray paint it.

15 CHAIRMAN SALADINO: Let us know where the  
16 parking is going to be. The driveway -- I thought  
17 the driveway did conform, but let us know about  
18 the driveway.

19 MR. SOUTHARD: The driveway conforms.

20 CHAIRMAN SALADINO: And what else? What  
21 else did you say?

22 MR. CORWIN: Ramps.

23 CHAIRMAN SALADINO: Oh, the ramps for the  
24 back.

25 MR. SOUTHARD: I will be there for the site

1 inspection.

2 MR. CORWIN: There's stairways and ramps.

3 MR. SOUTHARD: I will be there, I will walk  
4 with you.

5 CHAIRMAN SALADINO: But we're like visual  
6 guys, you know, we like to see it.

7 Is -- any other member have a request from  
8 the applicant and his architect before we adjourn?  
9 Arthur? Ellen?

10 MR. TASKER: No, all set.

11 CHAIRMAN SALADINO: Dinni, anything you  
12 needed to say before we adjourn?

13 MS. GORDON: No.

14 CHAIRMAN SALADINO: Then that leaves us to  
15 Motion No. 7, is a motion to adjourn. So moved.

16 MR. TASKER: Second.

17 MS. NEFF: Second.

18 MS. GORDON: And third and fourth and fifth.

19 CHAIRMAN SALADINO: All in favor?

20 MR. CORWIN: Aye.

21 MS. GORDON: Aye.

22 MS. NEFF: Aye.

23 MR. TASKER: Aye.

24 CHAIRMAN SALADINO: Aye.

25 (The meeting was adjourned at 8:53 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 August 15, 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 24th of August, 2017.

Lucia Braaten  
Lucia Braaten

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