VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

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ZONING BOARD OF APPEALS
REGULAR MEETING

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August 15, 2017
6:00 P.M

Third Street Fire Station
Greenport, New York

BEFORE:

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

JOSEPH PROKOP - Village Attorney
ELLEEN WNGATE - Village Building Inspector
KRISTINA LI NGG - Village Building Clerk

Flynn Stenography & Transcription Service
(631) 727-1107
(The meeting was called to order at 6:04 p.m.)

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

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

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Aye.

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

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Any abstentions?

MR. CORWIN: I abstain.

CHAIRMAN SALADINO: And I'll vote aye.

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

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Aye.

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

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

MS. LINGG: Yes.

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

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

CHAIRMAN SALADINO: Wait, let me turn it up.

MS. ZEMSKY: Or closer?
CHAIRMAN SALADINO: Let me turn up the volume. How's that?

MS. ZEMSKY: Thank you.

MS. NEFF: Is it on?

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

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

CHAIRMAN SALADINO: For the Long Island Railroad Company?

MS. WINGATE: For the Long Island Railroad Company.

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

MS. WINGATE: I actually --

CHAIRMAN SALADINO: In Jamaica.

MS. WINGATE: I actually --
CHAIRMAN SALADINO: But that's okay. That's okay. That's good. If everybody's happy, I'm happy.

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

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

MR. CORWIN: Excuse me, Mr. Chairman.

First, I didn't hear anything of the Town of Southold. Did I miss something?

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

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

"Eileen, I have reviewed the two-lot subdivision with the Highway Superintendent and the Town Assessor's Office and confirm that would be no issues with the Village residential parcel accessing a Town road. The only concerns would be that the proposed driveway from the property line to the Town road be constructed to meet the minimum requirements of the Town Highway specifications."
Also, if any road or drainage improvements are required to improve Corwin Street, the applicant or property owner should be responsible for the work.

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

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

MS. WINGATE: Of Highways.

CHAIRMAN SALADINO: Do you need this?

MS. WINGATE: I believe there’s a copy.

MR. CORWIN: So I can take it that there was an email exchange between the Building Inspector
and the Town Engineer, and there was no notice or
exchange of information between the Supervisor's
Office or the Clerk?

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

MR. CORWIN: Okay.

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

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

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

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

CHAIRMAN SALADINO: Has it been the 45 days?

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

CHAIRMAN SALADINO: Should it be a concern?

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

CHAIRMAN SALADINO: Okay.

MR. PROKOP: So there's no receipt for the
Town Clerk. Was it sent certified mail?

MS. WINGATE: Yes.

MR. PROKOP: Okay. I think the --

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

(No Response)

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

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

CHAIRMAN SALADINO: After the public hearing opens?

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

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

So I'm going to open this public hearing.

And the applicant is here, or his representative. 

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is here, Mr. Kimack.

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

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

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

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

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

MR. KIMACK: What do you have?

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

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

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

It created the situation where the width became the issue. The two variances that we're
asking for is the width on the -- on both proposed lots. Lot No. 1 would be going from-- the requirement is 100 feet, it would be a 90-footer; Lot No. 2 required 100 feet, it would be 81.61. I bring it up because the way that everything was situated on there is that the fact that it isn't as wide as it should be did not create any additional variances. In essence, we were able to maintain the setbacks, the 30-foot setbacks from the front and the back on both properties, which I think is helpful from that perspective.

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

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

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

MS. NEFF: Right, right.

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

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

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

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

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

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

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

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

MR. KIMACK: Yeah.

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

MR. KIMACK: Okay.

MS. NEFF: Could you -- yeah, a little louder would help me.
MR. KIMACK: Pick it up right there?

MS. NEFF: Yeah, thank you.

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

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

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

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

We did find out that there is water available on Corwin Street, but they can't bring
it in because their jurisdiction stops at the line. So that's why it's -- that's why the water is coming off of Sixth Street, proposed water off of Sixth, but the sewer would go back into the line that's in the Town of Southold.

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

MR. KIMACK: Yeah.

CHAIRMAN SALADINO NO: -- you show the easement for the water?

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

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

Obviously, traffic should not be an issue, because it has its own -- its own ingress, egress right off of Corwin Street.
And in terms of the variances, we try to keep those to a minimum. You do know the last time we were here, we felt if we could eliminate a variance, we would. We took what we had proposed to be a separate front yard garage and combined it with the building, so that we eliminated that variance, primarily. And, right now, it's an attached garage and without -- without compromising the setbacks from the side, from the side yards.

One thing, when I looked through the purposes of the ZBA, obviously, it's to try to -- you know, try to minimize the types of variances required. One of the things that, in this particular existing structure, it's in relatively poor condition structure-wise. It had been -- it had been pretty heavily used in the past. There had been a lot of people going through there and had been pretty much chopped up. It needs an extensive amount of work on it in order to be brought back into any kind of -- into good use. My client's willing to make that kind of an investment in the building to improve it, to add to the overall value, not only of the building, but of the neighborhood, primarily. And they
would like to be able to have the opportunity to create that additional lot, to create more -- obviously, more value, that's what you do with subdivisions, for himself, and without creating any kind of adverse, overall adverse conditions for the neighbors.

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

MR. KIMACK: Yeah.

CHAIRMAN SALADINO: Because it went to --

MR. KIMACK: Yeah, it's --

CHAIRMAN SALADINO: -- a two to a one.

MR. KIMACK: Yeah. And the back -- the back section, that whole back section that we're taking off was pretty shoddily put together. I mean, if you had a chance to go in there, it was -- it's amazing it stood. It's all coming off, simply because it's just -- it's not usable on the inside; low ceilings and just two-by-four framing. The whole understructure of that building has to be recarried. I do -- I've done a lot of construction in my life, and when I went down
there doing the inspection, I didn't want to stay
too long. It's amazing what they tried to carry
that with.

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

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

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

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

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

MS. WINGATE: But that's your deal.

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

MS. ZEMSKY: We can't hear you, sorry.
MS. NEFF: Yeah, it's very hard to hear
because of this. Bring it closer.

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

MS. NEFF: Just bring it closer.

CHAIRMAN SALADINO: Now she's yelling at me.

MS. WINGATE: Does that help?

CHAIRMAN SALADINO: Does that help, folks?

MS. RIVA: It could.

CHAIRMAN SALADINO: Un poquito?

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

CHAIRMAN SALADINO: No.

MR. TASKER: No.

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

MS. NEFF: Please.

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

You know, we -- if we're talking in the
abstract, right now it's one lot, but if it moves
forward to the Planning Board and becomes two
lots, it's undersized, and just as long as the
applicant's aware of that. But once it -- if it
does move forward, if it does leave here, I just
don't -- again, if it does move forward, I just
don't want it coming back here, so I would like to
resolve these issues.

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

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

CHAIRMAN SALADINO: Well, normally, we
wouldn't -- we would -- this Board wouldn't
involve itself with a variance request about
one-family, two-family. You would -- you would --
floor plan, or, you know, that would be between --

MR. KIMACK: Yeah.

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

MR. KIMACK: Understood.

MR. TASKER: Where is this leading, John?

CHAIRMAN SALADINO: It's leading to the --

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

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

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

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

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

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

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

CHAIRMAN SALADINO: Absolutely

MS. GORDON: -- purview

MR. TASKER: I don't.

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

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

MR. PROKOP: I don't know -- I don't think that -- I'm sorry, excuse me.
CHAIRMAN SALADINO: Or the Attorney.

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

MS. WINGATE: (Nodded yes).

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

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

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

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

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

MR. TASKER: No.

CHAIRMAN SALADINO: Oh, I'm sorry.

MR. TASKER: I have a question of

Mr. Kimack, if --
CHAIRMAN SALADINO: Sure.

MR. TASKER: Okay.

MR. KIMACK: Sure.

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

MR. KIMACK: Yes.

MR. TASKER: -- these properties.

MR. KIMACK: Yes.

MR. TASKER: Which, the single family?

MR. KIMACK: Both.

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

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

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

AUDIENCE MEMBER: With what? What?

MR. TASKER: Say that again.

MR. KIMACK: The existing house that's going to be reconstructed into a two-family house now, is proposed to remain a two-family house, will be owner-occupied, with one rental apartment, one floor and second floor. I'm not quite sure.
whether he's taking the first or the second. The other building is completely owner-occupied, just one.

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

CHAIRMAN SALADINO: Wait, wait.

MR. TASKER: No.

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

MR. KIMACK: What new money?

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

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

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

MS. GORDON: Two owners.

MR. KIMACK: No, no.

MR. PFLANZL: I'm one. I have a partner.

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

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

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

MR. PFLANZL: Yes.

MR. TASKER: -- which owns the property.

MR. PFLANZL: Right.

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

MR. PFLANZL: Right.

MR. TASKER: Will you each own both LLCs?

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

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

MR. PFLANZL: Yeah.

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

MR. PFLANZL: That's correct.

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

MR. PFLANZL: That's correct.

MR. TASKER: Okay.

MR. CORWIN: Would you give your name for the recording secretary, please.
MR. PFLANZL: My name is Wolfgang Pflanzl.

MR. CORWIN: Spell it.

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

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

MR. PFLANZL: Wolfgang Pflanzl, P-F-L-A-N-Z-L.

MR. CORWIN: Can I ask a couple of questions?

CHAIRMAN SALADINO: Sure.

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

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

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

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single family unit?

MR. KIMACK: Yes, yes.

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

MR. TASKER: No.

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

MR. KIMACK: You can --

CHAIRMAN SALADINO: -- something to say about that.

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

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

MR. CORWIN: Well, that reflects on the
character of the neighborhood, so it certainly a
consideration for me. Let me ask some more
questions.

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

MR. KIMACK: Correct.

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

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

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

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

MR. TASKER: Microphone, please.

AUDIENCE MEMBER: Can't hear you.

MR. PFLANZL: Long-term renters.

MR. CORWIN: This is very important to me,
because the character of the Village is being
changed by these short-term rentals, these Airbnbs. That's what I like to hear, but I'd also like to be reassured that that's, in fact, what it's going to be.

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

MR. CORWIN: On Lot No. 2 --

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

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

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

CHAIRMAN SALADINO: I'm -- we would certainly accept that from you, if you chose to
MR. CORWIN: The plan on Lot No. 2, the house changed from four bedrooms to two bedrooms, as you accommodated the garage, and I just wonder if there's any particular reason or reasoning behind that, or what?

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

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

MR. KIMACK: Yes.

MR. CORWIN: Lot No. 2.

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

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

MR. CORWIN: Yes.

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

MR. CORWIN: And then on the second floor -- and the Chairman may be correct, we're getting into minutia we shouldn't be in, but you've got one big open space, 774 square feet. That befuddles me, I guess, but I won't take that any further. And let me ask you, finally --
MR. KIMACK: I can't shed anything on it, because I was not involved in the overall design with my client exactly what that space is going to be used for.

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

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

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

MR. CORWIN: Yes.

MR. KIMACK: We would not have been able to -- had we done that, we would not have been able to maintain the 30-foot setback front and back and still had a reasonable width of the house on No. 2. We kept -- we thought if we kept one of
the lots at least large enough -- it was really -- allowed us to do the 30 feet in the front of No. 2 and the 30 feet in the back, but also the 30 feet from the proposed new construction to the back there, not creating additional variances, but, at the same time, giving us the ability to have the second house wide enough so that it was reasonable in terms of its accommodation of the interior structure.

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

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

MR. CORWIN: Thank you.

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

CHAIRMAN SALADINO: Side yard?

MR. TASKER: Yes.

CHAIRMAN SALADINO: It's a nonresidential building.

MR. TASKER: Well, it's an accessory
building, as I see it, and they're required --

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

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

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

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

MR. KIMACK: But it specifically said --

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

MS. WINGATE: Yeah.

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

CHAIRMAN SALADINO: I believe it's in the
nonresidential building regulations.

MR. TASKER: Well, this is --

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

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

MR. CORWIN: It's 1 --

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

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

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

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

MR. KIMACK: Yes.

MR. TASKER: Thank you.

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

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

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

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

So that would relieve a nonresidential building --

MS. NEFF: A garage.

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

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

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yeah, fine, all set.

CHAIRMAN SALADINO: Are you done?

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

CHAIRMAN SALADINO: Sure.

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

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

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

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

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

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

MR. TASKER: That little --

MR. PROKOP: Yeah, she just --

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

MR. PROKOP: No, I see.

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

MR. PROKOP: Okay.

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

MR. PROKOP: Thank you.

MR. KIMACK: That we can't move.

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

MR. PROKOP: Yeah.

CHAIRMAN SALADINO: Thank you.
MR. KIMACK: Thank you very much.

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

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

CHAIRMAN SALADINO: Sure.


My name is Debra Riva and I am a full-time resident of the Village of Greenport. I live at 433 Sixth Street. The property mentioned above is next door to my property, just south of my home. So just in -- just listening to what they're proposing, now, from what I understand, if this goes through, there's going to be three families living next to me instead of one.

CHAIRMAN SALADINO: Instead of two.

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

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

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order to build an additional house. When I purchased my home, I never for a moment thought that there could or would be another house built on the property next to mine. If I had thought that was a possibility, I probably would not have purchased the property. After I purchased my property, I did a big renovation and invested a large amount of money in my home.

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

Not only would this impact my property and
quality of living, but it will impact the Village of Greenport. Granting this request is not in keeping with the character and charm of our Village. In addition, because of the density of the neighborhood, this would have a negative impact on the surrounding homes.

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

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

From what I understand, the Planning Board
and the Zoning Board of Appeals are reviewing a number of applications for subdivisions and variances, and I trust that both of the Boards will consider and protect our neighborhoods, not set a precedent, and do the right thing for the greater good of all of us.

Thank you for your consideration.

Respectfully, Debra Riva.

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

CHAIRMAN SALADI NO: If I could just --

MS. RIVA: Sure.

CHAIRMAN SALADI NO: The original plans that were submitted had the home as a one --

MR. PFLANZL: Two.

MR. KIMACK: Two.

MR. PFLANZL: It's two.

CHAIRMAN SALADI NO: Then the second set of plans, that somewhere along the line we have numerous sets of plans. Somewhere along the line the applicant decided that the front property, the
Sixth Street property, Lot 2, would be -- Lot 1 --

MS. RIVA: No, Lot 1.

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

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

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

MS. RIVA: You know --

CHAIRMAN SALADINO: And that's how that happened.

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

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

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

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

MR. FRAGOLA: So we know what we're talking about, please.
MS. GORDON: What did he ask?

CHAIRMAN SALADINO: For a set of plans.

MS. ZEMSKY: Dena Zemsky, 306 Sixth Street.

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

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

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

MS. ZEMSKY: Did you hear the first paragraph?

MR. TASKER: Thank you, yes.

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

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

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

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

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

Buyers know what they can do, what they can and cannot do with a property when they purchase. I think the Zoning Board needs to keep this in mind when assessing the validity of owners.
requesting large variances to change the usage of their property. So that's it.

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

MR. KENNEDY: James Kennedy, 765 Corwin Street.

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

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

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

AUDIENCE MEMBER: Jim, can you lift that up?

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

You know, street parking, there's going to be no street parking there. So everybody's got to come into the driveway, and there's just nothing
available at the end of this block.

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

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

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

(Laughter)

MR. KENNEDY: So we spent some time talking about also this 115-14(A) (sic), the setback. So
I just want to understand that setback. Is that setback going to allow that accessory building to push right against the railroad, or is it going to be for the lot line that separates Lot 1 and 2?

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

MR. PFLANZL: Lot 1.

MR. KIMACK: Lot 1.

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

CHAIRMAN SALADINO: Oh, Lot 2, I apologize.

Lot 2 --

MR. PFLANZL: Lot 1.

CHAIRMAN SALADINO: Lot --

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

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

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

CHAIRMAN SALADINO: Yes.

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

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with respect to the railroad, that's why.

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

CHAIRMAN SALADINO: Thank you. Is there any --

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

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

MS. GORDON: Maybe I'll ask him.

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

MS. SM TH: Hi. My name is Susan Smith. I live at 432 Seventh Street.

MS. NEFF: Which street, excuse me?

MS. SM TH: Seventh.

MS. NEFF: Got it.

MS. SM TH: Seventh. So just a couple of things.
One, it's great to hear there's no increase in traffic on Sixth Street, but it is going somewhere, and it looks like it's going to go on Seventh Street. And it's going to be traffic from not one family, but it appears to be three families. So that's quite a lot of traffic and a lot of -- well, it's two -- supposed to be a one-family lot and two families, but we've got like a renter and, you know, two different owners.

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

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

CHAIRMAN SALADINO: Okay. I'm just explaining.

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

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yeah. Thank you.

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

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

You know, you are the guardians of this Village, and so it's really something to consider. You know, you're allowing -- if you go -- if it
goes forward and that, you know, the owners are allowed to build, you know, on a lot that's so out of order. So that's all.

CHAIRMAN SALADINO: Thank you.

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

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

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

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

MS. GORDON: Why do you say that?

MS. NEFF: No, no.

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

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

MS. SMITH: Okay.

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

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

MS. GORDON: Yes, that's true.

MRS. KENNEDY: Good evening. Jennifer Kennedy, 765 Corwin Street. I just had a question as far as having the opportunity to understand the purpose of the house on Lot 2, since Wolfgang and his counsel were unable to answer those questions related to the changes in the plans that you brought up. Will the Corwin community have the opportunity to speak with the partner that is proposing these plans?

CHAIRMAN SALADINO: We can't mandate that.

MRS. KENNEDY: Okay.
CHAIRMAN SALADINO: I don't think it's within our portfolio to mandate that.

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

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

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

CHAIRMAN SALADINO: No.

MRS. KENNEDY: The use.

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

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

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

MS. GORDON: Either one.

MRS. KENNEDY: One or two-family.

MS. NEFF: One or two.

MRS. KENNEDY: So when that lot is split and it's a substandard, a smaller lot, is there any --
I know that we referred to a code before that
spoke about existing small lots, but this is not
an existing small lot, it will be a new small lot,
correct?

MS. NEFF: Lot 1 will be --
MRS. KENNEDY: Yeah.

MS. NEFF: -- smaller, Lot 2 will not. It
will be 7,541 square foot, the one in the back.
MRS. KENNEDY: So the new Lot 1 would be
substandard, correct?

CHAIRMAN SALADINO: Yes.

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

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

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

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

MR. TASKER: Well, there certainly is, the
schedule of regulations.
MS. WINGATE: Well, that's why --
MR. TASKER: Bulk regulations makes it very clear.

MS. WINGATE: Yeah, that's --
MR. TASKER: A two-family dwelling requires 7500 square feet.

MS. WINGATE: That's why they're here.
MR. TASKER: No, they're not. They don't have an application -- they don't have an application in for a variance for a two-family home on a substandard lot, do they?

MS. WINGATE: No.
MRS. KENNEDY: Do they?
MR. TASKER: And that begs the --
MRS. KENNEDY: They have -- they have --
MR. TASKER: It begs the question -- it begs the question, why not?

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

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

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

CHAIRMAN SALADINO: I was just going to say,
that's kind of like -- it's fairly -- it's fairly common in the Incorporated Village. Actually, I can stand in my driveway and my next door neighbor's driveway, you know, when you share a fence --

MS. RIVA: They would be parallel.

CHAIRMAN SALADINO: I'm sorry?

MS. GABRIEL: These are perpendicular.

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

MS. GABRIEL: It makes a "T".

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

CHAIRMAN SALADINO: Their driveway comes --

MRS. KENNEDY: Corwin Street --

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

MS. GORDON: Oh, I see.

MS. NEFF: Right.

CHAIRMAN SALADINO: And this driveway comes this way.

MS. GORDON: I see.

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

CHAIRMAN SALADINO: Well, it's certainly...
something for us to consider in considering the
variance. But, again, if this progresses to the
Planning Board, that would certainly be, you know,
something --

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

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

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

MRS. KENNEDY: Okay.

MR. CORWN: Just for -- to address your
concern.

MRS. KENNEDY: Okay.

MR. CORWN: And, of course, the problem
here is one driveway is in the Village of
Greenport, one driveway is in the Town of
Southold, and then these questions were not brought before the Town of Southold. I'm sure they didn't consider them.

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

CHAIRMAN SALADINO: From the Town Clerk.

MS. WINGATE: From the Southold Town Clerk.

MRS. KENNEDY: Okay. So was that received?

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

MRS. KENNEDY: Okay, okay. All right. Thank you.

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

MR. FRAGOLA: Yes.

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

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

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

MR. FRAGOLA: My name is Fred Fragola. I have the property --
MR. CORWIN: Spell it.

MS. GORDON: Spell your last name, please.

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

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

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

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

MR. FRAGOLA: Okay.

CHAIRMAN SALADINO: -- and address them

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

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safety pertaining to James' property is an issue.

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

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

MS. NEFF: Yes.

MR. FRAGOLA: How are they going to turn around, facilitate those cars? There's no room to spin around. So they're either going to be able to increase parking on Lot 2 to spin it around or back down the road.
So I look at this as a potential hazard, and that's about it. All right? Thank you.

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

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

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

MR. FRAGOLA: Does it have a what?

MR. CORWIN: Septic system or some hookup?

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

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

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

MR. CORWIN: All right. I missed that.

MR. FRAGOLA: Okay. Any other questions?

MR. CORWIN: No. Thank you.

MR. FRAGOLA: Thank you.
CHAIRMAN SALADINO: Anyone else? Is there anyone else from the public that would like to speak?

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

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

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

two-car garage. The driveway--

MS. GABRIEL: The garage belongs to the back

property?

MS. NEFF: Yes,

CHAIRMAN SALADINO: Yes.

MS. NEFF: There's two garages.

MS. GABRIEL: And the front property will

just use the--the two-family house is in the

front property and they will use the sidewalk on

-- they will use the--

CHAIRMAN SALADINO: No.

MS. GABRIEL: I'm confused about who's

parking where.

CHAIRMAN SALADINO: Could I just explain?

MS. GABRIEL: Please.

CHAIRMAN SALADINO: Can I try to explain?

(Laughter)

CHAIRMAN SALADINO: The property, Lot No. 2,

the property on Corwin Street, the plan was

revised and there's no longer a separate garage.

The garage was attached to the house. So a

two-car garage was attached to the house, and the

driveway reconfigured to enter that garage from

Corwin Street.

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

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

MS. NEFF: Okay.

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

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

CHAIRMAN SALADINO: The applicant, the --

MS. GABRIEL: The Corwin or the Sixth?

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

MS. GABRIEL: So we're talking about --
MR. PFLANZL: No, only one property, only Lot No. 1.

MS. GORDON: Only the second --

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

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

MR. PFLANZL: Owner-occupied.

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

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

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

CHAIRMAN SALADINO: Thank you.

MS. RIVA: I have one more comment. I can
speak loud enough, if that's all right.

MR. TASKER: No.

MR. CORWIN: No.

CHAIRMAN SALADINO: Please.

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

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

I have a letter from Mary Wade, 440 Sixth Street, Greenport, New York, 11944. And she says, "Please provide these comments to the Zoning Board..."
of Appeals as comments on Mr. Kimack's application to subdivide 426 Sixth Street into two substandard lots. The applicant cannot demonstrate the required hardship to justify such a variance under the law. Approval would violate proper procedures and undermine the zoning map. Sincerely, Randy (Mary Miranda) Wade, Post Office Box 5, 440 Sixth Street, Greenport, New York."

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

"To whom it may concern,

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

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

Please do not set a precedence here that will be hard to undue in the future, and would
turn our community into a city-like environment. This is not the reason that people love Greenport and contribute to its future.

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

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

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

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

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

    Number two, the owner purchased a two-family house that already offers more value than if the
house had been located in a single-family district in Greenport. We rely on zoning to protect neighborhood character from unbridled development that benefits one owner at the expense of the property values of its neighboring owners.

Please reject this variance request.

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

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

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

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

We had -- we have had conversations with the town, with the Village of Greenport, and they agreed to cooperate with us to extend the line to the property from that manhole. That extension could take the form of either a gravity feed, which we do not know whether it would work,
because we don't know how deep the invert is in that manhole, or, as I had suggested, it could be a grinder pump station and a two-inch force main.

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

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

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

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

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

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

MR. KIMACK: Go right ahead.

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

MR. KIMACK: They're not.

MS. GORDON: -- is relevant.

MR. KIMACK: They're not for sale.

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

MR. KIMACK: Yeah.

MS. GORDON: I mean, rumors are, you know,
abundant in these situations.

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

MS. GORDON: Okay. Thank you.

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

MS. GORDON: Thank you.

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

MS. WINGATE: No.

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

MS. WINGATE: Sure.

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

And for the public, just I don't know if this reassures you or if it's just overload, the Town is going to decide. He's going to have to submit plans to the Town for any work done on Town property.
MR. KIMACK: Yeah.

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

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

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

MR. KIMACK: No, it's --

CHAIRMAN SALADINO: No.

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

MS. NEFF: Yeah, yeah.

MR. KIMACK: And that's it, basically, but no. Jamie was correct in the sense, when you're making that kind of cut in, they have standards for residential in terms of the width and in terms of the radius, turn-arounds, etcetera, like that. And Jamie, as much as he knows, as much as I knew, whether the presentation would be the one that would be appropriate for that particular location.
CHAIRMAN SALADINO: I just wanted to reassure the public that it's not just the members of this Board and the applicant that are going to -- or the Building Department that's going to square away, you know, the septic and the curb, and, you know, the Town of Southold also has --

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

CHAIRMAN SALADINO: As far as being a customer.

MR. KIMACK: Yeah.

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

MR. KIMACK: Being attached to the sewer line.

CHAIRMAN SALADINO: A ratepayer.

MR. KIMACK: Yes, as a ratepayer.

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

CHAIRMAN SALADINO: Yes.

MS. NEFF: That's what I thought.
MR. KIMACK: Yeah. We knew that from the beginning. We knew that the close proximity with -- now could you -- because everyone is served with water in the area, the back -- the backstop is you could put something onsite, basically. I mean, that gentleman basically did his own septic and he's closer to the sewer line than I am than we are, basically.

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

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

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

MR. KIMACK: That's --

CHAIRMAN SALADINO: No, we understand.

MS. NEFF: That's the requirement.

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

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

MS. NEFF: Right.

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

MS. NEFF: Exactly.

CHAIRMAN SALADINO: Thank you for that, and this Board was aware of that. Thank you.
MR. FRAGOLA: I'm trying to make everybody aware. He's making it sound like I didn't hook up to the sewers, that I had the option. I could not. I am in the Town of Southold.

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

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

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

MR. FRAGOLA: Well, that's --

CHAIRMAN SALADINO: The opportunity is there.

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

MS. NEFF: Right.

CHAIRMAN SALADINO: Okay.

MR. FRAGOLA: I'm just trying to clarify so we all understand it. And the point about whether he's going to do a directional boring or cut in
the road, I want to make that clear, because he's making it sound like it's a cake walk. That could tie up the road for over a week, whatever it is. That blocks up his access, it blocks up my access.

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

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

MR. KIMACK: Right.

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

MR. KIMACK: Seventh Street, yeah.

CHAIRMAN SALADINO: -- on Seventh Street, I
don’t believe the Village is going to be involved in that at all.

MS. WINGATE: Not financially.

MS. NEFF: Absolutely not.

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

MR. KIMACK: We didn’t get that far.

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

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

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

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

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MS. NEFF: Right.

MR. KIMACK: Yeah.

CHAIRMAN SALADINO: Exactly, so --

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

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

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

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

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

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

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

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

MR. PROKOP: 150-14(C).

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

MS. WINGATE: Is this the setbacks?

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

MS. WINGATE: Right.

MR. PROKOP: I don't know that that -- I'm not sure, because this just came up tonight. I
have never been asked -- I was asked this question tonight, I haven’t been asked this question before. But I think that an accessory building that’s accessory to a residential building might --

MS. WINGATE: Yes, I agree.

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

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

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

MS. WINGATE: I agree.

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

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

MR. KIMACK: And then that falls under 114?

CHAIRMAN SALADINO: I disagree.

MR. PROKOP: No, 13.

CHAIRMAN SALADINO: I disagree. I don't see
how -- and I don't know if this is --

MS. WINGATE: Most of --

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

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

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

MR. TASKER: No, no.

CHAIRMAN SALADINO: Are we allowed --

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

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

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

CHAIRMAN SALADINO: Take it on face value.
Take it on with this -- on black --

MS. WINGATE: Garages are accessory to residential.

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

MS. WINGATE: They're accessory to residential.

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

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

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

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

MS. WINGATE: Yeah.

MR. PROKOP: I think the Board should be cautious, and now we have the Building Inspector agreeing.
MS. WINGATE: I had never thought about it.

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

MS. WINGATE: Right.

MR. TASKER: Yeah.

MR. CORWIN: -- proceedings.

CHAIRMAN SALADINO: Oh, absolutely

MR. KIMACK: Could I make --

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

MS. NEFF: Sounds like an idea.

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

CHAIRMAN SALADINO: You could make a comment, sure.

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

CHAIRMAN SALADINO: So, obviously, the -- I'm sorry, go ahead.
MS. GORDON: I was just --

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

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

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

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

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

MR. KIMACK: It does. I mean --

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

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

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

MS. GORDON: I would be opposed to that, because I think the -- if, in fact, we decided that it had to have the 5-foot setback, we're making it less noncompliant, the whole situation. And I don't know why that would require new public
CHAIRMAN SALADINO: Because the Attorney is not willing to -- is not prepared to make -- to offer an opinion.

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

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

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

MS. GORDON: Right.

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

CHAIRMAN SALADINO: Go figure.
(Laughter)

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

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

MRS. KENNEDY: Can I ask a question?

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

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

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

MS. GORDON: It seems to me we may be saddled with having to review again, after the Planning Board looks at this, if we accepted this subdivision, to deal with that question and to interpret the question that you ask, and I don't see any way around that.
MA. NEFF: And there's not a way around it that gets it done here and then the Planning Board.

MA. GORDON: Right.

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

MA. GORDON: Yes.

MA. NEFF: Yes.

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

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

MA. GORDON: Yeah. How would we deal --

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

MA. GORDON: We would have to do the interpretation.

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

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

MR. TASKER: Let me speak, please. That the -- either a combination of the -- the denial
of the application or the application for variances is insufficient in the light of this question of a substandard lot being used for a more than one-family -- an existing or nonexisting, as the case may be, substandard lot being used for a one or a two-family dwelling. And that could -- we could, as the Zoning Board, say the application is insufficient, bring us a new corrected, modified, however, application to consider this question of substandard lot, one, two-family, etcetera, and it doesn't have to go back through the Zoning Board to do that.

MR. CORWIN: To the Planning Board.

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

MS. NEFF: Yeah.

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

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

CHAIRMAN SALADINO: The substandard lot.

MS. NEFF: -- the substandard lot.

MR. TASKER: In the light of this --
MS. NEFF: Rolling it into that --

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

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

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

MS. NEFF: Yes.

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

MR. TASKER: And it didn't make any difference at the time of the initial -- you're correct. And it doesn't make any -- didn't make
any difference at the time they did the
application, because the initial application was
for a one-family house.

MS. WINGATE: That's correct. But, still --
MR. TASKER: So you didn't even have to look
at --

MS. WINGATE: Add a two-family house --
MR. TASKER: -- existing small lot when
this --

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

MR. TASKER: Right.

MS. WINGATE: It's still 950 --

MS. NEFF: Nine hundred -- right.

MS. WINGATE: -- square feet shy.

MR. TASKER: Correct.

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

MR. PROKOP: I just have one other comment.

CHAIRMAN SALADINO: Sure.

MR. PROKOP: So the plan that we're looking
at is August 7th, and the -- what was the plan
before the -- the notice first went -- actually,
the notice on this went out in July, but it went
out again August 1st, or some other time. But
what was the plan that was in the files when the
notice was mailed --

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

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

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

MR. PROKOP: And nothing changed --

MS. LINGG: No.

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

MR. KIMACK: No changes.

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

MR. KIMACK: No.

MR. PROKOP: Okay. Thank you.

MR. CORWIN: Wait a minute.

CHAIRMAN SALADINO: Wait, wait.

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

MS. WINGATE: Wait. The one change was the
attached garage.

Chairman Saladino: Well, that's a major change.

Mr. Prokop: Yeah. I don't think that --

Ms. Wingate: But it also eliminates --

Mr. Corwin: Let me speak.

Ms. Wingate: Let me just finish my sentence. It eliminates one of the variances, because it eliminated the variance for the accessory structure in the front yard. So everything remains the same. They're asking for less and not anymore. Sorry, David.

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

Ms. Wingate: Yes.

Mr. Corwin: So that's not 10 days before for the publication of the notice in the paper.

Ms. Lingg: What I just explained to Joe is we didn't have the large hard copies until that day, but we had it electronically.

Mr. Corwin: Well, I -- personally, I don't count electronic copies. When somebody sends you an email, fine, it's helpful, but I like them like
this (indicating).

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

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

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

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

MR. PROCOP: My only question was whether the plan changed after the -- after the notice went out. I just --

MS. LINGG: No.

MS. WINGATE: No.

MR. PFLANZL: No.

MR. KIMACK: No.

CHAIRMAN SALADINO: The public notice.

MR. PROCOP: Right.

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

MR. PROCOP: Because, you know, there was a comment that the plan was changed after the site
visit. The site visit occurred in July.

MS. WINGATE: It changed.

MS. LINGG: Yes.

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

MR. PROKOP: Okay.

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

MR. TASKER: Yes.

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

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

MS. NEFF: Right, right.

MS. WINGATE: It has a legitimate Certificate of Occupancy for a two-family house. It's before you for --
MR. TASKER: Before subdivided it has a -- had a CO.

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

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

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

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

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

CHAIRMAN SALADINO: So -- so you're suggesting we have a -- someone asks for an interpretation of "existing small lot"?
MR. CORWIN: Well, according to the Building Inspector's definition, yes. According to mine and Arthur's, no, it's settled.

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

MR. TASKER: Yes.

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

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

CHAIRMAN SALADINO: Our questions is --

MS. NEFF: Excuse me?

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

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

CHAIRMAN SALADINO: My experience with the Planning Board is, is that if there's a question of zoning, any question of any zoning issue, they
refer it to the Zoning Board. They won't address, for whatever reason, they won't address any subdivision application that has any element of zoning in it. So are we going to -- we going to send this --

MR. TASKER: Here we are.

MS. NEFF: Finish your sentence, please.

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

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

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

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

CHAIRMAN SALADINO: Arthur and David think that it --

MS. GORDON: On the new substandard. On the a new substandard lot.
CHAIRMAN SALADINO: On the new substandard lot.

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

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

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

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

MS. GORDON: Yes, yes.

(Laughter)

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

MS. NEFF: Yes, we do.

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

CHAIRMAN SALADINO: Well, I had suggested it before in that the members' opinion can be
expressed in their vote. We can make a motion to address that, or we could leave the application as it is. Does anybody have an opinion about that?

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

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

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

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

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

MS. WINGATE: But how could it be an existing small lot if it doesn't exist today? It doesn't exist.
CHAIRMAN SALADINO: I'm addressing the concerns of the members. If the members -- we have the opinion of the Building Inspector.

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

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

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

MS. WINGATE: It then becomes a conforming lot.

CHAIRMAN SALADINO: That was my understanding, too.

MS. WINGATE: That's --

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

CHAIRMAN SALADINO: That was my understanding, too.

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

CHAIRMAN SALADINO: Were you still standing there? I'm sorry.
MR. KIMACK: I need --

(Laughter)

MS. GORDON: Are you still a awake?

MS. NEFF: Wait, wait, wait.

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

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

MR. KIMACK: I think we're --

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

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

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

Do a 10-minute break?

MR. CORWIN: Five minutes.

MR. TASKER: Five minutes.

MS. NEFF: I'm taking 10 minutes.

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

(The meeting was recessed at 7:53 p.m and resumed at 8:03 p.m)
CHAIRMAN SALADINO: While everybody had a few minutes to gather their thoughts, I'm going to make a motion to close this public hearing, and so moved.

MS. GORDON: Second.

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

(Roll Call Vote by Chairman Saladino)

MR. CORWIN: Yes.

MS. GORDON: Yes.

MS. NEFF: Yes.

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

CHAIRMAN SALADINO: Arthur.

MR. TASKER: Yes.

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

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

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

Item No. 5 is discussion and possible action

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

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

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

MS. NEFF: Oh, the name.

CHAIRMAN SALADINO: What is it?

MS. GORDON: Eleftherios Kougentakis.

MR. SOLOMON: Eleftherios Kougentakis.

Represent this group tonight.

MR. KIMACK: Thank you.

MS. NEFF: Good night.

CHAIRMAN SALADINO: Good night, take care.

Before -- before we hear from the applicant, or
the applicant's -- Mike, Mr. Solomon, you
represent the applicants?

MR. SOLOMON: That's right.

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

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

CHAIRMAN SALADINO: Okay.

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

MS. WINGATE: It's all there.

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

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

MS. WINGATE: Sure.

CHAIRMAN SALADINO: Chapter 150-21.1,
Nonconforming Buildings with a Nonconforming Use.

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

MS. WINGATE: What's the question?

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

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

The Notice of Disapproval was written for Section 150-20, which is a nonconforming use. The reason I didn't use a nonconforming building with
a nonconforming use is because it had received a ZBA variance in --

CHAIRMAN SALADINO: 1969?

MS. WINGATE: 1969. Now here's the history of what I have. Records of Village Hall are not always what we'd like them to be, but as far as I can tell, Zoning Board minutes go back to August of 1966. That was the most extreme I could find. This building's history is this: January 1967, the building was purchased by Eastern Long Island Medical Building, at which time I cannot find any documentation of how it was put in the R-1 Zone, other than it did, okay? So that happened in '67.

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

If you read nonconforming uses and nonconforming buildings, you'll find that 150-20, nonconforming uses, is slightly -- has a higher threshold than the nonconforming building with nonconforming uses.
And it's just a couple of additional words that are found in the nonconforming uses that are not found in the nonconforming buildings with nonconforming uses.

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

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

MS. WINGATE: Sure.

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

MS. WINGATE: I wish --

CHAIRMAN SALADINO: -- in that district?

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

CHAIRMAN SALADINO: So you're not satisfied?

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

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

MS. WINGATE: I have a copy of the Zoning
Code that goes back to 1949. I looked at the old building codes. I've looked at everything that I can find. But, clearly, in 1967, when the building was bought, they merged the lots. The lots were merged and it became a medical building in 1967.

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

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

MR. SOLOMON: Can I interject something?

MS. WINGATE: Sure.

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

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

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

CHAIRMAN SALADINO: Well, she has that also.

MS. WINGATE: That was in --

MR. PROKOP: But isn't it true, the -- excuse me. The variance that was received was a front yard setback for a portion of the building, right?
MR. SOLOMON: What the variance is, what the -- here's where the whole thing sits.
CHAIRMAN SALADINO: Mike, could you just identify yourself for --
MR. PROKOP: And I just -- before you start speaking, I just want to mention something, respectfully, to --
MR. SOLOMON: I'll just -- I'll just read this, because, I mean, you know, I think we really need to --
MR. PROKOP: Respectfully, to the Chairman, the question that you asked before was if Mr. Solomon -- if there's a letter of authorization for Mr. Solomon. But I think the letter of authorization that I think we need is for Eleftherios Kouge -- the -- somebody acting on behalf of the Lanmark Group. It's not Mr. Solomon. Mr. Solomon is appearing for the attorney. We're looking for -- who's the applicant on it?
MS. WINGATE: She's sitting right here.
MR. SOLOMON: Right here.
MR. PROKOP: Okay.

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

MR. PROKOP: Hi.

MR. SOLOMON: We have everybody.

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

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

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

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

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

MS. NEFF: Page 1.

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

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

CHAIRMAN SALADINO: Unless -- perhaps one of my colleagues. Am I missing something here?
MR. CORWIN: I don't see it.

CHAIRMAN SALADINO: But -- and, also,

Mr. Solomon, we didn't know -- we didn't accept --

MS. WINGATE: Oh, there's a -- there's a

second piece. I see what -- I see what you're

saying now.

MR. PROKOP: It should be -- the

authorization should be from the Lanmark Group to

the applicant.

MS. WINGATE: Oh, this is not it. Wait,

wait, wait, I have everything.

CHAIRMAN SALADINO: I have -- I have a

Zoning Board of Appeals application, dated August

3rd, that says the applicant is the Lanmark Group,
gives the address 2125 Mill Avenue, Brooklyn, New
York, and signed the application as the owner and
the applicant. I don't have anything that --

MR. SOLOMON: Well, I know the architect --

the question -- Chuck is there claiming that what

they see, they don't see me as a representative on

the front of the form.

MR. SOUTHARD: You are on the application.

MS. WINGATE: You are. I've seen it. I

have it and I've seen it.

CHAIRMAN SALADINO: Let me -- let me clarify

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

MR. SOLOMON: Sure.

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

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

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

MR. SOLOMON: Yeah.

CHAIRMAN SALADINO: Okay.

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

MS. WINGATE: I remember.

CHAIRMAN SALADINO: Okay.

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

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

MR. CORWIN: Yeah.

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

CHAIRMAN SALADINO: We have it.

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

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

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

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

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

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

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

CHAIRMAN SALADINO: Okay.

MS. WINGATE: I apologize.

CHAIRMAN SALADINO: Okay. Were you done?

MS. WINGATE: I'm done.

CHAIRMAN SALADINO: Do you have anything to add?
MR. PROKOP: I think that we're missing paperwork, but I don't think it's -- I think since everybody's here, it's something that could be done later on.

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

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

I'm not sure. You know, the application hasn't been developed. We do that after we -- you know, during the hearing, so I don't know --
CHAIRMAN SALADINO: Well, I'm reading the Notice of Disapproval. The Notice of Disapproval says for a building permit to renovate, repair, alter a preexisting nonconforming building with a nonconforming use.

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

MS. WINGATE: And that was --

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

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

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

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

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

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

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

CHAIRMAN SALADINO: I'm reading from the

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Notice of Disapproval.

MR. SOUTHARD: Excuse me?

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

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

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

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

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

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

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

CHAIRMAN SALADINO: No. What we need is --

MR. SOLOMON: -- for the variance.

CHAIRMAN SALADINO: Excuse me. If I --

wait.

MR. SOUTHARD: The denial. What he's saying, the denial does not match --
CHAIRMAN SALADINO: Wait.

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

CHAIRMAN SALADINO: If I could just --

MR. PROKOP: That's right.

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

MR. SOLOMON: Can I --

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

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

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

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these paper up on --

MS. WINGATE: I'm not --

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

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

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

MS. WINGATE: That's why I pulled it all out, because I felt obligated to do my research on how this building got to be a medical office in an R-1 District, but it takes time to pull all this kind of information together. So I wrote the Notice of Disapproval based on the application.
that I had, and then I went to the basement and
did my research.

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

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

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

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

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

MS. WINGATE: Okay.

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

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

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

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

MS. WINGATE: -- to reflect what --

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

MS. WINGATE: Okay, I'm sorry.

MR. PROKOP: No, that's --

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

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

MS. WINGATE: -- it's a conforming building because it's been given a variance, I think it's important that the Zoning Board know that the building does exceed the setbacks. So it's like -- I don't know if this counts. It's like a legal nonconforming building, because it was given a 13-foot variance back in 1969 for the building to be closer to the front property line. So I think that's an important piece of information, but it is -- it is a conforming building.
MR. SOLOMON: Just let me know when I could say something.

CHAIRMAN SALADINO: Mr. Solomon.

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN SALADINO: Where the Planning
Board's Attorney said, "No, the building's being altered. The component is zoning, you've got to send it to Zoning."

MR. SOLOMON: Well --

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

MR. SOLOMON: Now, but you're asking -- listen, I'm not -- I mean, I'm not disputing the nature of the questions. But I already see your eyes are open, you're focused on what's going on here. I'm not here to -- as I said, I don't want delay.

And to answer the question, I wasn't at the Planning Department, okay, that's all I can tell you. And a lot of this stuff we've developed afterwards -- anybody who's been in this Village long enough knows, when you go to Village Hall sometimes, you need to get records. They're just not always there, and it takes time and it takes effort, you know, to get things back from 1969, to pull out the files. But, I mean, technically, it's all there.

And listen, if the real result is not going to be happy, make my client all happy, but the

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real result is, "Guess what, we're going back to planning," then so be it, we'll go back to Planning with potentially the proper arguments that may not have been put there the first time. I wasn't there. I can't tell you what arguments were put there that day, okay? But I-- when I look at this application now, even though we filed it, as I said, to go with the program where the Planning was already over, this was what we were told to do, we went with the program we're here. But I already feel that--I'm not using the word "resistance" in a negative way. I'm using that you're dotting I's and you're crossing T's, and everybody's trying to understand really what's happening here.

CHAIRMAN SALADI NO: Well, I think that's our role here. I don't think we should have to--and, again, I'm not trying to be argumentative. I think that's our role here, to dot the I's and cross the T's, so the next guy, there's a proper record of exactly what went on.

I say this all the time, Mike; I'm a process guy, I mean, and if the process takes an extra couple of minutes to get everything squared away so the public record reflects exactly what's right
and exactly what's going on, so be it. But, again, I'm only one vote, and my colleagues, if my colleagues decide that --

MR. PROKOP: We have -- you know, we came to --

CHAIRMAN SALADINO: -- that this is a nonissue, then we'll move forward.

MR. PROKOP: We came to -- everybody here is a volunteer, except for some of us who are getting paid to be here, but --

MR. SOLOMON: I'm not hearing you. Talk into the mic. I just can't hear you.

MR. PROKOP: But the thing is --

MS. NEFF: Joe, he did not hear you.

MR. PROKOP: Okay. So we have an initial threshold question with -- you just said there's resistance to the application. It's really unfair to the Board. And we have a -- we have an initial question about your paperwork, all right? There's a threshold question about the paperwork, and we continued to listen to you for 30 minutes even with that.

We didn't fill out your application. Nobody in this Board or nobody at this table filled out your application, you filled it out, and it's...
requesting -- it addresses a nonconforming use in a nonconforming building; is that correct or not?

MR. SOLOMON: Yeah, based upon a Notice of Approval issued with your approval.

MR. PROKOP: So if you disagree --

MR. SOLOMON: You did it. Joe, you did it.

Let's cut to the chase. I mean, you were involved in this process, too. There's been arguments about what this is for.

MR. PROKOP: No, I was --

MR. SOLOMON: I mean, the fact of the matter --

MR. PROKOP: No, you're not going to pin -- I was involved after the notice was issued, and it doesn't have anything to do -- I -- of course I'm involved, I'm the Village Attorney, but what does that have to do with anything?

MR. SOLOMON: Okay. Listen, we're talking August 3rd to August 15th. This is a 12 -- this is a 12-day delay, so to speak. But if the consensus is it doesn't belong here, then okay, let's agree it doesn't belong here. I can't afford for my client to get bounced back and forth from Planning to Zoning, to Zoning to -- it's just not right.

So if the approval is wrong, then let's address
the approval. The real issue, why was this
disapproved? I guess that's the real question.

MS. GORDON: I'd like to add --

MR. SOLOMON: You told me why it's
disapproved, you told me I have to come for a
variance. Okay. I didn't write that, you wrote it.

MS. GORDON: I'd like --

MR. SOLOMON: Or somebody wrote it. I
didn't write it.

MS. GORDON: I'd like to ask a question.

MR. SOLOMON: Absolutely.

MS. GORDON: There is also Section 150-23,
which provides that, "Notwithstanding any of the
above regulations, nothing in this article should
be deemed to prevent normal maintenance and repair
of any use or building," and so forth. And I
would like to know how is this project -- how does
it go beyond normal maintenance and repair?

It seems to me there is a case to be made
that it is normal maintenance, but I don't know --
I don't know what it really looks like. It seems
to me there is a case to be made that this is
normal maintenance and repair, given all the
requirements that have been made for medical
facilities by the Federal Government and the State
Government, and that -- you know, to bring this
building into compliance is really at this point
normal maintenance and repair. Have you made that
case, and is that a reasonable case? And what
does --

MR. SOLOMON: In all fairness --

MS. GORDON: What is being done that goes
beyond normal maintenance?

MR. SOLOMON: In all candor and all
fairness, because I have the same problem running
in the Village of Port Jefferson with the exact
same problem, with trying to get elevators into an
existing restaurant, so to speak, the fact of the
matter is, the fact -- putting in windows, certain
things may or may not require permits.

MS. GORDON: That's the normal maintenance.

MR. SOLOMON: Making an alteration where
you're putting in an elevator, I know, you can't
build an elevator without coming for a permit,
so -- but, effectively, we filed and we just want
to make alterations and renovations to the
building, and we're getting rejected on this --

MR. PROKOP: But you're moving -- aren't you
also moving a -- isn't there a medical use that's
going to the second floor?
MR. SOLOMON: We're not removing any medical uses.

MR. PROKOP: Is there medical uses going to the second floor as part of this application?

MR. SOLOMON: There's always been medical uses in the building. The only -- there's only one little section where there's an apartment downstairs.

MR. PROKOP: Don't answer my question.

MR. SOLOMON: The whole building is medical uses.

MR. PROKOP: I'd just like to state and correct you that I did not write -- as you well know, I did not write the Notice of Disapproval, and I wanted to say that for the Board.

MR. SOLOMON: I didn't say you wrote it. I said you were involved in the input.

MR. PROKOP: Yes, you did. You did.

MR. SOLOMON: You were involved in the input.

MR. PROKOP: You said that I was involved in the writing of it, I was not. There was a discussion.

MR. SOLOMON: We -- you know you could disagree all you want. I mean, I know what
happened here. There was input from the Village Attorney. I'm not saying -- I'm not blaming anybody, Joe. I'm not blaming anybody, I'm just trying to face the reality of where we are right now.

CHAIRMAN SALADINO: Well, I'm going to -- I'm going to address my colleague's comment.

MR. PROKOP: I don't know what he's talking about. It's totally irrelevant and we -- I had nothing do with this application until the --

CHAIRMAN SALADINO: Okay. We're going to -- we're going to take you at your word that you had nothing to do with the application.

MR. PROKOP: -- disapproval was issued.

CHAIRMAN SALADINO: I would like to address my colleague's concern that this would be considered normal maintenance and repair. I don't believe removing ramps from the front of the building, putting them to the back of the building -- if I read the plans right, we're going to take down staircases, put up different staircases. I don't -- in my mind, that's not normal maintenance, that's not normal repair, that's additional maintenance and additional alterations.
So without, you know, getting into a big protracted debate about what's normal or what's maintenance, windows, I agree with you 100% I think that's part of normal maintenance. A new roof, I think that's part of normal maintenance. To put in an elevator, to put in -- to put in new staircases, to put in a new parking lot, to put in new drainage, to put in -- just off the top of my head from glancing at the plans, to put in new staircases, new ramps, new handicapped ramps, I think I'm hard-pressed to accept that as normal maintenance. So --

MR. SOLOMON: I'm not suggesting --

CHAIRMAN SALADINO: Again, I --

MR. SOLOMON: I'm not suggesting it is. I'm not suggesting it is normal maintenance.

CHAIRMAN SALADINO: I was addressing my colleague's comment.

MR. SOLOMON: That's fine.

CHAIRMAN SALADINO: So what -- my question was never answered about -- to my satisfaction, but I'm not going to hold up this procedure. What's the pleasure of this Board? Are we going to accept this application? Does anyone have any questions?
MS. NEFF: If I have followed this discussion, and to the best of my knowledge, to the best of my ability I have, what you are basically asking for is a reworded Notice of Disapproval.

CHAIRMAN SALADINO: The Notice of Disapproval is wrong.

MS. NEFF: That's what -- that's all I've heard here, basically. And all of the rest of it is in -- you know, secondary to that. What's -- where are we? Is that where we are? I certainly -- you say you have the previous ZBA action. I would like to see a copy of those in the file, if, in fact, we're going to accept it and deal with this. But I do see this as, given the type of building it is and has been, and alteration, improvement, and not a subject of anything else, I'm not sure that we need to have this in front of us. But if --

CHAIRMAN SALADINO: This application.

MS. NEFF: Yes, because I don't see it as more than that. For the kind of building and the use it has been, and upgrading it to 2018, or, God knows, '19 -- no, I mean, '17 and '18 by the time he gets finished.
CHAIRMAN SALADINO: Well, let me ask the Building Inspector. Let me ask the Building Inspector. In your opinion, are this -- is this normal maintenance and repair?

MS. WINGATE: No. This is an alteration and a rehabilitation. I would never be able to issue a building permit for --

CHAIRMAN SALADINO: So, in your opinion, the alterations -- this, in fact, belongs in front of the Zoning Board? These alterations are zoning issues?

MS. WINGATE: If I could have found the piece of paper that said there was a use variance given back in the day, then it would --

CHAIRMAN SALADINO: We're past that.

MS. NEFF: Wait a minute, let her finish her sentence.

MS. WINGATE: Then it would be a conforming building and a conforming use, and I probably would feel a lot better. Having read the words that I was able to find, I believe that this is -- this should be heard by the Zoning Board.

CHAIRMAN SALADINO: Because the project described is --

MS. WINGATE: Well, we have this --
CHAIRMAN SALADINO: -- not normal maintenance? The project --

MS. WINGATE: I don't think it's normal maintenance. Putting in an elevator is not normal maintenance. Is it -- you know, it's structural. That's probably the only structural aspect of this project, is the elevator. Everything else --

CHAIRMAN SALADINO: The staircase?

MS. WINGATE: Removing a staircase is not necessarily structural. I do -- but it is alterations. They're widening halls to make it handicapped accessible, bathrooms are getting bigger to make them handicapped accessible.

CHAIRMAN SALADINO: Do we have a report? Do we have --

MS. WINGATE: And the report --

CHAIRMAN SALADINO: Do we have a Planning Board -- do we have -- the Planning Board referred this to the Zoning Board.

MS. WINGATE: The Planning Board will be meeting in two weeks and they will be preparing a recommendation for your next meeting, and they'll be --

CHAIRMAN SALADINO: But my understanding, that was just for parking.
MS. WINGATE: That would be about parking. That's all they're --

CHAIRMAN SALADINO: Do we have a report from the Planner as to -- or the attorney for the Planning Board as to their logic why this -- or they took your --

MS. WINGATE: They took -- they took my --

CHAIRMAN SALADINO: That this is a zoning issue?

MS. WINGATE: Yes.

MR. PROKOP: She wrote two -- the Planner wrote two -- just wrote two opinions in May, when the application first came in. There's two -- there's two different write-ups from the -- they're continuations of -- one's a continuation of the other one, but there are two write-ups from Glynis in May.

MR. SOLOMON: John, just so you know, I have FOI Led all of the records from this since 1950, I haven't gotten them yet. So I'm talking to "Mr. FOI L", so --

CHAIRMAN SALADINO: I've never -- I've never filed a Foil request.

MR. SOLOMON: Oh, really? Well, maybe it was your cohort.
(Laughter)

CHAIRMAN SALADINO: Former cohort, but he's filed one or two, sure. But me personally, I've never filed a FOIL request.

MR. SOLOMON: Okay. But there's a FOIL out there to see what's really out there. There should be -- and, theoretically, there should be minutes from these hearings. There was a hearing in 2003, there was a hearing in 1969.

MS. WINGATE: Yes, there are -- well, the 1969, you've seen the minutes, I think. They're, you know, one paragraph, and it's about an area variance, which I assume that they took up the use variance previously, but that's an assumption.

I clearly know that in 1967, when the building was purchased, it was purchased by a medical group and it went forward. And then they -- then they built a new building between and it got bigger. And all I can say is there -- the Certificates of Occupancy are dated 2002.

I just don't have the -- enough information to make me comfortable about being able to issue a building permit without review from the Zoning Board, and whatever their pleasure is will work for me.
CHAIRMAN SALADINO: I have the Planner's comment. Do all the members have the comments from the Planner?

MR. CORWIN: No.

MS. GORDON: No.

MS. NEFF: No, no.

CHAIRMAN SALADINO: Could we -- could we supply?

MS. WINGATE: We could do that.

MR. SOLOMON: We have the architect here. He may be able to add something, whatever he wants to talk about.

MR. SOUTHARD: My name is Charles W Southard, Jr., I'm the Architect. You need my address? Okay. 435 Bay Home Road, Southold, 11971.

All of the work that's going on within this building is to make it conform to today's code. This is a medical building. There are certain codes which you've already mentioned that apply to medical buildings. If this renovation was not done, it could not operate as a medical facility. A medical facility by code must have an elevator for a second floor, no matter what the size of the second floor is. It must have certain width
hallways, it must have certain width doorways. And that's what this project is all about, is making this legal today.

We could not have a building permit issued for this building if we didn't renovate it, because it would be illegal to use it the way it is now as a medical facility. So that's the purpose of this project, is to bring it up to standards today that conform with today's building code.

MR. PROKOP: Have you been in the building?
MR. SOUTHARD: Excuse me?
MR. PROKOP: You've been in the building?
I'm not asking --

MR. SOUTHARD: Many times.
MR. PROKOP: I'm not asking you that disrespectfully. Is there a medical use in the second floor right now?

MR. SOUTHARD: Yes, there is.
MR. PROKOP: There is, okay.

MR. SOUTHARD: Yes, there is. There are -- there were five -- when the owners purchased it, I think there were five doctors occupying, and there was one -- there's one apartment there.

MR. PROKOP: Okay.
MR. SOUTHARD: And that's exactly the same use as we propose for it when it's finished and renovated.

CHAIRMAN SALADINO: I don't think anybody here is disputing that this work has to be done for you to operate it as a medical building.

MS. NEFF: Right.

CHAIRMAN SALADINO: Unless I'm giving you the wrong message here. I don't think I'm --

MR. SOLOMON: I mean, nobody -- it's not the message. I appreciate the message, and I appreciate the time and the effort and the thought that's gone in here.

CHAIRMAN SALADINO: But it was handed to us and said there are these particular zoning issues that have to be addressed. Some members of the Board raised the question that perhaps they don't have to be addressed, because they could be applied under a different section of the code that -- so that's something I think we kind of settled, I'm thinking we kind of settled that an alteration here is, in fact, a zoning issue.

As far as the original question, which was -- seems like a week ago, as far as the use
variance and stuff, the Building Inspector is convinced that it doesn't need one. I have a hard time accepting the fact that, well, that would -- the language, well, that's the way it always was.

The attorney for the applicant says the records are there since 1950, we just can't find them.

We go to training seminars all the time that NYCOM gives, and the other people that give them and say that a use can't be grandfathered in unless it was legal to begin with.

My original question was how did it get -- how did this building get into the R-1 District? I guess that was my original question. How did this building get into an R-1 District, and in a district where there's a permitted accessory use for a physician's office if he lives there? There's a permitted accessory use for a physician's office if he lives there and he's only limited to two assistants. The fact that in 1969 that an area variance was granted doesn't explain to me, it might not be important to my colleagues, but it doesn't explain to me how the building got there in the first place.

MS. NEFF: Well, could I make a comment? It
got there partly because it's across the street
from a hospital, and the hospital was at one time
the owner --

Chairman Saladino: That's not -- that's
not --

Ms. Neff: -- of those two houses. That's
actually --

Chairman Saladino: That's not a reason.
That's not a reason. That's not a reason.

Ms. Neff: And the backtracking to get some
kinds of approvals is what we have what we have.
We don't have very much, granted, but you don't
dispute that that has been the use for 50 years.

Chairman Saladino: I don't dispute that.

Ms. Neff: Okay.

Chairman Saladino: I don't dispute that.

You know, I wouldn't -- perhaps one of the people
that -- I haven't lived here for 50 years.

Ms. Neff: (Rais ed hand).

Chairman Saladino: I've only owned a house
here since 1971, so -- but maybe David, maybe
Arthur, maybe --

Ms. Neff: Even me.

Chairman Saladino: Maybe Ellen.

Mr. Prokop: But this is really a case

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where we're -- the kinds of things that we're now talking about are really, you know, the evidence of the application, it's not what's before you tonight.

CHAIRMAN SALADINO: Well, I suggested we move forward. You know, we brought the subject up again, and, you know, I'm responding to it. I'm willing to -- again, the Board's vote will -- the opinions will be expressed in their vote.

MR. TASKER: Can I suggest a possible solution to this?

CHAIRMAN SALADINO: Sure.

MR. TASKER: I've listened to this long enough, okay?

The concern seems to be that the Notice of Disapproval, dated July 25, uses the words "to alter a preexisting nonconforming building with a nonconforming use." Later on, four or five lines down, it refers to Section 150-20, not 150-21.

CHAIRMAN SALADINO: Twenty-one.

MR. TASKER: Twenty-one or 22, whichever --


MR. TASKER: The application of the Zoning Board of Appeals by the owner as a result of that disapproval makes reference to Section 150-20(A),
not 150-21. So it's koko (phonetic). Can we --

CHAIRMAN SALADINO: Define koko (phonetic).

I don't know what that means.

MR. TASKER: It's okay.

CHAIRMAN SALADINO: Okay.

MR. TASKER: Can we accept this approval, or rather this application, conditioned on the Notice of Disapproval being amended to talk about nonconforming use, I believe it is, 150-20? Yeah, nonconforming uses, and it's --

CHAIRMAN SALADINO: In a conforming building.

MR. TASKER: The second line of its first -- you don't even have to mention conforming building.

CHAIRMAN SALADINO: Well, if you're going to reference the code issue, if you're going to reference the --

MR. TASKER: 150-20 talks about nonconforming uses.

MS. WINGATE: Use.

MR. TASKER: It does not mention --

CHAIRMAN SALADINO: A conforming building with a nonconforming use.

MR. TASKER: No, it doesn't, it doesn't make
that distinction.

CHAIRMAN SALADINO: It does.

MS. WINGATE: Twenty -- no, 20 is just a nonconforming use, and that's exactly what I intended to focus on.

CHAIRMAN SALADINO: Okay.

MR. SOLOMON: Can I make one more suggestion?

CHAIRMAN SALADINO: I'm going to make a motion here I think is going to clear up everything, and we're going to let -- perhaps, perhaps it won't.

I'm going to make a motion we accept this application, conditioned -- we're going to accept the application and ask the applicant -- ask the Building -- ask Building Inspector to provide us with an updated Notice of Disapproval.

MS. WINGATE: Do I have to write a legal notice that will be correct as well?

MS. NEFF: Okay.

CHAIRMAN SALADINO: We're going to ask the Building Inspector to provide us with an updated Notice of Disapproval and make the public notice conform to her Notice of Disapproval. Does that sound right?

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MR. TASKER: That's what I said.

MR. SOUTHARD: Yeah, that sounds correct.

Thank you.

CHAIRMAN SALADINO: Well, I'm the guy making the motion.

MS. GORDON: Second.

CHAIRMAN SALADINO: So we have a second.

(Roll Call Vote by Chairman Saladino)

MR. CORWIN: Yes.

MS. GORDON: Yes.

MS. NEFF: Yes.

MR. TASKER: Yes.

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

Wait, wait. We're going schedule a public hearing for -- if you guys want to leave, you can. We're going to schedule a public hearing for our next meeting. Is --

MS. LINGG: The 19th.

CHAIRMAN SALADINO: I'm sorry?

MS. LINGG: The 19th.

MR. TASKER: September 19th.

CHAIRMAN SALADINO: September 19th at 6 o'clock. And we're going to schedule a site visit. Do we need a site visit?

MS. NEFF: Yes.
MR. CORWIN: Yes.

MR. TASKER: Yes.

CHAIRMAN SALADINO: We're going to schedule a site visit for -- this is a bigger building.

MS. GORDON: 5:30?

CHAIRMAN SALADINO: Well, 5:30 is -- 5:15 agreeable?

MR. TASKER: Yeah.

MS. NEFF: Sure.

CHAIRMAN SALADINO: David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

MS. GORDON: Could we ask also for a final application with the authorization of Mr. Solomon on it?

MS. WINGATE: Yes.

CHAIRMAN SALADINO: Well, she has that.

MS. WINGATE: I have it.

CHAIRMAN SALADINO: We don't have it, she has it.

MS. WINGATE: I have it.

MS. GORDON: Okay.

CHAIRMAN SALADINO: Mike gave it to her, Mr. Solomon gave it to her.

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MR. SOUTHARD: I might have to amend it if you change the section.

MS. WINGATE: Change my section.

MR. SOUTHARD: I might have to amend the application if you change the section for disapproval.

MS. WINGATE: You know what, Chuck, I'll speak with you tomorrow.

MR. SOUTHARD: Okay.

MS. NEFF: Could I ask that the copies of the pre - - the decisions of previous Boards be included?

MS. WINGATE: Yes, yes.

CHAIRMAN SALADINO: So --

MS. WINGATE: Does everybody want it electronically or in your mailboxes?

MR. TASKER: Electronically.

MS. WINGATE: Okay.

CHAIRMAN SALADINO: So --

MS. NEFF: Okay.

CHAIRMAN SALADINO: -- just so we're here, we know there's a public hearing at 6 o'clock. We know there's a site inspection at 5:15. And for the Clerk, we're going to -- we're going to get the members the --
MS. LINGG: Yes.

CHAIRMAN SALADINO: The Planner's report.

MS. LINGG: Yes.

CHAIRMAN SALADINO: In addition to everything else that was requested.

MS. LINGG: Yes.

MR. SOUTHARD: Did you say 5:15 for the inspection?

MS. WINGATE: Yes.

MS. NEFF: Yes.

CHAIRMAN SALADINO: 5:15 we said. And nothing has to be -- does anything have to be staked out on this property?

MR. SOUTHARD: No.

CHAIRMAN SALADINO: I'm going to let him answer. David, we're good on the property?

MR. CORWIN: I don't know.

MS. NEFF: Well, some things are going to be removed.

MR. CORWIN: I think there are -- there is stuff to be staked out a little bit. I looked at the plans. As I recall, they're going to take part of the building down, they're going to put a new driveway in, and they're going to put parking spaces in the back.
CHAIRMAN SALADINO: Along the back?

MR. CORWIN: And they're going to change around the access ramps.

MS. NEFF: Yes, stake.

MR. CORWIN: And that's on the exterior, and I don't --

CHAIRMAN SALADINO: And on the inside we don't -- we don't really --

MR. CORWIN: We're not here for --

CHAIRMAN SALADINO: We don't care about the inside. So maybe you could just --

MR. SOUTHARD: I'll spray paint it.

CHAIRMAN SALADINO: -- let us know.

MR. SOUTHARD: I'll spray paint it.

CHAIRMAN SALADINO: Let us know where the parking is going to be. The driveway -- I thought the driveway did conform, but let us know about the driveway.

MR. SOUTHARD: The driveway conforms.

CHAIRMAN SALADINO: And what else? What else did you say?

MR. CORWIN: Ramps.

CHAIRMAN SALADINO: Oh, the ramps for the back.

MR. SOUTHARD: I will be there for the site
inspection.

MR. CORWIN: There's stairways and ramps.

MR. SOUTHERN: I will be there, I will walk with you.

CHAIRMAN SALADINO: But we're like visual guys, you know, we like to see it.

Is -- any other member have a request from the applicant and his architect before we adjourn? Arthur? Ellen?

MR. TASKER: No, all set.

CHAIRMAN SALADINO: Dinni, anything you needed to say before we adjourn?

MS. GORDON: No.

CHAIRMAN SALADINO: Then that leaves us to Motion No. 7, is a motion to adjourn. So moved.

MR. TASKER: Second.

MS. NEFF: Second.

MS. GORDON: And third and fourth and fifth.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Aye.

(The meeting was adjourned at 8:53 p.m.)
CERTIFICATION

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

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

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on 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

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