VILLAGE OF GREENPORT COUNTY OF SUFFOLK
STATE OF NEW YORK

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ZONING BOARD OF APPEALS
REGULAR SESSION
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Third Street Firehouse
Greenport, New York

February 20, 2018
6:00 p.m.

JOHN SALADINO - CHAIRMAN
DAVID CORWIN - MEMBER
ELLEN NEFF - MEMBER
DINI GORDON - MEMBER
ARTHUR TASKER - MEMBER

JOSEPH PROKOP - VILLAGE ATTORNEY
ROBERT CONNOLLY - VILLAGE ATTORNEY
INSPECTOR KRISTINA LINGG - BUILDING CLERK
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CHAIRMAN SALADINO: Folks, this is the Village of Greenport Zoning Board of Appeals Regular Meeting for February 20th.

Item number 1 is a motion to accept the minutes of the January 16, 2018 ZBA meeting.

So moved.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MR. TASKER: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: I'll vote aye.

Any abstentions?

(No response.)

Item number 2, motion to approve the minutes of the December 19, 2017 ZBA meeting.

So moved.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MR. TASKER: Aye.
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MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: Any abstentions?

MR. CORWIN: Abstain.

CHAIRMAN SALADINO: I'll vote aye.

Item number 3, motion to schedule the next ZBA meeting for March 20, 2018 at 6:00 p.m., the Third Street Fire Station, Greenport, New York.

So moved.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MR. TASKER: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: Item number 4 is the public hearing regarding the area variance sought by Alexander and Isabel Iwachiw, represented by Michael Iwachiw for the property located at 177 Sterling Street, Greenport, New York 11944.
Suffolk County tax number

1001-3-4-15.

I have a little list here.

So the applicant's here and we
have a letter that Michael Iwachiw is,
in fact, allowed to represent the
applicant. We're gonna confirm the
public notice was published.

MS. LINGG: (Nods head.)

CHAIRMAN SALADINO: Do we have the
mailings?

MS. LINGG: Did you bring the mail
receipts?

MR. IWACHIW: The what?

MS. LINGG: The mailing receipts.

MR. IWACHIW: Oh, I didn't -- no,
I didn't. I didn't realize I had to.

AUDIENCE MEMBER: He mailed one to
me. I don't have it, but he mailed one
to me.

MS. GORDON: We can come back to
this and let him go get it.

CHAIRMAN SALADINO: Do you have
them; are they at home?
MR. IWACHIW: No, I mailed it first class, you know, the day I picked it up from the office.

MR. TASKER: That's -- first class is not sufficient mailing.

MR. CORWIN: That's a do-over.

MR. IWACHIW: I'm sorry, I didn't hear you.

MR. TASKER: First class is not sufficient mailing.

CHAIRMAN SALADINO: We need some kind of proof that you actually mailed them, and the people don't have to respond, but we have to know you actually mailed them and you could show us the return receipt.

MR. IWACHIW: I don't have them. I mean, I put stamps on them and sent it out.

CHAIRMAN SALADINO: I think we're gonna have to --

AUDIENCE MEMBER: I might have an envelope that he mailed it. I don't know if that would help or not.
MS. NEFF: One thing I would be interested in is do we have clear directions that receipt requests will be looked at by --

MS. LINGG: It's not on the piece of paper that I, you know, hand out. We've been working on trying to get something like that every time, but it's been pretty backed up at Village Hall, but I do state that we do need them mailed out certified and we need those receipts.

MR. TASKER: The instructions require certified mail, right?

MS. LINGG: Yes.

MS. NEFF: And they're in writing, the directions? See, I think that it would be --

MS. LINGG: It's in the code.

ATTORNEY PROKOP: It's in the code.

MS. NEFF: But again, I think that it is required and that we need to look a little bit more about how we inform
people. In other words --

CHAIRMAN SALADINO: Well, we can discuss that at some place other than the public meeting.

MS. NEFF: Okay.

CHAIRMAN SALADINO: We're gonna need that.

MR. IWACHIW: I mean, just for the record, I mean, I sent an e-mail asking when I would receive the letters or the instructions on how to do this, and none of the instructions said anything about mailing return receipt requested.

CHAIRMAN SALADINO: You know, the last thing we want to do is drag this out, and I certainly sympathize with your position, and if there's a mixup in communication between you and the Village, it's out of our hands here. The code is clear.

MR. IWACHIW: But my specific e-mail said, I know I have a requirement, when, when, what's the deadline for sending these? It was
very specific. And I got back, come pick it up, and I picked it up. There was no instruction. It was just a letter that had to be sent out and signed.

CHAIRMAN SALADINO: Does an attorney want to weigh in on this?

ATTORNEY CONNOLLY: Well, I mean, in the code it specifies that it has to be certified return receipt mailing. I believe even New York State Village law requires that it be certified return receipt mail. It has to be ten days before the public hearing.

Unfortunately, the Board doesn't have jurisdiction to hear this application because the property owners adjacent and abutting weren't properly noticed, so this Board lacks the jurisdiction to go forward with the public hearing this evening.

MR. TASKER: Unless they were all here.

MS. NEFF: And they are not.
ATTORNEY CONNOLLY: We would have
to, you know, without a tax map --

MR. TASKER: Yeah.

CHAIRMAN SALADINO: I apologize,
that's something we all knew, we
thought perhaps it would be best if you
heard it from the attorney.

As far as what to do going
forward, I'm sure if you talk to
Kristina or you talk to somebody in the
Building Department, they'll give you
specific instructions.

MR. IWACHIW: Well, that's what I
did. I'm very -- I mean, the other
instructions were fine, ten days
before. I mean, everything else was
there except this -- I think it said to
be mail, it didn't say specifically how
to mail it.

CHAIRMAN SALADINO: Again, I'm
going to make a motion to table this
application till the next meeting.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?
MR. CORWIN: Aye.

MR. TASKER: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: Again, I apologize.

Item number 5 is a public hearing regarding the area variance sought by Patrick Brennan for a property located at 620 First Street, Greenport, New York 11944.

Suffolk County tax map number 1001-2-6-49.1.

The applicant is here. I believe we have affidavits that he's gonna represent himself.

The public notice was published. Do we have the mailings?

MR. BRENNAN: These are certified mail receipts, this is the list (handing).

CHAIRMAN SALADINO: Is there a reason there's the X's, or should I read --
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MR. BRENNAN: Those X's came to me that way from the Village, so I think these are the -- this is Mr. Olinkiewicz's company, who owns the two adjacent properties. I guess they were not --

MS. LINGG: Yeah, came up as the same owner.

MR. BRENNAN: He's the applicant, I guess.

MS. LINGG: He's still technically --

MR. BRENNAN: He said he's the owner of the property.

CHAIRMAN SALADINO: Notified was Bruce Grossman, 220 Madison Avenue, Unit 2C, New York, New York 10016; Jada Rowland, 621 First Street, Greenport, New York 11944; Colin Vantuyl, 621 Front Street, Greenport, New York 1944; Five Pheasant Lane, Shelter Island, Incorporated, Post Office Box 591, Shelter Island, New York, Shelter Island Heights, New York 11965; Jack
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Pollack, 630 Front Street, Greenport, New York, 11944; Marcia Kaban (phonetic), 401 East 64th Street, Apartment 5C, New York, New York 10065; Caroline Dowling, 617 First Street, Greenport, New York 11944; Margaret McDonald, 629 Main Street, Greenport, New York 11944; Robert Hansman, 54 Bleecker Street, New York, New York 10012; Gwendolen Grocot (phonetic), 615 Main Street, Greenport, New York 11944.

We're gonna open the public hearing.

The applicant.


I'm requesting an area variance for the front yard. Setback requirement is 30 feet; I'm requesting 20 feet of relief for a front yard setback of 10 feet.

I assume you all have the...
application materials. Is there any questions about the application?

CHAIRMAN SALADINO: I'm -- the only question that I might have is, you can build this house as of right; can you share with us why you want to be 20 feet closer to the street?

MR. BRENNAN: Right.

So I'd like the home to be closer to the street for two reasons. One is I'd like to have a backyard. As the zoning requires now, it sort of places the house in the middle of the lot, so we'd have a smaller backyard and a smaller front yard, it's kind of equally divided between the front and rear yard. I'd rather have more space in the back for my family. I have a son who is twelve years old, he's a sports and athletics, we like to throw the ball around and that kind of stuff.

The other reason is, I'd like the house to be closer to the street because I think that's what's
appropriate for this neighborhood. I think that the best fit for the neighborhood is to build a house that's historically appropriate in scale and in type. Part of that is putting a house in close relationship to the street as the other houses are built on the street. So to me, that's the right way to build a house here and I think that would look best and that dovetails with my interest in having a larger backyard for the family.

CHAIRMAN SALADINO: Okay, but just so I understand, you realize that the reason you're here is because there are two houses that conform within 200 feet of your house. There's two houses that don't, but there are two houses that do conform, and that if they didn't, you wouldn't be here, you know, that's the reason you're here asking for relief.

MR. BRENNAN: Because there's two houses on the block that --

CHAIRMAN SALADINO: Within 200
feet on the same side.

MR. BRENNAN: Right.

CHAIRMAN SALADINO: Well, that was my information from the building inspector. That was the reason --

MR. BRENNAN: Right.

CHAIRMAN SALADINO: The average of the two, you know, equal 30 feet.

MR. BRENNAN: You're talking about the form that allows you to reduce the front yard setback as of right if you average the other, average the --

CHAIRMAN SALADINO: It has to be --

MR. TASKER: One fifty fourteen, I think.

CHAIRMAN SALADINO: -- the two houses with the greatest setback within 200 feet of the property on the same side of the street, so the two houses with the greatest setback on the same side of the street within 200 feet are the corner house and then the house, one next to the parsonage.
MR. BRENNAN: So if you use that formula, then you're allowed to diminish the front yard setback somewhat; is that what you're asking me? Why don't I utilize that?

CHAIRMAN SALADINO: No.

MR. BRENNAN: No.

CHAIRMAN SALADINO: No, I'm just responding to what you're saying that it's appropriate for that street that that area -- because the other houses are closer and my contention is that there are two homes that do conform and because they do conform and they're within 200 feet of your house, that's the reason you need a variance.

MR. BRENNAN: Well, one of those homes, I think, that you're counting is the house on the corner of First and Broadway [sic].

CHAIRMAN SALADINO: Correct.

MR. BRENNAN: Which I would argue is a corner house, a corner lot, most of the houses in that area on Broadway.
actually front on Broadway, I wouldn't --

CHAIRMAN SALADINO: Well, we know that. We know that a corner house has two front yards.

MR. BRENNAN: Yeah, but the other three houses on that -- there's four houses on that intersection. The other three have reduced side yards on First Street or, if they have two front yards --

CHAIRMAN SALADINO: I'm just explaining to you why you're here.

MR. BRENNAN: Yes.

CHAIRMAN SALADINO: That's all I'm asking because that house, and I believe -- is it Pollack's house?

MR. CORWIN: Karen Pollack's house is about 31 feet.

Just for point of reference, I used Google to try to come up with some measurements this afternoon.

MR. BRENNAN: Yes.

MR. CORWIN: Which is not
accurate, it's crude, but nonetheless, the one on the corner of Broad and First Street, I measure more than 200 feet, so I ignored that house. I took the Karen Pollack's house is about 31 feet and the one on the south corner of the block, First and Broad Street, I took as about eight feet, so the average setback I got of those two structures, the Pollack house and the south corner house was about 19.5 feet, so by code, that would be the proper setback by my calculations.

MS. GORDON: Does that mean you don't use the parsonage --

MR. CORWIN: No, because the parsonage is the closer house, and I took the two, one on each side with the furthest setback.

MR. BRENNAN: So following your calculation, your example, you'd end up with a front yard setback of about 19 feet, and that would be as of right, it would not require a zoning variance.
In my case, I'm still looking to build the house closer than that, at say ten feet from the street; so I'm looking for nine feet of relief in this case.

CHAIRMAN SALADINO: Before we get into the discussion about that, and we're gonna get into the discussion about it, and I apologize, we're not putting you off. All I want to say is, David did those measurements and he hasn't shared them with the Board before now. What I have to go by is the building inspector's report. She said she measured and the house on the corner was 29-and-a-half feet, it was within 200 feet and Ms. Pollack's house is 31 feet, so unless we're -- are we disputing the -- I don't have the building inspector's report.

MR. BRENNAN: May I give it to you?

CHAIRMAN SALADINO: The building inspector's report?

MR. BRENNAN: Yes.
I have her field notes from --
that she did, Ms. Wingate, this is
her -- it's not a report, it's just a
--

(Handing out paper to all Board
members.)

-- so when I discussed this with
Ms. Wingate, we went through the
property records that the Village had
to try to determine what the actual
setbacks were; and she didn't have good
records for most of these homes; so she
went out and tried to do her own
measuring. I can't measure myself
because I'm not gonna enter the other
people's properties and since the
property records don't exist, it would
be difficult for a surveyor to do as
well unless the surveyor was entering
other people's properties, so I guess
for our purposes, this is the best
information we have.

CHAIRMAN SALADINO: Okay.

MR. TASKER: Well, since all of
those houses along that entire side of
the block have been in existence for a
long period of time, it's not
surprising there's no records of the
setbacks in the Village records.

But I wanted to add on to that,
I'm interested in what Mr. Corwin's
remarks were, that he believes that the
corner property on Broad and First is
beyond the 200 feet measurement and,
therefore, when you do the averaging
and so forth, he came up with 19 or 20
feet because without even taking out a
ruler, that was my gut sense from just
my visual inspection of the property,
that with, particularly, the house on
either side were very close to the
street, I know the one on the corner of
First and North is very close to the
street because I grew up across from
it, and I'm quite familiar with that,
so I think that my instinct is affirmed
by Mr. Corwin's calculations and
suggesting that 19, 20 feet setback is
kind of, if you drop out the Broad Street or First and Broad, it's suggesting 19 feet might be the magic number, and I think 20 feet might be the magic number around which no variance is required.

MS. NEFF: And yet the applicant has asked the relief of approximately ten feet or nine feet.

CHAIRMAN SALADINO: Well, the applicant, according to the application, is asking for 20.

MS. NEFF: 20 feet.

CHAIRMAN SALADINO: 20 feet.

MS. NEFF: Because it says 30.

MR. BRENNAN: I didn't write the denial, the denial says 30 feet. I had argued that that's incorrect, it's either the calculation that Ms. Wingate did initially which said the setback, when you follow that formula, the setback is about 28 feet.

CHAIRMAN SALADINO: You understand that Ms. Wingate is the one that gives
us the information.

MR. BRENNAN: Right.

CHAIRMAN SALADINO: If you want to challenge that, you know, there is a different process to do that.

MR. BRENNAN: Well, Ms. Wingate doesn't work for the Village anymore, correct?

MS. NEFF: Correct.

CHAIRMAN SALADINO: Well, there's another building inspector we can certainly --

MR. BRENNAN: I don't think that the difference between the 30 feet that's in the zoning ordinance or the 28 feet which is kind of a loophole that you can calculate this, it's a marginal difference of two feet. Mr. Corwin's estimation brings us to a different place, that's 19 feet.

In any case, I'm looking for relief from that requirement.

CHAIRMAN SALADINO: Right now we just listen.
MR. BRENNAN: I just want to point out something else that has some bearing here.

The two lots, the parsonage and the lot that we're discussing, when they were subdivided from the church, they were made shallower than the rest of the lots along the street.

CHAIRMAN SALADINO: I didn't hear the word, they were what?

MR. BRENNAN: They were subdivided in such a way that they are shallower from front to back than the other lots on the street, so the property line that was drawn across the back is 17 feet shallower than the adjacent lots, so -- can you see how on the that map all the back lines of the lots are in line? All the lots along First Street have a consistent depth; does that make sense to everyone?

MS. NEFF: Yes. Like 135 to 150 feet deep.

MR. BRENNAN: And this lot, 624 as
well as, and 620 were subdivided at 118
feet, so they were made shallower, so
they were inconsistent in depth
compared to the other lots on the
street, so that makes those two lots a
little bit of a unique situation on
this block.

CHAIRMAN SALADINO: Well, the
Planning Board, I'm sure when they
approved the subdivision took that into
consideration.

Right now, it's a different
question in front of us; so, you know,
that would certainly come into our
discussion and, you know, we'll take
that into consideration, but how the
lot was subdivided was, the lot was
subdivided by an applicant, and it was
approved by a different statutory
board, so we weren't part of that
process, there was no zoning variance,
no variances needed, so it didn't come
in front of the Zoning Board.

I don't have any more questions.
I have two letters -- I'm sorry, is the applicant done?

MR. BRENNAN: Yes.

CHAIRMAN SALADINO: Anybody else got something for the applicant before I read the letters?

MR. TASKER: Go ahead.

CHAIRMAN SALADINO: I have one letter from, it's addressed Paul J. Pallas, PE, Village Administrator, Village of Greenport, 236 Third Street, Greenport, New York 11944.

It's, Dear Mr. Pallas, I understand that Patrick and Cynthia Brennan have requested the zoning variance in connection with their house planned for 620 First Street. In my opinion, the design looks appropriate for our Village and the Historic District. I have known Patrick for almost two years, he works for me at Wooden Boatworks, Incorporated, and think the Brennans will make a nice addition to our community.
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Respectfully, Robert Wahl, and

it's 416 Third Street, Greenport, New York.

And the second letter we have is addressed to Mr. Pallas also, and it's dated February 15th.

Dear Mr. Pallas, I'm excited to see the proposed design put forth by Patrick and Cynthia Brennan for their new home on First Street. The thoughtful design appears to be a good fit for our street and will surely have a positive impact on the neighborhood. I hope the Zoning Board of Appeals will embrace the application and welcome the Brennan family to Greenport.

Sincerely, Cindy Pease Roe, 102 Broad Street.

That's what I have.

If the applicant has nothing else, we'll open it up to the public.

MR. CORWIN: Couple things I'd ask the applicant if I may.

CHAIRMAN SALADINO: Sure.
MR. CORWIN: I'm wondering how you came up with the ten-foot number.

MR. BRENNAN: So I was looking at the two houses immediately adjacent, so the house to the south is a VanTuyl house, I believe.

MR. TASKER: Yes.

MR. BRENNAN: That measures about six-and-a-half feet from the street. And the house immediately to the north is a parsonage and that measures about 11 feet. So I was looking to place the house kind of on the line, if you were to connect those two properties together, ten feet being sort of the average between six and eleven, the average is actually closer to six.

MR. TASKER: Eight.

MR. BRENNAN: Eight feet, so I would just ask for around ten feet, so that's how I arrived at that number.

MR. CORWIN: This house you're building is going to be a one-family house. There's going to be a covenant
on this lot that it's only gonna be a
one-family house; is that correct?

MR. BRENNAN: That's correct. I
believe that's a covenant that's
attached to the property in the
subdivision process; so we would be
buying the property -- we're under
contract now, but we would be buying
the property subject to that covenant
restriction; and that's how we intend
to use the property, for our own
family.

MR. CORWIN: Are you planning to
put in a swimming pool?

MR. BRENNAN: Not at any time
soon.

MR. CORWIN: But it's a
possibility?

MR. BRENNAN: Possibility, you
know, we'll use the backyard in
whatever way we're allowed to use it.

MR. CORWIN: Understood, but I'm
just curious whether something in the
future had an input onto how you came
up with ten feet, that's all, at some
point in time (inaudible).

MR. BRENNAN: Shed.

MR. CORWIN: A shed, so I call a
shed 200 square feet, you don't need a
building permit for that. That's my
definition of shed.

MR. BRENNAN: That's not --

MR. CORWIN: 200 square feet --

MR. BRENNAN: I don't know. We'll
do whatever we're allowed to do. I
guess if it's not allowed by the
Building Department, we'll be back
before you all.

MR. TASKER: This is all pretty
speculative as to what might happen
back there and I'm prepared to accept
the applicant's suggestion that he
doesn't know what he might do, but he's
gonna do what's appropriate and what's
permitted.

MR. CORWIN: I'm prepared to
accept that too.

CHAIRMAN SALADINO: Anything else,
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David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Anybody else?

MS. NEFF: Well, I would just like to say that it's useful to have a sketch, but the fact that the two houses on either side of the vacant lot which is where the proposed house would be, have a, I think a big weight, plus the fact that across the street and on the same side of the street, the house that's set back at 33 at 630 is a house that was probably built sometime from '40 to '50 to '60, and it stands out as being different from the block which is predominantly, especially when you look across the street, houses close to the street as mush as the rest of the building and that your proposal, taking that into consideration, seems appropriate to me.

MR. TASKER: Yeah, setting aside the strict requirements, I mean it's pretty synchronous with the...
neighborhood, however you define that.

MR. BRENNAN: I agree.

CHAIRMAN SALADINO: Anyone else?

(No response.)

Thank you.

MR. BRENNAN: Thank you.

CHAIRMAN SALADINO: Anybody from the public?

MS. ALLEN: Chatty Allen, Third Street.

I'm in favor of you granting this for them, knowing the neighborhood where this is going to be built, it would be nice to see the houses that are the same.

But while you were reading everyone they had to send out notices to, and it's going through my head, wow, there's only a couple of those people that actually have Greenport addresses, and to me that's a sign of people buying properties, building, renting it out, B&Bs, whatever. This is a family who's looking to establish
in Greenport, to be part of our community, they already are by renting -- I'm not sure which side of Washington Avenue you're on, so I don't know if you're in the Village right now or in Southold Town and I think that's a great thing, so I just urge you to please pass it for them.

Thank you.

CHAIRMAN SALADINO: Anybody else?

(No response.)

Unless someone else has another question, I'm going to make a motion to close the public hearing; is that the pleasure of the Board?

MS. GORDON: Second.

MR. CORWIN: Yes.

CHAIRMAN SALADINO: So moved.

All in favor?

MR. CORWIN: Aye.

MR. TASKER: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: Any opposed?
Item number 6, we're gonna have to put on the side.

Item number 7 is discussion and possible motion on the variance application for Patrick Brennan for a property located at 620 First Street, Greenport, New York 11944.

Suffolk County tax map number 1001-2-6-49.1.

I'm not prepared to disregard the building inspector's -- you know, while it's true, she's not here, you know, she was the building inspector, this was, these were her notes, actually this is what she conveyed to me before she left, so before we open up the discussion to the members, I'm thinking that for me this is, these are the standards that we have to consider, 26.9, or 1133, 11.3, 6.5 and 109.

Having said that, we'll open up the discussion to the members.

MS. GORDON: This is a very
traditional street with people on the other side very, very close to the -- sometimes, I don't really understand this picture of 621 First Street where it looks as though the building actually goes over the property line onto First Street or to what the Village designates as First Street.

I think part of our task is, and this is within Historic District, part of our task is to create an environment in which there's a sort of similarity of approach, and I mean, with the exception of 630, there really isn't a conforming, a modern conforming structure anywhere; so I'm not so concerned with the specific number we arrive at. It seems to me we're supposed to be balancing the interests of the purchaser and the look of the street and that on both of those measures --

CHAIRMAN SALADINO: No, I'm gonna disagree, it's not the look of the
street.

MS. GORDON: You can disagree, but --

CHAIRMAN SALADINO: It's the --

MS. GORDON: I'd like to finish.

CHAIRMAN SALADINO: -- benefit to the Village.

MS. GORDON: Well, the benefit to the Village includes the aesthetics of the street, it seems to me the aesthetics of the street are not ruined or disaffected, affected significantly in a negative way by having a building that is ten feet or 15 feet or, I mean, look, they're all different, the very fact that they're all different doesn't suggest that we have a standard here that's really set by the 33 feet of 630 First Street.

CHAIRMAN SALADINO: It would be the average of these two.

MS. GORDON: Yes, well, I don't think this average business is the only measure we should be providing. We're
here to make exceptions if they seem appropriate, and I think this is an exception that seems appropriate.

CHAIRMAN SALADINO: My opinion is that if it was an existing house and we were looking to add on to -- I have a problem, and I say this -- I have a problem with giving variances for pieces of property that don't really need a variance, that a house could be built as of right, so for me, if it was an existing house and it had a proper setback of 30 feet, say, and wanted to add a porch or a ramp or perhaps build onto the front and, you know, and then you say, well, okay, in my mind. I'm not speaking for the Board, I'm speaking for myself.

In my mind, we're charged with eliminating non-conformities. I, you know, I read the code, some of my colleagues take a more interpretive look, I read the code as black and white, so I would, if I had my choice,
I would like to see the building conform, but I'm willing to compromise, I'm willing to listen to my colleagues and my opinion will be expressed in my vote.

MS. NEFF: And I did speak out of turn. My comment that I made before really belongs here. I apologize for that.

In your point of view, John, it's like conformity to what? Remember, we have a code that was written long after the predominantly built environment of Greenport came to be over time; and maybe there is no other block in the Village that has this -- the other side of the street, on the west side of the street, where that's -- it's a glorious thing, you can just look at the shapes of the building and the degree to which they have managed to not go through a part where they almost fall apart and maybe come back, it's intact aesthetically and in the language that
created the Historic District, which I kind of worked, not on this particular block, it is about how you blend the elements and the fact there is a vacant lot created by a subdivision, what could go there, how you blend the elements and the fact that that it fits into the rest of the mix of the Village and I believe that in a lot of ways following the code, what it says, 30 feet is a violation, rather than the other way around which for you is why don't you just follow the code, but I hear that.

CHAIRMAN SALADINO: I'm willing to compromise, it's not like I'm not willing to compromise, but I'm not willing to say the code is a violation here, you know, it's the only one we have until we have something better.

MS. NEFF: Well, my point is that it depends and that we weigh all these elements.

MR. TASKER: I think we get the
opportunity to consider the five factors.

MS. NEFF: Yes.

MR. TASKER: One thing I would like to mention, I think you may be slightly incorrect in terms of one of the objectives of the code being to eliminate non-conformances. It's eliminate nonconforming uses, which is not necessarily, area variances are not use variances, I make the distinction between those in terms of the objective of the zoning code, the opening paragraph of it.

CHAIRMAN SALADINO: Well, I don't see it that way, I see it --

MR. TASKER: That's what it says.

CHAIRMAN SALADINO: -- you know.

I'm not sure I see it that way, but we'll agree to disagree.

MR. TASKER: Well, I mean, you can't disagree that that's what it says, John.

CHAIRMAN SALADINO: No, I can't
disagree, but I disagree with your application of -- I disagree --

MR. TASKER: Okay, that's fine.

CHAIRMAN SALADINO: -- with your interpretation of what uses means. You know, I understand what it means to us when it comes to a use variance as opposed to an area variance.

MR. TASKER: Well, the uses that they were concerned about when they put in the zoning code, the zoning code in 1949 was (inaudible) junkyard down on Third Street.

CHAIRMAN SALADINO: I don't remember that.

MR. TASKER: I do.

CHAIRMAN SALADINO: I was born in '48, I don't remember that.

MR. TASKER: Well, I do.

CHAIRMAN SALADINO: Anyway.

Anybody else have something to say before we go through the five questions?

MR. CORWIN: I'll just go over
what I did again.

CHAIRMAN SALADINO: Okay.

MR. CORWIN: I acknowledge these are crude numbers, but they kind of correlate with what the building inspector came up with, and by code it should be by my calculations 19-and-a-half feet. Let's call it 19 feet. If you take all those houses on the east side of First Street and take an average because a couple of them are set back more, it's about 15-and-a-half feet average setback, and what I like is the median setback comes out by my calculations to be 11.5 feet and by the building inspector's measurements, the 11 feet, so we're kind in the ballpark there.

And the other side of the street is kind of the same thing, if not closer.

MS. NEFF: Right.

MR. CORWIN: There is fourteen houses on that 600 block on that First
Street and four of them come close to being in compliance with the building code, ten of them don't. And I have to say that I do think we have a nice street-scape there, and it's really a good idea to go along with the street-scape and kind of keep it.

My figure would be, I know it's kind of quibbling, but 11 feet would be my figure as some type of arithmetic thing to defend the median of 11 feet or 11.5 feet for this calculation.

MS. GORDON: Can we create a variance that is a different, slightly different number from what -- can we say 11-and-half feet rather than ten feet given that we have only been asked to rule on ten feet?

MR. TASKER: I think we can make it conditional.

CHAIRMAN SALADINO: We can ask -- we can decide what the minimum variance can be and, you know, if I had to guess, if I had to guess, but if we
want we can speak to the applicant, if
I had to guess, I mean ten feet,
11 feet, you know, if we're going to
issue a variance, I mean, if we're
gonna give them the variance, if we're
talking about issuing a variance, ten
feet, 11 feet. Do we want to have that
discussion, an alternative to ten feet
frontage; is that what you're
suggesting, David?

MR. CORWIN: My figure is -- I
don't want to discuss it, my figure
would be, if I were setting it up,
11 feet.

CHAIRMAN SALADINO: Okay.
Would you be opposed to 14 feet or
13 feet, you know?

MS. NEFF: If -- are you finished?

CHAIRMAN SALADINO: Yeah.

MS. NEFF: I think we do have to
come back to what the applicant
requests and having had the benefit of
our discussion, the applicant might
change something about it, but I think
we are, the way I read it, we're
talking about granting a variance where
the applicant wants to build a house
ten feet.

CHAIRMAN SALADINO: Yeah, we are,
but the applicant is sitting right
here. I mean, it's not -- and I'm sure
if he sees that there is a little
latitude on either side of the
question, you know, we can have a
discussion and then ask Mr. Brennan to
come back to the podium and voice his
opinion, you know; so you know, that's
what I'm kind of thinking.

Is there an alternative number
that the Board has, besides
11-and-a-half feet that the Board has
in mind, or the Board's thinking about?

MR. CORWIN: I'm thinking 11 feet
because that's, I believe that's the
medium of the Building inspector's
measurements which are better than
mine.

CHAIRMAN SALADINO: Diana.
MS. GORDON: At least David's suggestion has a principle behind it. You know, 14 feet doesn't have any principle behind it.

CHAIRMAN SALADINO: No, but it's a compromise, we're here to compromise, you know, we're here to compromise what some of us consider minimally tailored relief, you know, and if we want to discuss 11-and-a-half feet, that's fine, if somebody else has another number in mind or leave it at ten and we'll read the five questions and go on. I think it's pretty easy.

No?

MR. TASKER: Well, to recap from my perspective, we have five possibilities, there are five numbers, let's say that might be in play if we're rolling dice.

CHAIRMAN SALADINO: Five numbers, I didn't think about five numbers of that.

MR. TASKER: Well, there are. If
we start off with the applicant's request of ten feet is one starting point. The next one is, the next number is 11 feet give or take, which is the median of the building inspector's and Mr. Corwin's estimates for the block. We have 15 feet, which is the average for the entire block, I think you estimated, correct, David?

MR. CORWIN: Yes.

MR. TASKER: 15 feet and that included the corner of Broad, the house on the corner of Broad; is that correct?

MR. CORWIN: Yes.

MR. TASKER: Okay. So that includes that entire side of the block. And then there is your, Mr. Corwin's other calculation by the formula in the zoning code of approximately 19 feet; so we've got ten, 11, 15 and -- ten, 11, 15 and 19 and 30; I'm sorry, so there's five numbers in play here.
MS. GORDON: One of the questions is --

MR. TASKER: Is it time to hear from the applicant again?

MR. BRENNAN: May I speak?

MS. NEFF: What were you gonna say?

MS. GORDON: Sorry, let me just quickly say this.

MR. BRENNAN: Sure.

MS. GORDON: One of the questions is about, you know, the environment of the block and somebody walking down the street on this block with this house created, it seems to me is not going to make a distinction between ten feet and 11 feet or even ten feet and 14 feet --

MR. TASKER: Indeed, that's what it is.

MS. GORDON: -- but is going to make a distinction between the code required 30 feet and the applicant's request of ten feet, and if I'm walking down that block, I think I would rather
see the conformity created by the ten
feet than the lack of conformity
created by the code required 30 feet.

MR. CORWIN: Code required
19 feet.

MS. GORDON: Because of the --
yeah, okay.

CHAIRMAN SALADINO: Wait a second.
I'm not willing to accept that. I have
this to go by (indicating).

MR. TASKER: But you don't have
the 200-foot mark on this, so.

CHAIRMAN SALADINO: Well, I have
this to go by and my personal
conversation with the building
inspector and a notice of disapproval.

I'm not saying -- before
anybody's -- I'm not saying my opinion
is covered in stone here, but I'm just
not willing to accept any measurements
other than hers at this particular
moment. That doesn't mean it has to be
for me that number, but, you know, the
other number is 15-and-a-half,
11-and-a-half, what was the other one, 19; I mean those -- but right now what's needed according to the notice of disapproval is 30 feet and 20 feet is the variance requested, so.

MR. BRENNAN: I think it is important that we identify what the actual requirement is. It's not 30 feet, it's the average of the two deepest homes within 200 feet either side of the property. In this case that's the house at the corner of Broad and First which the building inspector has noted as 26.9 feet, and it's the house at 630, which is 33 feet. You add those two together, divide it by two and the required depth is 29.95 feet. That's what's allowed as of right, without coming before this Board, 29.95.

MR. CORWIN: But I take issue with that because the one on the corner of Broad Street is more than 200 feet.

MR. BRENNAN: And that may be,
that may be. This is what the building inspector had come back to me with.

CHAIRMAN SALADINO: So 29.95.

MR. BRENNAN: Right.

The denial says 30 feet, the difference is inconsequential to me. I agree with Mr. Corwin's assessment, I think that has merit. I would argue that the corner house should not even be included because it's a corner house and it's different.

I could be flexible and I think what you're all discussing is exactly on the mark. It is the matter at hand. I appreciate that you're trying to work with me and I'll work with you.

It's important that I point out to you though that, I'm under contract to buy the property, but there's a contingency. I'm not obligated to close on the property and I can get my refund back on the down payment if I don't get the zoning variance that I asked for, so there are all these other...
numbers, 30, 29, 14, 15, 11; but if I don't get the ten feet, I don't have to go forward with the purchase, so I can get out of it. I can go look for property somewhere else; so, yes, we can come up with a different number, but I don't have to follow through on it so I guess --

CHAIRMAN SALADINO: That would be your choice.

MR. BRENNAN: Yes, it's my choice so --

CHAIRMAN SALADINO: That would be certainly your choice. We would love to -- we don't take into consideration how the house looks; I mean, that's more HPC. I did get a peek at the plans, it's a beautiful home. I'm sure Jimmy Olinkiewicz wants you to build a house there, you know, but to say that, you know, give me what I want and, you know, I have the option to go elsewhere, that's certainly your right and everybody that comes in front of
us, it's their right, you know.

MR. BRENNAN: I'm not trying to position, give me what we want, it's not that, it's just a consideration so I have my options in terms of doing other things. So I guess the question in my mind, is this a good fit for the neighborhood, is this something we like, single-family home.

CHAIRMAN SALADINO: I think we all agree that it is. I think the fact that we're debating it and, you know, I'm almost positive we're going to, I am positive we're gonna come to a decision tonight. I think that should show you we're taking this seriously and, you know, I think if you're listening, you're hearing the conversation that you're probably, you know, not gonna be looking to walk away from this piece of property, so, you know, if we want to have a little more of a discussion or if we want to -- if we have a question for the applicant or
if we want to go through the five questions, if there's another compromise that you want to talk about.

    I didn't hear from you a willingness just now to compromise, it kind of sounded like ten feet or that's it.

    MR. BRENNAN: No, the first thing I said was I could be flexible and work with you.

    CHAIRMAN SALADINO: Okay. So maybe the Board would want to come up with a number.

    MS. NEFF: Can I just say again, I am concerned about that we're not starting with, this is what the person wants, and we have made some suggestions, but another Board approved the subdivision and made this one have a covenant of one family, seems sensible, but not our job, we're pleased. Another Board kind of took a look at the style of the house --

    CHAIRMAN SALADINO: Let's not talk
about that's, let's not talk about HPC, I think it's inappropriate.

MS. NEFF: Let me finish.

I'm putting this aside. I listened to quite a few things that I would have put aside from the rest of you, so excuse me and let me finish.

CHAIRMAN SALADINO: Just, just, I think it's inappropriate to bring another Board's opinion before the public hearing was held here.

MS. NEFF: I'm saying that they did what they did and we don't have to deal with it, it's not our job, but in so many ways, what our job is is to look particularly at the area variance, the rest, the side yards, everything about this house has been planned to fit within the code, the street-scape being what it is, the request to have it at ten feet setback in the front, I think that's what we're dealing with, and then either we -- we certainly made suggestions, an interpretation of the
former building could weigh that we could ask and we certainly have put some reasons for that to be not ten but 11, and I'm not gonna mention all the other numbers, but you know I know them and I could, so I'm saying, I think that we always have to start with what the applicant is requesting.

CHAIRMAN SALADINO: And I think we did and I think that's part of our job is to discuss it, and we'll come to a consensus and if the applicant agrees or if it stays at ten, we'll eventually get to read these five questions and vote.

Anyone?

(No response.)

Should we just -- is it ten, is it 11-and-a-half, is there a number we can present to the applicant that would benefit both the Village and the applicant; is there an opinion on this Board that's a number that we think we can present to this applicant, ask him
if this is okay and it's beneficial to
the Village and beneficial to the
applicant, what would be agreeable to
both parties?

MS. NEFF: I have to say again,
this surprises me as not our usual
mode. I don't know whether any other
members of the Board agree for why it
seems to me --

CHAIRMAN SALADINO: As opposed to
just --

MS. NEFF: We can approve this
variance or not.

CHAIRMAN SALADINO: -- just say
yes or no to ten without talking about
a compromise.

MS. NEFF: I think we have talked
about it and suggested compromises.

CHAIRMAN SALADINO: That's exactly
what I'm saying. If we have -- I'm
just not sure of the number. You said
we suggested compromises. I'm not sure
of the number that I would like to
present to the applicant to see if the
MR. CORWIN: Could we informally poll the Board and see what each member likes?

CHAIRMAN SALADINO: That a pretty formal thing, but sure we can.

MR. CORWIN: My number is 11.

CHAIRMAN SALADINO: Dini.

MS. GORDON: It seems to me we have to vote on what the applicant asked for. We might later vote on something else, but we certainly have to vote on what he asked for.

MR. TASKER: I'm not sure that we're limited to that.

CHAIRMAN SALADINO: Yeah, I disagree too.

MR. TASKER: I think, for example, look at a motion that grants a variance, a front yard setback variance in the amount of X feet, that's different than ten by one foot or 19 feet or whatever, but I mean that's
the range, but we could entertain a
motion to grant such a variance. So we
don't have to do it twice is what I'm
saying.

MS. GORDON: Right.

MR. TASKER: Disapprove one
motion, do it again for another
compromise.

CHAIRMAN SALADINO: And to avoid
doing that, it would be so easy just to
form a consensus on a number, present
it to the applicant. If he agrees, we
agree, it's easy peasy, lemon squeezy,
you know.

So I don't have a number, you
know, David says 11, I'm not sure, you
know, if I'm gonna grant a variance, it
would be ten, you know, the one foot, I
would like to see what's prescribed by
the code, but I'm not gonna insist, but
I honestly don't have a number. I
would rather, if there's a reasonable
compromise that this Board comes up
with, 11 feet or -- which I think is,
you know.

MS. GORDON: And that still counts as voting on his variance application if it's a different number?

CHAIRMAN SALADINO: I'll ask the attorney. I think it's routine, but I'll ask Mr. Connolly.

ATTORNEY CONNOLLY: Well, it's the Board's job to grant the least relief required, that's part of the hardship to the applicant; however, whatever variance you grant is gonna run with the land, so even if Mr. Brennan doesn't purchase the property, it's gonna run with the land, so even if Mr. Brennan doesn't purchase the property, then this property is gonna have the setbacks that are established by this decision.

But Mr. Brennan is asking for, you know, he's asking for a ten-foot setback, so I think that's what the application is before the Board and that's the proper application to vote.
on unless Mr. Brennan wants to himself come up with a number that would be amenable to the Board.

MR. BRENNAN: Would you like to do that?

(No response.)

Yes?

CHAIRMAN SALADINO: I'm willing to listen to anything. I'd even listen to Chatty again. Sure.

MR. BRENNAN: I'd be agreeable to 11 feet, setback of 11 feet from the front property line.

CHAIRMAN SALADINO: What does the rest of the Board think about 11 feet, or do we want to leave it at that?

MR. TASKER: 15.

MS. NEFF: What I'm hearing is that the applicant --

MR. TASKER: 15.

CHAIRMAN SALADINO: Wait, I heard something.

What, Arthur?

MR. TASKER: 15 is what I feel
would be appropriate.

CHAIRMAN SALADINO: Okay, and if I could ask you, the reasoning being?

MR. TASKER: Well, it's -- the specific number is the average of the entire existing block including the two outliers that are deep.

CHAIRMAN SALADINO: That was the 15-and-a-half-foot number?

MR. TASKER: Yes. The number Mr. Corwin estimated was 15 average for the entire block; so that's my rationale.

MS. NEFF: May I speak now?

CHAIRMAN SALADINO: Sure.

MS. NEFF: What I heard is that the applicant, Mr. Brennan, is saying that he would modify his proposal to request a front yard setback of 11 feet. In other words, one thing would change, one, the proposed front yard setback is 11 feet requiring a 19-foot front yard variance. I think it has to come down to, you look at a sentence,
we don't kick it back and forth and
what, and I'm -- that's what I'm
hearing, I think that's what I just
heard. And if we're having a straw
pull, I'm certainly in favor of that,
but I'm not sure that's what we're
doing, but I've heard a lot of
different things.

CHAIRMAN SALADINO: I could live
with 15 feet, I think. I agree with
Arthur, not to diminish what Ellen
said, I agree with Arthur because it
is, if we're talking about the average,
I mean, if we pick and choose this
house, this house, this house, if we're
talking about the average of all the
houses and it comes out to, I think I
wrote down 15.5 feet and we'll modify
that to 15 feet, I could live with
that; so I would be willing, after we
talk, after I talk to the rest of the
members here, present that to the
applicant, get his feeling about it,
and perhaps we can get to read these
five questions.

David, what do you think about 15 feet?

MS. NEFF: We have two things on the table, one is 11 and 15 --

CHAIRMAN SALADINO: I was just starting at the end.

MS. NEFF: I would kick them both around at the same time.

CHAIRMAN SALADINO: Well, David proposed 11, so we know how he feels about 11.

MS. NEFF: That's right.

CHAIRMAN SALADINO: So the next question is, David, how do you feel about 15?

MR. CORWIN: I probably stick to 11.

CHAIRMAN SALADINO: Okay, and Diana.

MS. GORDON: I'd stick with 11, partly because I think the house on the corner of Broad Street is really -- I understand it's part of that block, but
it's really a Broad Street building and across the street is 105 Broad Street, which has the same distance from Broad Street. I mean that's the -- and 639 Main Street which is also on Broad Street, there's a sort of -- I know these are corner lots with two front yards, but really their primary relationship is to Broad Street, so I think David's calculation makes more sense in terms of what the block street-scape really is.

CHAIRMAN SALADINO: David, what's the address of that house?

MR. CORWIN: 640 First Street, the northwest corner of Broad Street and First Street is 640 First Street.

MR. TASKER: Northeast.

MR. CORWIN: Well, it's the northwest corner of the block, it's the northeast corner of the intersection.

MR. TASKER: I'm sorry.

CHAIRMAN SALADINO: But the address is First Street, it's not Broad Street.
MR. CORWIN: Yes.

MS. NEFF: It faces First Street.

MR. CORWIN: But I think that's the -- when Diana pointed out that those two houses, 639 Main Street and 640, they're really part of Broad Street, that's certainly true because when you have a house like that, you use the back door all the time, you don't use the front door.

MR. BRENNAN: May I speak?

I just point out that 640 First Street, I think also has the curb cut on Broadway.

MR. CORWIN: That's correct.

MR. BRENNAN: The driveway is on Broadway.

MS. GORDON: Correct.

CHAIRMAN SALADINO: What address was that?

MR. BRENNAN: 640 First Street, I believe the driveway is on Broadway.

CHAIRMAN SALADINO: Broad, yeah.
All right, so there is a consensus, three for 11 and two for 15.

MR. TASKER: Sounds like a consensus to you, John.

So it seems -- I'm willing to bring -- the applicant is acceptable to the 11, I kind of think we wouldn't have to change a word of anything if we just went with ten, 11, you know, kind of makes it, David points out, it kind of makes it more -- I don't even know the word, more legal by going to 11 as opposed to ten, you know, I'm willing to -- I would consider 15, I think that would be a compromise for me. Eleven, it seems like almost between ten and 11, it seems like a nonissue; so what are we going to vote on here?

MS. NEFF: The applicant has said he would modify his proposal by making that ten and 11 -- and the 20 becomes 19, that, I think is what we have to vote on.

MR. TASKER: I agree.
MS. NEFF: There isn't anything else we can vote on.

CHAIRMAN SALADINO: Well, we can leave it at ten and he can sit down.

MS. NEFF: Except, the applicant has modified.

CHAIRMAN SALADINO: I understand. I heard him with my own ears.

MR. TASKER: Can I ask a little more information about the one-family covenant? Has that been affected; in other words, is there a recorded covenant against that parcel?

MR. BRENNAN: I don't know what the status of the subdivision is really.

MR. TASKER: That's partly what I'm asking.

MR. BRENNAN: I know it's a requirement of the Planning Board for that subdivision, so I'm assuming that that will come down to us and it will run with the property and we'll be bound to it.
CHAIRMAN SALADINO: Well, we can ask the attorney. Do you remember?

ATTORNEY CONNOLLY: I wrote the covenant, I don't know if it's been, it should have been recorded by now, but I can't say that with --

MR. TASKER: You're comfortable that it's gonna run with the land?

ATTORNEY CONNOLLY: It's gonna run with the land.

MR. TASKER: That's the short answer.

ATTORNEY CONNOLLY: Yes.

MR. TASKER: That assuages my point of concern on that dimension.

CHAIRMAN SALADINO: You had a concern?

MR. TASKER: I said that assuages my concern.

CHAIRMAN SALADINO: Okay, so we're gonna ask the applicant if 11 feet is okay and he's willing to accept this.

MR. TASKER: Well, it's our choice.
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MS. NEFF: Actually --

MR. TASKER: I'm gonna make a motion.

MS. NEFF: Excuse me, Arthur.

MR. TASKER: Sorry.

MS. NEFF: He has proposed to modify his proposal. We didn't tell him he had to do it.

MR. TASKER: No.

MS. NEFF: He heard quite a lot of discussion and -- but he is the person who said that he would modify his proposal to be 11 feet, that's --

CHAIRMAN SALADINO: Well, we kind of asked him to compromise.

MR. TASKER: What I'm suggesting is, we take his representation that 11 feet would be acceptable and do this in the form of a motion that we grant an area variance in terms of the front yard setback to the extent of whatever 11 feet works out to be, the 19-foot variance.

MS. NEFF: Right.
MR. TASKER: And act on that motion before the Board.

Having said that, I'll make that motion.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MR. TASKER: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote.

So now we're going to consider a 19-foot front yard setback.

MR. TASKER: Correct.

CHAIRMAN SALADINO: I have these questions here.

ATTORNEY CONNOLLY: Do you want me to go through the questions for you?

CHAIRMAN SALADINO: I'll read them this way -- I have it in big print.

MR. TASKER: You have a tally, right, Kristina, keep a tally?

CHAIRMAN SALADINO: She keeps it, yeah.
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Do we want to, just to create a record in case somebody, maybe somebody in the back there in the future wants to challenge this, we'll just discuss each one and then vote on the questions as we normally do or just, it seems kind of -- I don't see --

ATTORNEY CONNOLLY: You already went through it really.

MS. NEFF: We did, we went through it.

CHAIRMAN SALADINO: We did. Okay.

Normally what we do is we take one question at a time, you offer your opinion, we create a record for administrative law judge to read, and then take the five questions for a vote, but if everybody's comfortable just voting, we'll do that.

First question -- is that acceptable?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: First question is whether an undesirable change will

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reduce the character of the
neighborhood or detriment to nearby
properties will be created by granting
of the area variance.

David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Diana?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: And I'll vote
no.

Whether the benefits sought by the
applicant could be achieved by some
method feasible for the applicant to
pursue other than the area variance.

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Diana?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.
CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: And I'll vote yes.

Whether the requested area variance is substantial.

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Diana?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: And I'm gonna vote yes.

Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Diana?

MS. GORDON: No.
CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: And I'll vote no.

Whether the alleged difficulty was self-created which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of an area variance.

David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Diana?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: And I'll vote yes.

I'm going to make a motion to --

MR. TASKER: We have a motion.
MR. CORWIN: We got to do SEQRA first, right?

CHAIRMAN SALADINO: Oh, we got to do SEQRA.

MR. TASKER: I beg your pardon, sorry?

CHAIRMAN SALADINO: We got to do SEQRA.

The Zoning Board of Appeals is gonna declare itself lead agency.

This is a Type 2 action?

ATTORNEY CONNOLLY: Yes.

CHAIRMAN SALADINO: And there is no adverse effect on the environment.

So moved?

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MR. TASKER: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

You said we have a motion?
MR. TASKER: No, I'm sorry.

CHAIRMAN SALADINO: I'm gonna make a motion to accept, to approve the area variance of 19-foot front yard setback for Patrick and Cynthia Brennan.

MS. GORDON: Second.

CHAIRMAN SALADINO: David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Diana?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: And I'll vote yes.

MR. BRENNAN: Thank you. Thanks for your thoughtful consideration. Appreciate it.

CHAIRMAN SALADINO: Our pleasure.

The last item I have is item --

MR. CORWIN: I do want to say something. We just had this prior application came in here, they went out
disgruntled and this is not the first
time this has happened, people make
mistakes, but what counts, when
somebody brings something in here is
the code book, it's not a piece of
paper handed out by the building
inspector, and when people bring things
in, they should have read the code book
and they should be told before they put
anything down on a piece of paper, hey,
read the code book.

MS. GORDON: Could I just add, I
think it's okay to take upon the
Village and its agents, employees,
members of the boards to explain things
to people. I mean mostly anyone who
tries to do something like make an
addition or build something in the
Village, they have no idea when they
start all the ins and outs of this, and
this one about that mailing something
needs to be certified so there's
receipt and return receipt requested,
it seems obvious, but it is -- I do
feel bad when people walk out and it's  
like the first time they ever heard it,  
it is on them, I agree.

MR. TASKER: Well, that's an  
argument for using professionals  
instead of do it yourself.

MS. NEFF: This is a  
do-it-yourself kind of village for a  
lot of people.

CHAIRMAN SALADINO: But in  
response to that, I'm not willing to  
accept the fact, that was one side of  
the story. We're all  
two-sides-of-the-story people here. We  
don't know what the other half of the  
conversation was.

MR. TASKER: I agree.

CHAIRMAN SALADINO: We don't know  
what was told to the applicant. We  
don't know if he was listening  
intently. We don't know if perhaps he  
misheard something and we don't know  
exactly what happened on the Village's  
side either. I'm not prepared to
assign blame here. I feel it was an inconvenience to the applicant, he's made more than one trip here. I feel terrible about that, but there is a process that we have to follow. I'm not prepared to assign blame whether it's his fault or the Village's fault. I just would rather see it be choked up as an unfortunate misunderstanding.

I was on a little rant there, I'm sorry.

Did we adjourn?

MS. NEFF: No.

CHAIRMAN SALADINO: Item number 8 is a motion to adjourn.

So moved.

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MR. TASKER: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. CORWIN: Aye.

CHAIRMAN SALADINO: We're adjourned.

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(Time noted: 7:20 p.m.)
CERTIFICATE

STATE OF NEW YORK  )
COUNTY OF SUFFOLK  ) ss:

I, STEPHANIE O'KEEFFE, a Reporter and Notary Public within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the proceedings taken on February 20, 2018.

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 20th day of February, 2018.

____________________
STEPHANIE O'KEEFFE

STEPHANIE O'KEEFFE

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