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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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2 CHAIRMAN SALADINO: Folks, this is
3 the Village of Greenport Zoning Board
4 of Appeals Regular Meeting for
5 February 20th.

6 Item number 1 is a motion to
7 accept the minutes of the January 16,
8 2018 ZBA meeting.

9 So moved.

10 MR. TASKER: Second.

11 CHAIRMAN SALADINO: All in favor?

12 MR. CORWIN: Aye.

13 MR. TASKER: Aye.

14 MS. GORDON: Aye.

15 MS. NEFF: Aye.

16 CHAIRMAN SALADINO: I'll vote aye.

17 Any abstentions?

18 (No response.)

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

22 So moved.

23 MR. TASKER: Second.

24 CHAIRMAN SALADINO: All in favor?

25 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.

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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?

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2 MR. IWACHIW: No, I mailed it
3 first class, you know, the day I picked
4 it up from the office.

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

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

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

10 MR. TASKER: First class is not
11 sufficient mailing.

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

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

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

23 AUDIENCE MEMBER: I might have an
24 envelope that he mailed it. I don't
25 know if that would help or not.

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2 MS. NEFF: One thing I would be
3 interested in is do we have clear
4 directions that receipt requests will
5 be looked at by --

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

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

16 MS. LINGG: Yes.

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

20 MS. LINGG: It's in the code.

21 ATTORNEY PROKOP: It's in the
22 code.

23 MS. NEFF: But again, I think that
24 it is required and that we need to look
25 a little bit more about how we inform

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2 people. In other words --

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

6 MS. NEFF: Okay.

7 CHAIRMAN SALADINO: We're gonna
8 need that.

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

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

22 MR. IWACHIW: But my specific
23 e-mail said, I know I have a
24 requirement, when, when, what's the
25 deadline for sending these? It was

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2 very specific. And I got back, come
3 pick it up, and I picked it up. There
4 was no instruction. It was just a
5 letter that had to be sent out and
6 signed.

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

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

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

23 MR. TASKER: Unless they were all
24 here.

25 MS. NEFF: And they are not.

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2 ATTORNEY CONNOLLY: We would have
3 to, you know, without a tax map --

4 MR. TASKER: Yeah.

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

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

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

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

24 MR. TASKER: Second.

25 CHAIRMAN SALADINO: All in favor?

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2 MR. CORWIN: Aye.

3 MR. TASKER: Aye.

4 MS. GORDON: Aye.

5 MS. NEFF: Aye.

6 CHAIRMAN SALADINO: Again, I
7 apologize.

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

13 Suffolk County tax map number
14 1001-2-6-49.1.

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

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

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

23 CHAIRMAN SALADINO: Is there a
24 reason there's the X's, or should I
25 read --

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2 MR. BRENNAN: Those X's came to me
3 that way from the Village, so I think
4 these are the -- this is Mr.
5 Olinkiewicz's company, who owns the two
6 adjacent properties. I guess they were
7 not --

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

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

12 MS. LINGG: He's still technically
13 --

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

16 CHAIRMAN SALADINO: Notified was
17 Bruce Grossman, 220 Madison Avenue,
18 Unit 2C, New York, New York 10016; Jada
19 Rowland, 621 First Street, Greenport,
20 New York 11944; Colin Vantuyl, 621
21 Front Street, Greenport, New York 1944;
22 Five Pheasant Lane, Shelter Island,
23 Incorporated, Post Office Box 591,
24 Shelter Island, New York, Shelter
25 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.

MR. BRENNAN: Patrick Brennan,
agent for 620 First Street. I live at
24 Washington Avenue in Greenport, New
York.

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

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2 application materials. Is there any
3 questions about the application?

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

9 MR. BRENNAN: Right.

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

23 The other reason is, I'd like the
24 house to be closer to the street
25 because I think that's what's

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2 appropriate for this neighborhood. I
3 think that the best fit for the
4 neighborhood is to build a house that's
5 historically appropriate in scale and
6 in type. Part of that is putting a
7 house in close relationship to the
8 street as the other houses are built on
9 the street. So to me, that's the right
10 way to build a house here and I think
11 that would look best and that dovetails
12 with my interest in having a larger
13 backyard for the family.

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

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

25 CHAIRMAN SALADINO: Within 200

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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.

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2 MR. BRENNAN: So if you use that
3 formula, then you're allowed to
4 diminish the front yard setback
5 somewhat; is that what you're asking
6 me? Why don't I utilize that?

7 CHAIRMAN SALADINO: No.

8 MR. BRENNAN: No.

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

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

22 CHAIRMAN SALADINO: Correct.

23 MR. BRENNAN: Which I would argue
24 is a corner house, a corner lot, most
25 of the houses in that area on Broadway

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1 actually front on Broadway, I wouldn't

2 --

3
4 CHAIRMAN SALADINO: Well, we know
5 that. We know that a corner house has
6 two front yards.

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

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

15 MR. BRENNAN: Yes.

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

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

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

24 MR. BRENNAN: Yes.

25 MR. CORWIN: Which is not

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2 accurate, it's crude, but nonetheless,
3 the one on the corner of Broad and
4 First Street, I measure more than 200
5 feet, so I ignored that house. I took
6 the Karen Pollack's house is about
7 31 feet and the one on the south corner
8 of the block, First and Broad Street, I
9 took as about eight feet, so the
10 average setback I got of those two
11 structures, the Pollack house and the
12 south corner house was about 19.5 feet,
13 so by code, that would be the proper
14 setback by my calculations.

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

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

21 MR. BRENNAN: So following your
22 calculation, your example, you'd end up
23 with a front yard setback of about
24 19 feet, and that would be as of right,
25 it would not require a zoning variance.

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2 In my case, I'm still looking to build
3 the house closer than that, at say ten
4 feet from the street; so I'm looking
5 for nine feet of relief in this case.

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

21 MR. BRENNAN: May I give it to
22 you?

23 CHAIRMAN SALADINO: The building
24 inspector's report?

25 MR. BRENNAN: Yes.

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2 I have her field notes from --
3 that she did, Ms. Wingate, this is
4 her -- it's not a report, it's just a
5 --

6 (Handing out paper to all Board
7 members.)

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

24 CHAIRMAN SALADINO: Okay.

25 MR. TASKER: Well, since all of

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2 those houses along that entire side of
3 the block have been in existence for a
4 long period of time, it's not
5 surprising there's no records of the
6 setbacks in the Village records.

7 But I wanted to add on to that,
8 I'm interested in what Mr. Corwin's
9 remarks were, that he believes that the
10 corner property on Broad and First is
11 beyond the 200 feet measurement and,
12 therefore, when you do the averaging
13 and so forth, he came up with 19 or 20
14 feet because without even taking out a
15 ruler, that was my gut sense from just
16 my visual inspection of the property,
17 that with, particularly, the house on
18 either side were very close to the
19 street, I know the one on the corner of
20 First and North is very close to the
21 street because I grew up across from
22 it, and I'm quite familiar with that,
23 so I think that my instinct is affirmed
24 by Mr. Corwin's calculations and
25 suggesting that 19, 20 feet setback is

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2 kind of, if you drop out the Broad
3 Street or First and Broad, it's
4 suggesting 19 feet might be the magic
5 number, and I think 20 feet might be
6 the magic number around which no
7 variance is required.

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

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

14 MS. NEFF: 20 feet.

15 CHAIRMAN SALADINO: 20 feet.

16 MS. NEFF: Because it says 30.

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

24 CHAIRMAN SALADINO: You understand
25 that Ms. Wingate is the one that gives

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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.

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2 MR. BRENNAN: I just want to point
3 out something else that has some
4 bearing here.

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

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

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

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

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

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

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

25 I don't have any more questions.

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2 I have two letters -- I'm sorry,
3 is the applicant done?

4 MR. BRENNAN: Yes.

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

8 MR. TASKER: Go ahead.

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

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

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1
2 Respectfully, Robert Wahl, and
3 it's 416 Third Street, Greenport, New
4 York.

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

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

18 Sincerely, Cindy Pease Roe, 102
19 Broad Street.

20 That's what I have.

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

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

25 CHAIRMAN SALADINO: Sure.

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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 VanTuyll 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

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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

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1
2 up with ten feet, that's all, at some
3 point in time (inaudible).

4 MR. BRENNAN: Shed.

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

9 MR. BRENNAN: That's not --

10 MR. CORWIN: 200 square feet --

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

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

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

25 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 much 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

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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

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1 in Greenport, to be part of our
2 community, they already are by
3 renting -- I'm not sure which side of
4 Washington Avenue you're on, so I don't
5 know if you're in the Village right now
6 or in Southold Town and I think that's
7 a great thing, so I just urge you to
8 please pass it for them.
9

10 Thank you.

11 CHAIRMAN SALADINO: Anybody else?

12 (No response.)

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

17 MS. GORDON: Second.

18 MR. CORWIN: Yes.

19 CHAIRMAN SALADINO: So moved.

20 All in favor?

21 MR. CORWIN: Aye.

22 MR. TASKER: Aye.

23 MS. GORDON: Aye.

24 MS. NEFF: Aye.

25 CHAIRMAN SALADINO: Any opposed?

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(No response.)

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

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2 traditional street with people on the
3 other side very, very close to the --
4 sometimes, I don't really understand
5 this picture of 621 First Street where
6 it looks as though the building
7 actually goes over the property line
8 onto First Street or to what the
9 Village designates as First Street.

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

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

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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

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2 here to make exceptions if they seem
3 appropriate, and I think this is an
4 exception that seems appropriate.

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

20 In my mind, we're charged with
21 eliminating non-conformities. I, you
22 know, I read the code, some of my
23 colleagues take a more interpretive
24 look, I read the code as black and
25 white, so I would, if I had my choice,

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2 I would like to see the building
3 conform, but I'm willing to compromise,
4 I'm willing to listen to my colleagues
5 and my opinion will be expressed in my
6 vote.

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

11 In your point of view, John, it's
12 like conformity to what? Remember, we
13 have a code that was written long after
14 the predominantly built environment of
15 Greenport came to be over time; and
16 maybe there is no other block in the
17 Village that has this -- the other side
18 of the street, on the west side of the
19 street, where that's -- it's a glorious
20 thing, you can just look at the shapes
21 of the building and the degree to which
22 they have managed to not go through a
23 part where they almost fall apart and
24 maybe come back, it's intact
25 aesthetically and in the language that

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2 created the Historic District, which I
3 kind of worked, not on this particular
4 block, it is about how you blend the
5 elements and the fact there is a vacant
6 lot created by a subdivision, what
7 could go there, how you blend the
8 elements and the fact that that it fits
9 into the rest of the mix of the Village
10 and I believe that in a lot of ways
11 following the code, what it says,
12 30 feet is a violation, rather than the
13 other way around which for you is why
14 don't you just follow the code, but I
15 hear that.

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

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

25 MR. TASKER: I think we get the
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1
2 opportunity to consider the five
3 factors.

4 MS. NEFF: Yes.

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

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

18 MR. TASKER: That's what it says.

19 CHAIRMAN SALADINO: -- you know.
20 I'm not sure I see it that way, but
21 we'll agree to disagree.

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

25 CHAIRMAN SALADINO: No, I can't

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1 disagree, but I disagree with your
2 application of -- I disagree --

3 MR. TASKER: Okay, that's fine.

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

9 MR. TASKER: Well, the uses that
10 they were concerned about when they put
11 in the zoning code, the zoning code in
12 1949 was (inaudible) junkyard down on
13 Third Street.

14 CHAIRMAN SALADINO: I don't
15 remember that.

16 MR. TASKER: I do.

17 CHAIRMAN SALADINO: I was born in
18 '48, I don't remember that.

19 MR. TASKER: Well, I do.

20 CHAIRMAN SALADINO: Anyway.

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

24 MR. CORWIN: I'll just go over

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2 what I did again.

3 CHAIRMAN SALADINO: Okay.

4 MR. CORWIN: I acknowledge these
5 are crude numbers, but they kind of
6 correlate with what the building
7 inspector came up with, and by code it
8 should be by my calculations
9 19-and-a-half feet. Let's call it
10 19 feet. If you take all those houses
11 on the east side of First Street and
12 take an average because a couple of
13 them are set back more, it's about
14 15-and-a-half feet average setback, and
15 what I like is the median setback comes
16 out by my calculations to be 11.5 feet
17 and by the building inspector's
18 measurements, the 11 feet, so we're
19 kind in the ballpark there.

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

23 MS. NEFF: Right.

24 MR. CORWIN: There is fourteen
25 houses on that 600 block on that First

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2 Street and four of them come close to
3 being in compliance with the building
4 code, ten of them don't. And I have to
5 say that I do think we have a nice
6 street-scape there, and it's really a
7 good idea to go along with the
8 street-scape and kind of keep it.

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

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

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

22 CHAIRMAN SALADINO: We can ask --
23 we can decide what the minimum variance
24 can be and, you know, if I had to
25 guess, if I had to guess, but if we

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2 want we can speak to the applicant, if
3 I had to guess, I mean ten feet,
4 11 feet, you know, if we're going to
5 issue a variance, I mean, if we're
6 gonna give them the variance, if we're
7 talking about issuing a variance, ten
8 feet, 11 feet. Do we want to have that
9 discussion, an alternative to ten feet
10 frontage; is that what you're
11 suggesting, David?

12 MR. CORWIN: My figure is -- I
13 don't want to discuss it, my figure
14 would be, if I were setting it up,
15 11 feet.

16 CHAIRMAN SALADINO: Okay.

17 Would you be opposed to 14 feet or
18 13 feet, you know?

19 MS. NEFF: If -- are you finished?

20 CHAIRMAN SALADINO: Yeah.

21 MS. NEFF: I think we do have to
22 come back to what the applicant
23 requests and having had the benefit of
24 our discussion, the applicant might
25 change something about it, but I think

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2 we are, the way I read it, we're
3 talking about granting a variance where
4 the applicant wants to build a house
5 ten feet.

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

16 Is there an alternative number
17 that the Board has, besides
18 11-and-a-half feet that the Board has
19 in mind, or the Board's thinking about?

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

25 CHAIRMAN SALADINO: Diana.

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2 MS. GORDON: At least David's
3 suggestion has a principle behind it.
4 You know, 14 feet doesn't have any
5 principle behind it.

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

16 No?

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

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

25 MR. TASKER: Well, there are. If

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2 we start off with the applicant's
3 request of ten feet is one starting
4 point. The next one is, the next
5 number is 11 feet give or take, which
6 is the median of the building
7 inspector's and Mr. Corwin's estimates
8 for the block. We have 15 feet, which
9 is the average for the entire block, I
10 think you estimated, correct, David?

11 MR. CORWIN: Yes.

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

16 MR. CORWIN: Yes.

17 MR. TASKER: Okay. So that
18 includes that entire side of the block.

19 And then there is your, Mr.
20 Corwin's other calculation by the
21 formula in the zoning code of
22 approximately 19 feet; so we've got
23 ten, 11, 15 and -- ten, 11, 15 and 19
24 and 30; I'm sorry, so there's five
25 numbers in play here.

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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

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2 see the conformity created by the ten
3 feet than the lack of conformity
4 created by the code required 30 feet.

5 MR. CORWIN: Code required
6 19 feet.

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

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

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

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

18 I'm not saying -- before
19 anybody's -- I'm not saying my opinion
20 is covered in stone here, but I'm just
21 not willing to accept any measurements
22 other than hers at this particular
23 moment. That doesn't mean it has to be
24 for me that number, but, you know, the
25 other number is 15-and-a-half,

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2 11-and-a-half, what was the other one,
3 19; I mean those -- but right now
4 what's needed according to the notice
5 of disapproval is 30 feet and 20 feet
6 is the variance requested, so.

7 MR. BRENNAN: I think it is
8 important that we identify what the
9 actual requirement is. It's not
10 30 feet, it's the average of the two
11 deepest homes within 200 feet either
12 side of the property. In this case
13 that's the house at the corner of Broad
14 and First which the building inspector
15 has noted as 26.9 feet, and it's the
16 house at 630, which is 33 feet. You
17 add those two together, divide it by
18 two and the required depth is 29.95
19 feet. That's what's allowed as of
20 right, without coming before this
21 Board, 29.95.

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

25 MR. BRENNAN: And that may be,

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2 that may be. This is what the building
3 inspector had come back to me with.

4 CHAIRMAN SALADINO: So 29.95.

5 MR. BRENNAN: Right.

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

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

18 It's important that I point out to
19 you though that, I'm under contract to
20 buy the property, but there's a
21 contingency. I'm not obligated to
22 close on the property and I can get my
23 refund back on the down payment if I
24 don't get the zoning variance that I
25 asked for, so there are all these other

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2 numbers, 30, 29, 14, 15, 11; but if I
3 don't get the ten feet, I don't have to
4 go forward with the purchase, so I can
5 get out of it. I can go look for
6 property somewhere else; so, yes, we
7 can come up with a different number,
8 but I don't have to follow through on
9 it so I guess --

10 CHAIRMAN SALADINO: That would be
11 your choice.

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

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

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2 us, it's their right, you know.

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

11 CHAIRMAN SALADINO: I think we all
12 agree that it is. I think the fact
13 that we're debating it and, you know,
14 I'm almost positive we're going to, I
15 am positive we're gonna come to a
16 decision tonight. I think that should
17 show you we're taking this seriously
18 and, you know, I think if you're
19 listening, you're hearing the
20 conversation that you're probably, you
21 know, not gonna be looking to walk away
22 from this piece of property, so, you
23 know, if we want to have a little more
24 of a discussion or if we want to -- if
25 we have a question for the applicant or

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2 if we want to go through the five
3 questions, if there's another
4 compromise that you want to talk about.

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

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

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

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

25 CHAIRMAN SALADINO: Let's not talk

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2 about that's, let's not talk about HPC,
3 I think it's inappropriate.

4 MS. NEFF: Let me finish.

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

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

13 MS. NEFF: I'm saying that they
14 did what they did and we don't have to
15 deal with it, it's not our job, but in
16 so many ways, what our job is is to
17 look particularly at the area variance,
18 the rest, the side yards, everything
19 about this house has been planned to
20 fit within the code, the street-scape
21 being what it is, the request to have
22 it at ten feet setback in the front, I
23 think that's what we're dealing with,
24 and then either we -- we certainly made
25 suggestions, an interpretation of the

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2 former building could weigh that we
3 could ask and we certainly have put
4 some reasons for that to be not ten but
5 11, and I'm not gonna mention all the
6 other numbers, but you know I know them
7 and I could, so I'm saying, I think
8 that we always have to start with what
9 the applicant is requesting.

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

17 Anyone?

18 (No response.)

19 Should we just -- is it ten, is it
20 11-and-a-half, is there a number we can
21 present to the applicant that would
22 benefit both the Village and the
23 applicant; is there an opinion on this
24 Board that's a number that we think we
25 can present to this applicant, ask him

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2 if this is okay and it's beneficial to
3 the Village and beneficial to the
4 applicant, what would be agreeable to
5 both parties?

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

11 CHAIRMAN SALADINO: As opposed to
12 just --

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

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

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

20 CHAIRMAN SALADINO: That's exactly
21 what I'm saying. If we have -- I'm
22 just not sure of the number. You said
23 we suggested compromises. I'm not sure
24 of the number that I would like to
25 present to the applicant to see if the

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2 compromise is agreeable to him. You
3 know, maybe I missed it, you know.

4 MR. CORWIN: Could we informally
5 poll the Board and see what each member
6 likes?

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

9 MR. CORWIN: My number is 11.

10 CHAIRMAN SALADINO: Dini.

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

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

18 CHAIRMAN SALADINO: Yeah, I
19 disagree too.

20 MR. TASKER: I think, for example,
21 look at a motion that grants a
22 variance, a front yard setback variance
23 in the amount of X feet, that's
24 different than ten by one foot or
25 19 feet or whatever, but I mean that's

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2 the range, but we could entertain a
3 motion to grant such a variance. So we
4 don't have to do it twice is what I'm
5 saying.

6 MS. GORDON: Right.

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

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

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

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2 you know.

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

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

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

21 But Mr. Brennan is asking for, you
22 know, he's asking for a ten-foot
23 setback, so I think that's what the
24 application is before the Board and
25 that's the proper application to vote

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2 on unless Mr. Brennan wants to himself
3 come up with a number that would be
4 amenable to the Board.

5 MR. BRENNAN: Would you like to do
6 that?

7 (No response.)

8 Yes?

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

12 MR. BRENNAN: I'd be agreeable to
13 11 feet, setback of 11 feet from the
14 front property line.

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

18 MR. TASKER: 15.

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

21 MR. TASKER: 15.

22 CHAIRMAN SALADINO: Wait, I heard
23 something.

24 What, Arthur?

25 MR. TASKER: 15 is what I feel

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2 would be appropriate.

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

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

9 CHAIRMAN SALADINO: That was the
10 15-and-a-half-foot number?

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

15 MS. NEFF: May I speak now?

16 CHAIRMAN SALADINO: Sure.

17 MS. NEFF: What I heard is that
18 the applicant, Mr. Brennan, is saying
19 that he would modify his proposal to
20 request a front yard setback of 11
21 feet. In other words, one thing would
22 change, one, the proposed front yard
23 setback is 11 feet requiring a 19-foot
24 front yard variance. I think it has to
25 come down to, you look at a sentence,

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2 we don't kick it back and forth and
3 what, and I'm -- that's what I'm
4 hearing, I think that's what I just
5 heard. And if we're having a straw
6 pull, I'm certainly in favor of that,
7 but I'm not sure that's what we're
8 doing, but I've heard a lot of
9 different things.

10 CHAIRMAN SALADINO: I could live
11 with 15 feet, I think. I agree with
12 Arthur, not to diminish what Ellen
13 said, I agree with Arthur because it
14 is, if we're talking about the average,
15 I mean, if we pick and choose this
16 house, this house, this house, if we're
17 talking about the average of all the
18 houses and it comes out to, I think I
19 wrote down 15.5 feet and we'll modify
20 that to 15 feet, I could live with
21 that; so I would be willing, after we
22 talk, after I talk to the rest of the
23 members here, present that to the
24 applicant, get his feeling about it,
25 and perhaps we can get to read these

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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

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2 it's really a Broad Street building and
3 across the street is 105 Broad Street,
4 which has the same distance from Broad
5 Street. I mean that's the -- and 639
6 Main Street which is also on Broad
7 Street, there's a sort of -- I know
8 these are corner lots with two front
9 yards, but really their primary
10 relationship is to Broad Street, so I
11 think David's calculation makes more
12 sense in terms of what the block
13 street-scape really is.

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

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

19 MR. TASKER: Northeast.

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

23 MR. TASKER: I'm sorry.

24 CHAIRMAN SALADINO: But the
25 address is First Street, it's not Broad

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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.

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2 All right, so there is a
3 consensus, three for 11 and two for 15.

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

6 So it seems -- I'm willing to
7 bring -- the applicant is acceptable to
8 the 11, I kind of think we wouldn't
9 have to change a word of anything if we
10 just went with ten, 11, you know, kind
11 of makes it, David points out, it kind
12 of makes it more -- I don't even know
13 the word, more legal by going to 11 as
14 opposed to ten, you know, I'm willing
15 to -- I would consider 15, I think that
16 would be a compromise for me. Eleven,
17 it seems like almost between ten and
18 11, it seems like a nonissue; so what
19 are we going to vote on here?

20 MS. NEFF: The applicant has said
21 he would modify his proposal by making
22 that ten and 11 -- and the 20 becomes
23 19, that, I think is what we have to
24 vote on.

25 MR. TASKER: I agree.

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2 MS. NEFF: There isn't anything
3 else we can vote on.

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

6 MS. NEFF: Except, the applicant
7 has modified.

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

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

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

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

20 MR. BRENNAN: I know it's a
21 requirement of the Planning Board for
22 that subdivision, so I'm assuming that
23 that will come down to us and it will
24 run with the property and we'll be
25 bound to it.

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2 CHAIRMAN SALADINO: Well, we can
3 ask the attorney. Do you remember?

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

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

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

12 MR. TASKER: That's the short
13 answer.

14 ATTORNEY CONNOLLY: Yes.

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

17 CHAIRMAN SALADINO: You had a
18 concern?

19 MR. TASKER: I said that assuages
20 my concern.

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

24 MR. TASKER: Well, it's our
25 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.

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2 MR. TASKER: And act on that
3 motion before the Board.

4 Having said that, I'll make that
5 motion.

6 MS. GORDON: Second.

7 CHAIRMAN SALADINO: All in favor?

8 MR. CORWIN: Aye.

9 MR. TASKER: Aye.

10 MS. GORDON: Aye.

11 MS. NEFF: Aye.

12 CHAIRMAN SALADINO: And I'll vote.

13 So now we're going to consider a
14 19-foot front yard setback.

15 MR. TASKER: Correct.

16 CHAIRMAN SALADINO: I have these
17 questions here.

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

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

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

24 CHAIRMAN SALADINO: She keeps it,
25 yeah.

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2 Do we want to, just to create a
3 record in case somebody, maybe somebody
4 in the back there in the future wants
5 to challenge this, we'll just discuss
6 each one and then vote on the questions
7 as we normally do or just, it seems
8 kind of -- I don't see --

9 ATTORNEY CONNOLLY: You already
10 went through it really.

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

13 CHAIRMAN SALADINO: We did. Okay.
14 Normally what we do is we take one
15 question at a time, you offer your
16 opinion, we create a record for
17 administrative law judge to read, and
18 then take the five questions for a
19 vote, but if everybody's comfortable
20 just voting, we'll do that.

21 First question -- is that
22 acceptable?

23 MR. CORWIN: Yes.

24 CHAIRMAN SALADINO: First question
25 is whether an undesirable change will

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

6 David?

7 MR. CORWIN: No.

8 CHAIRMAN SALADINO: Diana?

9 MS. GORDON: No.

10 CHAIRMAN SALADINO: Ellen?

11 MS. NEFF: No.

12 CHAIRMAN SALADINO: Arthur?

13 MR. TASKER: No.

14 CHAIRMAN SALADINO: And I'll vote
15 no.

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

20 David?

21 MR. CORWIN: Yes.

22 CHAIRMAN SALADINO: Diana?

23 MS. GORDON: No.

24 CHAIRMAN SALADINO: Ellen?

25 MS. NEFF: No.

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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.

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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.

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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?

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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

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2 disgruntled and this is not the first
3 time this has happened, people make
4 mistakes, but what counts, when
5 somebody brings something in here is
6 the code book, it's not a piece of
7 paper handed out by the building
8 inspector, and when people bring things
9 in, they should have read the code book
10 and they should be told before they put
11 anything down on a piece of paper, hey,
12 read the code book.

13 MS. GORDON: Could I just add, I
14 think it's okay to take upon the
15 Village and its agents, employees,
16 members of the boards to explain things
17 to people. I mean mostly anyone who
18 tries to do something like make an
19 addition or build something in the
20 Village, they have no idea when they
21 start all the ins and outs of this, and
22 this one about that mailing something
23 needs to be certified so there's
24 receipt and return receipt requested,
25 it seems obvious, but it is -- I do

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2 feel bad when people walk out and it's
3 like the first time they ever heard it,
4 it is on them, I agree.

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

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

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

18 MR. TASKER: I agree.

19 CHAIRMAN SALADINO: We don't know
20 what was told to the applicant. We
21 don't know if he was listening
22 intently. We don't know if perhaps he
23 misheard something and we don't know
24 exactly what happened on the Village's
25 side either. I'm not prepared to

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2 assign blame here. I feel it was an
3 inconvenience to the applicant, he's
4 made more than one trip here. I feel
5 terrible about that, but there is a
6 process that we have to follow. I'm
7 not prepared to assign blame whether
8 it's his fault or the Village's fault.
9 I just would rather see it be choked up
10 as an unfortunate misunderstanding.

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

13 Did we adjourn?

14 MS. NEFF: No.

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

17 So moved.

18 MS. NEFF: Second.

19 CHAIRMAN SALADINO: All in favor?

20 MR. TASKER: Aye.

21 MS. GORDON: Aye.

22 MS. NEFF: Aye.

23 MR. CORWIN: Aye.

24 CHAIRMAN SALADINO: We're
25 adjourned.

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

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ATTORNEY CONNOLLY: [9]

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72/17 73/8 77/12

ATTORNEY PROKOP: [1]

7/20

AUDIENCE MEMBER: [2]

5/18 6/22

CHAIRMAN SALADINO: [160]

MR. BRENNAN: [55] 11/19
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67/22 69/14 69/19 78/17

MR. CORWIN: [49] 3/11 4/5
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32/2 34/17 34/20 42/24 43/3
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78/22 81/22

MR. IWACHIW: [8] 5/14 5/16
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MR. TASKER: [77] 3/9 3/12
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71/16 71/25 72/8 72/14 72/21
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MS. ALLEN: [1] 33/9

MS. GORDON: [38] 3/13 3/25
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37/8 37/22 44/13 46/25 48/25
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60/5 61/2 65/21 67/19 72/5
72/9 74/8 74/22 75/10 75/24
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MS. LINGG: [8] 5/9 5/12 5/15
7/5 7/15 7/19 12/7 12/11

MS. NEFF: [57] 3/14 4/2 4/17
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1001-2-6-49.1 [2] 11/14 35/11

1001-3-4-15 [1] 5/3

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102 [1] 28/18

105 [1] 66/3

109 [1] 35/22

11 [25] 2/8 29/13 44/12 48/23

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11 feet [13] 43/18 44/10 45/4

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11-and-a-half [4] 46/18 47/11

51/2 57/20

11-and-half [1] 44/17

11.3 [1] 35/22

11.5 [2] 43/16 44/13

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