

1 *VILLAGE OF GREENPORT*
 2 *COUNTY OF SUFFOLK : STATE OF NEW YORK*
 3 -----X
 4 *ZONING BOARD OF APPEALS*
 5 *REGULAR SESSION*
 6 -----X

7 *Old Schoolhouse*
 8 *Front & First Streets*
 9 *Greenport, NY, 11944*

11 *June 21, 2022*
 12 *6:00 p.m.*

14 *B E F O R E:*

- 15 JOHN SALADINO - CHAIRMAN
 16 DINNIE GORDON - MEMBER
 17 SETH KAUFMAN - MEMBER
 18 JACK REARDON - MEMBER

19 *****

20 *ALSO IN ATTENDANCE:*

- 21 AMANDA AURICHIO - CLERK TO THE BOARD
 22 ROBERT CONNOLLY - VILLAGE ATTORNEY
 23 ALEX BOLANOS - ENFORCEMENT OFFICER

24
 25

1 *(*The meeting was called to order at 6:01 p.m. *)*

2 CHAIRMAN SALADINO: It's approximately six
3 o'clock, this is the Village of Greenport Zoning
4 Board of Appeals Regular Meeting.

5 *Item No. 1 is motion to accept and approve*
6 *the minutes of the May 17th, 2022, Zoning Board*
7 *of Appeals meeting. So moved.*

8 MEMBER REARDON: I'll second.

9 CHAIRMAN SALADINO: All in favor?

10 MEMBER KAUFMAN: Aye.

11 MEMBER GORDON: Aye.

12 MEMBER REARDON: Aye.

13 CHAIRMAN SALADINO: And I'll vote aye.

14 *Item No. 2 is a motion to schedule the next*
15 *Zoning Board of Appeals meeting for July 19th,*
16 *2022, at 6 p.m. at the Station One Firehouse,*
17 *Third and South Streets, Greenport, New York,*
18 *11944. So moved.*

19 MEMBER REARDON: Second.

20 CHAIRMAN SALADINO: All in favor?

21 MEMBER GORDON: Aye.

22 MEMBER KAUFMAN: Aye.

23 MEMBER REARDON: Aye.

24 CHAIRMAN SALADINO: And I'll vote aye.

25 *Item No. 3 is 237 Sixth Street. A motion*

1 *to accept the application, schedule public*
2 *hearing and arrange a site visit regarding the*
3 *application of Marisa Harney and John Barrett --*

4 JOHN BARRETT: Barrett.

5 CHAIRMAN SALADINO: Barrett; am I getting
6 that right? I'm sorry -- *for the property*
7 *located at 237 Sixth Street, Greenport, New York,*
8 *11944. This property is located in the R-2 (One*
9 *and Two-Family) District and is not located in*
10 *the Historic District. The Suffolk County Tax*
11 *Map No. 1001-7.-1-3.*

12 Just before we ask for the applicant's
13 representative, just to -- there was a
14 typographical error on the Notice of Disapproval,
15 on Item No. 3 of the Notice of Disapproval. It
16 originally had said the plans show the front yard
17 setback of 23.6 inches, this would require an
18 area variance of 1.6 inches; that was the
19 typographical error. The corrected Notice of
20 Disapproval says the plans shows the combined
21 side yard setback of 23 feet six inches and the
22 area variance would be the same, 1.6 inches
23 (*sic*). And also --

24 MEMBER GORDON: One foot six inches.

25 CHAIRMAN SALADINO: One foot -- I'm sorry;

1 one foot six inches.

2 And also, No. 4 where it says "*This*
3 *application is denied because it was a use*
4 *variance*," another typographical error and that
5 would be an area variance. The Building
6 Department made those corrections because some
7 people actually read this stuff, so we wanted to
8 be correct.

9 And is the applicant here, or the
10 applicant's representative?

11 MARISA HARNEY: All of us?

12 EILEEN WINGATE: We're all here.

13 CHAIRMAN SALADINO: Whoever -- whoever
14 chooses to speak at the time. Name and address
15 for the stenographer, please.

16 EILEEN WINGATE: Hello. My name is Eileen
17 Wingate, Quiet Man Studio, 2805 West Mill Road,
18 Mattituck, New York.

19 CHAIRMAN SALADINO: Okay.

20 *(Brief Pause)*

21 Obviously Eileen has nothing to say about
22 the project.

23 EILEEN WINGATE: It's a -- Marisa Harney
24 and her husband John Barrett would like to do two
25 small extensions to the building. There is a

1 covered porch in front and it's facing east and
2 we'd like to wrap the house so that there would
3 be some porch on the south side that would line
4 up within the existing older addition. It's a
5 vintage, old Greenport house, it's pretty
6 difficult to have porches, wraparound porches.

7 And then in the back we're asking for, I
8 think it's under 10 square feet. The housing --
9 the way the house is built, there's a little bite
10 out of the back corner and as long as we're
11 renovating, it would be very beneficial to the
12 house if we could grab up that corner, keep it in
13 line with the existing house and it would make
14 for a much better kitchen layout. So these are
15 two very small bites of the house.

16 CHAIRMAN SALADINO: Sounds good.

17 MEMBER GORDON: I have a question, but this
18 is probably just reflecting my lack of skill in
19 reading plans. But I have trouble seeing on the
20 plan where the -- the second-story addition, is
21 it just -- what is this little piece?

22 EILEEN WINGATE: This line here, that
23 little bite is what we're asking to fill in.
24 Okay?

25 MEMBER GORDON: And all the way across

1 here?

2 EILEEN WINGATE: No, not this section.

3 This is a one-story shed roof.

4 MEMBER GORDON: Uh-huh.

5 EILEEN WINGATE: So the new bedroom would
6 set -- the first floor would fill in that little
7 bite, and the second floor would go from here to
8 there.

9 MEMBER GORDON: It's a little confusing.
10 Okay, got it.

11 CHAIRMAN SALADINO: So, just --

12 EILEEN WINGATE: He's got --

13 CHAIRMAN SSALADINO: No, just to explain
14 for the stenographer that it would be the north
15 side of the house, a small portion of the rear of
16 the north side of the house.

17 MEMBER GORDON: This is the north.

18 CHAIRMAN SALADINO: Am I getting that
19 right?

20 MEMBER GORDON: This is north.

21 CHAIRMAN SALADINO: Right.

22 MARISA HARNEY: The northwest corner.

23 MEMBER GORDON: Yes.

24 MARISA HARNEY: That little northwest
25 corner.

1 CHAIRMAN SALADINO: The northwest corner of
2 the house,

3 EILEEN WINGATE: Let me help you.

4 CHAIRMAN SALADINO: Right now we're just
5 trying to get it on the record for her.

6 EILEEN WINGATE: Okay. Keep going, look at
7 the elevations.

8 MEMBER GORDON: The second floor.

9 MARISA HARNEY: The northwest corner of the
10 first floor had a tiny little corner that made
11 kind of no sense and all we want to do is fill in
12 the northwest corner.

13 CHAIRMAN SALADINO: Could you just give
14 your name and address --

15 MARISA HARNEY: Marisa Harney.

16 CHAIRMAN SALADINO: -- for the
17 stenographer.

18 MARISA HARNEY: M-A-R-I-S-A, H-A-R-N-E-Y.
19 633 First Street, Greenport, New York, 11944.

20 CHAIRMAN SALADINO: Is that okay?

21 MEMBER GORDON: Yes, thank you.

22 Well, actually I wanted to thank the
23 Building Department for fixing those little
24 things, because they bothered me and it seemed to
25 me that they could be misunderstood. So, thank

1 you for modifying the Notice of Disapproval.

2 CHAIRMAN SALADINO: I'm going to have to
3 say, our Building Department is on the ball.
4 And we --

5 OFFICER BOLANOS: Thank you. I wouldn't be
6 able to do it without Amanda, so.

7 CHAIRMAN SALADINO: And we thank them for
8 that.

9 The only thing that I might have is that
10 we're assured by the applicant that the storm
11 water is going to be contained on the property.

12 EILEEN WINGATE: *(Nodded head yes)*

13 CHAIRMAN SALADINO: Okay. By dry wells and
14 stuff? The only reason I say that, I'm not sure
15 I saw that.

16 EILEEN WINGATE: It might not be on the
17 site plan but it's standard construction.

18 CHAIRMAN SALADINO: So maybe next time you
19 just show us on the site plan where that's going
20 to be, just so we know for sure where that's
21 going to be.

22 Anybody else? Is there something about
23 this you want to ask?

24 MEMBER REARDON: No, I don't know really
25 want to ask anything. I just see a couple of

1 blank boxes on the application, but I pretty much
2 have an idea how they would be answered. It's
3 not an archeological dig, I get it, but it's not
4 answered, stuff like that. But otherwise I don't
5 have any questions. It's all pretty
6 straight-forward to me.

7 EILEEN WINGATE: I know, I'm shocked,
8 actually, Jack *(laughter)*.

9 CHAIRMAN SALADINO: I think there was one
10 -- I just can't think of it now. There was one
11 other --

12 *(Brief Pause)*

13 I can't think of it. But anything that --
14 any question that I have, it's not reason enough
15 to hold up this application. Seth, anything?

16 MR. KAUFMAN: No, I don't have anything.

17 CHAIRMAN SALADINO: Diane, you have
18 anything?

19 MEMBER GORDON: No.

20 CHAIRMAN SALADINO: All right. I'm going
21 to make a motion that we accept this application
22 and -- I'm going to make a motion that we --

23 MEMBER GORDON: *(Inaudible)*.

24 CHAIRMAN SALADINO: Yeah, one second.

25 I'm going to make a motion we accept this

1 application. We're going to schedule -- and
2 depending on the vote, obviously the vote's going
3 to be okay. We're going to schedule a public
4 hearing for July 19th.

5 So, let me ask. We're going to schedule --
6 we're going to accept a -- make a motion to
7 accept this public hearing, this application.
8 So moved.

9 MEMBER REARDON: Second.

10 CHAIRMAN SALADINO: All in favor?

11 MEMBER GORDON: Aye.

12 MEMBER KAUFMAN: Aye.

13 MEMBER REARDON: Aye.

14 CHAIRMAN SALADINO: All right. We're going
15 to schedule a public hearing for July 19th at six
16 -- are we -- you know we schedule all for six
17 o'clock. The only thing we would ask is if
18 there's anything that has to be staked out --

19 EILEEN WINGATE: I will stake it.

20 CHAIRMAN SALADINO: -- please stake it out.

21 MEMBER GORDON: The site visit is at 6 you
22 said?

23 MEMBER GORDON: The site visit at 5:30?

24 CHAIRMAN SALADINO: We're going to schedule
25 a site visit --

1 MR. KAUFMAN: Okay.

2 CHAIRMAN SALADINO: -- for 5:30.

3 MEMBER GORDON: 5:30?

4 CHAIRMAN SALADINO: This house is across
5 the street from my house, so 5:30 works for me.

6 (*Laughter*)

7 5:30 works for me (laughter).

8 MEMBER GORDON: Two of the members of the
9 Board live on Sixth Street, so you can assume
10 we're just looking over.

11 MARISA HARNEY: That's fine.

12 CHAIRMAN SALADINO: So 5:30 certainly works
13 for me, but I'll ask the other members; 5:30 is
14 good?

15 MEMBER KAUFMAN: That's fine.

16 CHAIRMAN SALADINO: We'll schedule a site
17 visit for 5:30. And Eileen assures us that she's
18 going to stake out whatever has to be staked out
19 at the time. And that's it, we'll see you at
20 5:30 on July 19th; easy peasy.

21 MARISA HARNEY: Thank you.

22 JOHN BARRETT: Thank you

23 CHAIRMAN SALADINO: *Item No. 4 is any other*
24 *Zoning Board of Appeals business that might*
25 *properly come before this Board. This is a*

1 chance for anybody that -- I believe she has no
2 questions. She has no questions. Obviously this
3 is your chance for any member of the public that
4 has a question about zoning, about procedure or
5 anything like that, this is the time to ask.

6 FRANK POLISTENA: Good evening. My name is
7 Frank Polistena, 2000 Captain Kidd Drive,
8 Mattituck. I'm a local contractor, I've been
9 working in the Greenport area and throughout the
10 North Fork for 30 years.

11 My only -- not even concern, but I just
12 want a better understanding. Because in the past
13 it didn't seem that it would be required to have
14 a zoning for an issue like this. So --

15 CHAIRMAN SALADINO: Like what?

16 FRANK POLISTENA: Where it's no closer to
17 the property line, it's -- you know, it's just
18 squaring off. Usually that could be approved at
19 the Building Department and why is -- is
20 something changed where it requires to be
21 approved by a Zoning Board at a public meeting?

22 CHAIRMAN SALADINO: Well, to try to answer
23 your question, this application does have a
24 portion of the property that is going to increase
25 the non-conformity, the bump-out on the north --

1 FRANK POLISTENA: Right, it's like 5 x 5.

2 CHAIRMAN SALADINO: Well, it does increase
3 the non-conformity. But this Board doesn't set
4 policy for the Building Department. The Building
5 Department's policy is if it requires a variance,
6 they go through all -- they go through
7 front-yard, rear-yard, combined side-yard setback
8 and side-yard setbacks. In the past, with
9 different building inspectors, different heads of
10 the Building Department, sometimes that wasn't
11 considered.

12 This Board doesn't make policy for the
13 Building Department. The Building Department has
14 set that policy; some people agree with it, some
15 people don't. To us it's --

16 FRANK POLISTENA: I'm sorry to interrupt
17 you, but who is the persons or person that is the
18 representative of the Building Department that
19 makes those decisions?

20 CHAIRMAN SALADINO: It would be --

21 MEMBER GORDON: Easy question.

22 CHAIRMAN SALADINO: I'm sorry?

23 MEMBER GORDON: Sorry.

24 CHAIRMAN SALADINO: I'm not sure. Who were
25 you going --

1 MEMBER GORDON: You mean who makes the
2 decision about the Notice of Disapproval?

3 FRANK POLISTENA: Well, I'm talking about
4 policies.

5 CHAIRMAN SALADINO: The Policy is --

6 MEMBER GORDON: Well, you're talking about
7 the Code. I'm sorry.

8 (*Laughter*)

9 CHAIRMAN SALADINO: Policy is deter -- no,
10 I apologize.

11 Anything that's related to the Code, it
12 would be the Building Inspector, his
13 interpretation of the Code. As far as policy, it
14 would be the head of the Building Department who
15 represents the Village. If the Village decides
16 this is our policy going forward, then this Board
17 could, as it has in the past, sometimes question
18 that policy, sometimes accepted that policy, but
19 we don't make policy.

20 FRANK POLISTENA: Okay, I understand.

21 So, is there a person's name attached to --

22 CHAIRMAN SALADINO: The head of the
23 Building Department is the Village Administrator,
24 his name is Paul Pallas.

25 FRANK POLISTENA: Okay.

1 CHAIRMAN SALADINO: You can address -- or,
2 or you can come -- I believe there's a meeting
3 this Thursday night of the Village Board and you
4 can come and address whatever concerns you have
5 about what you feel is either deficient in that
6 policy or is good in that policy. And --

7 FRANK POLISTENA: Well, I think you
8 answered my question. I just wanted to clarify
9 the person specifically that either sets the
10 policy, their name, who to address.

11 CHAIRMAN SALADINO: Well, I think the Mayor
12 sets the policy for the Village in general. The
13 Legislators legislate, the Mayor has general
14 control of the Village, he sets the policy for
15 the Village. He let's the Village Administrator
16 know his desire for the policy in the Building
17 Department, in what other departments there are
18 in the Village, and the Village Administrator
19 sets those policies for the Building Department,
20 the wastewater treatment plant, the -- what else
21 do we have? The electric department, the water
22 department.

23 This Board, sometimes it takes exception to
24 that policy, sometimes it doesn't. But we're not
25 here to question --

1 FRANK POLISTENA: Well, thank you very much
2 for answering my question.

3 CHAIRMAN SALADINO: Okay.

4 MEMBER GORDON: I'd have to say two little
5 things. One is that in the 14 years that I've
6 been in Greenport and eight years on this Board,
7 there have been no changes in things like the
8 setbacks, front and side and lot size and so
9 forth. And so that's sort of, you know, where we
10 start and where the Building Department starts.

11 And the other thing is that the person
12 who actually writes the Notice of Disapproval is
13 to your right.

14 OFFICER BOLANOS: Yes.

15 MEMBER GORDON: Right there.

16 OFFICER BOLANOS: Also, I could add
17 something, too, if you give me a chance.

18 CHAIRMAN SALADINO: Alex, just name and
19 address for the --

20 OFFICER BOLANOS: Alex Bolanos.

21 CHAIRMAN SALADINO: Name and position.
22 Name and position for the stenographer.

23 OFFICER BOLANOS: Sure. I'm Alex Bolanos,
24 Building Inspector, Village of Greenport, 9395
25 Main Road, East Marion, New York, 11939.

1 To answer your question very simply, yes or
2 no answers, is does the footprint change because
3 you're bumping it out? It does change, so it
4 requires a variance.

5 And could I ask you how many years are you
6 working in Greenport? You mentioned 30. Are you
7 allowed to do structural work without a permit;
8 yes or no?

9 FRANK POLISTENA: No.

10 OFFICER BOLANOS: No. Did you replace
11 headers in the building without a permit?

12 FRANK POLISTENA: Yes, I did.

13 OFFICER BOLANOS: Yes, you did. So we're
14 being honest, okay?

15 FRANK POLISTENA: Okay. Just, you know, if
16 you want to address that, there are some issues
17 sometimes that are considered a repair.

18 OFFICER BOLANOS: But there's also a common
19 courtesy where you notify the Building Department
20 and tell them *I have this issue, it's an*
21 *emergency, I need to fix it,* D You know I'm
22 there in the drop of a dime and we can address
23 it.

24 So, we try to do things as best as possible
25 and we try to help people as much as we could,

1 but certain things they're just protocol, we need
2 to do them. And this is one of those things we
3 need to do, a variance for this minor setback,
4 which I agree with you it is minor, but
5 unfortunately it requires a variance.

6 FRANK POLISTENA: Okay. I'm on board.

7 OFFICER BOLANOS: All right, thank you.

8 MARISA HARNEY: Ladies and Gentlemen, I'd
9 like to thank you for your consideration of this
10 application.

11 It would appear to be a fairly simple
12 repair job and a slight variance in addition. We
13 have waited three-and-a-half months for a Notice
14 of Disapproval. It's been frustrating.

15 We tried to do repairs to the building,
16 this house was not repaired or addressed in over
17 70 years. The water damage to the north side of
18 the house was fairly catastrophic. We've done
19 what we could to try to shore up the north side
20 to not have more problems with the house, and if
21 there were certain structural repairs that we
22 made, so be it.

23 But I want to thank you for your
24 consideration of the application. Happy to have
25 it, happy to move forward.

1 OFFICER BOLANOS: No problem. Could I also
2 address that, Marisa? Do you remember we had a
3 phone call conversation where I stopped by the
4 house and there was --

5 MARISA HARNEY: Yeah.

6 OFFICER BOLANOS: -- demolition work being
7 done without a permit and I called you?

8 MARISA HARNEY: Yes.

9 OFFICER BOLANOS: When was that, in the
10 winter?

11 MARISA HARNEY: I don't recall when it was.

12 OFFICER BOLANOS: It was in the winter.

13 MARISA HARNEY: Yes, okay.

14 OFFICER BOLANOS: So that you were in a
15 hurry to get this --

16 MARISA HARNEY: I wasn't in a hurry.

17 OFFICER BOLANOS: I would have suggested if
18 you would have started the process a lot sooner.

19 MARISA HARNEY: You said to me --

20 OFFICER BOLANOS: You know, I'm one guy and
21 I'm trying to do traffic, code, building,
22 everything, and I try to accommodate everybody.

23 MARISA HARNEY: I appreciate everything
24 you've done, Alex. Thank you so much for your
25 consideration.

1 OFFICER BOLANOS: No problem.

2 MARISA HARNEY: Thank you. Thank you all.

3 OFFICER BOLANOS: No problem.

4 EILEEN WINGATE: I have an issue. I have
5 something to say. In answer to the question--

6 CHAIRMAN SALADINO: I didn't know I had a
7 question, but go ahead.

8 EILEEN WINGATE: Under Dave Kapell, if an
9 existing building, even if you increased the
10 footprint, if it was in the box that existed it
11 worked under Abatelli. When David Nyce took over
12 that was when it changed, it was two months so if
13 he was elected in March it was about two months
14 into his term.

15 CHAIRMAN SALADINO: In 2007?

16 EILEEN WINGATE: In '07 that that changed.
17 Just --

18 CHAIRMAN SALADINO: You know what -- you
19 know what my Dad used to say about that?

20 EILEEN WINGATE: What?

21 CHAIRMAN SALADINO: That was then --

22 EILEEN WINGATE: That was then! That was
23 then.

24 CHAIRMAN SALADINO: -- and this is now.

25 EILEEN WINGATE: Yeah, but having been part

1 of the change, it was a good change.

2 CHAIRMAN SALADINO: So -- and -- and wait.
3 And just to respond to that, what one Mayor
4 thinks about the health, welfare, benefit and
5 condition of the Village doesn't necessarily
6 transcend to the new Mayor or a succeeding
7 Mayor's vision of the -- so, what the Mayor that
8 you -- the Mayor that you mentioned thought was
9 the be-all save-all for Greenport, perhaps the
10 next Mayor didn't see it like that.

11 This Board has no say in what the Mayor
12 thinks. So -- and as a representative of the
13 Building Department at that time, you kind of
14 know that.

15 EILEEN WINGATE: I remember.

16 CHAIRMAN SALADINO: So we go with the
17 current opinion of the current administration.
18 So -- and just let me add, I thought this was
19 like relatively easy, I didn't know it was going
20 to turn into a big debate. This is like a pro
21 forma thing that I ask every meeting, if somebody
22 has a question.

23 FRANK POLISTENA: I think we just wanted
24 clarity.

25 CHAIRMAN SALADINO: I never thought --

1 FRANK POLISTENA: We didn't want to make
2 anything out of it.

3 CHAIRMAN SALADINO: I never thought it
4 would come up to be like be this big debate. But
5 if the applicant is happy with the response from
6 the Village and the Village is happy with what
7 happened here today, and if the Attorney -- I'm
8 looking at our attorney, if he's kind of happy --

9 ATTORNEY CONNELLY: I'm happy.

10 CHAIRMAN SALADINO: -- I'm happy, too.

11 So I'm going to move on to *Item No. 5* which
12 is a *motion to adjourn*. So moved.

13 FRANK POLISTENA: (*Clapped*)

14 MEMBER REARDON: Second.

15 MEMBER GORDON: Second.

16 CHAIRMAN SALADINO: All in favor?

17 MEMBER GORDON: Aye.

18 MEMBER KAUFMAN: Aye.

19 MEMBER REARDON: Aye.

20 CHAIRMAN SALADINO: And I vote aye.

21 **(*The meeting was adjourned at 6:23 p.m.*)**

22

23

24

25

1 C E R T I F I C A T I O N

2

3 STATE OF NEW YORK)

4) SS:

5 COUNTY OF SUFFOLK)

6

7 I, ALISON MAHONEY, a Court Reporter and
8 Notary Public for and within the State of New
9 York, do hereby certify:

10 THAT, the above and foregoing contains a
11 true and correct transcription of the proceedings
12 taken on June 21, 2022, at Station One Firehouse,
13 Third & South Streets, Greenport, NY 11944.

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

18 IN WITNESS WHEREOF, I have hereunto set my
19 hand this 5th day of July, 2022.

20

21

Alison Mahoney

Alison Mahoney

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