

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 Station One Firehouse
 8 Third & South Streets
 9 Greenport, NY, 11944
 10 February 21, 2023
 11 6:00 p.m.

12
 13 B E F O R E:
 14 JOHN SALADINO - CHAIRMAN
 15 DINNI GORDON - MEMBER
 16 SETH KAUFMAN - MEMBER
 17 JACK REARDON - MEMBER
 18 DENA ZEMSKY - MEMBER

19 *****
 20 ALSO IN ATTENDANCE:
 21 ROBERT CONNELLY - ZONING BOARD ATTORNEY
 22 MICHAEL NOONE - CLERK TO THE BOARD

23
 24
 25

1 (The Meeting was Called to Order at 6:04 p.m.)

2 CHAIRMAN SALADINO: Good evening, folks.

3 This is the Village of Greenport Zoning Board of
4 Appeals. This is our Regular Meeting.

5 *Item No. 1 is a motion to accept the minutes*
6 *of the January 17th, 2023 Zoning Board of Appeals*
7 *meeting. So moved.*

8 MEMBER GORDON: Second.

9 CHAIRMAN SALADINO: All in favor?

10 MEMBER REARDON: Aye.

11 MEMBER ZEMSKY: Aye.

12 MEMBER GORDON: Aye.

13 MEMBER KAUFMAN: Aye.

14 CHAIRMAN SALADINO: And I'll vote aye.

15 *Item No. 2 is a motion to schedule the next*
16 *Zoning Board of Appeals meeting for March 21st at*
17 *6 p.m. And for those that are interested, it's*
18 *going to be at the Old Schoolhouse, because I think*
19 *that's the Village election that day. So we --*
20 *we're out. At the Old Schoolhouse, First and Front*
21 *Streets, Greenport, New York 11944. So moved.*

22 MEMBER ZEMSKY: Second.

23 CHAIRMAN SALADINO: All in favor?

24 MEMBER REARDON: Aye.

25 MEMBER ZEMSKY: Aye.

1 MEMBER GORDON: Aye.

2 MEMBER KAUFMAN: Aye.

3 CHAIRMAN SALADINO: And I'll vote aye.

4 *Item No. 3 is a motion to accept the Findings*
5 *and Determinations for Gustavo Acero on behalf of*
6 *Encanto Crepes LLC. The property is located in the*
7 *Waterfront Commercial District, it's also located*
8 *in the Historic District. The Suffolk County Tax*
9 *Map Number is 1001-5-4-35.2. So moved.*

10 MEMBER KAUFMAN: Second.

11 CHAIRMAN SALADINO: All in favor?

12 MEMBER REARDON: Aye.

13 MEMBER ZEMSKY: Aye.

14 MEMBER GORDON: Aye.

15 MEMBER KAUFMAN: Aye.

16 CHAIRMAN SALADINO: I'm going to -- I'm going
17 to -- I have something to say about this. I
18 believe I made a mistake voting for this, not
19 the -- not the variance, but the first part of the
20 findings. I think -- I think us as a Zoning Board,
21 we kind of bridge the gap between variance and
22 legislating. So I'm not going to vote no for this,
23 I'm going to abstain, if anybody cares.

24 MEMBER GORDON: No, wait, I want to

25 understand. You're going to abstain from the

1 Findings and Determinations?

2 CHAIRMAN SALADINO: I'm going to abstain from
3 voting on the Findings and Determinations.

4 MEMBER GORDON: But not on the original
5 variance?

6 MEMBER REARDON: That's done.

7 CHAIRMAN SALADINO: That's done.

8 MEMBER GORDON: That's done, yeah, okay.

9 CHAIRMAN SALADINO: I agreed.

10 MEMBER GORDON: I just wanted to be sure you
11 weren't trying to take it back. Okay.

12 CHAIRMAN SALADINO: No. Are we done with
13 that? Yeah?

14 MEMBER GORDON: Uh-huh.

15 CHAIRMAN SALADINO: Okay. Item No. 4 is --
16 I'm going to take this out of turn, because --
17 *Item No. 5 is a public hearing regarding the*
18 *application for the area variances applied for by*
19 *Nicholas Mazzaferro on behalf of Chris and Lauren*
20 *Isaacs. Applicant proposes a conversion of the*
21 *attic to a livable space. Under Village Code*
22 *150-12, this would require a variance for a third*
23 *story. In addition, the applicant proposes*
24 *off-street parking. Under Village Code 150-12,*
25 *this would require a variance for one (1)*

1 *off-street parking space. The property is located*
2 *in the R-2-, One- & Two-Family District and is also*
3 *located in the Historic District. The Suffolk*
4 *County Tax Map Number is 100 -- 1001-5-2-15.*

5 Name and address for the Stenographer.

6 NICHOLAS MAZZAFERRO: So we went over
7 this last week. You guys -- oh, go ahead.

8 CHAIRMAN SALADINO: Name and address for the
9 Stenographer.

10 NICHOLAS MAZZAFERRO: Oh. Nicholas Mazzaferro,
11 Post Office Box 57, Greenport, New York 11944.

12 So I don't know if you guys have any
13 questions. We did the site visit an hour ago,
14 pretty straightforward.

15 The third floor was actually approved about a
16 year ago in January, it's been reapplied for. It
17 does meet the criteria, and they've actually hired
18 a sprinkler for -- negotiations with a sprinkler
19 company right now to be able to run the sprinklers
20 up the access way and to the third floor.

21 And the driveway, we just discussed it. I
22 don't know if you guys have any questions on it.

23 MEMBER ZEMSKY: No.

24 MEMBER KAUFMAN: No, didn't have any.

25 CHAIRMAN SALADINO: No, we're all -- we're

1 all good.

2 NICHOLAS MAZZAFERRO: Okay.

3 CHAIRMAN SALADINO: We -- I have a question.
4 Before, before -- the curb cut has to go to
5 Planning.

6 NICHOLAS MAZZAFERRO: Right. It's my
7 understanding we do Zoning, Historical and then
8 Planning.

9 CHAIRMAN SALADINO: Yeah. So my question for
10 the Attorney is if Planning doesn't approve the
11 curb cut, they have -- they have to come back?

12 MR. CONNELLY: They have to come back.

13 NICHOLAS MAZZAFERRO: And then if Planning
14 doesn't approve the curb cut, we come back and go
15 to zero, is that the route? Because without the
16 curb cut, you can't get a driveway.

17 CHAIRMAN SALADINO: I'm going to get -- my
18 colleagues are going to get angry at me. I raised
19 this issue for the last -- for the previous owners
20 of the property, that -- that a way to get around
21 the required parking, according to the code, was
22 just to buy two parking spaces from the Planning
23 Board. The previous owner was in favor of it.

24 There was a problem with the process. The
25 Village wasn't quite sure how to get the

1 application in front of the Planning Board. I
2 thought it was relatively simple, you know, it
3 would be site plan approval. There was no curb cut
4 at the time, they were just looking for relief for
5 two parking spaces. But now, now they have to go
6 to Planning, so there'll be an application in front
7 of Planning. So if -- if the -- if the applicants
8 wanted to, they could get this off our plate, and
9 we wouldn't have to deal with it.

10 (Laughter)

11 NICHOLAS MAZZAFERRO: Landmark, this is going
12 to be a landmark procedure. But the focus right
13 now is third floor, obviously, because, you know,
14 they have open building permits, the house is under
15 construction. They understand that the parking
16 space would require zoning, and then we still have
17 to go to Historic, which we're going to do next
18 month, because we're doing windows. And the site
19 work has to go to Historic also, so that's going to
20 be put in. If we -- if that's successful, then
21 we'll go to Planning after that, and if -- Planning
22 would only be involved in the parking spots, so
23 everything else gets accomplished and we could just
24 deal with the parking spot as time goes on. It's
25 not -- you know, it's not like they're going to

1 start constructing the parking spot tomorrow, you
2 know what I mean? The balance of the work is the
3 focus. So we have time. What I'm saying is we
4 have time to address this and see what happens.

5 CHAIRMAN SALADINO: No. Yes, yes, you do,
6 and -- but the only -- the only thing is tonight is
7 the public hearing. And part of the Notice of
8 Disapproval is the parking space, you know, is the
9 off-street parking space.

10 NICHOLAS MAZZAFERRO: Oh, no, I was
11 referencing the difference between getting a curb
12 cut and buying the spots. That's a decision that
13 can occur down the road still, right, when you get
14 in front of Planning? As far as Zoning goes today,
15 it's still as it's -- you know, it's as proposed
16 still.

17 CHAIRMAN SALADINO: The Zoning Board tonight
18 is definitely going to deal with the third floor,
19 we're definitely going to. I'm sure we're going to
20 deal with the third floor, right? I got to check,
21 because they get angry with me if I don't check.

22 (Laughter)

23 CHAIRMAN SALADINO: And the parking, I guess
24 we'll kick that around for a few minutes, and that
25 may or may not happen, too. So thank you. Any

1 questions? Any questions?

2 MEMBER REARDON: Not yet.

3 CHAIRMAN SALADINO: Is there anyone from the
4 public that would like to speak, anybody? No?

5 MR. NOONE: Mr. Chairman, do you want to
6 approve the mailings?

7 CHAIRMAN SALADINO: Oh, we got to do the
8 mailings, yeah.

9 MR. NOONE: So the applicant has proof that
10 he sent it. These are the addresses that we told
11 him they needed to be sent to. He sent them. He
12 has proof of mailing, and of the four, one was
13 delivered for sure, and one, which is 148 Bay, came
14 back no delivery.

15 CHAIRMAN SALADINO: Well, you know, instead
16 of reading this, we could just give them to Lucia,
17 she can put them into the public record.

18 MR. NOONE: Okay.

19 CHAIRMAN SALADINO: Does anybody have any
20 objection we don't read them?

21 MEMBER GORDON: That's fine.

22 CHAIRMAN SALADINO: We'll just put them into
23 the public record. And thank you. And, anyway,
24 thanks.

25 MR. NOONE: Okay.

1 *(Mailings: Jane Rode, 163 Central Avenue,*
2 *Greenport NY 11944*
3 *James Wilday, 152 Bay Avenue, Greenport NY 11944*
4 *George Sarkis, 144 Bay Avenue, Greenport NY 11944*
5 *Lorene Solomon, 135 Bay Avenue, Greenport NY 11944)*

6 CHAIRMAN SALADINO: If there's -- anybody
7 else would like to speak? This is -- this is it.
8 All right? I'm going to make a motion that we
9 close this public hearing.

10 MEMBER GORDON: Second.

11 CHAIRMAN SALADINO: All in favor?

12 MEMBER REARDON: Aye.

13 MEMBER ZEMSKY: Aye.

14 MEMBER GORDON: Aye.

15 MEMBER KAUFMAN: Aye.

16 CHAIRMAN SALADINO: Aye.

17 Okay. We're going to -- we're going to --

18 Item No. 6 is --

19 MEMBER GORDON: What about 4?

20 CHAIRMAN SALADINO: I don't -- I don't see
21 them here. I was just going to wait until -- maybe
22 they're late or maybe they're not coming. I don't
23 see them here.

24 ZACKERY NICHOLSON: Which, 4?

25 MELISSA WELLS: Which is 4? Pardon me.

1 CHAIRMAN SALADINO: Are you guys Sterling Street?

2 ZACKERY NICHOLSON: Yes.

3 CHAIRMAN SALADINO: Oh, I apologize.

4 MELISSA WELLS: Okay.

5 CHAIRMAN SALADINO: I thought -- I thought
6 you were Bay Avenue. I apologize. But the public
7 hearing comes first anyway. Normally, we do the
8 public hearing first.

9 *Item No. 4 is 155 Sterling Street, is a*
10 *motion to accept the application, schedule a public*
11 *hearing and site visit for the area variances*
12 *applied for Zackery Wilson on behalf of Mark*
13 *Moffett and Melissa Wells. Applicant seeks*
14 *approval for two area variances for two*
15 *non-conforming accessory structures. The property*
16 *is located in the R-2, One- & Two-Family District*
17 *and is also located in the Historic District. The*
18 *Suffolk County Tax Map Number is 1001-3-4-36.4.*

19 The applicant. Name and address for the
20 Stenographer.

21 MELISSA WELLS: Hi. My name is Melissa
22 Wells. My address is 155 Sterling Street,
23 Greenport, New York 11944. And this is our
24 Architect.

25 ZACKERY NICHOLSON: May I join her up there?

1 CHAIRMAN SALADINO: Sure. Just name and
2 address for the Stenographer.

3 ZACKERY NICHOLSON: Zackery Nicholson, 1250
4 Evergreen Drive, Cutchogue, New York.

5 CHAIRMAN SALADINO: Did I get -- I'm sorry.
6 Did --

7 ZACKERY NICHOLSON: There was an error on the
8 agenda. It's Zackery Nicholson.

9 CHAIRMAN SALADINO: All right, she's got it.
10 Okay. I'm sorry.

11 ZACKERY NICHOLSON: No worries.

12 CHAIRMAN SALADINO: I'm sorry.

13 MELISSA WELLS: No, it's quite all right.
14 I'm like -- it's my first time here, so.

15 (Laughter)

16 MELISSA WELLS: So the application is for
17 variances for two sheds that are, I guess, closer
18 to the property line than if they were built today
19 would be required. The lot that the house sits on
20 was subdivided some time I think in the '80s, and
21 the shed predate -- both sheds predate the
22 subdivision, and predate the construction of the
23 home, which while it's in the Historic District,
24 was constructed in 1986.

25 And so the request is to accept them as they

1 are, and not have to make any changes to them, so
2 that we can continue and go through the rest of the
3 process with Historic and any other board to get
4 approval to do -- freshen everything up, new
5 exterior, some new interior, needs new windows.

6 You'll know the house. It's the one that
7 when you drive along Sterling Street, it's kind of
8 set back, and the landscaping is rather overgrown.
9 So we're looking forward to just making it look
10 very beautiful and just in keeping with its
11 existing style. We're not proposing drastic
12 changes to it. So that's the short story.

13 MEMBER GORDON: So the house itself is not --
14 this, the house is not an issue here?

15 ZACKERY NICHOLSON: Correct.

16 MEMBER GORDON: Are you doing renovations to
17 the house? You're going to the Planning Board for
18 that?

19 ZACKERY NICHOLSON: We'll need to go to
20 Historic, and that's it, as far as we were told.
21 When we submitted the application for the building
22 permit, the issue with the sheds came up, that they
23 have to be legalized, so here we are.

24 CHAIRMAN SALADINO: The problem with the
25 sheds, and it's -- and trust me, it's going to be

1 relatively easy, I'm pretty sure it's going to be
2 pretty easy.

3 ZACKERY NICHOLSON: Okay.

4 CHAIRMAN SALADINO: The problem with the
5 sheds is that if the house was built prior to 1971,
6 the sheds would be preexisting, they would be
7 nonconforming, and there would -- but the house was
8 built after the code was instituted.

9 MELISSA WELLS: Right.

10 CHAIRMAN SALADINO: And the sheds -- I
11 understand, from reading the application, I
12 understand that this -- the sheds were there as a
13 result of a subdivision.

14 MELISSA WELLS: No, the sheds pre-existed the
15 subdivision, they were there before the house was
16 constructed.

17 CHAIRMAN SALADINO: That's what I'm kind
18 of -- there was a subdivision and the sheds wound
19 up on your property.

20 MELISSA WELLS: Correct.

21 CHAIRMAN SALADINO: The problem --

22 MELISSA WELLS: They existed before. When
23 the whole property was one contiguous property,
24 they were already there.

25 ZACKERY NICHOLSON: However, prior to that

1 subdivision, they were still -- the subdivision
2 didn't, you know, make them closer to the property
3 line then.

4 CHAIRMAN SALADINO: The -- okay. The problem
5 is you can't have an accessory building -- the
6 reason we're looking to legalize the sheds is you
7 can't have an accessory building without a
8 principal building. So if the house was there
9 before --

10 MELISSA WELLS: Oh.

11 CHAIRMAN SALADINO: -- the sheds would be no
12 problem.

13 MELISSA WELLS: Yes. The house that the
14 sheds were constructed to be part of as the
15 principal building I believe was constructed in the
16 19th Century and still stands on that spot in the
17 lot next to ours.

18 CHAIRMAN SALADINO: But it's not on your lot.

19 MELISSA WELLS: Correct.

20 CHAIRMAN SALADINO: So the problem, the
21 problem that the Building Department -- just as an
22 explanation, we're going to go through the process,
23 it's not going to be that -- but just as an
24 explanation, the problem the Building Department
25 saw was that you can't have an accessory building

1 on a piece of property that doesn't have a
2 principal building, so that's why they violated the
3 sheds. So that's the explanation, if you care.

4 Anybody else, any questions? Folks? No?

5 MEMBER ZEMSKY: Actually, I do. So you're
6 not changing the sheds at all, you're just leaving
7 them as is?

8 MELISSA WELLS: I would prefer to leave them
9 as is, because they're barely visible from the
10 street, they're very modest in size. And with an
11 older -- because they're an older structure,
12 they -- how do I want to say? They're not as loud,
13 or big, or obvious as a newer -- a newly
14 constructed shed might be.

15 CHAIRMAN SALADINO: How big are the sheds?
16 How big?

17 MEMBER REARDON: Twelve-by-12 and 8-by-8,
18 roughly.

19 CHAIRMAN SALADINO: So less than 200 square
20 feet each.

21 ZACKERY NICHOLSON: Correct.

22 MEMBER REARDON: Oh, yeah.

23 MELISSA WELLS: And we don't have a garage.
24 The property doesn't have a garage, and has a half
25 basement I kind of crouch down to get around, so

1 they serve an important purpose.

2 CHAIRMAN SALADINO: So I would ask, less than
3 100 feet no building permit, or less than 200 feet
4 no building permit?

5 MR. CONNELLY: It's a --

6 CHAIRMAN SALADINO: So we --

7 MR. CONNELLY: It's -- is it eight, 10-by-8
8 doesn't require a building permit?

9 CHAIRMAN SALADINO: I thought it was -- I
10 thought -- the last Building Inspector said 100.

11 NICHOLAS MAZZAFERRO: That's right.

12 CHAIRMAN SALADINO: So 8-by-12.

13 NICHOLAS MAZZAFERRO: Ninety-six.

14 CHAIRMAN SALADINO: We're in. And what's the
15 other one?

16 MEMBER REARDON: One of them is 8.1-by-7.5,
17 so that's under. The other one is 12 1/2-by-12.1,
18 which is, you know, about 125 square feet.

19 CHAIRMAN SALADINO: Yeah, we just don't want
20 to see you come back. We don't want see you. If
21 you decide tomorrow to renovate the shed or add
22 onto it, it would trigger a building permit. You
23 know, so we -- I'm sure you're nice people, we'd
24 just rather not see you again.

25 (Laughter)

1 MELISSA WELLS: Thank you. I'd like to --
2 our project's going to be on a budget, and I'd
3 rather put the money into the home and the
4 landscaping and not the sheds. Thank you, though.

5 CHAIRMAN SALADINO: Okay. So we have no more
6 questions for these folks?

7 MEMBER GORDON: No, I don't.

8 CHAIRMAN SALADINO: So we're thinking we're
9 going to accept this application, we're thinking?
10 I'm going to make a motion that we accept this
11 application.

12 MEMBER REARDON: I'll second.

13 CHAIRMAN SALADINO: All in favor?

14 MEMBER REARDON: Aye.

15 MEMBER ZEMSKY: Aye.

16 MEMBER GORDON: Aye.

17 MEMBER KAUFMAN: Aye.

18 CHAIRMAN SALADINO: And I'll vote aye.

19 And we're going to schedule -- I'm going to
20 ask again, do we need a site visit for this, for
21 this application?

22 MEMBER REARDON: I don't require one, because
23 they've provided the photographs, the survey, and
24 I'm taking your word for it.

25 CHAIRMAN SALADINO: You want a site visit?

1 MEMBER KAUFMAN: No, I agree with Jack.

2 MEMBER GORDON: No, I don't.

3 CHAIRMAN SALADINO: No site visit. If
4 someone's curious and then -- and you don't think
5 they're trespassing, maybe they could just stop and
6 look.

7 MELISSA WELLS: Always happy to have visitors
8 any time.

9 (Laughter)

10 CHAIRMAN SALADINO: Okay. And we're going to
11 schedule a public hearing for -- for March 21st at
12 6 o'clock. We set them all at 6 o'clock, or
13 approximately 6 o'clock. And just so you know,
14 it's going to be at the Old Schoolhouse instead of
15 this building. There'll be an election going on
16 here. So no site visit, no staking out, no --
17 that's it.

18 MEMBER ZEMSKY: They have to do the letters.

19 CHAIRMAN SALADINO: The Building Department.

20 MR. NOONE: I'll contact the applicants
21 with --

22 ZACKERY NICHOLSON: Okay.

23 MR. NOONE: -- what they need to do.

24 MELISSA WELLS: Okay.

25 CHAIRMAN SALADINO: You're going to have to

1 put a placard and send out some mailings to your
2 neighbors to let them know --

3 MELISSA WELLS: Okay.

4 CHAIRMAN SALADINO: -- that there is a public
5 hearing.

6 MELISSA WELLS: But what --

7 CHAIRMAN SALADINO: But Michael, Michael --

8 MR. NOONE: I'll take care of it.

9 CHAIRMAN SALADINO: He'll let you know.

10 MELISSA WELLS: May I ask, what's the content
11 of the public hearing? Like what kinds of -- is it
12 about the variances, or is it about the project
13 overall? It's my first time.

14 CHAIRMAN SALADINO: The project -- for our
15 public hearing, the project won't be an issue. It
16 won't be on a notice, it's not on the Notice of
17 Disapproval. And the only thing addressed at the
18 public hearing will be these two sheds.

19 MELISSA WELLS: Okay.

20 CHAIRMAN SALADINO: The side yards or the
21 rear yard setbacks for these sheds. That's the
22 only thing.

23 MEMBER GORDON: It's really just to give the
24 public a chance to comment, and that's why you have
25 the sign. And probably you'll have a big audience

1 like this one.

2 (Laughter)

3 CHAIRMAN SALADINO: We do draw a crowd, we
4 draw a big crowd. So --

5 MEMBER ZEMSKY: Once in a while. Once in a
6 while.

7 MELISSA WELLS: Once in a while. Thank you.

8 CHAIRMAN SALADINO: Well, we do get
9 applications that people are interested in. So
10 that will be -- that will be what's involved with
11 yours. If the neighbors choose to show up, they'll
12 show up. If not -- but you'll be required to send
13 out -- I think it's 200 feet, anybody within 200
14 feet, and you put a placard out front for the
15 people that drive by.

16 MELISSA WELLS: Okay.

17 CHAIRMAN SALADINO: And we'll see you on --

18 MELISSA WELLS: On the 21st?

19 MEMBER REARDON: March 21.

20 CHAIRMAN SALADINO: March 21st at 6 o'clock.
21 And remember, it's the Schoolhouse, not here.

22 MELISSA WELLS: The Schoolhouse, got it. All
23 right. Thank you all.

24 ZACKERY NICHOLSON: Thank you all.

25 CHAIRMAN SALADINO: No problem. Did I forget

1 something?

2 MEMBER GORDON: No.

3 MEMBER KAUFMAN: No, you were very thorough.

4 CHAIRMAN SALADINO: Okay. And now we're back
5 to Item No. 6. Item No. 6. *Item No. 6 is 148 Bay*
6 *Avenue. And this is going to be a discussion and*
7 *possible motion on the area variances applied for*
8 *by Nicholas Mazzaferro. This property is located*
9 *in the R-2, One- & Two-Family Residential District,*
10 *also located in the Historic District. And the*
11 *Suffolk County Tax Map Number remains the same at*
12 *1001-5-2-15.*

13 What do we think, folks? The third floor, I
14 think we're familiar with this property.

15 MEMBER GORDON: And the third floor has
16 already been approved. There's -- there was a
17 building permit issued for the third floor; is that
18 right?

19 CHAIRMAN SALADINO: No.

20 MEMBER GORDON: What is it that was approved?
21 Somebody said it.

22 CHAIRMAN SALADINO: What was -- what was
23 approved was this Board giving them a variance to
24 convert the third floor to -- to convert the attic
25 to living space, so it constituted a third floor.

1 MEMBER GORDON: So why are we doing it again?

2 CHAIRMAN SALADINO: I'm going to explain.

3 Because --

4 MEMBER GORDON: Good.

5 CHAIRMAN SALADINO: Because the previous
6 owners to the building sold the property before
7 they could address the variances. They bought the
8 house across the street.

9 MEMBER GORDON: But doesn't the variance run
10 with the land?

11 CHAIRMAN SALADINO: No.

12 MEMBER GORDON: It doesn't?

13 MR. CONNELLY: They didn't get the building
14 permit within six months.

15 MEMBER GORDON: Oh.

16 MEMBER KAUFMAN: Oh, okay.

17 CHAIRMAN SALADINO: If they don't actively --
18 and, also, if they don't actively --

19 MEMBER GORDON: I forgot about that.

20 CHAIRMAN SALADINO: -- address the variance
21 within --

22 MEMBER GORDON: Six months.

23 CHAIRMAN SALADINO: Six months --

24 MEMBER GORDON: Yeah.

25 CHAIRMAN SALADINO: -- the variance

1 becomes --

2 MEMBER GORDON: Okay.

3 CHAIRMAN SALADINO: So, when the new people
4 bought the building, they had to address what the
5 old people took care of.

6 MEMBER GORDON: Right. No, I -- no, I
7 understand.

8 MEMBER KAUFMAN: But nothing has changed
9 material about the third floor, so --

10 CHAIRMAN SALADINO: No.

11 MEMBER KAUFMAN: So then we would have the
12 same opinion we had last year on this.

13 CHAIRMAN SALADINO: Presumably so.

14 MEMBER KAUFMAN: Yeah.

15 CHAIRMAN SALADINO: And we're assured by the
16 architect, by the builder, by the contractor, by
17 the representative, and the Building Department I'm
18 sure is going to insist on it, because it is the
19 law, about the sprinklers and the --

20 NICHOLAS MAZZAFERRO: Yeah.

21 CHAIRMAN SALADINO: -- steepness of the
22 stair. Somebody questioned --

23 MEMBER REARDON: The staircase.

24 CHAIRMAN SALADINO: The staircase. But,
25 again, that's a -- that's a Building Inspector,

1 Code Enforcement issue. So I'm -- I'm sorry?

2 MEMBER ZEMSKY: The code guy isn't here
3 today.

4 CHAIRMAN SALADINO: Well, we'll have to
5 assume that -- I mean, we all know our jobs and we
6 assume he knows his job, you know, so I trust him
7 to do the right thing.

8 So as far as the third floor, I think -- I
9 think we're kind of in agreement here, I'm
10 thinking.

11 MEMBER REARDON: To accept the app.

12 CHAIRMAN SALADINO: To grant the variance,
13 I'm thinking.

14 MEMBER REARDON: Mr. Mazzaferro, could you
15 just review what's going to be replaced in the
16 third floor?

17 NICHOLAS MAZZAFERRO: Yeah. The third floor,
18 actually, it was pre-existing from the original
19 construction of the house. And I think it was
20 used -- I don't know if it was lookout space or
21 something, because at one point in time you could
22 probably see the bay. But the ceiling height on
23 the third floor is over eight feet, because it's up
24 in the mansard roof.

25 Right now, the design calls for two bedrooms,

1 a bathroom, and at the top of the stairs, it's like
2 a hallway and a sitting area. So there's no
3 changes to the exterior walls. The interior walls,
4 actually, it's only one wall down the center of the
5 interior wall. There's a chimney that goes up
6 through the roof that's being boxed off. And, you
7 know, the electrical and the plumbing will all be
8 brought up to code, or whatever.

9 MEMBER REARDON: So it's an addition of two
10 bedrooms and one bathroom?

11 NICHOLAS MAZZAFERRO: Correct.

12 MEMBER GORDON: Yeah.

13 MEMBER REARDON: And no changes to the
14 existing stairway?

15 NICHOLAS MAZZAFERRO: The stairway was
16 upgraded. We had bought a new staircase and put in
17 the existing opening.

18 MEMBER REARDON: Okay.

19 NICHOLAS MAZZAFERRO: All right? It was
20 already -- it was already a walkup stairs. It
21 wasn't a pull-down ladder, it wasn't a steep
22 staircase, it wasn't like a ship's ladder or
23 anything like that. You know, back in 1890 they
24 were using that space already, there's no question
25 about it. So we -- with the renovation that the

1 owners are doing, they decided to buy a new
2 staircase prefab, you know, they make them factory.
3 So we took the old one out, because it had some
4 deteriorated lumber in it, and they dropped in a
5 new staircase, and it is code compliant.

6 MEMBER REARDON: Thank you.

7 CHAIRMAN SALADINO: Any other questions?

8 MEMBER GORDON: No.

9 CHAIRMAN SALADINO: Okay. So the second part
10 of this is -- is -- I want to get it right, because
11 I can't see this.

12 MEMBER GORDON: It's the driveway, but we
13 don't have anything to do with the curb cut, right,
14 guys?

15 CHAIRMAN SALADINO: We have nothing to do
16 with the curb cut, right, Mr. Attorney, that's
17 Planning?

18 MR. CONNELLY: Yeah, Planning.

19 CHAIRMAN SALADINO: Is that something that
20 should have happened before they came here?

21 MR. CONNELLY: I guess they could have made
22 an application for a curb cut first.

23 CHAIRMAN SALADINO: All right. The Notice of
24 Disapproval mentions off-street parking, shows one
25 off-street parking to be provided. This would

1 require a variance for one off-street parking
2 space. So -- yes, Dinni.

3 MEMBER GORDON: No, I just was encouraging you.

4 CHAIRMAN SALADINO: To think harder?

5 (Laughter)

6 CHAIRMAN SALADINO: If -- no, it's clear in
7 my mind what I would like, but what I'm -- my
8 concern is -- my concern is, and I don't want to
9 hold anybody up here, my concern is, is that even
10 if we -- if we -- even if this Board grants that
11 variance, that one parking space variance, and the
12 Planning Board decides that they don't want to --
13 they're not satisfied with the size of the space,
14 backing into Bay Avenue, or the curb cut might be
15 too close to the fire hydrant that's there, and
16 they say no, now we have to come back here again.
17 Now, yeah, and, you know, we get -- folks, we get
18 paid the same whether the room is full or it's
19 empty.

20 (Laughter)

21 CHAIRMAN SALADINO: So, you know, I don't
22 mind coming back here, but, you know, the applicant
23 has to come back, and it just -- we talk about
24 expediting the process and this is not the best way
25 to expedite the process.

1 I would prefer -- I would prefer to table the
2 request for the second variance and let them go to
3 Planning, and maybe Planning will send it back, or
4 maybe the applicant and the Planning Board can work
5 out an arrangement that they don't have to come
6 back.

7 MEMBER GORDON: Can't the Planning Board
8 decide that our -- our approval is of the general
9 phenomenon of a driveway as a -- in that place, and
10 still rule on whether it has to be 10 feet wide
11 instead of 9 feet?

12 CHAIRMAN SALADINO: The Planning Board
13 doesn't decide the dimensions of the parking space.

14 MEMBER GORDON: So then --

15 CHAIRMAN SALADINO: The Zoning Board does.

16 MEMBER GORDON: So then why is -- I thought
17 that was why we were --

18 CHAIRMAN SALADINO: Going to Planning?

19 MEMBER GORDON: Yeah.

20 CHAIRMAN SALADINO: No, for the curb cut.

21 MEMBER GORDON: Well, if it's just for the
22 curb cut, the curb cut admittedly leads to the
23 driveway, it isn't part of the driveway. It
24 just -- it just seems more efficient to me.

25 CHAIRMAN SALADINO: The only -- my only

1 concern is because there was just a recent
2 application in front of the Planning Board for a
3 curb cut for an entirely different piece of
4 property, that the curb cut seemed totally
5 appropriate, and there was -- there was a problem.

6 You know, it would be easy enough, it would
7 be easy enough just to do this and -- but if it
8 doesn't work out, it just -- it just adds two
9 months to the process, or maybe longer, depending
10 on when they can get to the Planning Board, what
11 the Planning Board decides. And remember, every
12 decision the Planning Board makes, they have 60
13 days to decide. It doesn't usually happen, but --

14 MEMBER KAUFMAN: Why would our making a
15 decision tonight impact the schedule with the
16 Planning Board? I'm sorry, I'm not following this.

17 CHAIRMAN SALADINO: Why would the decision to --

18 MEMBER KAUFMAN: Why would -- why would we
19 table it? It seems to me that this parking spot
20 is -- there are two separate elements that need to
21 come together to be able construct this parking
22 spot, and we need to approve zoning for it, and
23 Planning needs to approve a curb cut. So why
24 wouldn't we at least weigh in on our part of it and
25 put that first element in place, whether it's pro

1 or con, whatever, whatever the Board has decided,
2 and then let Planning decide if their element will
3 fall into place. If you don't have both, then you
4 can't have a parking space.

5 MEMBER ZEMSKY: I agree.

6 CHAIRMAN SALADINO: Wait. If you can't have
7 both --

8 MEMBER KAUFMAN: In other words, the
9 applicant needs to get approval from both Zoning
10 and Planning; that's correct, right?

11 MR. CONNELLY: Correct.

12 MEMBER KAUFMAN: So --

13 CHAIRMAN SALADINO: They don't get a building
14 permit. It's not that they don't get a parking
15 space.

16 MEMBER KAUFMAN: Oh, I see, they're not going
17 to give them the building permit.

18 CHAIRMAN SALADINO: Not us.

19 MEMBER KAUFMAN: Yeah.

20 CHAIRMAN SALADINO: Not us, the Village, they
21 write the notice.

22 MEMBER KAUFMAN: No, no, I understand. I
23 understand what you're saying. Okay. But then
24 that's up to the applicant whether he'd want to,
25 you know, hold it up for them.

1 NICHOLAS MAZZAFERRO: I mean, if you table
2 it, does it impact the building permit? They want
3 to drop -- the main focus right now is the building
4 permit for the third floor. If it --

5 CHAIRMAN SALADINO: We can approve the -- I
6 don't want to speak for my colleagues, again. I'm
7 guessing we can approve the variance for the third
8 floor this evening.

9 NICHOLAS MAZZAFERRO: Okay.

10 CHAIRMAN SALADINO: And that would -- that
11 would --

12 MEMBER KAUFMAN: Then you can disconnect the
13 parking spot, go to Planning, get -- if they say
14 yes, then come back and do that separately, since
15 time is not of the essence of that for you, you
16 said that. Then I see your point now, yeah, just
17 about disconnecting them, so we don't hold up the
18 third floor work.

19 NICHOLAS MAZZAFERRO: Well, the other
20 possibility would be to get Zoning's opinion on the
21 question of the two-spot requirement, one spot
22 provided versus no spots. If Zoning, as an
23 interpretation of the code, says, "Okay, we're
24 willing to accept, because of the size of the lot
25 and the area and stuff, one spot, that gets one

1 step. So then if Planning goes, they give you
2 the -- they approve the curb cut, it's done. But
3 they deny the curb cut for the hydrant in the back,
4 or some other reason, then we could disconnect the
5 spot then and come back and either purchase the
6 spots, if they have the budget for it, or go for a
7 zoning to zero spots, like it was done last
8 January.

9 CHAIRMAN SALADINO: Or it could just go to
10 Planning, and Planning could just --

11 NICHOLAS MAZZAFERRO: That's what I mean.

12 CHAIRMAN SALADINO: Fill in the spot and --

13 NICHOLAS MAZZAFERRO: I mean, if Planning
14 denies a curb cut. So if we get the -- if we get
15 the Zoning interpretation of the application as it
16 sits now, that's one more step to pass. The next
17 step would be, at least I thought it would be
18 Historic, because they also have to get involved in
19 site plans, according to their charter, right?
20 Site work has to get put in front of Historic also.
21 So we could get into that next month. And then
22 once that's done, then we'll go to Planning,
23 because it doesn't impact the overall project. And
24 at some point in time, if we have to separate the
25 driveway from the balance of the project, it's not

1 going to impact the major schedule.

2 CHAIRMAN SALADINO: I didn't -- I didn't
3 know -- does anybody here know about
4 Historic? Rob probably knows Historic. I didn't
5 know they decided for a Certificate of
6 Appropriateness on anything that didn't happen on
7 the streetscape.

8 NICHOLAS MAZZAFERRO: I read in detail -- I'm
9 going for windows, and I read their guidelines and
10 their background, and, certainly, it did talk about
11 site work and landscaping and other, you know,
12 stuff --

13 CHAIRMAN SALADINO: In the rear yard?

14 NICHOLAS MAZZAFERRO: -- outside the house,
15 yeah.

16 MR. NOONE: The driveway, he would need
17 approval for the driveway from Historic Board.

18 CHAIRMAN SALADINO: Well, that's another
19 concern that I have, because now you need approval
20 from two people. You need approval from the
21 Planning Board for the curb cut, and you need
22 approval from Historic for the driveway.

23 NICHOLAS MAZZAFERRO: Count you, it's three
24 (laughter).

25 CHAIRMAN SALADINO: I'm sorry?

1 NICHOLAS MAZZAFERRO: And counting you guys
2 is three.

3 (Laughter)

4 CHAIRMAN SALADINO: Well, I'm looking to
5 get -- I'm looking to get it off our plate, is what
6 I'm looking to do. And if -- if we -- if we didn't
7 address the parking space now, it could go to
8 Historic. If they don't like the idea of parking
9 on the front lawn on that particular block, it
10 would still have to go to Planning, and Planning
11 could -- could relieve the applicant from all
12 parking, is kind of what I'm thinking. But, Nick,
13 you're the -- you're the applicant here, you
14 tell -- what do you want to do?

15 NICHOLAS MAZZAFERRO: To be honest, I had to
16 go through three phases, so I just assume if I get
17 a completed phase and deal with the next one when
18 that shows up, and understanding that Historic
19 could say no, and then even if you get two,
20 understanding that Planning could say no, and then
21 the process changes. But at least we -- at least
22 this is continuing to move forward, you know what I
23 mean?

24 MEMBER GORDON: Yeah, yeah. On the other
25 hand, the -- Planning could say fine and Historic

1 could say fine. I mean, we're talking about
2 relieving a very crowded street.

3 NICHOLAS MAZZAFERRO: Street, yeah.

4 MEMBER GORDON: And in that case, it's more
5 efficient for us to decide it, if we decide it in a
6 positive way.

7 CHAIRMAN SALADINO: How are we relieving a
8 very crowded street?

9 MEMBER KAUFMAN: I'm thinking, possibly.

10 MEMBER GORDON: Well, we're relieving just
11 slightly, because there's going to be a -- if they
12 had no parking, there would be one more car parked
13 on the curb.

14 CHAIRMAN SALADINO: I would -- you and I just
15 think in different terms when it comes to parking.

16 MEMBER GORDON: Well, I'm not suggesting the
17 traffic problem is solved.

18 CHAIRMAN SALADINO: No, no.

19 MEMBER GORDON: Bay Avenue is always going to
20 be a little like this (demonstrating back and forth
21 motion).

22 NICHOLAS MAZZAFERRO: I think the gain is a
23 parking -- the driveway is 10 foot wide and a
24 parking spot is like 20, 22 foot long.

25 CHAIRMAN SALADINO: Wait, what did you say?

1 NICHOLAS MAZZAFERRO: In other words, if I
2 parallel park in the street, I take about 22 feet.
3 If I have a driveway, I only use 10 feet of it.
4 Either way, there's a spot being used, but, you
5 know, if you -- that's where the mathematics works
6 out. In other words, you would get more cars if
7 you put -- if everybody parked in towards their
8 house, you would get more cars on the length of the
9 street than if everybody parallel parked.

10 CHAIRMAN SALADINO: Yeah, I'm just thinking
11 in different terms. I'm just thinking that, you
12 know, sometimes to be able to park as many cars as
13 you want on the street, there should be some kind
14 of penalty, there should be some kind of
15 remuneration to the Village, but I'm the only --

16 MEMBER GORDON: That's really --

17 CHAIRMAN SALADINO: I'm the only one.

18 MEMBER GORDON: That's really leaving the code.

19 CHAIRMAN SALADINO: No, it's in the code.
20 It's in black and -- it's the only thing that's
21 spelled out in the code.

22 MEMBER GORDON: Oh, you mean, the penalty.

23 CHAIRMAN SALADINO: Well, payment in lieu of
24 parking. I mean, you know, it's there for a
25 reason. It's there for this particular reason.

1 It's there for exactly this reason. But, again,
2 I'm just one vote and you can --

3 MEMBER KAUFMAN: I'm wondering maybe for the
4 Attorney. If we take on the parking issue tonight
5 for zoning, does that hang up the building permit
6 until the other committees weigh in?

7 MR. CONNELLY: Well, they can't get a
8 building permit until they're done with Historic
9 and Planning.

10 MEMBER KAUFMAN: Yeah, so --

11 MEMBER GORDON: Planning anyway.

12 MEMBER KAUFMAN: Yeah. So it doesn't
13 really -- if we do it tonight, it doesn't actually
14 cost you more time, does it? I mean, that's the
15 only thing I'm thinking. The only -- the only real
16 trade-off is --

17 NICHOLAS MAZZAFERRO: No, no. Third floor,
18 third floor renovation does not require Historic.

19 MEMBER KAUFMAN: Okay.

20 MR. CONNELLY: Oh, yes, for the interior
21 renovation.

22 NICHOLAS MAZZAFERRO: Interior renovation.

23 MEMBER KAUFMAN: So if we attach some --

24 NICHOLAS MAZZAFERRO: And the building permit
25 that's on the house now, if you saw the work going

1 on in the back --

2 MEMBER KAUFMAN: Yeah.

3 NICHOLAS MAZZAFERRO: -- that's already been
4 through Historic and that's already been permitted.

5 MEMBER KAUFMAN: Okay.

6 MR. CONNELLY: And is it the number of
7 bedrooms that requires the number of off-street
8 parking spaces?

9 CHAIRMAN SALADINO: No.

10 MR. CONNELLY: No, okay.

11 CHAIRMAN SALADINO: So a single-family house
12 needs two spaces.

13 MEMBER GORDON: A single dwelling requires two.

14 MEMBER KAUFMAN: So if we could couple these
15 two issues, then you can get started on the third
16 floor sooner; that's my understanding, correct?

17 NICHOLAS MAZZAFERRO: Well, it depends on
18 what you do with the parking issue. If the Zoning
19 approves the one spot as a variance --

20 MEMBER KAUFMAN: Yeah.

21 NICHOLAS MAZZAFERRO: -- then the next step
22 is Historic. It does not -- it doesn't impact the
23 third floor, parking.

24 MEMBER KAUFMAN: Yeah, okay. That's --

25 NICHOLAS MAZZAFERRO: And the third floor

1 permit.

2 MEMBER KAUFMAN: That's what I'm saying. So
3 why would -- so the why wouldn't we just vote on
4 this tonight? Like I don't really understand why
5 we --

6 MEMBER GORDON: That's what I think.

7 MEMBER KAUFMAN: There's no disadvantage for you.

8 NICHOLAS MAZZAFERRO: We've still got to go
9 through the next two steps anyway.

10 MEMBER KAUFMAN: That's what I'm saying. It
11 just seems like -- so that's my -- my take is I
12 think we should vote on it. I don't know how the
13 rest of the Board feels.

14 MEMBER REARDON: I have a question to make it
15 clear for me. They're connected in one application
16 right now. So if Historic denies the parking area,
17 then everything's dead in the water, correct? And
18 the applicant would then have to start the process
19 somewhat over, because we would then -- if Historic
20 stops it, then the building permit process is
21 stopped.

22 NICHOLAS MAZZAFERRO: No. The --

23 MEMBER REARDON: No?

24 NICHOLAS MAZZAFERRO: There's two different
25 sections of the code that are being addressed, so I

1 think they're decoupled by default. You know,
2 they're not -- they're not the same section of the
3 code. It's one set of paperwork, but there's two
4 different letters -- basically there's two
5 differently paragraphs of denial.

6 MEMBER REARDON: Okay.

7 NICHOLAS MAZZAFERRO: I don't remember the
8 code sections, they're probably written here.

9 MEMBER REARDON: So they're traveling through
10 the network together --

11 NICHOLAS MAZZAFERRO: Yeah, they just happen
12 to be coupled together.

13 MEMBER REARDON: -- though they can be
14 disjointed at any point.

15 NICHOLAS MAZZAFERRO: And because what
16 happens when I go to Historic next month, the third
17 floor drops off, and the windows get added in
18 (laughter).

19 MEMBER KAUFMAN: I understand.

20 CHAIRMAN SALADINO: So, just for my own
21 information, the Historic Board has the right --
22 is -- the Historic Preservation Commission can say
23 yes or no to windows that are in the back of the
24 house, but they have no authority over you parking
25 a Cadillac on your front lawn?

1 NICHOLAS MAZZAFERRO: No, they -- I do have
2 to go to Historic for the driveway.

3 CHAIRMAN SALADINO: Oh, you do?

4 NICHOLAS MAZZAFERRO: I do, yeah.

5 CHAIRMAN SALADINO: Oh, I thought you said
6 no, that --

7 NICHOLAS MAZZAFERRO: No, no, no, I said -- I
8 said the third floor goes away.

9 CHAIRMAN SALADINO: Oh, oh, yeah. Again, I
10 thought -- I thought the whole process could have
11 been -- could have been a whole lot easier if the
12 applicant went to Planning and bought two parking
13 spaces, and we wouldn't be having this
14 conversation. But, apparently, we want to have it,
15 so we are, and --

16 MEMBER GORDON: And that's not what the
17 applicant chose to do.

18 CHAIRMAN SALADINO: Well, we don't know. We
19 don't know, because we offered it to the other
20 applicant and he chose that route. But the Village
21 said there was no way to get the application in
22 front of Planning. Now the application is going to
23 Planning, so there is a mechanism to get the
24 application in front of Planning. The applicant's
25 representative is here.

1 NICHOLAS MAZZAFERRO: I mean, when it was
2 done last -- when it was done a year ago --

3 MS. BRAATEN: I'm sorry. Would you be able
4 to go back to the microphone?

5 NICHOLAS MAZZAFERRO: The question I had was
6 when it was done a year ago, how did it not -- they
7 needed a curb -- oh, no, they went to a variance of
8 zero, so they wouldn't need a curb cut? Is that
9 the process?

10 CHAIRMAN SALADINO: No, they didn't -- they
11 didn't -- they discounted the idea of parking on
12 the front lawn -- parking in that parking space.
13 They -- they asked for a straight up --

14 NICHOLAS MAZZAFERRO: Variance to zero.

15 CHAIRMAN SALADINO: Variance for two parking
16 spaces.

17 NICHOLAS MAZZAFERRO: Right.

18 CHAIRMAN SALADINO: They wanted to be
19 relieved of providing two off-street parking
20 spaces.

21 NICHOLAS MAZZAFERRO: So, since there's no
22 curb cut, they'd have no way to get in front of
23 Planning. All right.

24 CHAIRMAN SALADINO: So the debate on the
25 Board that we went back and forth a little bit was

1 that they really didn't have any options, because
2 there was no way for that applicant to get in front
3 of the Planning Board to buy the two spaces that
4 they needed.

5 NICHOLAS MAZZAFERRO: Right, because they
6 have no --

7 CHAIRMAN SALADINO: So this Board, with a
8 vote four to one, chose to give them the variance.

9 NICHOLAS MAZZAFERRO: Right, so they -- yeah,
10 they couldn't get in front of Planning because they
11 needed a curb cut.

12 CHAIRMAN SALADINO: They couldn't get --
13 because there was no -- and I didn't quite
14 understand it, but, you know, it was -- the vote
15 was four-one, so it was going to happen anyway.

16 NICHOLAS MAZZAFERRO: Yeah. So could I --
17 should I modify my application (laughter)?

18 CHAIRMAN SALADINO: Can you what?

19 NICHOLAS MAZZAFERRO: Should I modify my
20 application to go to zero? Then I don't go to
21 Planning?

22 CHAIRMAN SALADINO: That would be -- and I'm
23 guessing the vote on that would be four-one. I'm
24 guessing.

25 (Laughter)

1 NICHOLAS MAZZAFERRO: All right.

2 CHAIRMAN SALADINO: But --

3 MEMBER GORDON: But, also, you -- as I
4 understand it, you were saying they were -- that
5 there was an element, anyway, of altruism in this,
6 they wanted to get the car off the --

7 NICHOLAS MAZZAFERRO: Yes, they do. They --

8 MEMBER GORDON: -- the street to make a
9 little bit of difference on Bay Avenue, so --

10 NICHOLAS MAZZAFERRO: Yes, they definitely
11 did that. They lived -- the owners of this house
12 lived in that --

13 MEMBER GORDON: They weren't going to ask
14 for --

15 NICHOLAS MAZZAFERRO: The owners, the owners
16 of this house lived in the house immediately next
17 door for a whole year during COVID, and it had the
18 parking spot, and it's very small, but you just
19 turn off. And they -- they understood the value of
20 that when they bought their house, so that's why
21 we're here. Give it a shot.

22 CHAIRMAN SALADINO: We'll --

23 (Laughter)

24 CHAIRMAN SALADINO: Okay. We're going to --
25 we're going to -- I'm going to make a motion that

1 the Zoning Board declare -- the Zoning Board
2 declare itself Lead Agency for the purposes of
3 SEQRA for this particular application. So moved.

4 MEMBER GORDON: Second.

5 CHAIRMAN SALADINO: All in favor?

6 MEMBER REARDON: Aye.

7 MEMBER ZEMSKY: Aye.

8 MEMBER GORDON: Aye.

9 MEMBER KAUFMAN: Aye.

10 CHAIRMAN SALADINO: And we've pretty much
11 decided this is a Type II Action, right?

12 MEMBER KAUFMAN: Yep.

13 MEMBER GORDON: Uh-huh.

14 CHAIRMAN SALADINO: So I'll go through --
15 we're going to go through this balancing test and
16 vote on the application.

17 MEMBER GORDON: Are we doing the two issues
18 at the same time?

19 CHAIRMAN SALADINO: That's what the applicant
20 wants, right?

21 NICHOLAS MAZZAFERRO: Yeah.

22 CHAIRMAN SALADINO: As in "Go for it", isn't
23 that what it means? I'm okay with that, too. I'm
24 just looking for the Notice of Disapproval. All
25 right, we don't need that. I don't need the Notice

1 of Disapproval.

2 MEMBER GORDON: Here.

3 CHAIRMAN SALADINO: I don't need it.

4 CHAIRMAN SALADINO: We're going to do -- for
5 the folks that are listening, for the next time,
6 maybe, we do a balancing test. There's five
7 questions, and then we'll vote on the -- on the
8 variance.

9 So the first question in the balancing test
10 is whether there'll be an undesirable change --
11 whether an undesirable change will be produced in
12 the character of the neighborhood or a detriment to
13 nearby properties will be created by granting of
14 this area variance. Jack?

15 MEMBER REARDON: No.

16 CHAIRMAN SALADINO: Dena?

17 MEMBER ZEMSKY: No.

18 MEMBER GORDON: No.

19 MEMBER KAUFMAN: No.

20 CHAIRMAN SALADINO: And I'll vote no.

21 Whether the benefit sought by the applicant
22 can be achieved by some method feasible for the
23 applicant to pursue other than an area variance.
24 Jack?

25 MEMBER REARDON: Yep.

1 CHAIRMAN SALADINO: Dena?

2 MEMBER ZEMSKY: No.

3 CHAIRMAN SALADINO: Dinni?

4 MEMBER GORDON: Yes.

5 MEMBER KAUFMAN: Yes.

6 CHAIRMAN SALADINO: And I'll vote yes.

7 Whether the requested area variance is
8 substantial. Jack?

9 MEMBER REARDON: No.

10 CHAIRMAN SALADINO: Dena?

11 MEMBER ZEMSKY: No.

12 CHAIRMAN SALADINO: Dinni?

13 MEMBER GORDON: No.

14 CHAIRMAN SALADINO: Seth?

15 MEMBER KAUFMAN: No.

16 CHAIRMAN SALADINO: And I'll vote no.

17 Whether the proposed variance will have an
18 adverse effect or impact on the physical or
19 environmental conditions in the neighborhood or
20 district. Jack?

21 MEMBER REARDON: No.

22 MEMBER ZEMSKY: No.

23 CHAIRMAN SALADINO: Dena -- Dinni?

24 MEMBER GORDON: No.

25 MEMBER KAUFMAN: No.

1 CHAIRMAN SALADINO: Adverse. I'll vote no.
2 Whether the alleged difficulty was
3 self-created, which consideration shall be relevant
4 to the decision of the Board of Appeals, but shall
5 not necessarily preclude the granting of the area
6 variance. Jack?

7 MEMBER REARDON: Yes.

8 MEMBER ZEMSKY: Yes.

9 CHAIRMAN SALADINO: Dinni?

10 MEMBER GORDON: Yes.

11 MEMBER KAUFMAN: Yes.

12 CHAIRMAN SALADINO: And I'll vote yes.

13 We're going to take both, both variance
14 requests at once, so a yes vote would mean -- would
15 mean -- that's the wrong one.

16 MEMBER GORDON: That's what I thought we were
17 doing.

18 CHAIRMAN SALADINO: You would think I would
19 have this application. So we're going to take
20 both, both of them at the same time, and a yes vote
21 would be approval of both, of both -- or do you
22 want to do -- we'll do one at a time.

23 MEMBER KAUFMAN: One at a time, I think.

24 CHAIRMAN SALADINO: One at a time.

25 MEMBER GORDON: Okay.

1 CHAIRMAN SALADINO: All right. I'm going to
2 make a motion that we grant the area variance
3 for -- for the one-family dwelling that shows the
4 conversion of the attic to livable space and the
5 variance would be for a third story. I'll make a
6 motion that we grant that area variance. Jack?

7 MEMBER REARDON: Yes.

8 MEMBER ZEMSKY: Yes.

9 CHAIRMAN SALADINO: Dinni?

10 MEMBER GORDON: Yes.

11 MEMBER KAUFMAN: Yes.

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

13 The second part would be one off-street
14 parking space. The plan shows one off-street
15 parking space to be provided. This would require a
16 variance for one off-street parking space. I'm
17 going to make a motion that we accept this area
18 variance -- that we approve this area variance.
19 Jack?

20 MEMBER REARDON: Yes.

21 CHAIRMAN SALADINO: Dena?

22 MEMBER ZEMSKY: Yes.

23 CHAIRMAN SALADINO: Dinni?

24 MEMBER GORDON: Yes.

25 MEMBER KAUFMAN: Yes.

1 CHAIRMAN SALADINO: And I'm going to vote no.
2 Easy peasy.

3 NICHOLAS MAZZAFERRO: Step one.

4 CHAIRMAN SALADINO: That's it, right? That's it?

5 MEMBER GORDON: Yeah.

6 CHAIRMAN SALADINO: All right. We're going
7 to -- we're going to move on and -- well, you don't
8 need to do it. You'll see him and he'll tell you
9 what's next.

10 Item No. 7 is any other Zoning Board of
11 Appeals business that might properly come before
12 this Board. Anybody got a question? Anybody? We
13 were -- and I ask this, because we went to a
14 training seminar and they encouraged us to involve
15 the public in this process. And I think the public
16 is just about fed up with us tonight, so.

17 ZACKERY NICHOLSON: I have a question, maybe
18 not for the Zoning Board. What dictates whether
19 our project has to go to Planning or not?

20 CHAIRMAN SALADINO: It doesn't.

21 ZACKERY NICHOLSON: It doesn't?

22 CHAIRMAN SALADINO: I don't --

23 ZACKERY NICHOLSON: Not for the sheds, just --

24 MR. CONNELLY: It's a residential property.

25 CHAIRMAN SALADINO: I don't believe your

1 property has to go to Planning.

2 ZACKERY NICHOLSON: Okay.

3 CHAIRMAN SALADINO: Right?

4 MR. CONNELLY: No, it doesn't.

5 CHAIRMAN SALADINO: No site plan approval.

6 MR. CONNELLY: Only a vacant lot would need
7 to if you're building a new house on it.

8 ZACKERY NICHOLSON: Okay.

9 MR. NOONE: From my understanding, Alex said
10 that the only way -- the only reason you're here --

11 ZACKERY NICHOLSON: The sheds?

12 MR. NOONE: -- is they couldn't give you a
13 building permit because of the sheds.

14 ZACKERY NICHOLSON: Okay.

15 MR. NOONE: If the sheds didn't exist, you
16 wouldn't be here.

17 ZACKERY NICHOLSON: Got it.

18 CHAIRMAN SALADINO: Again, just to explain,
19 and, actually, we had this conversation earlier,
20 the Village's policy is, is they're not -- they're
21 not -- they're not looking for business, they're
22 not looking to violate people and stuff. The only
23 time it will trigger a trip to a statutory board is
24 usually when you apply for a building permit. If
25 there's -- if it's something that doesn't require a

1 building permit, you're usually off everybody's
2 radar. If it requires a building permit, you're
3 inviting the CEO, the Code Enforcement Officer, to
4 your property. And they don't come with blinders
5 on, they look, they look at the entire, the entire
6 property. So if everything's up to snuff, say,
7 with the house, but he says, "Well, what about
8 those sheds over there," that will -- and what
9 triggers that is a building permit. So that's what
10 happens here. I don't know about other
11 municipalities. I don't live anywhere, I live
12 here, so.

13 All right. And the last, the last thing we
14 have is -- I don't know what number it is, is a
15 motion to adjourn. So moved.

16 MEMBER GORDON: Second

17 MEMBER KAUFMAN: Second.

18 CHAIRMAN SALADINO: All in favor?

19 MEMBER REARDON: Aye.

20 MEMBER ZEMSKY: Aye.

21 MEMBER GORDON: Aye.

22 MEMBER KAUFMAN: Aye.

23 CHAIRMAN SALADINO: And I'll vote aye.

24 Thanks for coming.

25 (The Meeting was Adjourned at 6:56 p.m.)

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF NEW YORK)
) SS:
COUNTY OF SUFFOLK)

I, LUCIA BRAATEN, a Court Reporter and Notary Public for and within the State of New York, do hereby certify:

THAT, the above and foregoing contains a true and correct transcription of the Zoning Board of Appeals meeting of February 21, 2023.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of February, 2023.

Lucia Braaten

Lucia Braaten