

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 School House  
 8 Front & First Streets  
 9 Greenport, NY, 11944  
 10 April 18, 2023  
 11 6:00 p.m.

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

19 \*\*\*\*\*

21 ALSO IN ATTENDANCE:  
 22 ROBERT CONNELLY - ZONING BOARD ATTORNEY  
 23 MICHAEL NOONE - CLERK TO THE BOARD  
 24 ALEX BOLANOS - CODE ENFORCEMENT OFFICER

25

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

2 ACTING CHAIRMAN SALADINO: Good evening,  
3 folks. This is the Village of Greenport Zoning  
4 Board of Appeals regular meeting.

5 Before we start, we're going to -- we're  
6 going to -- with the members, we're going to pick  
7 an Acting Chairman tonight, because of -- because  
8 of right at this particular moment in time, there  
9 is no Chairman. So does anybody want to be the  
10 Chairman this evening?

11 MEMBER GORDON: I nominate John Saladino.

12 MEMBER REARDON: I second that nomination.

13 ACTING CHAIRMAN SALADINO: Okay. All right,  
14 we got that out of the way. Maybe next month  
15 there'll be a Chairman.

16 Item No. 1 is a motion to appeal the minutes  
17 of -- appeal.

18 (Laughter)

19 ACTING CHAIRMAN SALADINO: You guys, I have  
20 bronchitis, I'm a little under the weather, so,  
21 apparently, I can't read either.

22 *Motion to accept the minutes of the*  
23 *March 21st, 2023 Zoning Board of Appeals meeting.*

24 So moved.

25 MEMBER KAUFMAN: Second.

1 ACTING CHAIRMAN SALADINO: All in favor?

2 MEMBER GORDON: Aye.

3 MEMBER KAUFMAN: Aye.

4 MEMBER REARDON: Aye.

5 CHAIRPERSON SALADINO: And I'll vote aye.

6 *Item No. 2 is a motion to schedule the next*  
7 *Zoning Board of Appeals meeting for May 16th, 2023*  
8 *at 6 p.m. at Station One Firehouse, Third and South*  
9 *Street, Greenport, New York, and the zip is 11944.*

10 So moved.

11 MEMBER GORDON: Second.

12 ACTING CHAIRMAN SALADINO: All in favor?

13 MEMBER GORDON: Aye.

14 MEMBER KAUFMAN: Aye.

15 MEMBER REARDON: Aye.

16 CHAIRPERSON SALADINO: And I'll vote aye.

17 *Item No. 3 is 155 Sterling Street. This is a*  
18 *Motion to accept the Findings and Determinations*  
19 *for Zachery Nicholson on behalf of Mark Moffett and*  
20 *Melissa Wells. This property is located in*  
21 *The R-2, One- & Two-family Residential District,*  
22 *and is also located in the Historic District.*  
23 *The Suffolk County Tax Map number is 1001-3-4-36.4.*

24 So moved. I'm assuming that everybody read the  
25 findings.

1 MEMBER GORDON: Yeah. Thank you for sending it.

2 ACTING CHAIRMAN SALADINO: So moved.

3 MEMBER REARDON: Second.

4 ACTING CHAIRMAN SALADINO: All in favor?

5 MEMBER KAUFMAN: Aye.

6 MEMBER REARDON: Aye.

7 MEMBER GORDON: Dinni?

8 MEMBER GORDON: Aye.

9 CHAIRPERSON SALADINO: Aye. And I'll vote aye.

10 *Item No. 4 is 225 Monsell Place. This is a public*  
11 *hearing regarding the application of Wayne Turrett*  
12 *on behalf -- on behalf of Jesse Browner and Judith*  
13 *Cain. The applicant proposes to add a one-story*  
14 *addition to a two-story house and build a new*  
15 *attached deck. This property is located in the R-1*  
16 *One Family Residential District and is not*  
17 *located in the Historic District. The Suffolk*  
18 *County Tax Map number is 1001-2-2-41.5.*

19 Is the applicant here?

20 JESSE BROWNER: I'm here.

21 (Laughter)

22 ACTING CHAIRMAN SALADINO: Would you like --  
23 would you like to give your name and address, if  
24 you like, if you want, give your name and address  
25 to the Stenographer, and tell us a little bit about

1 your project.

2 JESSE BROWN: Sure. Jesse Browner, 225  
3 Monsell Place in Greenport.

4 We want to add a third -- a bedroom  
5 downstairs with an attached bathroom. The bathroom  
6 already exists, but we're reconfiguring it. This  
7 was prompted by the fact that my in-laws can no  
8 longer visit us, because they can't climb our very  
9 steep stairs. So we wanted to build a bedroom  
10 downstairs that they will be able to use and that  
11 we will also probably want to use in 20 years from  
12 now. That is pretty much the beginning and end of  
13 it. But, of course, I'm happy to answer any  
14 questions that anybody might have.

15 ACTING CHAIRMAN SALADINO: Anybody have any  
16 questions for the applicant?

17 MEMBER REARDON: I do not.

18 ACTING CHAIRMAN SALADINO: Jack declined.

19 MEMBER GORDON: I don't have questions, but I  
20 think if you could describe the issue as you  
21 understand it with respect to the --

22 JESSE BROWNER: Okay.

23 MEMBER GORDON: -- lot the house is on and  
24 the --

25 JESSE BROWNER: Okay. So --

1           MEMBER GORDON: Your other lot, just for the  
2 record.

3           JESSE BROWNER: Our property is two adjoining  
4 lots, both of them nonconforming. As a result,  
5 there is a property line right down the center of  
6 our property, which requires us to apply for a  
7 variance, because the house is already less than  
8 10 feet from that property line, and the addition  
9 will be even closer, at one point even touching  
10 that property line.

11           We have tried to persuade the Village to  
12 combine our lots, but that is contrary to Village  
13 Law, which doesn't allow two nonconforming lots to  
14 be combined.

15           The only other option we would have, the only  
16 other two options is to build a very narrow room  
17 that would not suit our purposes at all, it would  
18 be too narrow to act as a bedroom, or to apply for  
19 a lot line change that would create one conforming  
20 lot and one lot that would be two feet wide and  
21 120 feet long. Since that did not seem like the  
22 most rational decision, we decided to apply for the  
23 variance first, in the -- in the assumption that  
24 this will probably be our first and last addition  
25 to the house.

1           We've been working on this for several years  
2           and had several setbacks, and so now we're hoping  
3           that we can go ahead with it, but that's in your  
4           hands. I'm not sure if there's anything else you  
5           need to know from me, but I'm here to answer your  
6           questions.

7           ACTING CHAIRMAN SALADINO: Until you said  
8           that, I didn't have a question, but now I do.

9           JESSE BROWNER: Okay.

10          ACTING CHAIRMAN SALADINO: What is the  
11          setback? We saw your new shed, it's very nice.

12          JESSE BROWNER: Thank you.

13          ACTING CHAIRMAN SALADINO: We all agree, it's  
14          real nice. What's the setback from the side yard  
15          to the rear of the shed?

16          JESSE BROWNER: Five feet. That's in  
17          conformity with a garden shed, as far as I know. I  
18          mean, certainly --

19          ACTING CHAIRMAN SALADINO: No, it is. No, it  
20          is. An accessory building is 5 feet.

21          JESSE BROWNER: Right.

22          ACTING CHAIRMAN SALADINO: But if -- I'm just  
23          looking to perhaps head off a problem here. If you  
24          go for a lot line change and create a two-foot  
25          lot -- what did you say, two foot by 100?





1           ACTING CHAIRMAN SALADINO: I have a question  
2 for Rob, the Attorney, our Attorney, and I'm not  
3 sure if I should be asking this during the  
4 public -- can I ask this during the public hearing?

5           MR. CONNELLY: Yeah.

6           ACTING CHAIRMAN SALADINO: Wouldn't it have  
7 been easier if the new merger law was in zoning, as  
8 opposed to the subdivision law?

9           MR. CONNELLY: Yes.

10          ACTING CHAIRMAN SALADINO: All right. So the  
11 Attorney is on record to say that.

12          MR. CONNELLY: Also, I think you should  
13 probably have been able to merge two nonconforming --  
14 I understand the concept of not wanting to merge a  
15 conforming lot with a nonconforming lot, because  
16 then you create a large lot that you could put up a  
17 mega -- you know, a mansion on, basically. But if  
18 you have two nonconforming lots next to each other  
19 in the same ownership, I don't see what the harm is  
20 in merging those two.

21          ACTING CHAIRMAN SALADINO: Not to, because --  
22 because I was -- I was at those meetings and I  
23 just -- I just believe that that kind of slipped  
24 through the cracks. I think -- I think the big rap  
25 was conforming lot with a -- with a conforming lot,

1 you know, so not to be able to get --

2 MR. CONNELLY: Right.

3 ACTING CHAIRMAN SALADINO: -- a 6,000 square  
4 foot house in an area like Monsell Place, but --  
5 and the reason I ask is because if it was in  
6 Chapter 150, we could have addressed it --

7 MR. CONNELLY: Yes.

8 ACTING CHAIRMAN SALADINO: -- the last time  
9 to --

10 MEMBER GORDON: Well, I sort of have a  
11 question for you, also, Rob. Is it not possible  
12 to -- if we gave this variance, to make it  
13 conditional on a covenant, or just a condition that  
14 the second lot not be detached from the first lot?  
15 I mean, if we -- I'm trying to avoid the word  
16 "merger", since that's --

17 MR. CONNELLY: Right.

18 ACTING CHAIRMAN SALADINO: Should we --  
19 should we close this public hearing? Because I  
20 have the same question as Dinni.

21 MR. CONNELLY: Yeah, you could.

22 ACTING CHAIRMAN SALADINO: Should we, should  
23 we close the public hearing and then have this  
24 conversation with them, or --

25 MEMBER GORDON: Okay, that's fine. I just

1 want to make sure we get an answer to this  
2 question.

3 ACTING CHAIRMAN SALADINO: Is there anybody  
4 else from the public? Are you done, Jesse?

5 JESSE BROWNER: You tell me. I believe I'm  
6 done.

7 ACTING CHAIRMAN SALADINO: Is there anyone --  
8 let me check in the back. Is there anyone else  
9 from the public --

10 MEMBER GORDON: Jay, do you want to weigh in  
11 on this?

12 (Laughter)

13 ACTING CHAIRMAN SALADINO: Is there anyone  
14 else from the public that would like to speak?

15 (No Response)

16 ACTING CHAIRMAN SALADINO: If not, I'm going  
17 to make a motion that we close this public hearing.  
18 So moved.

19 MEMBER GORDON: Second

20 ACTING CHAIRMAN SALADINO: All in favor?

21 MEMBER GORDON: Aye.

22 MEMBER KAUFMAN: Aye.

23 MEMBER REARDON: Aye.

24 CHAIRPERSON SALADINO: Aye.

25 All right. Back to --

1           JESSE BROWNER: So would you like me to  
2     leave?

3           ACTING CHAIRMAN SALADINO: No, absolutely not.

4           JESSE BROWNER: No? Okay.

5                                 (Laughter)

6           MEMBER GORDON: But we are moving on to  
7     Item -- in terms of the agenda, we are moving to  
8     the next item.

9           ACTING CHAIRMAN SALADINO: I thought we would  
10    just finished the questions and then do it.

11          MEMBER GORDON: Fine, okay.

12          MR. CONNELLY: So I think all of the -- you  
13    could do that, yes, but I think that the risk that  
14    you run there is if -- I'm sorry, Mr. --

15          JESSE BROWNER: Browner.

16          MR. CONNELLY: Browner. If he ever wants to  
17    sell that lot, the nonconforming lot, and somebody  
18    might want to purchase it and take the risk of  
19    trying to, you know, get variances to build a  
20    structure on that lot --

21          MEMBER GORDON: But we don't want him to do  
22    that, because -- and I think he doesn't want to do  
23    that. We don't want him to do that, because we are  
24    poised to give him a variance that puts the --

25          MR. CONNELLY: On the lot line, right

1 MEMBER GORDON: Put it on the lot line.

2 MR. CONNELLY: Right.

3 ACTING CHAIRMAN SALADINO: Let me -- let  
4 me --

5 MR. CONNELLY: Conditional that the --

6 MEMBER GORDON: We could.

7 MR. CONNELLY: -- the second property will  
8 stay in title as it is currently.

9 MEMBER GORDON: Okay, that's a way to put it.

10 ACTING CHAIRMAN SALADINO: All right. Let  
11 me -- let me do this agenda item. This way we can  
12 discuss that.

13 MEMBER KAUFMAN: I think he has a question.

14 JESSE BROWNER: I do, I can wait.

15 ACTING CHAIRMAN SALADINO: Okay. Do you have  
16 a question?

17 JESSE BROWNER: I do have a question about  
18 the covenant. We -- when we bought the house,  
19 there was some sort of covenant. I don't remember  
20 exactly what it was, but I think it was the same.  
21 We would be more than happy to do that, because we  
22 have no intention of ever --

23 MR. CONNELLY: Okay.

24 JESSE BROWNER: -- selling that lot. But my --

25 ACTING CHAIRMAN SALADINO: But before you

1 commit yourself --

2 JESSE BROWNER: Okay.

3 ACTING CHAIRMAN SALADINO: -- let -- why  
4 don't you listen to what we have to say.

5 JESSE BROWNER: Okay.

6 ACTING CHAIRMAN SALADINO: And it might be  
7 different than what you're thinking.

8 JESSE BROWNER: Okay, I take that back.

9 ACTING CHAIRMAN SALADINO: And this way you  
10 don't --

11 JESSE BROWNER: Strike it from the --

12 ACTING CHAIRMAN SALADINO: This way you  
13 don't -- once she writes it down, it's the law.

14 (Laughter)

15 ACTING CHAIRMAN SALADINO: You know, so you  
16 don't want to lock yourself into anything. You'll  
17 hear what we have to say, what we think, what the  
18 Attorney agrees with, and then -- and then we'll be  
19 glad to hear from you, if you think that's okay.

20 JESSE BROWNER: Okay.

21 ACTING CHAIRMAN SALADINO: All right.

22 *Item No. 5 is 225 Monse11 Place. This will*  
23 *be a discussion and possible motion on the area*  
24 *variances applied for by Wayne Turrett on behalf of*  
25 *Jesse Browner and Judith Cain. This property*

1        *is located in the R-1 One Family Residential*  
2        *District and is not located in the Historic*  
3        *District. The Suffolk County Tax Map number*  
4        *remains the same at 1001-2-2-41.5.*

5        (Mailings:

6        Alison Tuthill, 18 Marden Avenue, Sea Cliff, NY  
7        Elizabeth Talerman, 309 Sterling Place, Greenport, NY  
8        Rogue Wave Associates, LLC, P.O. Box 778, Greenport, NY  
9        Thomas Knowlton, 12 Lincoln Place #2, Brooklyn, NY  
10       John Quinlan, 232 Manor Place, Greenport, NY  
11       225 Manor Place, LLC, 2412 National Drive, Brooklyn, NY  
12       Anthony Farley, 905 West End Avenue #25, New York, NY)

13                ACTING CHAIRMAN SALADINO: Members, I was  
14        thinking the same thing as Diana. If we're  
15        considering putting an addition on the property  
16        line, under normal circumstances, I would kind of  
17        be uncomfortable doing that. This application is a  
18        lot different, because he has a vacant lot next  
19        door that he owns.

20                MR. CONNELLY: Right.

21                ACTING CHAIRMAN SALADINO: You know, but like  
22        you said, or Dinni said, today, tomorrow, even --  
23        even though these owners have no intention of doing  
24        that, when we do something, we know it's for the  
25        next guy, too. So I would wonder, also, if we

1 could kind of condition that the title remains as --  
2 can we say that? Can you --

3 MEMBER GORDON: Occupy the same title.

4 ACTING CHAIRMAN SALADINO: But we can't say  
5 it's one property.

6 MR. CONNELLY: No, no, but that the --  
7 however the neighboring property is held will  
8 continue to be held in that manner until -- in  
9 perpetuity. So if you go to sell the property,  
10 you'll have to sell that portion with -- the vacant  
11 land will have to be sold with the improved parcel.

12 ACTING CHAIRMAN SALADINO: And we could do  
13 that?

14 MR. CONNELLY: If they're amenable to it,  
15 yeah.

16 MEMBER GORDON: Did you -- you just looked at  
17 me as though you had questions.

18 MEMBER KAUFMAN: No, I -- no, I don't. I  
19 agree with this. I mean, that seems the obvious  
20 solution.

21 MR. CONNELLY: And we could also put a  
22 condition, too, that if -- for some reason, if the  
23 addition ever is removed, then that covenant and  
24 restriction will expire or terminate on its own.

25 ACTING CHAIRMAN SALADINO: Remove the



1 addition?

2 MEMBER GORDON: He's just -- he just bought  
3 a -- just built a garden shed, which is clearly --  
4 which is on the other lot, but clearly a part of  
5 the whole, another reason it seems to me to make  
6 that adjustment.

7 MR. CONNELLY: Okay.

8 ACTING CHAIRMAN SALADINO: Well, I kind of  
9 have a question about that, but I'm not going to  
10 bring it up, but --

11 MEMBER GORDON: That's not before us.

12 MEMBER KAUFMAN: Then why -- why talk about it?

13 ACTING CHAIRMAN SALADINO: Because that's  
14 what I do.

15 (Laughter)

16 ACTING CHAIRMAN SALADINO: Jack, what are we  
17 thinking?

18 MEMBER REARDON: I don't believe in more  
19 restrictive covenants on people's personal  
20 property. I'm going to leave it up to the  
21 homeowner to choose whatever path they would choose  
22 to take. I would not want my lot restricted if I  
23 was in that situation. Obviously, the right thing  
24 to do is to keep it together, and once the addition  
25 is built and virtually on the lot line, if it were

1 sold, the other people would have to assume that as  
2 part of the purchase of the property, that their  
3 neighbor has a part of their house directly on the  
4 lot line. That already exists here in the Village,  
5 it's not such a unique thing. So I feel like no  
6 more restrictions. But this is a self-imposed  
7 restriction, and I'm all for it if you want to --  
8 if you're for it. I wouldn't impose that  
9 restriction upon myself.

10 ACTING CHAIRMAN SALADINO: Well, I don't want  
11 to -- I don't want to put a gun to the applicant's  
12 head, you know. I mean, they're here, and right  
13 now what they're willing to do to get this variance  
14 might be different than what they're willing to  
15 agree to down the line, you know. I don't want to  
16 make it sound like we're twisting your arm here.

17 MEMBER REARDON: No, this was brought up by  
18 the homeowner.

19 MEMBER KAUFMAN: I don't see it as twisting  
20 anyone's arm, because if you -- if you had the  
21 option, you would merge these lots and wouldn't  
22 need to be her.

23 JESSE BROWNER: Right.

24 MEMBER REARDON: I'm not opposed to the --

25 MEMBER KAUFMAN: So we're not actually

1 imposing anything on you that you wouldn't have  
2 imposed upon yourself to get this project done  
3 previously. So that's why -- I mean, it just --  
4 it's -- we're hamstrung by the law not allowing in  
5 this case what seems to be a reasonable merger of  
6 lots to happen. But you're not really losing  
7 anything in that sense, I -- and as far as I can see.

8 JESSE BROWNER: I'll wait until you're all --  
9 I don't want to jump in.

10 ACTING CHAIRMAN SALADINO: Alex?

11 MEMBER REARDON: I wouldn't want to see this  
12 applied to another situation in the Village, where  
13 the Village then says we're going to require you to  
14 then title these two together and in perpetuity, no  
15 more properties will be able to be divided that are  
16 adjoining it.

17 ACTING CHAIRMAN SALADINO: Well, I think -- I  
18 think -- we all know that variances have no --

19 MEMBER REARDON: Precedence set.

20 ACTING CHAIRMAN SALADINO: No precedent. You  
21 know, if it was an interpretation or something,  
22 then it -- then that has precedence. But what the  
23 Village does, it's up to the Village, you know. I  
24 mean, what we do, we do. What the Village does,  
25 that's up to them. If they wanted to try and do

1 that, I'm sure there might be a couple of us at the  
2 public hearing saying, "Well, maybe you shouldn't  
3 do that," you know.

4 But, Alex, did you -- did you want to say  
5 something?

6 MR. BOLANOS: Yes, I just wanted to add  
7 something for the Board to --

8 ACTING CHAIRMAN SALADINO: Just identify  
9 yourself for --

10 MR. BOLANOS: Sure. Alex Bolanos, Code  
11 Enforcement Officer, Village of Greenport.

12 I just wanted to add something for the Board  
13 to consider. This project was actually started by  
14 Mr. Browner before I started my career here at the  
15 Village, and it started with my predecessor. So he  
16 has tried and he -- I want to thank him, he has  
17 been very patient. He's had multiple meetings with  
18 myself, with Paul Pallas, trying to find a  
19 resolution for this, for this problem. And he -- I  
20 believe, you know, he's -- thank you for your  
21 patience, and he's tried everything within his  
22 power to abide by the code, and thank you.

23 JESSE BROWNER: Well, thank you, Alex. I  
24 would have to say that in terms of everything that  
25 I've learned during this process, it's been very

1 much worth it. I feel like I've come out ahead,  
2 because I know more about zoning and codes than I  
3 would ever have done if I hadn't done this, so  
4 thank you.

5 MR. BOLANOS: Well, we have an opening.

6 (Laughter)

7 ACTING CHAIRMAN SALADINO: There's a --

8 MEMBER KAUFMAN: Come up here and vote for  
9 your property.

10 (Laughter)

11 MR. BOLANOS: Start today.

12 JESSE BROWNER: So as far as -- you know, I  
13 took your word of caution, and I would say that if  
14 you were willing to grant the variance without the  
15 covenants, that would be great. If you want the  
16 covenant, I don't have any problem signing it, that  
17 would be my intention, anyway.

18 I would ask two questions. If we -- if we  
19 have the covenant, does the Village write that up  
20 for me?

21 MR. CONNELLY: Yeah, I would write it.

22 JESSE BROWNER: Okay, great. At no cost?

23 MR. CONNELLY: No.

24 JESSE BROWNER: Okay. And the second  
25 question is if the -- if the zoning laws are

1 changed some time in the future that would allow  
2 these two lots to be merged --

3 MR. CONNELLY: Right

4 JESSE BROWNER: -- and we were to go ahead  
5 and merge them, then I assume the covenant is not  
6 on the floor.

7 MR. CONNELLY: Right. Yeah, I would put  
8 language in the covenant saying that it terminates  
9 upon the --

10 ACTING CHAIRMAN SALADINO: Well, it would be  
11 one piece of property, right?

12 MR. CONNELLY: Right.

13 ACTING CHAIRMAN SALADINO: It would be --

14 JESSE BROWNER: Okay. Well, so if the  
15 covenant is -- if you decided the covenant is the  
16 way to go, we're happy to do that.

17 ACTING CHAIRMAN SALADINO: I don't want to  
18 put any undue pressure on you, and normally -- but  
19 when -- when we have an application that wants to  
20 build on the property line and stuff, it -- just me  
21 personally, it makes me uncomfortable.

22 JESSE BROWNER: Of course.

23 ACTING CHAIRMAN SALADINO: We could -- we  
24 could --

25 MEMBER GORDON: Yeah, I concur.

1           ACTING CHAIRMAN SALADINO: Well, Dinni  
2 concurs, so that's two votes. But all right. So  
3 what are we thinking? We're thinking we're going  
4 to -- we're thinking we're going to approve this  
5 variance, and we want to vote a little bit here?

6           MEMBER KAUFMAN: Yeah, but I have one quick  
7 question. But we'd also -- in terms of covenant,  
8 we'd also include, like you said, a removal of it  
9 if that building is removed. So if it goes back to  
10 the current state, then it would revert to the  
11 current state, which that would be part of it as  
12 well?

13          MR. CONNELLY: Yes.

14          MEMBER KAUFMAN: And that's -- okay. That  
15 seems very fair in that if we're letting you build  
16 to the property line, we're making sure that that  
17 density is not unduly increased by someone then  
18 building right next to your house, because they  
19 want to. If you want to sell that lot --

20          JESSE BROWNER: And just knock down the --

21          MEMBER KAUFMAN: You have to pull it back,  
22 yeah, which it seems very fair to me, actually. I  
23 don't think you're not willing to give anything up.

24          JESSE BROWNER: But, well, that actually does  
25 raise a question. Obviously, we're not going to go

1 through this with the idea that one day we're going  
2 to tear it down. But, as you remember from the --  
3 from the plans, you all were well aware of the bay  
4 window that sticks out, and it's the bay window  
5 that touches the property line. Without the bay  
6 window, the addition remains four or five feet from  
7 the property line.

8 If the bay window were to come out, so that  
9 the addition no longer touches the property line,  
10 would that also nullify the covenant?

11 ACTING CHAIRMAN SALADINO: For me -- it's  
12 four feet on a diagonal, if you remember.

13 JESSE BROWNER: Yes.

14 ACTING CHAIRMAN SALADINO: So, in reality,  
15 it's like a foot-and-a-half or two feet.

16 JESSE BROWNER: No, I think it's about 2 1/2  
17 feet.

18 ACTING CHAIRMAN SALADINO: It's 2 1/2 feet.  
19 I would still be a little uncomfortable with that,  
20 but, again, that's me. There's four of us here and  
21 I only get one vote.

22 The other question that just came up, that  
23 came to mind is if everything we say here is  
24 approved and the covenant is put in place, how does  
25 that affect future additions for this house? Would



1 he be allowed to intrude -- would he be allowed to  
2 intrude onto that -- to that lot, or would that  
3 have to --

4 MR. CONNELLY: No.

5 MEMBER KAUFMAN: No, because there's still a  
6 property line there.

7 MR. CONNELLY: Yeah, yeah.

8 ACTING CHAIRMAN SALADINO: Okay, all right.

9 MEMBER KAUFMAN: I'm just going to say, it  
10 seems to me what we're doing is in exchange for  
11 allowing you to build to the property line, your  
12 own property line, we just don't want you selling  
13 that piece of property to someone else to build on.  
14 If you pull it back, then you can do whatever you  
15 want, right? But it doesn't mean that you -- it  
16 becomes one lot, because we can't do that.

17 MR. CONNELLY: Right.

18 JESSE BROWNER: I don't feel -- I don't feel  
19 pushed into this in any way. I don't feel that I'm  
20 doing this under duress, so just so you know that.

21 ACTING CHAIRMAN SALADINO: So we're not going  
22 to get an Article 78 in 30 days?

23 JESSE BROWNER: If you tell me what it is,  
24 I'll get you one.

25 (Laughter)

1           ACTING CHAIRMAN SALADINO: No, that's the  
2 last thing we want.

3           JESSE BROWNER: Oh, okay.

4           ACTING CHAIRMAN SALADINO: That's the last  
5 thing we want.

6                           (Laughter)

7           ACTING CHAIRMAN SALADINO: Okay. So I'm  
8 thinking we talked this to death. What are we --  
9 what are we thinking, we're going to --

10           MEMBER REARDON: Thank you for asking. I'll  
11 tell you what I'm thinking. I'd like to move ahead  
12 with the -- with the variance as written, with an  
13 amendment that if it fails, then we fall back to  
14 the covenant approach. Is that a doable motion?

15           MR. CONNELLY: Sure. So it would be -- yeah,  
16 it would be a denial without prejudice, and then  
17 you can revote on it.

18           MEMBER REARDON: Thank you. That's what I'm  
19 looking to -- that's my motion.

20           ACTING CHAIRMAN SALADINO: Is there a second?

21                           (Laughter)

22           ACTING CHAIRMAN SALADINO: Sorry, Jack.

23           MEMBER REARDON: Okay. I'm doing it for the  
24 taxpayer, not for me.

25                           (Laughter)

1           ACTING CHAIRMAN SALADINO: Wait, explain.

2           How does that cost the taxpayer?

3           MEMBER REARDON: Because we are now going to  
4           lock him into those two lots being one, and I had  
5           expressed that I am not in support of that. So  
6           the -- right now, the variance has had nothing to  
7           do with the covenant, so let's just pass the  
8           variance, move him on. But there want to be --  
9           some people want a safety net for the potential  
10          future of a structure that might be built there  
11          right on the property line.

12          ACTING CHAIRMAN SALADINO: I kind of thought  
13          we were doing that for the taxpayers, too. You  
14          know, it might come later on.

15          MEMBER KAUFMAN: Yeah.

16          ACTING CHAIRMAN SALADINO: But --

17          MEMBER KAUFMAN: Maybe our taxpayers are  
18          different than his taxpayers.

19          ACTING CHAIRMAN SALADINO: We pay tax.

20          JESSE BROWNER: Would that mean I don't pay  
21          tax?

22   (Laughter)

23          MEMBER REARDON: Perhaps I'm -- perhaps I'm  
24          not expressing my point of view.

25          ACTING CHAIRMAN SALADINO: I think you are.

1 MEMBER REARDON: Clearly not.

2 ACTING CHAIRMAN SALADINO: I think you are.

3 I think, I think it's --

4 MEMBER REARDON: I'm sure it's not the  
5 majority point of view, apparently, but that's how  
6 I feel for you, and for me down the road in 15  
7 years, who knows.

8 ACTING CHAIRMAN SALADINO: Okay. The first  
9 thing we're going to do is --

10 MEMBER REARDON: You got to deny the motion.

11 ACTING CHAIRMAN SALADINO: I don't have to.

12 MEMBER REARDON: Mine was not seconded.

13 MEMBER GORDON: Nobody seconded.

14 MEMBER REARDON: Okay, all right.

15 ACTING CHAIRMAN SALADINO: You're out of here.

16 (Laughter)

17 MEMBER REARDON: Doesn't it have to fail or  
18 something?

19 ACTING CHAIRMAN SALADINO: I'm going make a  
20 motion that the Zoning Board of Appeals declares  
21 itself Lead Agency for the purposes of SEQRA. So  
22 moved.

23 MEMBER GORDON: Second.

24 ACTING CHAIRMAN SALADINO: All in favor?

25 MEMBER GORDON: Aye.

1 MEMBER KAUFMAN: Aye.

2 MEMBER REARDON: Aye.

3 CHAIRPERSON SALADINO: Aye.

4 And the Type II Action, we don't have to  
5 concern ourselves with that, right? We're going to  
6 go through this balancing test, these five  
7 questions. We'll respond to each question. At the  
8 end, we'll vote on the variance. I don't think  
9 there's going to be any surprises here, so relax.

10 MEMBER GORDON: Excuse me. Were there  
11 letters? Were those things sent out?

12 ACTING CHAIRMAN SALADINO: There was, and --

13 MR. NOONE: Yeah, I have them, if you want to  
14 read them out.

15 ACTING CHAIRMAN SALADINO: No, I don't want  
16 to read them out, unless you want to read them out.

17 MEMBER GORDON: No, no.

18 ACTING CHAIRMAN SALADINO: We gave them to  
19 the --

20 MEMBER GORDON: I just wanted to make sure  
21 they existed.

22 MR. NOONE: They were entered into the  
23 record.

24 ACTING CHAIRMAN SALADINO: We gave them --

25 MEMBER GORDON: Fine, that's all I wanted.

1           ACTING CHAIRMAN SALADINO: We gave them to  
2 the Stenographer. This way nobody has to -- we  
3 don't have to reveal anybody's address to the devil  
4 in the camera.

5           So question number one is whether an  
6 undesirable change will be produced in the  
7 character of the neighborhood or detriment to  
8 nearby properties will be created by the granting  
9 of the area variance. We'll start this way.

10           (Roll Call by Acting Chairman Saladino)

11           MEMBER KAUFMAN: Oh, no.

12           MEMBER GORDON: No.

13           MEMBER REARDON: No.

14           ACTING CHAIRMAN SALADINO: And I'm going to  
15 vote no.

16           Whether the benefit sought by the applicant  
17 can be achieved by some method feasible for the  
18 applicant to pursue other than an area variance.

19           (Roll Call by Acting Chairman Saladino)

20           MEMBER KAUFMAN: No.

21           MEMBER GORDON: No.

22           MEMBER REARDON: No.

23           ACTING CHAIRMAN SALADINO: And I'm going to  
24 vote no.

25           Whether the requested area variance is

1 substantial.

2 (Roll Call by Acting Chairman Saladino)

3 MEMBER KAUFMAN: Yes.

4 MEMBER GORDON: Yes.

5 MEMBER REARDON: Yes.

6 ACTING CHAIRMAN SALADINO: And I'll vote yes.

7 Whether the proposed variance will have an  
8 adverse effect or impact on the physical and  
9 environmental conditions in the neighborhood or  
10 district.

11 (Roll Call by Acting Chairman Saladino)

12 MEMBER KAUFMAN: No.

13 MEMBER GORDON: No.

14 MEMBER REARDON: No

15 ACTING CHAIRMAN SALADINO: And I don't  
16 believe so either, no.

17 Whether the alleged difficulty was  
18 self-created, which consideration shall be relevant  
19 to the decision of the Board of Appeals, but not  
20 necessarily preclude the granting of the area  
21 variances.

22 (Roll Call by Acting Chairman Saladino)

23 MEMBER KAUFMAN: Yes.

24 MEMBER GORDON: Yes.

25 MEMBER REARDON: Yes.

1           ACTING CHAIRMAN SALADINO: All right, yes.

2           I have a problem with that.

3           All right. I'm going to make a motion that  
4           the Zoning Board grants the three area variances.  
5           And do I have to include in the motion that -- that  
6           the agreed upon covenants by the Board and the  
7           applicant --

8           MR. CONNELLY: Yes.

9           ACTING CHAIRMAN SALADINO: All right. So I'm  
10          going to make a motion that the Zoning Board grants  
11          the three listed variances, with the addition of  
12          covenants that were discussed and will be -- that  
13          were discussed and will be included in --

14          MEMBER GORDON: Drafted by the Lawyer.

15          ACTING CHAIRMAN SALADINO: Drafted by our  
16          Attorney. So moved.

17          MEMBER GORDON: Second.

18          ACTING CHAIRMAN SALADINO: I'll do a roll  
19          call.

20          (Roll Call by Acting Chairman Saladino)

21          MEMBER KAUFMAN: Yeah, aye.

22          MEMBER GORDON: Yes.

23          MEMBER REARDON: Abstain.

24          ACTING CHAIRMAN SALADINO: And I'll vote yes.

25          There it is easy-peasy.



1 JESSE BROWNER: Thank you.

2 ACTING CHAIRMAN SALADINO: You'll talk to the  
3 Building Department, he'll let you know exactly  
4 what you have to do. We'll get -- we'll get the  
5 Findings and Determinations from Rob, from our  
6 Attorney. Once we sign them, everything is --

7 JESSE BROWNER: Great.

8 ACTING CHAIRMAN SALADINO: And then you'll  
9 get your -- get a building permit?

10 MR. BOLANOS: We'll review the plans.

11 (Laughter)

12 ACTING CHAIRMAN SALADINO: We should know  
13 that, but they'll review the plans and I'm sure  
14 everything will be -- will work out fine.

15 Anything else with this? No?

16 (No Response)

17 ACTING CHAIRMAN SALADINO: Okay. Item  
18 number -- *Item No. 6 is any other Zoning Board of*  
19 *Appeals business that might properly come before*  
20 *this Board.* Here's you're shot. Anybody got a  
21 question? You over there in uniform, you got a  
22 question? No?

23 MR. BOLANOS: (Shook head no)

24 ACTING CHAIRMAN SALADINO: *Item No. 7 is a*  
25 *motion to adjourn.* So moved.

1 MEMBER KAUFMAN: Second.

2 ACTING CHAIRMAN SALADINO: All in favor?

3 MEMBER GORDON: Aye.

4 MEMBER KAUFMAN: Aye.

5 MEMBER REARDON: Aye.

6 CHAIRPERSON SALADINO: And I'll vote aye.

7 Thanks, folks, thanks for coming.

8 JESSE BROWNER: Thank you all very much.

9 (The Meeting was Adjourned at 6:33 p.m.)

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