

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, New York 11944
 10 August 15, 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 DAVID NYCE - MEMBER
 18 JACK REARDON - MEMBER (Absent)

19 *****
 20 ALSO IN ATTENDANCE:
 21 BRIAN STOLAR - COUNSEL TO THE BOARD
 22 MICHAEL NOONE - CLERK TO THE BOARD
 23 ALEX BOLANOS - CODE ENFORCEMENT OFFICER

24
 25

1 (The Meeting was Called to Order at 6:01 p.m.)

2 CHAIRMAN SALADINO: Good evening, folks.

3 It's approximately 6:01. This is the Village of
4 Greenport Zoning Board of Appeals regular meeting.
5 We're minus one member this evening, he's absent
6 with permission. So four of us are here and we'll
7 be able to take care of any business that comes up.

8 *Item No. 1 is a motion to accept the minutes*
9 *of the July 18th, 2023, Zoning Board of Appeals*
10 *meeting. So moved.*

11 MEMBER GORDON: Second.

12 CHAIRMAN SALADINO: All in favor?

13 MEMBER GORDON: Aye.

14 MEMBER KAUFMAN: Aye.

15 MEMBER NYCE: Aye.

16 CHAIRMAN SALADINO: And I'll vote aye.

17 *Item No. 2 is motion to schedule the next*
18 *Zoning Board of Appeals meeting for September 19th,*
19 *2023, at 6 p.m. at the Station One Firehouse, Third*
20 *and South Street, Greenport, New York 11944.*

21 So moved.

22 MEMBER KAUFMAN: Second.

23 CHAIRMAN SALADINO: All in favor?

24 MEMBER GORDON: Aye.

25 MEMBER KAUFMAN: Aye.

1 MEMBER NYCE: Aye.

2 CHAIRMAN SALADINO: And I'll vote aye.

3 *Item No. 3 is 417 West Street. This is a*
4 *motion to accept the Findings and Determinations*
5 *for Joe Ippolito. The property is located in the*
6 *R-2 One- and Two-Family Residential District and is*
7 *not located in the Historic District. The*

8 *Suffolk County Tax Map Number is 1001-4-5-2.*

9 All the members read the findings?

10 MEMBER GORDON: Yes.

11 MEMBER NYCE: Yes.

12 CHAIRMAN SALADINO: So this is -- I'll make
13 the -- so moved.

14 MEMBER NYCE: Second.

15 CHAIRMAN SALADINO: All in favor?

16 MEMBER GORDON: Aye.

17 MEMBER KAUFMAN: Aye.

18 MEMBER NYCE: Aye.

19 CHAIRMAN SALADINO: And I'll vote aye.

20 *Item No. 4 is a similar motion, to accept the*
21 *Findings and Determinations for Andrew Glassman.*

22 *The property is located in the R-2 One- and*
23 *Two-Family Residential District and is not located*
24 *in the Historic District.*

25 *The Suffolk County Tax Map Number is*

1 1001-2-6-16. So moved.

2 MEMBER NYCE: Second.

3 CHAIRMAN SALADINO: All in favor?

4 MEMBER GORDON: Aye.

5 MEMBER KAUFMAN: Aye.

6 MEMBER NYCE: Aye.

7 CHAIRMAN SALADINO: And I'll vote aye.

8 *Item No. 5 is 520 Madison Avenue. This is a*
9 *motion to accept the application, schedule a public*
10 *hearing, and arrange a site visit regarding the*
11 *application of Marc Rische on behalf of 67 Sound*
12 *Cheshire LP. The applicant proposes extensive*
13 *renovations to the house, which requires*
14 *legitimizing two pre-existing non-conforming*
15 *setbacks.*

16 · *The plan shows the front-yard setback of*
17 *15 feet. This would require an area variance of*
18 *15 feet.*

19 · *The plan shows a side-yard setback of*
20 *5.8 feet for the existing structure. This would*
21 *require an area variance of 4.2 feet.*

22 *This property is located in the R-2 One- and*
23 *Two-Family Residential District and is not located*
24 *in the Historic District.*

25 *The Suffolk County Tax Map Number is 1001-4-1-7.*

1 Is the applicant here?

2 MARC RISHE: Yes.

3 CHAIRMAN SALADINO: Name and address for the
4 Stenographer.

5 MARC RISHE: Marc Rishe, 315 Sutton Place in
6 Greenport.

7 CHAIRMAN SALADINO: You want to give us your
8 story or --

9 MARC RISHE: Sure. So the existing home will
10 be renovated with two additions, both one-story
11 additions. One is to the north and one is to the
12 west. Neither of the new additions require
13 variances. The two variance requests are for the
14 existing setback. So the front yard is existing
15 15 feet, and the side yard is -- I don't -- I don't
16 know off the top of my head, it's on the paper, but
17 that's for -- that's for existing Bilco doors,
18 which will just be rebuilt with a new set of Bilco
19 doors.

20 CHAIRMAN SALADINO: Okay. I have one
21 question after maybe the members' comment. Do the
22 members have any questions, any --

23 MEMBER GORDON: I have a question, but go
24 ahead.

25 CHAIRMAN SALADINO: No, this is -- go ahead,

1 because I'm going to ask Alex a question after
2 this.

3 MEMBER GORDON: Yeah, I just -- you say
4 they're all existing nonconforming, but isn't the
5 side -- the side setback requirement, it seems to
6 me it's mixed. It's that additional 4.2 feet is
7 increasing the nonconformity for the addition, for
8 the addition. Is that not the case, or is that a
9 question I should be asking the Housing Department
10 or the Lawyer?

11 MARC RISHE: I'm not -- I'm not sure of your
12 question. It might -- I'm not sure who's best to
13 answer it.

14 MEMBER GORDON: Okay. Well, when you look at
15 the site plan, the addition on the -- to the side.

16 MARC RISHE: To the -- to the left side of
17 the plan or to the west?

18 MEMBER NYCE: I think she's talking the one
19 that faces --

20 MEMBER GORDON: No.

21 MEMBER NYCE: That's on the north, that
22 continues on the property line --

23 MEMBER GORDON: This, yes.

24 MEMBER NYCE: -- with the nonconforming
25 setback.

1 MEMBER GORDON: I mean, I can imagine an
2 argument that says it's already -- there's already
3 a nonconformity there that is not -- it's still
4 going to be whatever it is, 5.8 feet. On the other
5 hand, it takes that, the line, the north-south line
6 some distance farther. I don't know what the exact
7 numbers are. And I wonder if that's not adding to
8 the nonconformity. Maybe that's a question for the
9 Lawyer.

10 CHAIRMAN SALADINO: If --

11 ATTORNEY STOLAR: So what I -- what I'm
12 looking at is a plan that shows two -- the proposed
13 one-story addition that is closer to the side
14 property line is going to be 11.7 feet from the
15 side property line, where a 10-foot setback is
16 required. So that's compliant, it doesn't seem to
17 be a nonconformity.

18 MEMBER GORDON: Oh, I see. The 5.8 --

19 ATTORNEY STOLAR: It's to the Bilco doors.

20 MEMBER NYCE: It's to the Bilco doors.

21 MEMBER GORDON: Yeah, okay.

22 MARC RISHE: I just want to clarify, because
23 this is another one of these situations. There's
24 an existing -- if you look at the existing survey,
25 there's a piece of the rear of the home that is

1 also in nonconformance, noncompliance that is being
2 removed. So it's restoring -- it's restoring the
3 setback requirement there. However, the Bilco
4 doors still are true. So I just want to -- based
5 upon our other conversation --

6 MEMBER GORDON: I see.

7 MARC RISHE: -- I just wanted to make that
8 clear. That's increasing, increasing the overall
9 setback, although it still does require a variance
10 for the Bilco doors.

11 CHAIRMAN SALADINO: I don't have a survey.

12 MEMBER NYCE: She's talking about the second
13 there.

14 CHAIRMAN SALADINO: Yeah. I'm kind of
15 familiar with the property because we made an
16 inspection for the wetlands permit.

17 MEMBER NYCE: Ah.

18 CHAIRMAN SALADINO: So anybody else, any
19 questions for Mr. Rische?

20 MEMBER KAUFMAN: No.

21 CHAIRMAN SALADINO: David?

22 MEMBER NYCE: I'm familiar with the property.
23 The 15-foot setback, is that typical for the other
24 houses on the street, or are the other houses set
25 further back?

1 CHAIRMAN SALADINO: The property to the --
2 the property to the west is unimproved, and the
3 property to the east, I'm remembering that it's set
4 back.

5 MARC RISHE: The property to the east is set
6 back a bit further.

7 CHAIRMAN SALADINO: A bit further.

8 MARC RISHE: But the two properties, the two
9 subsequent properties are also closer to the
10 street, so it's not --

11 MEMBER NYCE: Okay, yeah. I mean, we take an
12 average, but I just wanted to know if it was -- if
13 that was -- before the site visit, if that was
14 going it be a substantial ask. Okay, I'll end.

15 CHAIRMAN SALADINO: All right. The question
16 I have is like unrelated, I think, to this
17 application. I'm going to ask Alex. There's no --
18 you didn't make -- you didn't make an application
19 for a building permit, did you, only a wetlands
20 permit?

21 MARC RISHE: I did make a building permit
22 application, yes.

23 CHAIRMAN SALADINO: What -- and maybe for
24 Brian. There's a wetlands permit pending and it
25 includes all these construction drawings and

1 renderings. And my question is, normally, with a
2 wetlands permit, the applicant would go to -- for a
3 public hearing, and then the Trustees that
4 legislate would make a determination on the
5 wetlands permit. I kind of remember this permit,
6 that everything that's here was included on the
7 wetlands permit, not just the area 100 foot
8 adjacent to the -- to the wetlands.

9 So I'm asking, does this set up a situation
10 where the Village Board approves this building
11 permit, or does the Building Department approve
12 this permit?

13 MR. BOLANOS: Well, as far as the structural
14 goes, and that would be, I'm guessing, the Building
15 Department, I'll wait for a confirmation from
16 Brian, but anything structural like that, the
17 Board's not approved or certified to certify -- I
18 mean, you know --

19 CHAIRMAN SALADINO: That was kind of like my
20 thought. I --

21 MR. BOLANOS: Yeah.

22 CHAIRMAN SALADINO: I've been on the CAC.
23 David knows, I've been on the CAC a long time and
24 I've never run into a situation like this, where
25 there was residential construction involved with a

1 wetlands permit. You know, usually, we'll have a
2 property that's -- the last one I remember is on
3 Main Street, Wayne Turett's property. He built the
4 house, and then later on he came and the CAC came
5 for a dock application or something, so one had
6 nothing to do with the other. This, we looked --
7 when we went for the site inspection with the CAC,
8 the whole property was taken in total, totality.
9 So I was just curious. Not that it's going to hold
10 up your application tonight. I mean, we're
11 probably --

12 MEMBER NYCE: Yeah.

13 CHAIRMAN SALADINO: I'm pretty sure we're
14 going to vote to accept this application tonight.
15 This was just for my own --

16 MR. BOLANOS: Yeah, I'll take care of all the
17 Building Department requirements and take care of
18 the wetlands.

19 CHAIRMAN SALADINO: Okay.

20 MEMBER NYCE: Right. The procedure that we
21 would need, the Village to approve them to move
22 forward with their wetlands application before we
23 could do anything with the variances, yeah?

24 CHAIRMAN SALADINO: No, I don't think -- I
25 don't think one has any -- I think we could

1 progress the variance. I'll ask Brian again. We
2 could progress these variances?

3 ATTORNEY STOLAR: Yeah, I don't -- I do not
4 see anything in your code that would require either
5 you -- if they -- if you need contemporaneous
6 applications, one Board could deal with it first,
7 nor do I see anything that you're considering to be
8 part of what should be the wetlands application,
9 because the wetlands jurisdiction or code is
10 limited to certain elements. These two items, the
11 two --

12 MEMBER NYCE: They're mutually exclusive.

13 ATTORNEY STOLAR: -- two additions and the
14 variance for the Bilco door do not seem to be
15 within that wetlands purview.

16 CHAIRMAN SALADINO: No, I wasn't concerned, I
17 wasn't concerned about our authority, our
18 jurisdiction. I was concerned that where this
19 eventually -- and it was only for myself -- where
20 this application would eventually get approval,
21 from the Village Board or from the Building
22 Department. If it's from the Building Department,
23 I'm kind of okay. If it's from the Village
24 Board --

25 ATTORNEY STOLAR: Right.

1 CHAIRMAN SALADINO: -- they're all pretty
2 smart guys, but none of them are trained.

3 ATTORNEY STOLAR: So I'll -- I'll look at it
4 this way. You have a building permit application
5 that starts the process and effectively ends the
6 process. If you apply for a building permit
7 application and you require predicate approvals
8 before you can get that, you have to go through
9 those predicate approvals, one as to this Board and
10 one as to the Board of Trustees for the wetlands
11 permit. You need to get both before a building
12 permit will issue. I hope that answers your
13 question.

14 CHAIRMAN SALADINO: It kind of does, but --
15 (Laughter)

16 CHAIRMAN SALADINO: And I don't want to
17 belabor this, because there's a lot of people here
18 who want to talk. It was always -- it was always
19 considered that the wetlands application, the
20 wetlands permit application was always considered
21 the building permit, as I remember it. But if
22 things aren't like that, then it doesn't matter.

23 ATTORNEY STOLAR: Well, I think what you're
24 thinking is wetlands, wetlands -- when you get a
25 wetlands approval, it's called a wetlands permit,

1 so -- and that comes ultimately from the Building
2 Department after approval by the Board of Trustees.
3 So it's its own permit in a sense, but if there's a
4 secondary approval that's required for variances in
5 relation to the same part, you'll need to get both.

6 CHAIRMAN SALADINO: I kind of remember that
7 and I kind of know that, but this is the only
8 application that I can ever remember getting that
9 there were construction drawings involved on a
10 wetlands permit, construction drawings, residential
11 construction drawings, other than docks or
12 bulkheads, or something like that.

13 So I apologize to the public if I held this
14 meeting up for longer than it should have been.
15 All right. We're -- thanks, Marc.

16 ATTORNEY STOLAR: Before you --

17 CHAIRMAN SALADINO: What are we --

18 ATTORNEY STOLAR: Before you go on, though,
19 one thing I am looking at, the pool itself, which
20 is going to be new, appears to be partially within
21 DEC jurisdiction.

22 CHAIRMAN SALADINO: They moved the pool.
23 Didn't we, didn't we --

24 MARC RISHE: The pool, the pool was moved for
25 purposes of -- away from the house for purposes of

1 zoning. It's not any different from the wetlands,
2 and we've already received the DEC permit for that,
3 so yes, you're correct.

4 CHAIRMAN SALADINO: They moved the pool
5 because the pool was less than 10 feet from the
6 house.

7 ATTORNEY STOLAR: Okay.

8 CHAIRMAN SALADINO: So we suggested to them
9 that Zoning is going to have a problem with an
10 accessory closer than 10 from the house.

11 ATTORNEY STOLAR: Right.

12 CHAIRMAN SALADINO: And --

13 ATTORNEY STOLAR: DEC generally doesn't
14 necessarily care about that.

15 CHAIRMAN SALADINO: The DEC --

16 ATTORNEY STOLAR: They look at other things.

17 CHAIRMAN SALADINO: They --

18 ATTORNEY STOLAR: But, as he said, he has a
19 DEC -- you have a DEC permit?

20 MARC RISHE: That is correct.

21 ATTORNEY STOLAR: Yeah.

22 CHAIRMAN SALADINO: So I'm thinking we're
23 good, right? I'm going to make a motion that we
24 accept this application. So moved.

25 MEMBER GORDON: Second.

1 CHAIRMAN SALADINO: All in favor?

2 MEMBER GORDON: Aye.

3 MEMBER KAUFMAN: Aye.

4 MEMBER NYCE: Aye.

5 CHAIRMAN SALADINO: We're going to set a
6 public hearing, it will be September 19th. It will
7 be at 6 o'clock. We set them all at 6 o'clock. We
8 would ask you that you stake out anything you think
9 that the Zoning Board needs to see. And we're
10 going to set a site inspect -- we want to go see
11 this?

12 MEMBER GORDON: Uh-huh.

13 CHAIRMAN SALADINO: We'll set a site
14 inspection for -- we do this every month. What
15 time is convenient?

16 MEMBER GORDON: 5:30?

17 CHAIRMAN SALADINO: 5:30?

18 MEMBER NYCE: I will be elsewhere.

19 CHAIRMAN SALADINO: Oh, David won't be here
20 for the next meeting. 5:30?

21 MEMBER KAUFMAN: (Nodded yes).

22 CHAIRMAN SALADINO: 5:30. So we'll see you
23 on the 19th at 5:30 at the property, 6 o'clock here
24 for the public hearing. And just to remind you,
25 just stake out what you think we need to see.

1 Thank you.

2 MARC RISHE: Thank you.

3 CHAIRMAN SALADINO: Item -- I have another
4 item here, folks. Just let me move this.

5 *Item No. 6 is 424 Second Street. This is a*
6 *continuation of a Public Hearing regarding the*
7 *application of Monika Majewski on behalf of Divine*
8 *Home LLC. The applicant proposes construction of a*
9 *new one-family home, new one-family two-story house*
10 *with a 1,281 square foot footprint.*

11 *The applicant also proposes construction of a*
12 *16' x 28' pool.*

13 *. The plan shows a pool setback from property*
14 *line (North side) of 11 feet -- 11.2 feet. This*
15 *would require an area variance of 8.8 feet.*

16 *. The pool shows a setback from the property*
17 *line on the south side of 11 feet. This would*
18 *require an area variance of 9 feet.*

19 *The property is located in the R-2 One- and*
20 *Two-Family Residential District and is also located*
21 *in the Historic District.*

22 *The Suffolk County Tax Map number is*
23 *1001-4-2-35.3.*

24 Is the applicant here?

25 HOWARD HORN: I'm standing here for Monika

1 Lewinsky (sic), Howard Horn.

2 ATTORNEY STOLAR: What's the last name?

3 HOWARD HORN: Howard Horn, H-O-R-N.

4 ATTORNEY STOLAR: No, the applicant's name.

5 HOWARD HORN: The applicant was Monika Majewski.

6 ATTORNEY STOLAR: Oh, okay. I thought you
7 said something else.

8 (Laughter)

9 HOWARD HORN: For Divine Homes, LLC. Sorry.

10 So my understanding the last meeting, it was
11 determined that the house was within the code.
12 There was a question about the setbacks on the pool
13 on the north and south sides being 11 and 11.2 feet.
14 However, it was also raised that the existing code
15 allowed for existing small lots to have that
16 setback reduced to 10 feet on each side. So
17 that's -- that apparently it's met. The other
18 issue that came up was the dry well.

19 CHAIRMAN SALADINO: Wait, wait. Are you
20 suggesting that the code says that the pool only
21 has to be 10 feet from the side yard?

22 HOWARD HORN: No. I'm suggesting that the
23 code for the existing small lot says that the
24 code -- the side, the side yards are reduced
25 10 feet, minimum 10 feet.

1 CHAIRMAN SALADINO: Right.

2 HOWARD HORN: And both of these are 11 and 11.2.

3 CHAIRMAN SALADINO: But there's not an issue
4 with the house.

5 HOWARD HORN: Okay.

6 CHAIRMAN SALADINO: The issue is only with
7 the pool.

8 HOWARD HORN: Well, that's what -- well,
9 that's the pool. The pool setbacks -- side yards,
10 rather, are 11 feet and 11.2 feet.

11 CHAIRMAN SALADINO: The code, the code, we
12 have a portion of our code that says on existing
13 small lots, the side yards are reduced in this, in
14 not less than 10 feet.

15 HOWARD HORN: No, that's --

16 CHAIRMAN SALADINO: In this case, there's a
17 formula for the --

18 HOWARD HORN: Oh, it's not for the --

19 CHAIRMAN SALADINO: It's not for the pool.

20 HOWARD HORN: The appurtenance of --

21 CHAIRMAN SALADINO: The code also stipulates
22 that the pool has to be 20 feet from all property
23 lines. So that's the reason --

24 HOWARD HORN: For the variance.

25 CHAIRMAN SALADINO: For the variance.

1 HOWARD HORN: Okay. So that was the first
2 issue. The second issue that came up was the dry
3 well, and the location and the setbacks for the dry
4 well. So I noticed from the transcript that it was
5 raised that there was some codes that -- regarding
6 distances from septic, etcetera, but this property
7 is serviced by sewer.

8 MEMBER GORDON: Right.

9 CHAIRMAN SALADINO: We --

10 HOWARD HORN: So --

11 CHAIRMAN SALADINO: I'm sorry. We understand
12 that, and that was a -- that was a misunderstanding.
13 Greenport, this Board never had to deal with a
14 cesspool, because we have, like you said --

15 HOWARD HORN: Sewers.

16 CHAIRMAN SALADINO: -- city sewers. All
17 our -- all the dry well requests for stormwater
18 runoff and for -- for pool --

19 HOWARD HORN: It's equipment, rather.

20 CHAIRMAN SALADINO: Equipment. We never --
21 we never considered that it had to be more than
22 5 feet from a property line. It was raised by the
23 Attorney and the Building Department, and it was
24 just easier to --

25 HOWARD HORN: Verify.

1 CHAIRMAN SALADINO: -- to find out, to
2 verify. We're not trained in the International
3 Fire and Building Code, so --

4 HOWARD HORN: Right, right.

5 CHAIRMAN SALADINO: -- it was Suffolk County
6 Department of Health Service.

7 HOWARD HORN: Of course.

8 CHAIRMAN SALADINO: We weren't sure, so to
9 err on the side of safety, we just -- we just --
10 until we found out.

11 HOWARD HORN: Understood. So I believe those
12 were the only issues that were raised.

13 CHAIRMAN SALADINO: Well, actually, there
14 was -- there was a couple of more that I had kind
15 of asked about. I had asked -- I had asked
16 Ms. Majewski about the landing, and there's a
17 landing on the -- at the -- on the back of the
18 house that's less than 10 feet from the pool. And
19 she told me it was --

20 HOWARD HORN: That was a ground level
21 bluestone, I believe.

22 CHAIRMAN SALADINO: Well, that's what she
23 said, but in looking at your construction drawings,
24 it's actually kind of like a porch. It's a
25 two-step, it's attached to the house.

1 HOWARD HORN: The survey, I think, that she
2 submitted, the last one says, "Property, bluestone
3 patio at grade."

4 CHAIRMAN SALADINO: I'm not looking at the
5 survey, I'm looking at the construction drawings --

6 HOWARD HORN: Oh.

7 CHAIRMAN SALADINO: -- that you submitted.

8 HOWARD HORN: I see. So look at my --

9 CHAIRMAN SALADINO: The construction drawings
10 show what's basically a porch.

11 HOWARD HORN: A raised, raised structure?

12 CHAIRMAN SALADINO: Yeah.

13 HOWARD HORN: Okay. So I only -- I've only
14 seen this, but assuming that this is the updated
15 version, then those construction plans would have
16 to be amended.

17 CHAIRMAN SALADINO: Well, you know, there's
18 two issues. One is about a site plan, and one is
19 exact -- and what you're going to put on that site.
20 So if your construction drawing shows --

21 HOWARD HORN: Well, that's what's going to be
22 approved, right, so --

23 CHAIRMAN SALADINO: Well, don't get ahead of
24 yourself.

25 (Laughter)

1 HOWARD HORN: I'm on your side.

2 CHAIRMAN SALADINO: This is cumbersome. Do I
3 have to unfold this? Do you have the drawings?

4 HOWARD HORN: No, you don't have to, because
5 this says --

6 CHAIRMAN SALADINO: Maybe I'll unfold it for
7 my colleagues.

8 HOWARD HORN: It's right over here, right
9 over by Second Street. But this does say covered
10 porch.

11 MEMBER NYCE: Okay.

12 HOWARD HORN: Covered porch, and it indicates
13 that, I would think -- no, this is --

14 MEMBER NYCE: I know.

15 CHAIRMAN SALADINO: That's the front of the
16 house.

17 MEMBER NYCE: It's from here.

18 HOWARD HORN: Oh, this is the front?

19 MEMBER NYCE: Yeah, this is the back.

20 CHAIRMAN SALADINO: This is what we need
21 here, okay? Here's the landing that she said was
22 ground-level bluestone.

23 MEMBER NYCE: Right.

24 CHAIRMAN SALADINO: And, actually, the
25 construction drawings show that it's ledger board

1 connected to the house.

2 MEMBER NYCE: Right.

3 CHAIRMAN SALADINO: It shows -- and it also
4 shows two 8-foot risers with 11-inch treads.

5 MEMBER NYCE: Right.

6 CHAIRMAN SALADINO: So it's basically a back
7 porch.

8 MEMBER NYCE: Yeah.

9 HOWARD HORN: It's above ground.

10 MEMBER NYCE: Yeah, with two steps down,
11 right?

12 CHAIRMAN SALADINO: Yes. So we're going
13 to -- we're going to have to address that, either
14 that or change the drawing here, change something,
15 but -- and the other thing that I would mention is
16 I had asked her about the mechanicals for the pool,
17 and she told me that there was no foundation for
18 the mechanicals.

19 HOWARD HORN: Okay.

20 CHAIRMAN SALADINO: But that really doesn't
21 matter as far as lot coverage, because the
22 mechanicals for the pool aren't temporary, they're --

23 HOWARD HORN: They're permanent structures.

24 CHAIRMAN SALADINO: They're permanent
25 structures. So we're going to need the lot -- the

1 dimensions of the mechanicals

2 HOWARD HORN: What lot, what area it covers.

3 CHAIRMAN SALADINO: What area it covers.

4 Because, in all honesty, you're kind of maxed out
5 on square footage here for this property. And even
6 if the mechanicals cover a couple of square feet,
7 you're going to have to --

8 HOWARD HORN: It could throw us over.

9 CHAIRMAN SALADINO: Well, it will, yeah. So
10 those are -- those are the couple of things that I
11 have. I have -- I have some other comments
12 about -- she had mentioned comps in the area, about
13 other properties that have a pool, but I'll discuss
14 them with my colleagues when it's time for having
15 discussions.

16 Does anybody else have any questions for the
17 applicant? No?

18 MEMBER KAUFMAN: No.

19 HOWARD HORN: Thank you.

20 CHAIRMAN SALADINO: Thank you. Is there
21 anyone from the public that would like to speak?
22 Name and address for the Stenographer, please. I'm
23 going to clear this out.

24 WALKER HAWKINS: Hi. Walker Hawkins at
25 422 Second Street. I was here last month as well.

1 So I just wanted to reiterate on the pool that I
2 think it needs that 11-foot variance, at least on
3 the south side. I'm the south side neighbor, and I
4 think our opinion is that it should stay within
5 that 20-foot variance, commensurate kind of with
6 the size of the house, and, as you spoke about, the
7 size of the lot. So keep it short. Go ahead.

8 CHAIRMAN SALADINO: So you're -- you would
9 like that the pool be 20 feet from your property
10 line?

11 WALKER HAWKINS: Correct, yeah. No push-back
12 on the pool itself, just I think it should stay
13 within the code and stay about 20 feet off the
14 fence line.

15 CHAIRMAN SALADINO: Okay. Thank you. Is
16 there anyone else from the public that would like
17 to speak? No?

18 (No Response)

19 CHAIRMAN SALADINO: Did you want to speak
20 again?

21 HOWARD HORN: No.

22 CHAIRMAN SALADINO: Do you want to leave?

23 HOWARD HORN: Well, sure.

24 (Laughter)

25 HOWARD HORN: Well, actually No. 8 is on here

1 for some reason, also, and I believe it's the same
2 application.

3 CHAIRMAN SALADINO: I'll explain that to you.
4 If and -- if this Board chooses to close this
5 public hearing tonight, which we'll decide in a
6 minute, if this Board chooses to close the public
7 hearing, this application will come up for
8 discussion and a possible vote.

9 HOWARD HORN: I see.

10 CHAIRMAN SALADINO: So if we --

11 (Cell Phone Rang)

12 CHAIRMAN SALADINO: Is that for me?

13 HOWARD HORN: Sorry. I don't even know what
14 that is.

15 (Laughter)

16 CHAIRMAN SALADINO: So, if we decide to keep
17 it open, if we decide to keep the public hearing
18 open, we'll see whoever next month. If we decide
19 to close it, we'll have a discussion on this
20 application and probably vote.

21 HOWARD HORN: I see.

22 CHAIRMAN SALADINO: So what's the pleasure of
23 the Board? Are we going to keep this open, or are
24 we going to close it? We -- I raised some issues
25 with the -- with the applicant; he seemed to agree.

1 MEMBER GORDON: Is this the only public
2 comment we have? Is anyone else here to speak?

3 CHAIRMAN SALADINO: I asked, no one else
4 seems to want to comment.

5 MEMBER GORDON: Well, this is the second
6 month it's been open. I think the public has had
7 its chance, that's the purpose of the hearing. I'm
8 in favor of closing it.

9 CHAIRMAN SALADINO: Okay. David, what do you
10 think?

11 MEMBER NYCE: I would defer to the members
12 that have been here longer. I just came across
13 this last month, but certainly wouldn't necessarily
14 hold it up, if everyone else feels like it's time
15 to move on. I have some thoughts, but, you know,
16 again, I would defer to the members who have been
17 here longer.

18 MEMBER KAUFMAN: Can we -- given that their
19 drawings are potentially not what they're going to
20 be building, should they amend those drawings, if
21 they're going to do that?

22 CHAIRMAN SALADINO: That would be up to the
23 applicant. We're not here to write the applicant's
24 application. That would be up to the --

25 MEMBER KAUFMAN: Do you --

1 HOWARD HORN: Well, we would -- we would have
2 to, I think, before we submitted it to the Building
3 Department. Otherwise, we wouldn't --

4 COURT REPORTER: I'm sorry --

5 CHAIRMAN SALADINO: Well, here's the --

6 COURT REPORTER: I'm having a hard time --
7 can you repeat that?

8 HOWARD HORN: I said I believe we would have
9 to before we submitted it to the Building
10 Department, you know, to make that back structure
11 at ground level.

12 CHAIRMAN SALADINO: Well, if you --

13 HOWARD HORN: The patio.

14 MEMBER GORDON: But you're committed to doing
15 that? You are prepared to commit to doing that?

16 HOWARD HORN: Yes.

17 CHAIRMAN SALADINO: But here's the deal. If
18 you --

19 HOWARD HORN: You know, the survey already
20 shows it, but I guess the architect didn't get to
21 it. I don't -- you know, but --

22 CHAIRMAN SALADINO: Here's what I'm trying to
23 explain to you. If you -- we're not here to write
24 your application.

25 HOWARD HORN: I understand.

1 CHAIRMAN SALADINO: If we're -- if we decide
2 to close this public hearing tonight, and you don't
3 object to that, and you don't ask to keep the
4 public hearing open to submit other things for us
5 to consider, we're going to close the public
6 hearing and we're going to vote on this
7 application --

8 HOWARD HORN: Right.

9 CHAIRMAN SALADINO: -- as this application
10 stands now.

11 HOWARD HORN: No, that's not what he's
12 saying.

13 CHAIRMAN SALADINO: As this application
14 stands --

15 (Applicant's Representative was Speaking to
16 the Applicant.)

17 COURT REPORTER: Do you want this on the
18 record?

19 CHAIRMAN SALADINO: He's talking, they're
20 talking among themselves.

21 MEMBER GORDON: I would -- excuse me, may I?

22 CHAIRMAN SALADINO: Sure.

23 MEMBER GORDON: I would argue that the survey
24 does not show the ground level, it says, "Landing".
25 To me, a landing is something that's raised.

1 HOWARD HORN: I don't know. If I may --

2 MEMBER GORDON: This is --

3 HOWARD HORN: I just want to make sure we
4 have the same survey.

5 MEMBER GORDON: Corwin Land Survey.

6 HOWARD HORN: No. Oh.

7 CHAIRMAN SALADINO: This was -- this was
8 here, and this is what we have.

9 HOWARD HORN: See this note right here,
10 that's what I'm talking about. I don't know if
11 yours has that note.

12 MEMBER GORDON: This is -- this is the signed
13 survey.

14 MR. NOONE: This is the -- this is the
15 survey. This was the second survey after they took
16 care of the pool.

17 HOWARD HORN: Right, that's the revised she
18 sent in.

19 CHAIRMAN SALADINO: We don't have that.

20 HOWARD HORN: Yeah, that's the problem.

21 MEMBER GORDON: Well, I see that.

22 HOWARD HORN: (Laughing).

23 CHAIRMAN SALADINO: Well, that's --

24 MEMBER GORDON: Okay.

25 CHAIRMAN SALADINO: And even if we had that,

1 that would still be different than what -- the
2 construction drawings.

3 MEMBER NYCE: Right.

4 CHAIRMAN SALADINO: Well, what do we -- what
5 do we go by?

6 MEMBER NYCE: But you still have two steps
7 down, right, regardless?

8 HOWARD HORN: So I could tell you that it's
9 the intention to, you know, make that bluestone
10 grade level.

11 MEMBER NYCE: But you still have two steps
12 down.

13 CHAIRMAN SALADINO: How do you get to it?

14 MEMBER NYCE: The elevation --

15 HOWARD HORN: That's the only --

16 CHAIRMAN SALADINO: If we're going to have
17 this conversation, you and I, you're going to have
18 to go back to the podium --

19 HOWARD HORN: Okay.

20 CHAIRMAN SALADINO: -- because she's going to
21 have to record this stuff.

22 MR. BOLANOS: John, so if I may also suggest,
23 if you vote on it tonight and agree upon it, then I
24 won't issue a permit unless he's compliant to the
25 agreement that was made tonight, and the reason why

1 it was approved, removing the landing.

2 HOWARD HORN: Right. That's what I was
3 explaining, right.

4 MR. BOLANOS: So if his building drawings,
5 the set of three that you're going to have to
6 provide, the survey, and so on, insurance, if it
7 shows and reflects just a landing, no structure
8 coming up, then we could approve it. If it shows a
9 structure coming up, we can't approve it.

10 HOWARD HORN: Exactly.

11 CHAIRMAN SALADINO: Okay. Okay, that kind of
12 makes sense. But what doesn't make sense is I see
13 the elevation from the rear doorway to the yard and
14 that would require two steps. Now he's going to
15 need some steps to get to a ground level landing
16 and -- yes.

17 MEMBER GORDON: I'm waiting for you to
18 finish.

19 CHAIRMAN SALADINO: He would need steps to
20 get to a ground level landing. Those steps would
21 be part of the structure, and that would still make
22 the pool less than 10 feet from the house.

23 MEMBER GORDON: Well, on this survey, anyway,
24 there is a porch here with three steps. This is
25 for the cellar, so it's not that.

1 CHAIRMAN SALADINO: This -- yeah, but this
2 doesn't come into effect --

3 MEMBER GORDON: This --

4 CHAIRMAN SALADINO: -- because the pool -- it
5 doesn't matter, because the pool -- the concern is
6 that the pool is less than 10 feet from the
7 structure. It can't be less than 10 feet.

8 MEMBER GORDON: If this was -- if this was
9 now --

10 CHAIRMAN SALADINO: We're not here to write
11 his application.

12 MEMBER NYCE: Right.

13 MEMBER KAUFMAN: So a separate matter. What
14 about the mechanical issue?

15 CHAIRMAN SALADINO: Well, we're going to -- I
16 guess he's trying to --

17 MEMBER KAUFMAN: No. There are two things
18 that are uncertain, right? I mean, the --

19 CHAIRMAN SALADINO: My feeling is that we
20 should -- my feeling is that we should keep this --
21 give the applicant a chance to respond to our
22 concerns, our questions, and keep the public
23 hearing open.

24 HOWARD HORN: I agree.

25 CHAIRMAN SALADINO: If you want us to -- if

1 you're in a hurry and you want us to close --

2 HOWARD HORN: I'm agreeing with your issue
3 and I think that it doesn't work.

4 CHAIRMAN SALADINO: Thank you.

5 HOWARD HORN: I'm sorry. Am I supposed to
6 object? You're right.

7 (Laughter)

8 CHAIRMAN SALADINO: Right. The other thing
9 that we -- the other thing we would ask you to
10 consider is that the mechanicals --

11 HOWARD HORN: The mechanicals. No, I wrote
12 it, there's two issues.

13 CHAIRMAN SALADINO: Even though -- even
14 thought there's no foundation, even though she said
15 there'll be no foundation, it's still a permanent
16 structure, regardless if it has a concrete base
17 or not.

18 HOWARD HORN: I understand.

19 CHAIRMAN SALADINO: We all have accessory
20 buildings in our backyard that don't have concrete
21 foundations --

22 HOWARD HORN: Structural foundations.

23 CHAIRMAN SALADINO: -- but they still count
24 towards lot coverage. So if the mechanicals --

25 HOWARD HORN: Put us over.

1 CHAIRMAN SALADINO: -- take up more, put us
2 over --

3 HOWARD HORN: Right.

4 CHAIRMAN SALADINO: -- that would be another
5 thing we would have to go back to the --

6 HOWARD HORN: Go back to the -- back to the
7 drawing board, so to speak.

8 CHAIRMAN SALADINO: All right.

9 HOWARD HORN: But I think that that's why we
10 leave it open.

11 CHAIRMAN SALADINO: So are we -- are we in
12 agreement? Are we going to keep this --

13 MEMBER NYCE: I agree.

14 MEMBER KAUFMAN: Yeah, I agree.

15 CHAIRMAN SALADINO: Let me ask the Attorney.
16 Is that our best move here, to keep this open to
17 give them a chance to respond to what --

18 ATTORNEY STOLAR: Agree completely. I agree
19 completely.

20 CHAIRMAN SALADINO: Okay.

21 HOWARD HORN: Thank you.

22 WALKER HAWKINS: Can I -- can I ask a
23 question, though?

24 CHAIRMAN SALADINO: Sure. Name and address
25 for the Stenographer.

1 WALKER HAWKINS: Walker Hawkins, 422 Second
2 Street. I guess the question becomes, though, I
3 feel like these questions were put up last time
4 that weren't addressed in the intervening month.
5 They come back next month, something else isn't
6 addressed. Someone gives an application, like it
7 should be voted on and then they could decide what
8 to do, right? Otherwise, like I got to keep coming
9 every time it stays open. This now stays open
10 definitely for a third month. So I just want to
11 voice that concern, that you're now saying to the
12 public we've got to keep coming back every three
13 months, because someone is now being given the
14 opportunity live to amend what they say they're
15 going to do, and they've already submitted an
16 application to you, right? I mean --

17 CHAIRMAN SALADINO: No, I understand.

18 WALKER HAWKINS: You said all these things,
19 too, four weeks ago.

20 CHAIRMAN SALADINO: I certainly understand
21 your concern. Nobody wants to -- nobody wants to
22 show up here and have to say anything, but we do
23 want to be fair to the applicant, also. We want to
24 be fair to the neighbors, we want to be fair to the
25 applicant, also. These are concerns we raised.

1 The -- Monika, the applicant's representative,
2 was here last month. She would have been better --

3 WALKER HAWKINS: Sure.

4 CHAIRMAN SALADINO: We would have been better
5 served if she was here to answer these questions
6 and stuff. So, to be fair to the applicant, we
7 think it would be best to -- because as it stands
8 now, I don't think I'm giving any secrets away now,
9 but if there was a vote on this now, it would have
10 to be denied.

11 WALKER HAWKINS: Fair. I guess the question
12 then becomes is there some certainty, then, that
13 next time these questions you've laid out --
14 because if they're not addressed next time, what do
15 you do, do you still leave it open again, or do you
16 say, "Hey, we've given you now two opportunities"?

17 CHAIRMAN SALADINO: No. I think -- I think
18 this Board is being more than fair to the applicant.
19 I think --

20 WALKER HAWKINS: Okay. I'm posing the
21 question, I apologize.

22 CHAIRMAN SALADINO: I think if next month
23 they can't come up with a resolution to our
24 concerns, then we would close the public hearing
25 vote on the application as it stands and take it

1 from there.

2 WALKER HAWKINS: Totally fair. Appreciate
3 it, thank you.

4 CHAIRMAN SALADINO: Sure. Did we -- did we
5 vote to keep the application open?

6 MEMBER KAUFMAN: No, we haven't voted yet.

7 MEMBER NYCE: We did not.

8 CHAIRMAN SALADINO: All right. I'm going to
9 make a motion that we keep this public hearing
10 open.

11 MEMBER GORDON: Second.

12 CHAIRMAN SALADINO: All in favor?

13 MEMBER GORDON: Aye.

14 MEMBER KAUFMAN: Aye.

15 MEMBER NYCE: Aye.

16 CHAIRMAN SALADINO: And I'll vote aye.

17 HOWARD HORN: Thanks.

18 CHAIRMAN SALADINO: We'll see you next month.

19 HOWARD HORN: Have a good night.

20 CHAIRMAN SALADINO: You, too.

21 *Item No. 7 is 11 North Street. This is a*
22 *public hearing regarding the application of Marc Rishe*
23 *on behalf of 11 North Street Sound LLC. The*
24 *applicant proposes to renovate both floors of the*
25 *existing house, and expand the first floor by*

1 *250 square feet and the second floor by 200 square*
2 *feet. Applicant also proposes to demolish the*
3 *existing garage.*

4 · *The plan shows the front-yard setback of*
5 *7.2 feet. This would require an area variance of*
6 *22.8 feet.*

7 · *This plan also shows the side-yard setback*
8 *of 1.5 feet. This would require an area variance*
9 *of 8.5 feet.*

10 · *The plan shows a rear-yard setback of*
11 *25.2 feet. This would require an area variance of*
12 *4.8 feet.*

13 *This property is located in the R-2 One- and*
14 *Two-Family Residential District and is also located*
15 *in the Historic District.*

16 *The Suffolk County Tax Map Number is*
17 *1001-4-3-22.5.*

18 *Name and address for the Stenographer.*

19 *MARC RISHE: Marc Rische, 315 Sutton Place,*
20 *Greenport. I'm here to answer any questions the*
21 *Board or the public may have.*

22 *CHAIRMAN SALADINO: Okay. We raised their --*
23 *I'm sorry. For the public, I would just like to --*
24 *to -- my stuff is in disarray here. We have the*
25 *mailings, we gave them to the Stenographer. The*

1 Board is okay with the Stenographer copying the
2 mailings. If anybody wants us to read them, we
3 will. If not, she has them to -- for the public
4 record.

5 (Mailings:

6 Greenport Gardens II LLC, P.O. Box 1402, Mattituck
7 New York 11948

8

9 Dawn Polewac, 121 Grohmans Lane, Plainview, NY 11803

10

11 13405 Main Road LLC, 625 Calves Road, Southold, NY 11971

12

13 Patricia Hammes, 603 Main Street, Greenport, NY 11944

14

15 537 Main Street Greenport Prop LLC, C/O Timberline
16 Capital, 711 3rd Avenue 6th Floor, New York, NY
17 10017)

18

19 CHAIRMAN SALADINO: We made a site
20 inspection. The public hearing was noticed in the
21 newspaper. And we're going to open this public
22 hearing.

22

23 Is the applicant -- to explain to the public,
24 the Notice of Disapproval that most of the members
25 have --

25

MEMBER GORDON: Is not current.

1 CHAIRMAN SALADINO: Is not current. There
2 are -- there were -- there were two additional --
3 there were two additional variance requests, and it
4 was kind of made clear to me with a -- by a
5 conversation with the Village Administrator, but
6 not -- but not the members. I wasn't able to --
7 before this evening to relay to the members what
8 the reasoning was for these two variances to come
9 off the Notice of Disapproval. Do you want try to
10 explain or --

11 MR. BOLANOS: What? I think you know better
12 where we're going.

13 CHAIRMAN SALADINO: The two, the two -- the
14 two variances that came off were for lot area and
15 for lot depth. The Building Department decided
16 that those two wouldn't need variances, because
17 they have some documentation somewhere in Village
18 Hall that explains how this lot was created, and
19 the lot area became --

20 ATTORNEY STOLAR: If I may, I'm looking at --
21 I'm looking at the original Notice of Disapproval,
22 which identifies two variances that are not now
23 included. That's for lot area and for lot depth,
24 and those both relate to the legality of the lot
25 existing itself. Presumably, what you're referring

1 to is there's something in the record showing that
2 this lot was created lawfully, and, therefore, no
3 variances are now required for this in connection
4 with this application.

5 MEMBER GORDON: But does that --

6 CHAIRMAN SALADINO: That's what was explained
7 to me. I'm sorry, go ahead.

8 MEMBER GORDON: Does that mean that when it
9 was created, variances were given, or should be
10 construed to be given?

11 ATTORNEY STOLAR: Should have been. If they
12 weren't, then there should be, definitely, or it
13 was nonconforming at the time.

14 MEMBER GORDON: And the history is obscure.

15 ATTORNEY STOLAR: I don't know.

16 CHAIRMAN SALADINO: Well, I guess the history
17 was clear enough for the Building Department, the
18 Head of the Building Department to rewrite the --
19 to suggest to the Building Inspector to rewrite the
20 Notice of Disapproval and not -- we don't have that
21 information in front of us. What we have is a
22 Notice of Disapproval with three variances on it.

23 MEMBER NYCE: Right, which pertain to the
24 building as it exists now, and less to do with what
25 they're proposing.

1 CHAIRMAN SALADINO: How the lot was created.

2 MEMBER NYCE: Right.

3 CHAIRMAN SALADINO: Why. So the other -- am
4 I kind of making that clear? If I'm not, I
5 apologize. But the other question that arose
6 was -- I'm sorry, Marc. Did you want to say
7 anything else about this at all?

8 MARC RISHE: No, I'm just here to answer any
9 questions you might have.

10 CHAIRMAN SALADINO: Oh, all right. The other
11 question that arose was about the site plan being
12 different than the survey. The site plan shows
13 the -- the --

14 MR. BOLANOS: Front setbacks?

15 CHAIRMAN SALADINO: The setbacks, and the
16 survey shows no setbacks. What's missing is, is
17 that on this application, it was never explained to
18 us on our application that a portion of the
19 building would -- aside from the garage, would be
20 demolished. The front portion of the building is
21 being demolished. So we didn't have that
22 information, so now that -- that kind of explains
23 the discrepancy between the site plan and the
24 survey. So having said all that, that's where we
25 are now.

1 Also, the construction drawings, the
2 applicant admits that there was a mistake in the
3 construction drawings showing the placement of two
4 windows.

5 MEMBER GORDON: Windows.

6 MARC RISHE: The two front windows, correct.

7 CHAIRMAN SALADINO: Two front windows. And
8 it also, you know, confused the issue, because the
9 construction drawings showed two windows that are
10 currently there now, and the drawings said they're
11 going to be replaced in kind, which led us all to
12 believe that that sun porch, that portion of the
13 house would remain, so --

14 MARC RISHE: Just to -- let me just make sure
15 I understand and clarify. So that the survey shows
16 existing conditions, and then the site plan shows
17 what is to be, at the end of the day, built. So
18 the site plan, I think the confusion is that the
19 site plan shows a dotted outline that the garage is
20 going to be removed. It doesn't explicitly show
21 that dotted line showing that that front porch
22 would be removed.

23 CHAIRMAN SALADINO: Well, it was never --

24 MARC RISHE: All the --

25 CHAIRMAN SALADINO: It was never explained on

1 any documents that we have that --

2 MARC RISHE: Correct, yeah.

3 CHAIRMAN SALADINO: -- there would be that
4 demolition either, you know, or else there wouldn't
5 have been a question, so.

6 Do any of the members have questions for the
7 applicant? Dinni?

8 MEMBER GORDON: No. I think now that that's
9 been clarified, it's -- it's troubling to me that
10 there are these mistakes.

11 MARC RISHE: I'm sorry, I don't mean to
12 argue. I wouldn't characterize them as mistakes.
13 There's a -- there's a site plan which shows what's
14 going to happen, right, that's the construction
15 documents, and there's an existing survey that
16 shows as existing. So it's not necessarily typical
17 to -- I mean, I shouldn't say that, but it's -- you
18 know, it's sort of understood that that -- the
19 final product is going to be less that distance
20 from the street, which is what we're here to talk
21 about today.

22 CHAIRMAN SALADINO: Okay. Seth, anything?

23 MEMBER KAUFMAN: No.

24 CHAIRMAN SALADINO: David, anything?

25 MEMBER NYCE: No. It's totally straight-forward.

1 CHAIRMAN SALADINO: Okay. Is there anyone
2 from the public that would like to speak? Name and
3 address for the Stenographer.

4 PATRICIA HAMMES: Good evening. My name is
5 Patricia Hammes and I and my husband reside at the
6 property located at 603 Main Street. In the
7 interest of full disclosure, I'm the Chairperson of
8 the Village's Planning Board, but I'm here this
9 afternoon in my personal capacity as a neighbor of
10 11 North Street. The backyard and garage portion
11 of our property faces the North Street property and
12 are directly across from 11 North Street.

13 For this Board's and the applicant's
14 information, I intend to recuse myself from any
15 approvals required from the Planning Board with
16 respect to any required Planning Board approvals on
17 the curb cut and driveway, pursuant to Section
18 115-13(K) of the Village Code.

19 In the meantime, though, I have a few
20 questions and comments. My questions have largely
21 been addressed by this conversation, but I'd like
22 to touch base on both points.

23 On the first point on the two variances that
24 were not required, were not -- were decided that
25 were not necessary, and were not included in the

1 public notice, I have some real concerns about what
2 the public documentation is that allows those
3 things to exist. My experience has been that
4 subdivision of a property in this Village can only
5 be done by the Planning Board if it meets lot
6 standards, and otherwise it does require a
7 variance. And so I would want to make sure that
8 whoever's done their homework on this has
9 documented variances for those two items, or that
10 they were included at the time that the actual
11 subdivision was granted. Otherwise, I think that
12 this Zoning Board should insist that those be
13 included as requested variances.

14 In terms of the front yard setback, I, after
15 looking at it for many hours, kind of came to the
16 conclusion, that you all discovered this afternoon,
17 that they must be intending to tear the front porch
18 off. I think the application is very confusing on
19 this, because, effectively, they're saying they're
20 going to use the same foundation, but they're
21 changing the whole footprint, and they're changing
22 the roof. So it's still not really clear to me
23 what's being demolished over there and what's not.

24 It's been stipulated that, or it's been said
25 that it's just going to be kind of some changes to

1 it, but it sounds to me like more like almost the
2 whole house is going to get torn down and rebuilt.

3 But, anyway, in any event, I -- as a general
4 matter, I'm supportive of the existing home being
5 remodeled, but I have some real concerns about
6 variances that increase the coverage of a building
7 on that lot, including with respect to the
8 setbacks. It's a very small lot, even by Village
9 standards. And I don't believe that the overall
10 first floor area of the structure should be
11 increased from what's presently on the property in
12 any material respect.

13 I think that the proposal to get rid of the
14 front porch, which, granted, is boarded in right
15 now, and not replace it with a front porch is
16 contrary, frankly, to everything that we see in
17 this Village that doesn't meet the front yard
18 setbacks.

19 There's a ton of buildings in this Village
20 that don't meet the front yard setbacks, I
21 acknowledge that. But if you look at them, and you
22 can do it walking down the street, you can look at
23 it on everything over in that neighborhood, almost
24 to a "T", the ones that don't meet front yard
25 setback have a front porch that is lower than the

1 second floor, which helps break up the monolithic
2 structure.

3 So if this Board wants to give them a front
4 yard setback variance for the first floor, that
5 probably is fine, what they're proposing, but I
6 think that the second floor should have a further
7 setback of at least half of the required 20 feet.

8 And, similarly, I think that the side portion
9 should not be allowed to be bumped out either. I
10 just -- I just think it's too much. I think when
11 you look at it compared to the lot, and then with
12 the proposal of where they're planning on putting
13 the parking, you're going to have solid structures
14 and cars across 50% of that lot.

15 And I recognize some of this will probably
16 have to be addressed by the Historic Board, and
17 perhaps some of it will be addressed by the
18 Planning Board when it looks at the curb cuts and
19 the parking situation, but I think it also needs to
20 be taken into account, in terms of your guys'
21 determination and the requirement, that things be
22 in keeping with the character and nature of the --
23 of the neighborhood when you're granting area
24 variances.

25 And, finally, and this is just me not knowing

1 this, because I don't pay enough attention to this
2 stuff, generally, it's not clear to me that the
3 proposed parking that they're talking about
4 complies with 150-16(A)(2) of the code, which, at
5 least the way I read it, seems to say that you
6 can't have more than one parking space taking up
7 part of your front yard setback. So -- and they
8 have two side-by-side cars in the front yard. So
9 when you look at it, you've got two cars and the
10 house, and nothing really kind of in between. And
11 I'm -- at least the way I read 150-16(A)(2), and it
12 may be that you have had some interpretation on
13 this, or I'm missing something here, we don't
14 normally allow those two side-by-side cars within
15 the front yard setback. So I would ask you also to
16 take a look at that and clarify that.

17 So, I guess in conclusion, you know, I'm
18 asking that the variances at least be denied in
19 part with respect to the second floor and the
20 bump-out on the side, and that the parking be
21 considered as to whether or not it meets code and
22 requires a variance. And, also, that somebody
23 confirm that there were actual variances or
24 documentation that allowed for the substandard lot
25 area and depth. And if there aren't, then I think

1 those variances should be included as well in the
2 public notice. Thank you.

3 CHAIRMAN SALADINO: Just to respond, Tricia,
4 we don't -- I'm not sure if we have the authority
5 to demand to --

6 MR. BOLANOS: For the first and second floor?

7 MEMBER GORDON: Second floor.

8 MR. BOLANOS: Yeah.

9 CHAIRMAN SALADINO: And aside from -- let me
10 address some stuff that I kind of do know about.
11 As far as the parking, I believe the code says you
12 can use a driveway in a required front yard as one
13 off-street parking space. Am I -- I think that's
14 what I'm --

15 PATRICIA HAMMES: The wording is not very
16 clear, that's why I started saying that I'm not
17 really sure what it is.

18 CHAIRMAN SALADINO: That's the way we always
19 applied that portion of the code, that you could --
20 you could have one car in your driveway in a front
21 yard and that would count as one off-street,
22 off-street parking space.

23 We've had many applications where the cars
24 were side by side, and we always -- because of the
25 parking situation in Greenport, we always kind of

1 went with that, because, honestly, that portion of
2 the code would have needed an interpretation, and
3 somebody would have had to ask us for it. And
4 since nobody has, we just -- I'm not a big --
5 personally, I'm not a big fan of parking in the
6 front yard, but that's --

7 PATRICIA HAMMES: I would suggest you look at
8 the wording of that the code section, because I
9 don't think it allows for two cars to be parked in
10 the front, in the front yard.

11 CHAIRMAN SALADINO: Well, I can --

12 PATRICIA HAMMES: But it's an interpretation
13 issue for you all. So if that's how you -- if you
14 interpret it as permitting it, then, obviously,
15 that is what it is.

16 I also think this property clearly has the
17 ability to have a driveway, because it currently
18 does with a garage. So I don't really still see
19 why the front yard, half the front yard has to be
20 taken up with parking. But that's not a
21 variance -- I mean, maybe a variance question if
22 it's prohibited under code. Otherwise, it will be
23 an issue that I raise with the Historic Board and
24 the Planning Board, so.

25 And to go to your point about whether or not

1 you can split the zoning, if you can't split the
2 first and the second floor in giving the setback,
3 then I guess my request is that you not -- that you
4 at least require a greater setback than 6, than
5 6 feet, or whatever it is that we -- because I --

6 CHAIRMAN SALADINO: For the house itself.

7 PATRICIA HAMMES: I just think it's going to
8 be like a monolith right there. And deny it with
9 respect to the additional 250 square feet addition.

10 CHAIRMAN SALADINO: Well, we have to --
11 the -- we have to the address the Notice of
12 Disapproval, and right now the current Notice of
13 Disapproval are for a front yard, side yard, and
14 rear yard setback.

15 PATRICIA HAMMES: Right. So I guess, again,
16 my point is I oppose the front yard setback
17 variance request, although I could live with it for
18 the purposes of the existing structure on the first
19 floor. But you're saying you can't split it, so
20 then I would oppose it overall. But I oppose it
21 for the addition, and I oppose it for the second
22 floor at the level that they're requesting.

23 CHAIRMAN SALADINO: I'm not sure how we would
24 address the addition as far as the zoning code.

25 MEMBER NYCE: Yeah, because that addition

1 isn't looking for any setbacks.

2 CHAIRMAN SALADINO: I'm not sure --

3 PATRICIA HAMMES: But it's part of the front.
4 You'd be giving the front -- sorry. Your point is
5 you can't split, you can't split the thing. Okay.
6 Well, again, then I guess my point is I oppose the
7 front setback request as drafted. I mean, I'm not
8 saying it needs to be the full 20 feet, or whatever
9 it is, but I think it needs to be more than it is,
10 particularly given the proposal to enlarge the
11 house.

12 MEMBER GORDON: It seems to me there's a
13 problem with --

14 PATRICIA HAMMES: And raise it. I believe
15 the roof is being raised as well on this house, so
16 that it's just -- it's just much more bulk on that
17 property line very close to the front of the
18 property that is not in keeping with the
19 neighborhood.

20 MEMBER GORDON: I think it's a problem in
21 part because we are going to be arbitrary no matter
22 what we decide to some extent, because the standard
23 of comparing it to the nearby houses is irrelevant,
24 because there really are no houses --

25 PATRICIA HAMMES: Yeah, you could look at the

1 houses on Second Street and First Street.

2 MEMBER GORDON: Well, but they're not the
3 houses within, what is it, 200 feet.

4 CHAIRMAN SALADINO: Two hundred feet on the
5 same side of the street.

6 MEMBER GORDON: Yeah, on the same side of the
7 street. We don't have that, we are outside that.
8 And it seems to me that almost inevitably it's
9 going to be a matter of discretion and judgment,
10 and not really very much tied to the code, clear or
11 not clear.

12 PATRICIA HAMMES: Okay. I mean, I made the
13 suggestions that I did, because I was trying to be
14 conciliatory and compromise. But, obviously, if
15 it's not something that this Board has the power to
16 do, this Board doesn't have the power to do it.
17 I'll be raising the same issues with the Historic
18 Board. So thank you for your time.

19 CHAIRMAN SALADINO: Thank you. Is there
20 anyone else from the public that would like to
21 speak?

22 (No Response)

23 CHAIRMAN SALADINO: If not, the public has
24 raised some questions about -- about how we should
25 address how the Building Department determined the

1 first two variances. Should we -- members, should
2 we ask the Building Department to produce those?

3 MEMBER KAUFMAN: I think so, yeah.

4 MEMBER GORDON: Uh-huh.

5 MEMBER NYCE: I would say if it's within our
6 purview, yes.

7 MR. BOLANOS: Okay. So Mike, Mike Noone will
8 help you guys with that. He works on the agenda
9 with Paul Pallas, our Village Administrator, and it
10 was his decision to remove it, not mine, so that's
11 a question you'd have to ask him.

12 CHAIRMAN SALADINO: No, no, we understand
13 that, Alex. It's just, I think -- I think what was
14 suggested is, is that the documentation showing how
15 that lot was created would be -- would be --

16 MR. BOLANOS: He explained to me --

17 CHAIRMAN SALADINO: -- what we need to see.

18 MR. BOLANOS: -- it was prior to code, and
19 that's the reason for it.

20 CHAIRMAN SALADINO: I'm not getting that.

21 MEMBER GORDON: Before 1971.

22 MR. BOLANOS: Yes.

23 CHAIRMAN SALADINO: So it was -- it was
24 subdivided.

25 MR. BOLANOS: I think that all the paperwork

1 was done prior to the requirements that we require
2 today. It was -- I didn't -- it was a brief
3 conversation, I mean, but I could ask him the
4 reason to show proof.

5 CHAIRMAN SALADINO: What do we think?

6 ATTORNEY STOLAR: The Board's already asked
7 for that, yeah.

8 CHAIRMAN SALADINO: I'm sorry?

9 ATTORNEY STOLAR: You've already asked for
10 it, so we'll arrange with the Building Department
11 to get that.

12 CHAIRMAN SALADINO: Okay. So having --
13 having made that request and needing that
14 information, I'm guessing we're going to keep this
15 public hearing open --

16 MEMBER KAUFMAN: Yes.

17 CHAIRMAN SALADINO: -- until we get that
18 information. Okay. So we'll --

19 ATTORNEY STOLAR: Motion to continue.

20 CHAIRMAN SALADINO: In a second.

21 ATTORNEY STOLAR: Okay.

22 (Laughter)

23 CHAIRMAN SALADINO: Was there -- was there
24 something else that I forgot that we needed from
25 the Building Department? Tricia, you brought it --

1 was there something else?

2 PATRICIA HAMMES: That was the main thing,
3 and then there was the question for you all about
4 the interpretation of the parking.

5 MEMBER NYCE: For the parking, right.

6 CHAIRMAN SALADINO: For the parking. Well,
7 somebody is going to have to ask for that. You
8 know, I could read the code now and it might
9 satisfy some people, but as far as how that portion
10 of the code is interpreted, someone would have to
11 ask this Board for an interpretation.

12 PATRICIA HAMMES: Can I ask for that
13 interpretation as a resident, interested resident?

14 CHAIRMAN SALADINO: I don't know. I know
15 that -- I know that -- I know that we asked for an
16 interpretation once and there was hell to pay.

17 (Laughter)

18 MEMBER NYCE: Was that bill paid?

19 CHAIRMAN SALADINO: I'm not sure. And even
20 though the -- even though the code says that any
21 Board is allowed to ask this Board for an
22 interpretation, we asked for an interpretation of a
23 portion of the code on our own, and I got beat up
24 for it. So --

25 PATRICIA HAMMES: I'm happy to raise it at

1 the Planning Board meeting on Friday, and I
2 suggest -- suspect the Planning Board would be
3 happy as a whole --

4 CHAIRMAN SALADINO: That would -- that
5 would --

6 PATRICIA HAMMES: -- because we've been
7 struggling with the issue ourselves --

8 CHAIRMAN SALADINO: That would certainly work
9 for us.

10 PATRICIA HAMMES: -- to request an interpretation
11 from you all.

12 CHAIRMAN SALADINO: Well, as luck would have
13 it, we have an Attorney here, we have the Board's
14 Attorney here. We could ask him if a citizen can
15 ask for an interpretation.

16 ATTORNEY STOLAR: I would say to you that the
17 advice you got before doesn't sound right. You can
18 make -- your obligation as a Board comes from --
19 and your jurisdiction comes from State Law. If you
20 are required to interpret a code provision to get
21 to the end of a -- you know, an application, you
22 can make that interpretation, asked by somebody
23 or not.

24 CHAIRMAN SALADINO: Okay. The last time this
25 Board asked itself to make an interpretation, it

1 created -- there was a problem.

2 MEMBER GORDON: We didn't get sued.

3 CHAIRMAN SALADINO: No, but I got the shit --
4 I got beat up for it.

5 (Laughter)

6 MEMBER KAUFMAN: Why?

7 CHAIRMAN SALADINO: So is -- but to solve
8 this problem, to solve this problem in the
9 immediate, right now, the Planning Board is
10 expected to meet on Friday.

11 PATRICIA HAMMES: We are meeting on Friday.
12 I will raise it at that time, and I'm sure that we
13 will be sending you a letter asking for an
14 interpretation.

15 CHAIRMAN SALADINO: So that solves our
16 problem.

17 (Laughter)

18 MEMBER NYCE: Perfect.

19 CHAIRMAN SALADINO: All right. So --

20 PATRICIA HAMMES: Okay?

21 CHAIRMAN SALADINO: Thank you.

22 PATRICIA HAMMES: All right, good.

23 MEMBER NYCE: Further to the request for the
24 history on the lot itself, can we -- can I ask that
25 when we get that information, we get an

1 interpretation, then, of what they've determined as
2 the area necessary for this house? You know, what
3 I'm saying? Like if, in fact, they set up this lot
4 pre-code, did they set up the building envelope for
5 it? Did they set up any stipulations as to what it
6 can be, what it can't be?

7 CHAIRMAN SALADINO: You mean, how --

8 MEMBER NYCE: And how their --

9 CHAIRMAN SALADINO: -- how the subdivision
10 was conditioned?

11 MEMBER NYCE: Yes, if it was conditioned, and
12 then if, in fact, there are any restrictions on lot
13 coverage that went with that on -- that we would
14 have to consider.

15 PATRICIA HAMMES: I think David's right on
16 those points, because I would just say I know, for
17 instance, that the lots immediately behind our
18 house were one lot and were subdivided. I don't
19 know if this was post code, but as I recall, when
20 that subdivision was done, there was lot
21 restrictions put on the empty lot, that has
22 subsequently been built on, but -- and that was a
23 much bigger lot than this lot is, and they could
24 not build to the full amount that they would
25 otherwise have been entitled to under the Zoning

1 Code. So, you know, without somebody doing the
2 history on this and finding it, I just don't think
3 any of us know what the restrictions are on that
4 property.

5 CHAIRMAN SALADINO: I agree.

6 MEMBER NYCE: Yeah.

7 CHAIRMAN SALADINO: We're going to get that
8 from the Building Department, from somebody in the
9 Building Department, and we'll have that,
10 hopefully, before the next meeting, before the
11 next -- so did we make a motion to continue this?

12 ATTORNEY STOLAR: No. You cut me off.

13 (Laughter)

14 CHAIRMAN SALADINO: All right. We're going
15 to make a motion to continue this public hearing.

16 MEMBER GORDON: Second.

17 CHAIRMAN SALADINO: So moved. So moved.

18 MEMBER GORDON: Second.

19 CHAIRMAN SALADINO: All in favor?

20 MEMBER GORDON: Aye.

21 MEMBER KAUFMAN: Aye.

22 MEMBER NYCE: Aye.

23 CHAIRMAN SALADINO: And I'll vote aye.

24 Our agenda, our agenda just became
25 abbreviated.

1 *Item No. 8* is a continue -- we're going to
2 put a pin in that, because we continued this public
3 hearing until next month.

4 *Item No. 9*, we're also going to put a pin in
5 that, because this public hearing, that particular
6 public hearing is going to be continued until next
7 month.

8 *Item No. 10 is any other Zoning Board of*
9 *Appeals business that might properly come before*
10 *this Board.* Here's your shot, folks. Anybody got
11 a question? Anybody? No?

12 (No Response)

13 CHAIRMAN SALADINO: And Item No. 11 is a
14 motion to adjourn at 7-0 --

15 MEMBER KAUFMAN: Six.

16 CHAIRMAN SALADINO: Six. So moved.

17 MEMBER NYCE: Second.

18 CHAIRMAN SALADINO: All in favor?

19 MEMBER GORDON: Aye.

20 MEMBER KAUFMAN: Aye.

21 MEMBER NYCE: Aye.

22 CHAIRMAN SALADINO: And I'll vote aye.

23 Thank you, folks, thanks for coming.

24 (The Meeting was Adjourned at 7:06 p.m.)

25

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

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

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 August 15, 2023, to the best of my ability.

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 24th day of August, 2023.

Lucia Braaten

Lucia Braaten