

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 February 20, 2024
 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 - VILLAGE ATTORNEY
 22 MICHAEL NOONE - CLERK TO THE BOARD

23
 24
 25

1 (The Meeting was Called to Order at 6:03 p.m.)

2 CHAIRMAN SALADINO: Good evening, folks. It's
3 6-0 -- I can't see the clock -- 6:03, and this is the
4 Village of Greenport Zoning Board of Appeals Regular
5 Meeting.

6 *Item No. 1 is a motion to accept the minutes of*
7 *the January 16th, 2024 Zoning Board of Appeals*
8 *meeting. So moved.*

9 MEMBER GORDON: Second.

10 CHAIRMAN SALADINO: All in favor?

11 MEMBER NYCE: Aye.

12 MEMBER GORDON: Aye.

13 MEMBER KAUFMAN: Aye. Sorry.

14 CHAIRMAN SALADINO: All in favor?

15 MEMBER GORDON: Yes. I said yes.

16 CHAIRMAN SALADINO: And I'll vote aye.

17 *Item No. 2 is a motion to schedule the next*
18 *Zoning Board of Appeals meeting for March 19th, 2024*
19 *at 6 p.m., at Station One Firehouse, Third and South*
20 *Street, Greenport, New York 11944. So moved.*

21 MEMBER KAUFMAN: Second.

22 CHAIRMAN SALADINO: All in favor?

23 MEMBER NYCE: Aye.

24 MEMBER GORDON: Aye.

25 MEMBER KAUFMAN: Aye.

1 CHAIRMAN SALADINO: And I'll vote aye.

2 Item No. 3 is -- *Item No. 3 is 160 Bay Avenue.*
3 *This is going to be a public hearing regarding the*
4 *application of Patricia C. Moore, Esq., on behalf of*
5 *Emmanuel N. Korakis.* Am I getting that right?

6 MR. KORAKIS: Yes.

7 CHAIRMAN SALADINO: Thank you. *As Trustee of*
8 *the Korakis 2023 Family Trust.*

9 On the agenda there's five or six variances and
10 we'll cover them in the public hearing. I'm not
11 going to read them.

12 We're going to let the -- I'm going to ask --
13 I'm going to ask Mike if this was noticed in the
14 newspaper.

15 MR. NOONE: It was, yes.

16 CHAIRMAN SALADINO: And we have the mailings.
17 I'm going to -- if the Board is okay, I'll just give
18 the mailings to the --

19 MR. NOONE: Lucia has a copy.

20 CHAIRMAN SALADINO: She has a copy? Anybody
21 from the public want me to read the mailings, I will.
22 If not, the Stenographer has them ask they'll be in
23 the minutes for next month.

24 (Mailings:

25 151 Bay Ave Property LLC, P.O. Box 505,

1 Sagaponack, NY 11962
2 Isaac Israel & Stephanie Israel, 889 Harrison Avenue,
3 2nd Floor, Riverhead, NY 11901
4 Judith Kilpatrick, 175 Central Avenue, Greenport NY 11944
5 James Wilday & Gabriella Wilday, 219 Sunset Avenue,
6 Ridgewood, NJ 07450
7 Sophie Elkin, 4988 W. Lake Road, Geneva, NY 14456
8 Ronan Gardiner & Christine Hasbun, 111 Fourth Avenue,
9 New York, NY 10003
10 Frances Walton, 171 Central Avenue, Greenport, NY 11944
11 Michael Edelson & Ingrid Helfrich, 168 Bay Avenue,
12 Greenport, NY 11944)

13 CHAIRMAN SALADINO: The applicant is here.

14 MS. MOORE: Thank you. Good evening. Patricia
15 Moore, on behalf of the applicants. I have Mr. and
16 Mrs. Korakis here. I also have Mike Macrina, who is
17 the Architect, and we're going to go through the
18 plans for the record. I know you're very familiar
19 with them.

20 We were out at the property. The property we
21 had staked, and the -- and this is an existing house
22 with existing setbacks. The setbacks on the west
23 side -- it's upside down -- on the west side is right
24 on the property line. And the project plan is to
25 remove the back side of the, of the existing structure,

1 which is the closest to the property line. And by
2 cutting it back, we are bringing the house back away
3 from the property line, not to a completely
4 conforming setback, but at minimum 5.3; 5.3?

5 MR. MACRINA: Yeah, whatever that is.

6 MS. MOORE: It's upside down. I'm sorry, I'm
7 looking upside down.

8 (Laughter)

9 MR. MACRINA: Five-point-three --

10 MS. MOORE: Five-point-three.

11 MR. MACRINA: -- at its smallest point.

12 MS. MOORE: Yes, it's the closest point, and
13 then it -- as it goes towards --

14 MR. MACRINA: Bay Avenue.

15 MS. MOORE: -- Bay Avenue, it's a further --

16 MR. MACRINA: Nine-point-three.

17 MS. MOORE: Nine-point-three. Thank you.

18 Okay. In the front we do have the existing
19 setback. We have a modification to the front porch,
20 and that modification is within the, within the
21 setbacks. However, if you look up and down the
22 street, the neighboring homes have similarly,
23 similarly designed front porches very close to the
24 property line. So we are improving the existing
25 conditions and bringing the porch back, but a porch

1 is being -- a covered entryway is being provided.

2 And, again --

3 MR. MACRINA: The existing porch is sticking
4 actually in front of the house setting back a couple
5 of feet.

6 MS. MOORE: Can you, can you hear when he
7 speaks?

8 COURT REPORTER: Not very well.

9 MS. MOORE: You have to come closer to the mic,
10 so --

11 MR. MACRINA: The existing porch is in front of
12 the existing house. We are proposing a new porch
13 that's going to be set back about four feet, roughly,
14 from the front of the house.

15 MS. MOORE: So those are the setbacks, the
16 variances that we need for purposes of the addition.

17 Now the other variances that are listed are due
18 to the existing garage. And in the field, we did --
19 my client, after it was staked, decided that the
20 garage is really in a poor location and too close to
21 the house, and rather than sacrifice the house, it
22 would make more sense to remove the garage. However,
23 it was pointed out to me that in order to demolish
24 the garage, which would make it -- eliminate these
25 variances, we need to have the HPC approve removal of

1 the garage. So we're in a vicious circle where we
2 need the variances, but we don't really wish to build
3 with those variances. We just don't want to have
4 a -- if the HPC denies the removal of the garage,
5 then we're stuck, we going to come back to you --

6 CHAIRMAN SALADINO: Is the garage --

7 MS. MOORE: -- and we'd rather -- pardon me?

8 CHAIRMAN SALADINO: I'm sorry. Is the garage
9 original to the house?

10 MS. MOORE: No. No, we think the garage may
11 have been built in the --

12 MR. MACRINA: Looks like Mid-Century, '50s,
13 '60s, '70s, somewhere around there.

14 MS. MOORE: Yeah.

15 MR. MACRINA: A lot of the construction methods
16 inside seem -- like it's metal.

17 MS. MOORE: Yeah.

18 CHAIRMAN SALADINO: Well, we can ask our
19 Attorney.

20 ATTORNEY STOLAR: Yes.

21 CHAIRMAN SALADINO: We can condition the
22 variances on -- we can condition the approval on the
23 HPC agreeing to allow them to demolish the garage?

24 ATTORNEY STOLAR: Correct, yeah.

25 MS. MOORE: Okay, that's fine.

1 ATTORNEY STOLAR: That makes sense.

2 MS. MOORE: We have no problem with that.

3 ATTORNEY STOLAR: Makes sense.

4 MS. MOORE: Also, by removing the garage, we're
5 also eliminating the lot coverage variance. So all
6 in all, the garage was creating really most of the
7 difficulty, and by eliminating the garage, we've --
8 we have a much more conforming application.

9 Do you have any questions?

10 CHAIRMAN SALADINO: Just, just for the record,
11 and just so everybody's clear, the lot coverage,
12 you're were exceeding the lot coverage, I think, by 1%.

13 MS. MOORE: One percent, yes.

14 MR. MACRINA: Yes.

15 CHAIRMAN SALADINO: By 86 feet.

16 MR. MACRINA: Yes.

17 CHAIRMAN SALADINO: And we're reasonably
18 certain that the garage is more than 86 feet.

19 MR. MACRINA: Yes.

20 MS. MOORE: Well, we did do the calculations --

21 MR. MACRINA: It's -- oh, I'm sorry.

22 MS. MOORE: Sorry. We were able to -- by
23 removing the garage, the lot coverage would be down
24 to 27.7, so we're under the 30.

25 MR. MACRINA: On the, on the site plan that was

1 submitted, we have a line item under lot coverage
2 calculations for the garage, it's 289 square feet.

3 CHAIRMAN SALADINO: Okay.

4 MS. MOORE: Any other questions?

5 MEMBER NYCE: (Shook Head No).

6 CHAIRMAN SALADINO: Any members have a question
7 for the applicant.

8 MEMBER KAUFMAN: No.

9 CHAIRMAN SALADINO: Thank you.

10 MS. MOORE: Okay.

11 CHAIRMAN SALADINO: Is there any, is there
12 anyone from the public that would like to speak?

13 ATTORNEY STOLAR: Before you go, I was just
14 trying to clarify.

15 MS. MOORE: Yes.

16 ATTORNEY STOLAR: Sorry.

17 MS. MOORE: Sure.

18 ATTORNEY STOLAR: I'm just trying to clarify.

19 MS. MOORE: Yeah.

20 ATTORNEY STOLAR: So the front yard setback,
21 the lot coverage, you're required -- well, the lot
22 coverage is required only if the garage is there.

23 MS. MOORE: Right.

24 ATTORNEY STOLAR: So the front yard setback is
25 for the house.

1 MS. MOORE: Correct.

2 ATTORNEY STOLAR: The next variance listed is
3 side yard setback. Is that for the house?

4 MS. MOORE: Yes.

5 ATTORNEY STOLAR: Okay. So the first two are
6 for the house.

7 MS. MOORE: Correct.

8 ATTORNEY STOLAR: And the remainder are only if
9 the garage stays.

10 MS. MOORE: The remainder were only because the
11 garage, correct.

12 ATTORNEY STOLAR: Got it.

13 MS. MOORE: Yeah.

14 ATTORNEY STOLAR: Okay.

15 CHAIRMAN SALADINO: I'll ask again, is there
16 anyone from the public that would like to speak?

17 (No Response)

18 CHAIRMAN SALADINO: If not --

19 MS. MOORE: Thank you. Okay.

20 MR. MACRINA: Thank you very much.

21 CHAIRMAN SALADINO: What's the pleasure of the
22 Board?

23 MEMBER NYCE: Close the public hearing. I'm
24 pretty comfortable with --

25 MEMBER KAUFMAN: Yeah.

1 MEMBER NYCE: -- with what they're proposing.

2 MEMBER KAUFMAN: I would close the public
3 hearing.

4 CHAIRMAN SALADINO: Okay. I'm going to make a
5 motion we -- I'm going to make a motion we close the
6 public hearing.

7 MEMBER NYCE: Second.

8 CHAIRMAN SALADINO: All in favor?

9 MEMBER GORDON: Aye.

10 MEMBER KAUFMAN: Aye.

11 MEMBER NYCE: Aye.

12 CHAIRMAN SALADINO: And I'll vote aye.

13 Item No., *Item No. 4 is 304 Sterling Place.*

14 *This is a motion to accept the application, schedule*
15 *a public hearing, and arrange a site visit regarding*
16 *the application of Elizabeth Talerman of 304 Sterling*
17 *Place.*

18 *Applicant proposes the installation of a*
19 *320 square foot in-ground pool and a 496 square foot*
20 *accessory structure. This requires the following*
21 *variance:*

22 Since there's only one, I'll read it.

23 *There's a Front Yard Setback Requirement*
24 *the R-2 District: The Minimum Front Yard Requirement*
25 *is 30 feet. The plan shows the front yard of the*

1 *pre-existing setback of 3 feet. This would require*
2 *an area variance of 27 feet.*

3 *The property is located in the R-1 One Family*
4 *Residential District and is not located in the*
5 *Historic District.*

6 *And the Suffolk County Tax Map Number is*
7 *1001-2-2-17.*

8 MS. TALERMAN: Hello. I'm Elizabeth Talerman
9 from 304 Sterling Place. We are proposing to put in
10 an accessory structure and a pool, none of which
11 required the variance, except our front door is three
12 feet from the road. I think the house existed before
13 the road, but I'm not positive about that.

14 CHAIRMAN SALADINO: Well, okay. Thank you.
15 You're kind of aware of what's -- I'm sure you're
16 aware of what's happening in the Village, that, that
17 the policy in the Village is whenever there's an
18 application for a building permit, they take the
19 entire property into consideration, so the front yard
20 setback would come into it.

21 MS. TALERMAN: Yes.

22 CHAIRMAN SALADINO: Come into play. So any
23 member have a question for the applicant?

24 MEMBER GORDON: I have one little thing that
25 should be corrected. In the Notice of Disapproval,

1 it says Sterling Street, and my understanding is that
2 it's Sterling Place, and this matters, because we
3 also have Sterling Avenue. And so it just seems to
4 me the record should be clear, so if you could just
5 change that on the --

6 MR. NOONE: I'll have the Building Inspector
7 write a new Notice of Disapproval.

8 MEMBER NYCE: Do you need a motion to accept
9 the application?

10 MEMBER GORDON: I guess. Do you have any --

11 CHAIRMAN SALADINO: Is that it?

12 MEMBER GORDON: Yes.

13 MEMBER KAUFMAN: I don't have anything.

14 CHAIRMAN SALADINO: If no one has a problem
15 with the application, except for the name of the
16 street --

17 MEMBER NYCE: Place.

18 CHAIRMAN SALADINO: I'll -- I'm going to make a
19 motion that we accept this application.

20 MEMBER NYCE: Second.

21 CHAIRMAN SALADINO: All in favor?

22 MEMBER GORDON: Aye.

23 MEMBER KAUFMAN: Aye.

24 MEMBER NYCE: Aye.

25 CHAIRMAN SALADINO: And I'll vote aye.

1 We'll set the -- do we, do we need a site
2 inspection for this application?

3 MEMBER GORDON: I think so, it's a new
4 structure.

5 CHAIRMAN SALADINO: Well, we're not going to
6 get to see the structure, this is a front yard
7 setback, but if you want a site inspection.

8 MEMBER KAUFMAN: Do we need one for, I mean,
9 the --

10 MEMBER GORDON: We don't need one for the pool
11 house?

12 CHAIRMAN SALADINO: (Shook Head No).

13 MEMBER KAUFMAN: It's as-of-right.

14 MEMBER NYCE: No, there's no variance for any
15 of that stuff.

16 MEMBER KAUFMAN: I don't think -- I mean, I
17 don't think we need a site visit for something.

18 CHAIRMAN SALADINO: I'll ask the Building
19 Department. The pool and the accessory building,
20 did -- are being built as-of-right, right?

21 MR. NOONE: I don't think there's any reason
22 to. I don't believe there is a reason for a site
23 visit. It's preexisting nonconforming, it's just the
24 front door. Instead of being on Monsell, it was
25 originally on Sterling. You have a bigger side yard

1 area, which probably should have been the front of
2 the house.

3 MS. TALERMAN: That's right.

4 MR. NOONE: But, as you said, probably the
5 house was built before the road and it might have
6 been a path at that time.

7 MS. TALERMAN: Yeah.

8 MR. NOONE: But it's just a, it's just a
9 question of it's a small front yard, but it really
10 looks like a side entrance, as opposed to a front
11 entrance.

12 CHAIRMAN SALADINO: I'm going to get back to
13 the question for the Building Department.

14 (Laughter)

15 CHAIRMAN SALADINO: There's no, there's no --

16 MR. NOONE: No, no, no.

17 CHAIRMAN SALADINO: -- need for a variance for
18 the pool and the accessory building?

19 MR. NOONE: No, no.

20 CHAIRMAN SALADINO: Okay.

21 MEMBER KAUFMAN: It met all the setbacks in the
22 plan, so --

23 CHAIRMAN SALADINO: What?

24 MEMBER KAUFMAN: It met all -- the pool met all
25 the setbacks in the plan, as I read it.

1 CHAIRMAN SALADINO: The pool is as-of-right.

2 MR. NOONE: As to the, as to the accessory
3 structure.

4 MS. TALERMAN: Yes.

5 MEMBER KAUFMAN: So that's why I don't know
6 what we're going to go see there.

7 CHAIRMAN SALADINO: If you want a site
8 inspection, we can have one.

9 MEMBER GORDON: I have just a question. Will
10 the pool be visible from the street?

11 MS. TALERMAN: No, because of landscaping that
12 we'll put in. Right now, the front yard is open, but
13 we have to put in a fence, and we would put in
14 greenery, so there would be no ability.

15 MEMBER GORDON: This won't be a pool in the
16 front yard, right?

17 MS. TALERMAN: No, there will not be a pool in
18 the front yard. We have either two front yards or
19 two side yards --

20 MEMBER GORDON: Right, right.

21 MS. TALERMAN: -- because we're on the corner.

22 MEMBER GORDON: Right, yeah, I know. It's --

23 CHAIRMAN SALADINO: Well, I think Dinni's
24 concern, also, is that we -- a portion of our code
25 says that if it's visible within 50, within 50 feet,

1 it has to be screened, but you said you're going to
2 screen it.

3 MS. TALERMAN: We are absolutely going to
4 screen it.

5 MEMBER GORDON: Yeah.

6 CHAIRMAN SALADINO: Right. You good? How
7 about the site inspection?

8 MEMBER GORDON: Yeah, I'm fine.

9 CHAIRMAN SALADINO: You want to look anyway?

10 MEMBER GORDON: No, it's -- if nobody else
11 wants it, fine.

12 CHAIRMAN SALADINO: David?

13 MEMBER NYCE: No, I'm fine.

14 CHAIRMAN SALADINO: Okay. So we're not going
15 to come.

16 MS. TALERMAN: Okay

17 CHAIRMAN SALADINO: Because it's cold and not
18 much, not much to see.

19 MS. TALERMAN: Happy to have you. I'll make
20 hot cocoa, but I understand that you would like to
21 pass.

22 CHAIRMAN SALADINO: Hey, wait a second, we
23 can't be bribed for cocoa.

24 (Laughter)

25 CHAIRMAN SALADINO: If you're going to bribe

1 us, it's got to be --

2 MS. TALERMAN: It's got to be better than that.

3 CHAIRMAN SALADINO: You got to do better than
4 cocoa. So we --

5 (Laughter)

6 MEMBER KAUFMAN: Lobster, perhaps.

7 CHAIRMAN SALADINO: We set -- and the public
8 hearing we're going to set for, for March 19th, and
9 we'll set it at 6 o'clock. We set them all at
10 6 o'clock. So no site visit. And you're on
11 March 19th at 6 o'clock and it will be here.

12 MS. TALERMAN: Okay. Thank you very much.

13 CHAIRMAN SALADINO: *Item No. 5 is 181 Fifth*
14 *Street. This is a Motion to accept the application,*
15 *schedule a public hearing, and arrange a site visit*
16 *regarding the application of 181 Fifth Street, LLC.*

17 *The Applicant proposes a 612 square foot,*
18 *two-story addition with basement. This requires the*
19 *following variances:*

20 • *Front Yard Setback Requirements.*
21 *150-12 Schedule Regulations R-2 District.*
22 *Minimum Front Yard Requirement is 30 feet.*
23 *The plan shows a front yard setback of 15.2 feet.*
24 *This would require an area variance of 14.8 feet.*

25 • *The Side Yard Setback Requirements.*

1 *150-12 Schedule Regulations R-2 District.*

2 *The Minimum Side Yard Requirement: 10 feet.*

3 *This plans shows the side yard setback of 3.7 feet.*

4 *This would require an area variance of 6.3 feet.*

5 • *150-13 Residence District regulations.*

6 *Accessory buildings (b) Such building shall be set*

7 *back 5 feet from any lot line and shall not be*

8 *located less than 10 feet from the principal building.*

9 *The plan shows a metal accessory building .2 feet*

10 *from the property line. This would require an area*

11 *variance of 4.8 feet.*

12 • *150-13 Resident -- Residence District*

13 *regulations. Accessory buildings (b) Such building*

14 *shall be set back 5 feet from any lot line and shall*

15 *not be located less than 10 feet from the principal*

16 *building. The plan shows a plastic accessory*

17 *building 1.2 feet from the property line. This would*

18 *require an area variance of 3.8 feet.*

19 *This property is located in the R-2 One and*

20 *two-family District and is not located in the*

21 *Historic District.*

22 *The Suffolk County Tax Map Number is*

23 *1001-7-4-19.*

24 *I guess the applicant is here.*

25 *MR. MAZZAFERRO: Yes. Nick Mazzaferro,*

1 P.O. Box 57, Greenport, New York 11944. I'm the
2 engineer of record for the project.

3 MR. QUILLIN: I'm Brian Quillin, I'm one of the
4 owners of the property.

5 CHAIRMAN SALADINO: And you live there?

6 MR. QUILLIN: Yes, 181 Fifth Street, Greenport,
7 and I live at the address.

8 MR. MAZZAFERRO: The overall picture here is
9 the owners of the property wish to extend the back of
10 the house out. The extension of the house will meet
11 all the criteria for coverage and setback distances.
12 There'd be no variances required for the new work,
13 everything that's on the list. There is an existing
14 condition predating the -- as a matter of fact, Brian
15 said that his grandparents owned the house in the
16 early 1940s, and his uncle owned it before that. So
17 it's been in the same family probably pushing
18 80 years or so. It doesn't look much different than
19 it did 80 years ago.

20 (Laughter)

21 MR. MAZZAFERRO: So the -- I think this is in
22 line with the concept that any kind of work that goes
23 on in the project is going to require all existing
24 situations to be cleared up. You know, with the new
25 Village policy, that's exactly what we have here.

1 Front yard lines up with every other house on the
2 block, and the side yards are typical for all the
3 houses on the block. And we're under the coverage,
4 right? Yes.

5 MR. QUILLIN: Yeah.

6 MR. MAZZAFERRO: And we're under, we're under
7 the coverage with the new extension.

8 CHAIRMAN SALADINO: I just have a couple of
9 questions about, about two of these things that
10 require relief on the accessory buildings. We have
11 intentions of keeping them?

12 MR. MAZZAFERRO: The --

13 MR. QUILLIN: The metal structure.

14 MR. MAZZAFERRO: Yeah, the metal structure
15 garage that exists?

16 CHAIRMAN SALADINO: It's a garage?

17 MR. MAZZAFERRO: Yes. That's -- they plan on
18 keeping that and using it as a garage. The plastic,
19 they're going to keep it, but it's a -- you know,
20 it's like a Rubbermaid storage shed, or whatever, so
21 it's one or the other. If it went, it wouldn't be a
22 big deal.

23 CHAIRMAN SALADINO: Okay. If this Board
24 thought that perhaps that should go, you wouldn't,
25 you wouldn't have a problem?

1 MR. QUILLIN: Oh, with the Rubbermaid shed?

2 MR. MAZZAFERRO: Yeah.

3 MR. QUILLIN: No.

4 MR. MAZZAFERRO: No. We can, we can drop it
5 off at --

6 CHAIRMAN SALADINO: At David's house.

7 MEMBER NYCE: (Shook Head No).

8 CHAIRMAN SALADINO: Bring that to David's
9 house.

10 (Laughter)

11 CHAIRMAN SALADINO: And just one more question,
12 is -- without, without going through the plan, do we
13 know the size of -- I see it's 12-foot high, the
14 garage. Do we know the dimensions?

15 MR. MAZZAFERRO: Oh, the width? It's scalable
16 on that.

17 CHAIRMAN SALADINO: I know. I didn't want to --

18 MEMBER GORDON: It says 12 feet, 12.0 feet high.

19 MEMBER NYCE: In height, yeah.

20 MEMBER KAUFMAN: He's asking for the width.

21 MR. MAZZAFERRO: This is 24, so --

22 CHAIRMAN SALADINO: Nick, don't guess. If you
23 know it, if you know it, you know it.

24 MR. MAZZAFERRO: I don't know exactly what --

25 CHAIRMAN SALADINO: Let us know next month.

1 MR. MAZZAFERRO: It's a one-car garage with an
2 8-foot door, so it has a couple of feet on either
3 side. So approximation, 14 feet, maybe.

4 CHAIRMAN SALADINO: Just, just, maybe just let
5 us know next month.

6 MR. MAZZAFERRO: What's that?

7 MEMBER GORDON: Isn't it --

8 CHAIRMAN SALADINO: Just maybe just let us know
9 next month.

10 MR. MAZZAFERRO: Okay.

11 CHAIRMAN SALADINO: Yes.

12 MEMBER GORDON: Doesn't it say right here?

13 MR. MAZZAFERRO: We'll have that dimension
14 for you.

15 CHAIRMAN SALADINO: It says 12 foot high. We
16 don't know how wide it is, we don't know --

17 MEMBER GORDON: Oh, okay. I have a question.
18 I just want to be sure I'm reading the survey
19 correctly. On the north side setback, it looks to me
20 as though it's 8.7 feet with the new construction
21 on the north setback.

22 MR. QUILLIN: The new construction?

23 MEMBER GORDON: Well --

24 MR. NOONE: Nick, do you want a copy of this?

25 MR. MAZZAFERRO: Yeah, may I have it?

1 MEMBER GORDON: I just wanted to understand the
2 survey. It says here 8.7 setback, and I assume
3 that's referring to feet, and it is on the north
4 side.

5 MR. MAZZAFERRO: Yes, that's correct.

6 MEMBER GORDON: And the code requires 10. So
7 isn't that -- I mean, it's very small, but isn't
8 that -- doesn't that require a 1.3-foot setback?

9 MEMBER NYCE: And it increases the nonconformity.

10 MR. MAZZAFERRO: I thought the setback -- is it
11 10-foot setback, or was it a 5-foot setback with a
12 total of 25?

13 CHAIRMAN SALADINO: It's a 25-foot combined
14 side yard setback.

15 MR. MAZZAFERRO: Combined setback.

16 CHAIRMAN SALADINO: So one side --

17 MR. MAZZAFERRO: Yeah, can be over. We just
18 aligned the push-out with the, with the side of the
19 house --

20 MEMBER GORDON: Right, I see that. I see that.

21 MR. MAZZAFERRO: -- that was there. We didn't
22 go for width that exists today. We went and we
23 stepped it back to keep the alignment straight

24 CHAIRMAN SALADINO: Well, in the past we
25 required like a variance for that, the new

1 construction. I think we did it on Second Street.

2 MR. MAZZAFERRO: Okay, add it to the list.

3 CHAIRMAN SALADINO: In the past we've required
4 a variance for that.

5 MR. MAZZAFERRO: Okay. We could add it.

6 CHAIRMAN SALADINO: Well, we'll ask the
7 Building Department.

8 MR. NOONE: I would imagine that the Notice of
9 Disapproval would have to be amended to include that
10 variance, if, in fact, the Building Inspector decides
11 that's -- he might have another thought, or maybe the
12 new code has something in it.

13 CHAIRMAN SALADINO: Well, I'm thinking the
14 Zoning Board is acting as the Building Inspector
15 tonight, so --

16 MR. NOONE: That's entirely within your purview.

17 CHAIRMAN SALADINO: We know. So I'm thinking
18 we're going to have to have this included in the
19 relief that's being asked for.

20 MEMBER GORDON: Is there a way to do that that
21 just modifies the Notice of Disapproval without
22 having to add a month to it, 1.3 feet a month, for
23 1.3 feet seems to be --

24 ATTORNEY STOLAR: It's going to be on the March
25 calendar, regardless. You know, assuming the issue

1 is dealt with by the Building Inspector --

2 MEMBER GORDON: Right, right, right.

3 ATTORNEY STOLAR: -- fairly quickly, they'll
4 get on the March calendar for the hearing.

5 MEMBER GORDON: Good.

6 ATTORNEY STOLAR: That's the benefit of having
7 these pre-hearing discussions.

8 MEMBER GORDON: Yeah.

9 MR. MAZZAFERRO: I'm sorry. What was the
10 resolution?

11 (Laughter)

12 MEMBER GORDON: So we'll leave it to the
13 Building Inspector to --

14 MR. MAZZAFERRO: To add it, right.

15 MR. NOONE: Yeah, he would amend the Notice of
16 Disapproval, and then I'll notice it with the new
17 variance added.

18 MEMBER GORDON: Right.

19 MR. NOONE: Right.

20 MEMBER GORDON: And then we'll be able to act
21 on it in March.

22 MR. NOONE: In March, the public -- the new
23 public notice with the new variance will be on it.
24 So with -- the new variance will be on it, so it will
25 be on the website, and it will be in the newspaper,

1 and the mailings we'll have.

2 MR. MAZZAFERRO: Okay, fine.

3 CHAIRMAN SALADINO: Okay? Anybody else, any
4 questions?

5 MEMBER NYCE: That covers mine.

6 CHAIRMAN SALADINO: Okay. We're -- nobody's
7 got another question, right?

8 MEMBER NYCE: No.

9 CHAIRMAN SALADINO: All right. So I'm going to
10 make a motion that we, we accept this application
11 with the exceptions that we, that we noted. We're
12 going to get a modified Notice of Disapproval.
13 That's going to be -- that's what's going to be
14 noticed. But we're going to -- we're not going to
15 hold up the process here. We're going to -- I'll
16 make a motion, like I said, as was modified.
17 So moved.

18 MEMBER KAUFMAN: Second.

19 CHAIRMAN SALADINO: All in favor?

20 MEMBER GORDON: Aye.

21 MEMBER KAUFMAN: Aye.

22 MEMBER NYCE: Aye.

23 CHAIRMAN SALADINO: Aye.

24 All right. And we'll set March 19th, I guess
25 March 19th?

1 MEMBER KAUFMAN: Yes.

2 CHAIRMAN SALADINO: March 19th we're going to
3 set a public hearing. We'll set it at 6 o'clock, we
4 set them all at 6 o'clock. I'm thinking for this we
5 would like a site visit.

6 MEMBER KAUFMAN: Yeah.

7 MR. MAZZAFERRO: Site visit?

8 CHAIRMAN SALADINO: David?

9 MEMBER NYCE: Yeah, absolutely.

10 CHAIRMAN SALADINO: We'll set the site visit.
11 Actually, it's getting a little --

12 MEMBER NYCE: It is.

13 CHAIRMAN SALADINO: The sun is staying up a
14 little longer, so --

15 MEMBER KAUFMAN: It will be daylight savings
16 time at that point, so it would go back.

17 CHAIRMAN SALADINO: This is a big discussion
18 every month.

19 (Laughter)

20 MEMBER NYCE: At 5:30?

21 CHAIRMAN SALADINO: What time, what time is the
22 site, the site visit? What's convenient for
23 everybody, 5:30?

24 MEMBER KAUFMAN: 5:30.

25 MEMBER GORDON: Sure.

1 CHAIRMAN SALADINO: David, 5:30?

2 MEMBER NYCE: Perfect?

3 CHAIRMAN SALADINO: And we'll set the site
4 visit for 5:30.

5 MR. QUILLIN: On March 19th?

6 CHAIRMAN SALADINO: So --

7 MEMBER NYCE: Yes. Yeah, on the same day as
8 the hearing.

9 CHAIRMAN SALADINO: And what we would ask, ask
10 you to do is stake out -- he's been through this
11 before, so he knows what to do, but we'll ask you,
12 make sure it's on the record, that we stake out
13 whatever has to be -- that whatever you think we need
14 to see.

15 MR. QUILLIN: Sure.

16 CHAIRMAN SALADINO: So whatever the new
17 construction is and anything else. As far as the
18 accessory buildings and stuff, they're there. But as
19 far as the new construction, as far as the new
20 construction, just stake out this portion.

21 MR. MAZZAFERRO: All right.

22 CHAIRMAN SALADINO: So easy-peasy.

23 MR. MAZZAFERRO: Okay.

24 CHAIRMAN SALADINO: We'll see you March 19th.

25 MR. QUILLIN: All right. Thank you very much.

1 CHAIRMAN SALADINO: We have -- we --

2 MEMBER GORDON: Discussion.

3 CHAIRMAN SALADINO: We have -- in a second.

4 (Laughter)

5 CHAIRMAN SALADINO: Fold the paper over.

6 MEMBER GORDON: But this is for the --

7 CHAIRMAN SALADINO: I'm not putting that on the
8 agenda. I'm not putting that on the agenda.

9 We closed this public hearing. We closed the
10 public hearing for 160 Bay Avenue. Members, do we
11 want to have a discussion about this or --

12 MEMBER NYCE: Yeah.

13 MEMBER GORDON: Yes. It seems to me quite cut
14 and dry.

15 CHAIRMAN SALADINO: Okay.

16 MEMBER NYCE: I agree. I mean, assuming HPC
17 approves the removal of the garage, I have no problem
18 with granting the variance. It's a simple front yard
19 setback at that point, so I would have no issue with
20 it, and I'd like to be able to see them move forward.

21 CHAIRMAN SALADINO: We're going to, we're going
22 to condition that, that what we agreed tonight is
23 conditioned on getting HPC approval, which,
24 obviously, we can't speak for the HPC, we're not sure
25 what their mandate is. Some of us might be. David

1 was on the HPC, he might know.

2 MEMBER NYCE: That's like 100 years ago, John.

3 CHAIRMAN SALADINO: A hundred years ago.

4 (Laughter)

5 CHAIRMAN SALADINO: But I'll make a motion that
6 the Zoning Board of Appeals declares itself Lead
7 Agency for the purposes of SEQRA. So moved.

8 MEMBER NYCE: Second.

9 CHAIRMAN SALADINO: All in favor?

10 MEMBER GORDON: Aye.

11 MEMBER KAUFMAN: Aye.

12 MEMBER NYCE: Aye.

13 CHAIRMAN SALADINO: Aye.

14 This is a Type II Action, so no further action
15 is required.

16 We're going to go through these five questions.
17 There's a balancing test. We'll go through the five
18 questions. After the five questions, we'll vote on
19 the -- we're going to take the variances en masse?

20 MEMBER KAUFMAN: Yeah.

21 MEMBER NYCE: And just to be clear, we're
22 taking basically the first two, right, the front yard
23 setback and the side yard setback, and leaving the
24 others off, because we're conditioning the approval
25 on the removal of the garage; is that correct?

1 CHAIRMAN SALADINO: Well, we could approve, we
2 could approve them on the condition that the HPC
3 grants --

4 MEMBER NYCE: I got you, okay.

5 CHAIRMAN SALADINO: -- grants --

6 MEMBER NYCE: All right.

7 CHAIRMAN SALADINO: -- permission to --

8 MEMBER NYCE: I just want to have it clear in
9 my head as to what we were doing.

10 CHAIRMAN SALADINO: -- to take down the garage.
11 If they don't, you're going to have to come back.

12 MR. MACRINA: Yeah.

13 MEMBER NYCE: Okay.

14 CHAIRMAN SALADINO: All right? But --

15 MEMBER NYCE: I just wanted to, you know,
16 understand.

17 CHAIRMAN SALADINO: -- I don't see you coming
18 back.

19 MEMBER GORDON: I do -- I would like to say one
20 other thing, which is that I like very much the fact
21 that, in fact, the front yard setback will be
22 increased by your porch. It adds a little bit of
23 distance from the street, which seems to me to
24 improve it. And the side yard setback also is less,
25 it's just less crowded. I mean, there's still -- I

1 realize still a requirement for a variance, but it's
2 less than it would be for the old house.

3 MR. MACRINA: Right.

4 MEMBER GORDON: So I just want to note that and
5 congratulate you for making it a better space.

6 CHAIRMAN SALADINO: How do you think Dinni's
7 going to vote on this?

8 (Laughter)

9 CHAIRMAN SALADINO: Okay. I'm going to read
10 these. I'm going to read these. Like I said,
11 there's five questions here, it's a balancing test.
12 We'll go through the five questions, and then we'll
13 vote on that, on the combined variances.

14 Whether an undesirable change will be produced
15 in the character of the neighborhood or a detriment
16 to nearby properties will be created by the granting
17 of the area variance. David?

18 MEMBER NYCE: No.

19 CHAIRMAN SALADINO: Dinni?

20 MEMBER GORDON: No.

21 CHAIRMAN SALADINO: Seth?

22 MEMBER KAUFMAN: No.

23 CHAIRMAN SALADINO: And I don't believe either, no.

24 Whether the benefit sought by the applicant can
25 be achieved by some method feasible for the applicant

1 to pursue other than an area variance. David?

2 MEMBER NYCE: No.

3 CHAIRMAN SALADINO: Dinni?

4 MEMBER GORDON: No?

5 CHAIRMAN SALADINO: Seth?

6 MEMBER KAUFMAN: No.

7 CHAIRMAN SALADINO: And I'll vote no.

8 Whether the requested area variance is substantial.

9 David?

10 MEMBER NYCE: No.

11 CHAIRMAN SALADINO: Dinni?

12 MEMBER GORDON: No.

13 CHAIRMAN SALADINO: Seth?

14 MEMBER KAUFMAN: No.

15 CHAIRMAN SALADINO: And I'll vote no.

16 Whether the proposed variance will have an

17 adverse effect or impact on the physical or

18 environmental conditions in the neighborhood or

19 district. David?

20 MEMBER NYCE: No.

21 CHAIRMAN SALADINO: Dinni?

22 MEMBER GORDON: No.

23 CHAIRMAN SALADINO: Seth?

24 MEMBER KAUFMAN: No.

25 CHAIRMAN SALADINO: And I'll vote no.

1 Whether the alleged difficulty was
2 self-created, which consideration shall be relevant
3 to the decision of the Board of Appeals, but shall
4 not necessarily preclude the granting of an area
5 variance. David?

6 MEMBER NYCE: No.

7 CHAIRMAN SALADINO: Dinni?

8 MEMBER GORDON: Yes.

9 CHAIRMAN SALADINO: Seth?

10 MEMBER KAUFMAN: No.

11 CHAIRMAN SALADINO: I'm going to vote no, also.

12 I'm going to make a motion that we grant the
13 combined area variances conditioned on the decision
14 of the, of the Historic Preservation Commission.
15 So moved.

16 MEMBER NYCE: Second.

17 CHAIRMAN SALADINO: David? We're going to take
18 a roll call vote.

19 MEMBER NYCE: Yeah.

20 CHAIRMAN SALADINO: Yes?

21 MEMBER NYCE: Aye.

22 CHAIRMAN SALADINO: Dinni?

23 MEMBER GORDON: Aye.

24 CHAIRMAN SALADINO: Seth?

25 MEMBER KAUFMAN: Aye.

1 at it for a few inches. It didn't pay to go through
2 the variance if we don't need it.

3 CHAIRMAN SALADINO: Well, I'm thinking you're
4 going to have to tell the --

5 MR. MAZZAFERRO: So I could resubmit a drawing
6 tomorrow to the Building Department.

7 MEMBER NYCE: Right, and it's the same process.

8 MR. MAZZAFERRO: And then everything will match.

9 CHAIRMAN SALADINO: And the same for the --
10 he'll amend the Notice of Disapproval --

11 MR. MAZZAFERRO: Right.

12 CHAIRMAN SALADINO: -- either up or down.

13 MR. MAZZAFERRO: I will, I will have this
14 drawing submitted to him tomorrow.

15 CHAIRMAN SALADINO: Okay.

16 MR. MAZZAFERRO: And then the -- yeah, the idea
17 of having a side yard variance would not be required.
18 Got it? No more new business.

19 (Laughter)

20 CHAIRMAN SALADINO: Anybody else from the
21 public have a question? No?

22 (No Response)

23 CHAIRMAN SALADINO: If not, I think there's one
24 more item. *Item No. 7 is a motion to adjourn.*

25 MEMBER NYCE: Second.

1 CHAIRMAN SALADINO: All in favor?

2 MEMBER GORDON: Aye.

3 MEMBER KAUFMAN: Aye.

4 MEMBER NYCE: Aye.

5 CHAIRMAN SALADINO: And I'll vote aye.

6 Jay, roll the credits.

7 (The Meeting was Adjourned at 6:38 p.m.)

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