

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 July 16, 2024
 11 6:00 p.m.

12
 13 B E F O R E:
 14 JOHN SALADINO - CHAIRMAN
 15 DINNI GORDON - MEMBER
 16 DAVID NYCE - MEMBER
 17 JACK REARDON - MEMBER
 18 SETH KAUFMAN - MEMBER (Absent)

19 *****
 20 ALSO IN ATTENDANCE:
 21 BRIAN STOLAR - VILLAGE ATTORNEY

22
 23
 24
 25

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

2 CHAIRMAN SALADINO: Good evening, folks.

3 This is the Zoning Board of -- it's 6:03. This is
4 the Village of Greenport Zoning Board of Appeals
5 Regular Meeting.

6 *Item No. 1 is, is a motion to accept the*
7 *minutes of the June 18th, 2024 Zoning Board of*
8 *Appeals meeting. So moved.*

9 MEMBER REARDON: Second.

10 MEMBER GORDON: Second.

11 CHAIRMAN SALADINO: All in favor?

12 MEMBER REARDON: Aye.

13 MEMBER NYCE: Aye.

14 MEMBER GORDON: Aye.

15 CHAIRMAN SALADINO: And I'll vote aye.

16 Just as an explanation to the public, we have
17 one member out, he has COVID, so we told him he
18 couldn't come.

19 (Laughter)

20 CHAIRMAN SALADINO: *Item No. 2 is a motion to*
21 *schedule the next Zoning Board of Appeals meeting*
22 *for August 20th, 2024, at 6 p.m., at Station One*
23 *Firehouse, Third and South Streets, Greenport,*
24 *New York 11944. So moved.*

25 MEMBER GORDON: Second.

1 CHAIRMAN SALADINO: All in favor?

2 MEMBER REARDON: Aye.

3 MEMBER NYCE: Aye.

4 MEMBER GORDON: Aye.

5 CHAIRMAN SALADINO: And I'll vote aye.

6 Folks, we're going to go out of order on the
7 agenda, because we scheduled a Public Hearing at
8 6 o'clock. So we're going to take Item No. 5 first
9 and do this Public Hearing, and then we'll get to
10 the rest of the agenda.

11 Item -- the next agenda item is 218 Sixth
12 Street. Am I doing something wrong with this
13 (referring to microphone)? *218 Sixth Street.*

14 (Laughter)

15 CHAIRMAN SALADINO: *It's a Public Hearing*
16 *regarding the application of Frank Uellendahl on*
17 *behalf of Sandra Benedetto and Elizabeth Gertz.*
18 *The Applicant proposes removing an existing 6-foot*
19 *mudroom at the rear of the house, adding a 5-foot*
20 *extension to the first floor, and extending the*
21 *existing 10-foot rear deck by 5 feet. This would*
22 *increase building coverage by 170 square feet.*

23 The variances that are required are listed on
24 the agenda, for the folks that have the agenda, I'm
25 not going to read them. I'm fairly certain that,

1 that the Building Clerk noticed the Public Hearing.
2 We don't have -- do we have the mailings? We don't
3 have --

4 MR. UELLEND AHL: Okay.

5 CHAIRMAN SALADINO: You have the mailings?

6 MR. UELLEND AHL: Yes. I got one back signed,
7 and two are returned, and four others are still --

8 MEMBER GORDON: Pending.

9 MR. UELLEND AHL: Waiting for them.

10 CHAIRMAN SALADINO: Okay. I'm not going to
11 read these mailings. We're going to give it to the
12 Stenographer and she'll record them in the minutes.

13 So we'll open the Public Hearing. The
14 applicant is here. Name and address for the
15 Stenographer, please.

16 MR. UELLEND AHL: My name is Frank Uellendahl,
17 Architect. I live on 123 Central Avenue here in
18 Greenport, and I'm representing the owners.
19 Elizabeth Gertz is here with me, in case there are
20 additional questions.

21 So we had the site visitation this afternoon.
22 I've been working in the Village of Greenport as an
23 Architect for more than 20 years, and this is
24 probably the smallest addition I've designed to
25 date. But, as many, many houses in the Village

1 that were built in the 19th Century or early
2 20th Century, they are noncompliant. So the house
3 sits basically inches away from the property line,
4 and the owners would like to extend it by 5 feet.

5 I now understand that there was a building
6 permit issued in 1995 for the mud room that was
7 added on. It's a one-story addition in the back,
8 the rear. And, also, a 15-by-20 deck that was --
9 received a permit, but it did not receive a -- or
10 the Building Inspector did not send the applicants
11 back then -- these are not Benedetto and Gertz,
12 these are the previous owners -- to the ZBA to ask
13 for the variance. So this is, obviously, something
14 that we need to talk about.

15 But the addition itself is needed, because
16 the mud room is basically in bad shape. It steps
17 down. The first floor does not open up to the yard
18 at all. It's a beautiful yard, very deep, and it
19 has a big side yard to the south. But sitting in
20 the kitchen, you can't really take advantage of the
21 view and have a benefit of stepping out easily.
22 And this is what we want to achieve by taking down
23 the one-story mud room, which right now contains a
24 washer and dryer, and, I mean, it's really not --
25 you can't really sit on it and enjoy the view of

1 the garden.

2 So we are going to relocate the washer/dryer,
3 extending the addition by 5 feet, and this enables
4 the owners actually renew -- redesign the kitchen,
5 have an eat-in kitchen, a nice sitting area, and a
6 nice wide glass sliding door opening up to the, to
7 the yard.

8 And then as far as the deck is concerned, we
9 would like to extend this the same way another
10 5 feet. And the addition itself will not affect
11 the second floor, but we are going to have a
12 vaulted ceiling, cathedral ceiling, to make it even
13 more impressive, as it were.

14 So this is basically the -- what we're here
15 for, an addition and an extension of the first
16 floor addition, and the extension of the existing
17 deck, which was permitted in 1995. Any questions?

18 CHAIRMAN SALADINO: I just -- just for the
19 public, just so the public's on the same page with
20 the rest of us, the mud room is coming down.

21 MR. UELLEDAHL: Yes.

22 CHAIRMAN SALADINO: It's implied here.

23 MR. UELLEDAHL: Yes.

24 CHAIRMAN SALADINO: So that new addition is
25 new construction. So --

1 MR. UELLEND AHL: Well, we can use the
2 foundation. There is a crawl space, so this is
3 something that we are going to reuse, so we are
4 extending basically the foundation. But the
5 structure itself, yes, it will have to come down,
6 yes.

7 CHAIRMAN SALADINO: So, according to the
8 code, any new construction on a preexisting
9 nonconforming house has to conform to code. So
10 that's one of the -- and this, you know this, and
11 the applicant knows this, this is just for the
12 public, that it has to conform to code, and that's
13 the reason for one of the appeals, is --

14 MR. UELLEND AHL: Right.

15 CHAIRMAN SALADINO: -- this 9-foot-9,
16 9.9-foot side yard variance. As far as the deck,
17 the same thing applies. The fact that you're
18 extending it 5 feet is also -- and I thought I
19 heard that you weren't sure if you were going to
20 reuse some of the --

21 MR. UELLEND AHL: Oh, no, we can reuse the
22 existing deck, 5 feet shorter, obviously, with the
23 footings. I mean, we'll see once we take the
24 decking off. The decking needs to be replaced. If
25 there's any rot, then we need to improve this, but

1 we're planning to hold onto the structure.

2 CHAIRMAN SALADINO: Well, to then -- you
3 know, "We'll see" kind of doesn't work, because
4 "We'll see" might mean that you have to come back
5 here, and we don't, we don't want that to happen.

6 MR. UELLEDAHL: Okay.

7 CHAIRMAN SALADINO: So I'm thinking we might
8 just go on the assumption that it's going to be a
9 new, new -- how big is the deck, 15-by-20 --

10 MEMBER NYCE: Fifteen-by-18-foot-7.

11 CHAIRMAN SALADINO: By 20 foot, okay. We're
12 just going to assume it's a new deck. So the new
13 deck, because of its proximity to the, to the
14 neighbor's property, we know by reading the agenda
15 you require a 9.9-foot setback also.

16 Should I get -- should I mention what's
17 happening now for our discussion, or maybe the
18 public would like to speak.

19 MEMBER NYCE: Oh, yeah.

20 CHAIRMAN SALADINO: Another consideration
21 with this application is, and, again, this was
22 discussed with the applicant and their architect,
23 is that in 1995 there was a building permit issued
24 for the mud room. Unfortunately, the Building Inspector
25 at that time issued a building, a building permit,

1 but they didn't get a variance from the Zoning
2 Board. So, so there was no relief for that
3 building, for that new addition. The same applies
4 to the deck. They got a building permit for the
5 deck and there was no variance, no relief from the
6 Zoning Board at that time to intrude on the side
7 yard.

8 In that building permit for the deck, there
9 was a covenant that it would be placed 5 feet from
10 the property line. When we went for the inspection,
11 and from the plans, we see that the deck is on the
12 property line, one inch from the property line. So
13 this was discussed with the applicant and the
14 architect.

15 This -- my saying all this is strictly for
16 the public, and I'm guessing if my colleagues -- do
17 we have -- do you guys have any questions for
18 Frank?

19 MEMBER REARDON: I have a question, if there
20 was a CO received for both the deck and the mud
21 room back in '95. Does the homeowner know if they
22 have a CO for those?

23 MS. GERTZ: I don't believe we do. I've
24 never seen one. We looked at the files we could
25 get, there wasn't one in there, there was one from

1 1988.

2 CHAIRMAN SALADINO: The unfortunate part here
3 is, is that the Clerk of the Boards is not
4 available for the next couple of weeks, a month, so
5 we don't have access to Building Department files
6 that he would normally handle for us. Having said
7 that, David, do you got anything?

8 MEMBER NYCE: No, I -- I'm holding my
9 comments until I hear if anyone from the public has
10 got comments on it.

11 CHAIRMAN SALADINO: Diana --

12 MEMBER GORDON: Oh, we do know that --

13 CHAIRMAN SALADINO: -- any comments?

14 MEMBER GORDON: -- the Building Department
15 granted a -- gave them a building permit, but is --
16 what is the relationship of this covenant to the
17 Building permit? Is this a serious thing?

18 ATTORNEY STOLAR: What do you mean is it a
19 serious thing?

20 MEMBER GORDON: Well, I mean, how -- it
21 doesn't seem to me that the building permit -- I've
22 never heard of a covenant that would come with a
23 building permit for some -- something so small.
24 It's not -- but maybe I don't know enough about
25 covenants. Is it -- is this a binding situation

1 that has to be observed 30 years later?

2 ATTORNEY STOLAR: So if there was a
3 requirement as a condition of some approval that a
4 covenant be filed and recorded, then that runs with
5 the land, and that is a condition of the --
6 whatever the previous approval was.

7 Secondly, the main reason that you impose
8 a requirement for a covenant is to assure that
9 there's notice to a prospective purchaser, so that
10 the next owner and all owners after that will be
11 aware of that --

12 MEMBER GORDON: Right.

13 ATTORNEY STOLAR: -- particular condition
14 that was imposed by whatever Board or Department.

15 MEMBER GORDON: And is there any relief for
16 the fact that the next owners did not have notice?

17 ATTORNEY STOLAR: If they cut -- we don't
18 know if the covenant was recorded.

19 MEMBER GORDON: Yeah.

20 ATTORNEY STOLAR: So if it was recorded, then
21 there's -- there's constructive notice. And even
22 if it wasn't recorded and it's part of the Building
23 Department file, there's usually also constructive
24 notice. But people generally say they didn't
25 necessarily review the entirety of the Building

1 Department file, or their title company didn't
2 review it, whatever it may be. So the preferred
3 method is do it in a serious manner --

4 MEMBER GORDON: Yeah.

5 ATTORNEY STOLAR: -- and that is to impose a
6 covenant to be and recorded, so that it's of record
7 and there's no, no doubt.

8 MEMBER GORDON: Okay.

9 CHAIRMAN SALADINO: One of, one of the, one
10 of the -- thank you, Frank. I just want to ask the
11 Lawyer a question, then we're going to open it up
12 to the public. The problem I'm kind of having
13 is -- I'm sure everything was aboveboard.

14 ATTORNEY STOLAR: Uh-huh.

15 CHAIRMAN SALADINO: You know. But I'm seeing
16 that since there's no record of any relief by the
17 ZBA, and a building permit was issued basically on
18 their neighbor's property line, and there was no
19 relief given, and the, and the permit was after
20 code, after 1971, it was 1995, I'm just wondering --
21 and I'm not saying that all there is -- there's no
22 record in Village Hall of a variance. So I'm just --
23 I'm kind of like -- what's the word? Verklemt.

24 ATTORNEY STOLAR: At the end of the day what
25 you should be looking at is the impact now. Unless

1 there's some document that does include a covenant
2 and a certain restriction that would effectively
3 say this Board shouldn't be doing something, then
4 look at it as whatever the impact is now.

5 CHAIRMAN SALADINO: Well, the reality, the
6 truth is, is that the Building Department did show
7 me the building permit, they showed me the building
8 permit for the -- but that was the only thing in
9 the file was the building permit for the, for the
10 extension. They don't say mud room, they said
11 extension and deck. And the only, the only
12 restrictions on the building permit for the deck
13 was that it would be set 5 feet from the property
14 line.

15 This has never happened to us before, Frank,
16 we've never seen this, I've never seen it. Have
17 you ever seen it before?

18 MEMBER GORDON: No.

19 CHAIRMAN SALADINO: I've never seen this
20 before.

21 MEMBER GORDON: But I have a question,
22 I guess, for you and for my colleagues. If we --
23 if a building permit is issued and there's no --
24 and no appeal is taken, I don't really understand
25 whether -- why -- I mean, the covenant is what gets

1 in the way, but we don't know that it was recorded.
2 So maybe what we have is just a building permit
3 that was erroneously issued, but it was issued and
4 our usual practice is to respond to denials of
5 building permits. Maybe this is too simplistic a
6 picture, but --

7 CHAIRMAN SALADINO: Why don't we do this, why
8 don't we let Frank sit down, we'll open it up to
9 the public, if anybody has a comment.

10 MR. UELLEDAHL: Thank you.

11 CHAIRMAN SALADINO: And then I'm guessing we
12 could talk about it after we close the Public Hearing.

13 MS. GERTZ: May I make some comments at
14 the end?

15 CHAIRMAN SALADINO: You could --

16 MEMBER GORDON: You can do it now.

17 MS. GERTZ: Thank you. You need my name and
18 address now?

19 CHAIRMAN SALADINO: Please.

20 MS. GERTZ: Yes. I'm Elizabeth Gertz, also
21 known as Betsy, 218 Sixth Street, Greenport 11944.

22 I just want to basically make a plea for a
23 request for a variance under whatever circumstances.

24 CHAIRMAN SALADINO: No begging, no begging.

25 (Laughter)

1 MS. GERTZ: I didn't say beg, I said make a
2 plea. I do want to comment that with respect to
3 this deck issue and the covenant, we did not have
4 notice of that. This is -- today the first day I'm
5 hearing about this, and we searched the files that
6 were available to us when we bought the house. I
7 don't think there was even any constructive notice,
8 if there was no actual notice.

9 But, in any event, we are doing a very small
10 addition here, as you now have seen. The design
11 for the house, the small addition and the deck to
12 run contiguously is really kind of important to the
13 design and to our use of it.

14 This small addition will give us basically
15 one sort of extra room to have to spend time in,
16 you know, whether we call it a garden room, or a
17 sunroom, something along those lines. And part of
18 the importance of it is that we'll have these
19 sliding doors that go out to the deck. So we
20 really are looking to have that deck run along the
21 lines of the house.

22 And, again, it's just -- it's -- I understand
23 the issue here now, sort of, but I am just, again,
24 making the request that you allow this variance for
25 this to go forward. Thank you.

1 MS. GERTZ: They have no problem with this
2 at all.

3 MR. KOHUT: So, okay, thank you. That's what
4 I wanted to know.

5 MS. GERTZ: Okay.

6 CHAIRMAN SALADINO: Should we, should we
7 close this and maybe make a request to the Building
8 Department to get that file here?

9 ATTORNEY STOLAR: If you close it and issue
10 the --

11 CHAIRMAN SALADINO: I misspoke. Keep it open
12 and request the Building Department to get the file
13 here?

14 ATTORNEY STOLAR: That's what I would
15 recommend under the circumstances.

16 CHAIRMAN SALADINO: What are we thinking
17 about now?

18 MEMBER NYCE: Yeah, I'd like to see the file.
19 I don't, I don't know. Seeing it changes the facts
20 in that I accept what -- you said you have seen the
21 file, I can accept that as fact.

22 MEMBER GORDON: Have you seen this file?

23 CHAIRMAN SALADINO: Yes.

24 MEMBER GORDON: And you say that the only
25 thing in it was the notice?

1 it's -- I'm positive what I saw, but I don't,
2 I don't, I don't want to like hold up a process, or
3 crush somebody's dreams because I misread
4 something. You know, if the -- I'm positive what
5 I read, but to give everyone the benefit of the
6 doubt, you know, it would be better if four members
7 of the Zoning -- five members of the Zoning Board
8 saw what I saw, and the Attorney.

9 Jack, what do you think?

10 MEMBER REARDON: I personally think that
11 enough time has past that we should just deal with
12 the variances that are proposed to us now of the
13 situation of the no CO, and the no follow-through
14 with the previous building permits is a gray area,
15 but I don't think it should upset the apple cart
16 enough to stop us from moving forward.

17 Perhaps there should be a variance for the
18 house portion and a variance for the deck, but we
19 can see that it's a contiguous line that comes off
20 the house. And I want to see the project continue
21 to move forward. They've done their homework,
22 they -- you know, they sort of walked into this
23 situation, and it was a small oversight until this
24 afternoon.

25 MEMBER GORDON: I also would like to note

1 that we have -- and the public, I think many
2 members of the public know this, that a lot of the
3 files are really in chaos in Village Hall and the --

4 CHAIRMAN SALADINO: No, no.

5 MEMBER GORDON: No?

6 (Laughter)

7 MEMBER GORDON: And it seems to me that our,
8 our duty is to apply a process that we've, we've
9 done for years, which -- and the process is to
10 respond to the denial of a building permit, and
11 this was not a denial. So I would say let's
12 move on.

13 CHAIRMAN SALADINO: Okay, okay. Jack, David,
14 anything else?

15 MEMBER NYCE: No.

16 CHAIRMAN SALADINO: So we're going to -- so
17 we're going to close the Public Hearing. Just so
18 it's clear in my mind, we're going to close the
19 Public Hearing, and then we'll decide the merits of
20 the relief.

21 MEMBER REARDON: I'd like to add one more
22 thing.

23 CHAIRMAN SALADINO: Oh, I'm sorry.

24 MEMBER REARDON: Or two more things,
25 actually.

1 CHAIRMAN SALADINO: Jack.

2 MEMBER REARDON: The distance off the
3 neighbor's property being one inch is the closest
4 that I've ever been involved with, and that's very
5 close. Looking at it from the road, it almost
6 looks like the chimney is on the other person's
7 property. So this is a very, very tight situation.

8 And there should be some closer oversight to
9 what's going on, just to make sure there's no
10 footprint onto the other person's property. I know
11 you can make the line go straight, okay, we're
12 going to be a good, but perhaps a survey -- I hate
13 to say this, but perhaps a survey when the
14 foundation is done would be appropriate, or
15 something like that.

16 MS. GERTZ: May I just add something to what
17 you just said?

18 MEMBER REARDON: Of course.

19 MS. GERTZ: Because I found a survey that was
20 done, not for us, but some time ago, and it shows
21 that the chimney is on our property, because the
22 house is at an angle.

23 MEMBER REARDON: Right, right, I -- you can
24 sort of see that, but --

25 MS. GERTZ: Yeah.

1 MEMBER REARDON: -- you really need more
2 finite detail to be sure, but, yeah, I believe that
3 to be the case, also.

4 And the other thing I want to say is, even
5 though I'm doing a lot of talking, my position on
6 the Zoning Board, which usually runs for five
7 years, just recently in the last few months cycled
8 up. And though I'm a holdover and I maintain all
9 the privileges of the Zoning Board that I was on
10 just a few months ago, because I have not been
11 appointed by the Greenport Board --

12 CHAIRMAN SALADINO: Greenport.

13 MEMBER REARDON: -- I'm just making a
14 statement now for the public record that I would
15 feel more comfortable if I was appointed.
16 Therefore, everything I say and vote on, there is
17 no question about its legitimacy and my legitimacy
18 on the Board.

19 So, although I'm doing a lot of flapping, I
20 am still a voting member, and you can, please, take
21 that further, if you'd like, into the Town Board
22 and get me reappointed. Thank you.

23 (Laughter)

24 CHAIRMAN SALADINO: Jack Reardon's Lobbying
25 Service, right here.

1 (Laughter)

2 CHAIRMAN SALADINO: All right. So we're
3 going to, we're going to make a motion to --

4 MEMBER GORDON: Close the hearing?

5 CHAIRMAN SALADINO: To close the hearing,
6 and we're -- and all the things that everybody has
7 mentioned here could be part of our discussion, and
8 with the balancing test, either grant all the
9 relief requested, or some partial relief, but,
10 you know, we'll decide that in a couple of minutes.

11 So I'm going to make that motion that we
12 close this Public Hearing. So moved.

13 MEMBER NYCE: Second.

14 CHAIRMAN SALADINO: All in favor?

15 MEMBER REARDON: Aye.

16 MEMBER GORDON: Aye.

17 CHAIRMAN SALADINO: David?

18 MEMBER NYCE: Aye.

19 CHAIRMAN SALADINO: And I'll vote aye.

20 That was actually tougher than I thought.

21 (Laughter)

22 CHAIRMAN SALADINO: All right. Item -- the
23 next item on our agenda is *174 Sterling Street*.
24 *This is a motion to accept, accept the application,*
25 *schedule a public hearing, and arrange a site visit*

1 *regarding the application of Robert I. Brown, RA,*
2 *on behalf of Donald and Cynthia Schroll? Scholl?*

3 ATTORNEY STOLAR: Scholl.

4 CHAIRMAN SALADINO: *Applicant proposes an*
5 *addition to an existing two-story, wood frame,*
6 *single family residence. This is a proposed*
7 *increase in building coverage of 1,386 square feet*
8 *for each floor, and it would require the following*
9 *variances.*

10 The variances are listed on the agenda. For
11 someone that doesn't have an agenda, there's an
12 extra one here. I'm not going to read them. Is
13 the applicant here?

14 MS. REICHERT: Yes.

15 CHAIRMAN SALADINO: Name and address for the
16 Stenographer, please.

17 MS. REICHERT: Good afternoon, Chairman and
18 Members of the Zoning Board. My name is Martha
19 Reichert. I'm an Attorney, I'm a partner at
20 Twomey, Latham, Shea, Kelley, Dubin & Quartararo,
21 33 West Second Street, Riverhead, New York, for the
22 applicant, Cynthia Scholl. I'm also joined by
23 Cynthia today, and the Architect, Robert Brown.

24 There are a couple of things that I want to
25 bring before the Board, I briefly spoke to Counsel

1 about them, and one of them is that in reviewing
2 the Notice of a Disapproval, in conjunction with
3 the newly adopted Chapter 150, I believe that there
4 may be reason to revise the Notice of Disapproval.
5 It would not result in additional variances or
6 greater variances, but there are a couple of
7 sections of the new code, and specifically 150-13,
8 that may actually reduce the amount of relief
9 that's being sought.

10 So rather than, you know, not raise this at
11 this moment, I'd like to take that opportunity to
12 say that I would like to move forward with
13 scheduling of the Public Hearing, but I also
14 intend to consult with the Building Inspector to
15 see whether or not those particular sections of the
16 newly adopted code -- I mean, I guess it's almost
17 been -- it's been several months, right, if that
18 would affect it, only because it may not have been
19 taken into consideration, and those are specifically --
20 so it's 150-13, which is exceptions to the yard
21 requirements, and there is a section for existing
22 lots.

23 And then there is also E(1), which is
24 commonly known in most municipalities as the
25 Four-Tenths Rule. It didn't exist before in the

1 code, but it does now, and that actually computes
2 the side yard relief you need on an undersized or
3 under-width lot, the four-tenths of the actual lot,
4 which would result in a total combined side yard
5 area requirement of 20, as opposed to 25, which,
6 again, would change the magnitude of the variances
7 that are being sought.

8 So I did want to bring that to the Board's
9 attention, because I think it's an important thing
10 to raise with the Building Inspector, just to make
11 sure he considered it.

12 CHAIRMAN SALADINO: We always -- okay. We
13 always, and I could perhaps understand the Building
14 Inspector, we've always applied that portion of the
15 code to new construction, so --

16 MS. REICHERT: Which we do have, based --
17 especially in terms of what you were just saying in
18 the last --

19 CHAIRMAN SALADINO: No. When we say new
20 construction, we meant like an unoccupied lot.

21 MEMBER NYCE: Unoccupied lot.

22 CHAIRMAN SALADINO: I'm pretty --

23 MS. REICHERT: No, I appreciate that.

24 Although, looking at it, it says new proposed one
25 or two-family dwelling, right? So -- and that's

1 fine with respect to -- oh, sorry, I'm in the wrong
2 section. So it says existing small lot, right? So
3 it has to be an existing lot in order to not have
4 merged, right, to have it necessarily approved. So
5 I'm looking at 150-13(E), Existing Small Lots, and
6 I don't see anything that would expressly require
7 that for a brand new residence.

8 CHAIRMAN SALADINO: Again, just, just as an
9 explanation, in the past, the policy has been,
10 especially with the old code, the policy has
11 been that the Building Inspector considered
12 undersized lots, existing small lots, and to use
13 the Four-Tenths -- am I getting that right,
14 Four-Tenths?

15 MS. REICHERT: Yes, the Four-Tenths Rule.

16 CHAIRMAN SALADINO: Four-Tenths for new
17 construction. So we're going to have to -- if a
18 revised Notice of Disapproval is -- but just, just
19 as a question, just as a question, in looking at
20 the relief sought, it also says that the minimum is
21 10 feet.

22 MS. REICHERT: Well, it says the minimum of
23 10 feet, but what the Four-Tenths Rule does is it
24 changes what the combined total side yard is,
25 right? So in the R-2 Zoning District, the combined

1 total side yard is 25.

2 CHAIRMAN SALADINO: Twenty-five.

3 MS. REICHERT: Right? But under the
4 Four-Tenths Rule, the calculation on a 50-foot-wide
5 lot would be 20 feet --

6 CHAIRMAN SALADINO: So your contention is
7 that --

8 MS. REICHERT: -- again, which just reduced
9 the magnitude of the variance.

10 CHAIRMAN SALADINO: I understand what you're
11 saying. So your contention is, is that the
12 combined, the combined side yard setback, instead
13 of being 25 feet, should be 20 feet, and the relief
14 sought would be --

15 MS. REICHERT: Well, it would be reduced by
16 5 feet.

17 CHAIRMAN SALADINO: By 5 feet. But the side
18 yards would still require relief.

19 MS. REICHERT: Yes, they would still require
20 relief. But, as you all know, that goes towards
21 one of the --

22 MEMBER GORDON: Well --

23 MS. REICHERT: -- the balancing test factors.

24 MEMBER GORDON: It says, and presumably you
25 would argue, that there would be virtually no need

1 for relief, because 5 -- we have two side yards,
2 and you divide the 5 by -- in half, and it's 2.5?

3 CHAIRMAN SALADINO: No, no, no, no.

4 MS. REICHERT: No, no, no.

5 MEMBER GORDON: It doesn't work?

6 MS. REICHERT: At a minimum, it would still
7 have to be 10 feet on each side. It just changes
8 that combined total yard requirement from 25 to 20
9 under the Four-Tenths Rule.

10 MEMBER GORDON: Yeah, okay. Yeah, I see.

11 MS. REICHERT: And then I also wanted to,
12 you know, consult with the Building Inspector
13 regarding -- hold on one second, because this is in
14 the way. But it's also in 150-13, and that is
15 Subsection D(3), which is Existing Setback. And I
16 would have to have our architect calculate that,
17 but I think that's also a relevant section that was
18 not considered in the Notice of Disapproval.

19 CHAIRMAN SALADINO: Well, again, we talk a
20 lot about policy here that's not like written down,
21 but the policy currently in the Village is that any
22 preexisting nonconforming building, which this house
23 is right now --

24 MS. REICHERT: Sure.

25 CHAIRMAN SALADINO: -- we list, we list in

1 our -- we list the requirements that would normally
2 be required, and the term the Village uses is it
3 comes to the Zoning Board and we legitimize them,
4 you know, the front yard.

5 MS. REICHERT: Sure.

6 CHAIRMAN SALADINO: Any side yard that's --

7 MS. REICHERT: We often call them sort of
8 housekeeping variances. Like an instance, if this
9 property where the nonconforming front yard setback
10 is existing, right, and this is a historic home
11 that was clearly built prior to the implementation
12 of mapping and zoning.

13 CHAIRMAN SALADINO: But, but, there's always
14 a but, but with the proposed addition that's new
15 construction, and those existing setbacks --

16 MS. REICHERT: Uh-huh.

17 CHAIRMAN SALADINO: -- the new construction
18 would have to apply, would have to conform to code.

19 MS. REICHERT: Absolutely.

20 CHAIRMAN SALADINO: So that's the reason --

21 MS. REICHERT: But this, but this section is
22 about proposed dwellings.

23 CHAIRMAN SALADINO: I didn't hear you,
24 I'm sorry.

25 MS. REICHERT: I'm sorry. So Village Code

1 150-13(D), Subsection 3, says, "No proposed one-
2 or two-family dwelling need have a setback greater
3 than the average setback of the two existing
4 dwellings with the greatest setbacks within
5 200 feet on each side of said proposed dwelling, on
6 the same side of the street and within the same
7 block and the same district."

8 CHAIRMAN SALADINO: For front yard setback.

9 MS. REICHERT: No, it doesn't say for front
10 yard.

11 CHAIRMAN SALADINO: Then it's wrong. Hard to
12 believe. No, that's only -- that was always
13 applied for a front yard setbacks. I understand
14 what it says in the code now. I understand what
15 it's been for the last -- since 1971. This came
16 into effect --

17 MS. REICHERT: In October of 2023, and it
18 went into effect immediately.

19 CHAIRMAN SALADINO: Local Law 3. And I
20 apologize for not having it committed to memory.

21 MS. REICHERT: No, that's okay, that's okay.
22 Trust me, it's new for everyone.

23 CHAIRMAN SALADINO: But, again, the policy
24 and the code in the past was always that applied to
25 front yard setbacks.

1 MS. REICHERT: Right, but it doesn't say that
2 in the code, which is why I'm happy to consult with
3 the Building Inspector, because, ultimately, he is
4 the interpreter, right? And this Board is an
5 Appellate Board, so if he chooses to revise the
6 Notice of Disapproval, then that's fine. It
7 doesn't change, right?

8 So in terms of the relief that this Board is
9 now being asked to grant, if the Building Inspector
10 agrees that these provisions apply, then we're not
11 being -- we're not requesting greater relief than
12 what's already currently in the current Notice of
13 Disapproval, it would just be a revised one. But
14 that's why I wanted to bring it to this Board
15 before we were noticed and before we proceeded
16 towards moving towards a Public Hearing.

17 CHAIRMAN SALADINO: So would it be -- just,
18 just you don't have to answer, but just for my own
19 information, if the Building Inspector decides that
20 this is how he wants to apply the code, or apply
21 contrary to what it says here, you would be asking
22 for an interpretation or a variance?

23 MS. REICHERT: No, no. I would be asking for
24 him to review -- personally, I would probably
25 initiate a conversation with the Building Inspector

1 and just ask him whether or not he considered these
2 provisions when he drafted the Notice of Disapproval.

3 CHAIRMAN SALADINO: And if the answer was
4 a firm yes?

5 MS. REICHERT: If he says yes, well, then,
6 you know, we would have to take our next steps from
7 there. But, at this point, what we have is an
8 application which is based on a Notice of
9 Disapproval, and so we just want to confirm, it's
10 been revised before, that it accurately reflects an
11 application of the new zoning code as its been
12 adopted.

13 ATTORNEY STOLAR: So the applicant's
14 representative is essentially asking to protect her
15 client, rather than --

16 CHAIRMAN SALADINO: As she should, right?

17 ATTORNEY STOLAR: Rather than just move
18 forward and getting, you know, an approval or
19 denial based on what is before the Board.

20 CHAIRMAN SALADINO: So --

21 ATTORNEY STOLAR: So it's reasonable, it's a
22 reasonable request, and I think it's something the
23 Board should consider in a positive way.

24 CHAIRMAN SALADINO: So all we're expecting
25 Alex to do is to come up with a revised --

1 either --

2 MEMBER NYCE: Either revised or not.

3 CHAIRMAN SALADINO: Stick to his guns or
4 revise the Notice of Disapproval.

5 MEMBER NYCE: Right.

6 ATTORNEY STOLAR: Correct.

7 MS. REICHERT: Correct.

8 CHAIRMAN SALADINO: And that doesn't affect
9 anything we're going to do here tonight.

10 ATTORNEY STOLAR: No, she's -- Counsel is
11 asking that you hold off taking any action tonight
12 while it's being reviewed, well, it will subsequently
13 be reviewed by the Building Inspector.

14 MS. REICHERT: Well --

15 CHAIRMAN SALADINO: Is that what you're
16 asking, that you don't want us to accept this
17 application tonight?

18 MS. REICHERT: No, no, no, no. I mean, I
19 would prefer not to hold off from scheduling the
20 Public Hearing, but I also know that it's a very
21 busy time of year, and that the Chief Building
22 Inspector might not be able to accommodate or
23 review this prior to the publication and noticing
24 deadlines, once we set forth the public hearing.
25 And I don't know what the publication deadline

1 would be based on the next -- you know, when we're
2 being calendared for.

3 But I suppose one of the things this Board
4 could do is they could set the Public Hearing, not
5 for the closest, soonest meeting, but perhaps the
6 one afterwards. That way that would give us
7 adequate time to review with the Building
8 Inspector. And that way when this is noticed in
9 terms of the newspaper and publishing and mailings,
10 that we have a potentially revised mailing list.

11 But the reason why I would think that this
12 would be okay, and, obviously, you have to defer to
13 your Counsel, is that any revised Notice of
14 Disapproval will not be greater in magnitude in
15 terms of, right, we're not submitting revised
16 plans, it's just how it's written in terms of the
17 relief that's being granted. And, of course, by
18 the time, you know, notice and posting and
19 everything goes out, the involved neighbors will
20 all be receiving a copy of the current Notice of
21 Disapproval, or the same one, if there's no change
22 required, and the application.

23 CHAIRMAN SALADINO: Well, why wouldn't -- why
24 wouldn't this Board tabling this application this
25 evening?

1 MS. REICHERT: That's also suitable. If you
2 want to table it, that's fine.

3 CHAIRMAN SALADINO: Well, we would do it at
4 your request.

5 MS. REICHERT: Okay.

6 ATTORNEY STOLAR: If you table it, you can
7 discuss it again in August, at the August meeting,
8 and then schedule it possibly for September.

9 CHAIRMAN SALADINO: Well, that's kind of like
10 what she's asking.

11 MS. REICHERT: At that point you may know.

12 MS. REICHERT: Yeah. No, we have no
13 objections to the Board proceeding that way. And,
14 in fact, you know, I don't think it would be
15 appropriate to submit it right now. But as the
16 architect and I were reviewing something, we saw a
17 printing error where one of the west elevation --
18 right, you saw that the east --

19 MEMBER NYCE: There's two east elevations.

20 MS. REICHERT: The east elevation appeared
21 twice. So we'll be submitting revised plans, so
22 that they could be uploaded and reviewed properly.
23 So, you know, I think that if you want to table
24 this to the August meeting, then we can also have
25 time to consult with the Building Inspector.

1 CHAIRMAN SALADINO: Well, that makes it easy
2 for us.

3 MS. REICHERT: Yeah.

4 CHAIRMAN SALADINO: Thank you. So, while I
5 have you, just so you are prepared, just some stuff
6 that I kind of saw, easy stuff on the -- or I could
7 address it next month.

8 MS. REICHERT: No, that's fine, because this,
9 I think, will give us the opportunity to make -- to
10 address it, so that by the time it does get
11 scheduled for a hearing, we're dealing with sort of
12 the final application, right? That's the purpose
13 of this.

14 CHAIRMAN SALADINO: You know, one or two
15 things on the application that I'll certainly --
16 I'm positive we'll ask you about at the Public
17 Hearing, but just before we get to the Public
18 Hearing, looking at the EAF, a couple of questions
19 on the EAF that perhaps you can address before,
20 before the next time.

21 MS. REICHERT: Absolutely.

22 CHAIRMAN SALADINO: It would be -- one of
23 them would be question No. 7, "Is the site of the
24 proposed action located in, or does it adjoin, a
25 State listed Critical Environmental Area", and you

1 put no, and, you know, we were kind of unsure
2 about that.

3 "Does the site contain a structure that's
4 listed" -- I don't know why I'm on that. I'm sorry.
5 Oh. "Is the proposed action located in an
6 archeological sensitive area?" I can't -- I'm not
7 sure about that.

8 "Would the proposed action physically alter
9 or encroach into any wetlands or by" -- I'm of the
10 opinion it does, but you have a Letter from -- of
11 Nonjurisdiction from the DEC --

12 MS. REICHERT: Absolutely. Well, you know,
13 and --

14 CHAIRMAN SALADINO: Which I kind of dispute,
15 but --

16 MS. REICHERT: Well, but, you know, just I
17 know a thing or two about wetlands. I used to be
18 the Southampton Town Conservation Board Counsel,
19 which grants wetlands permits, you know, and the
20 Village of Greenport, their wetlands code is a
21 different chapter from the zoning code, is a
22 vegetation-based code, right? So what it look at
23 is you have two different sort of wetland
24 boundaries, artificial ones, like a bulkhead,
25 right? So in the instance of this property, it was

1 eligible for a Letter of Nonjurisdiction because of
2 the bulkheaded.

3 On an unbulkheaded property, what you look at
4 in terms of determining your wetlands boundary is
5 where the wetlands vegetation no longer has a
6 competitive edge over the upland species.

7 So I understand in terms of discussing
8 wetlands, but we do have the Letter of
9 Nonjurisdiction from the DEC. We are also not
10 within any tidal waters in terms of the work that's
11 being done. There's no freshwater wetland
12 vegetation to suggest that we're working within a
13 freshwater wetland. The wetlands code, which,
14 again, is not part of the Zoning Code --

15 CHAIRMAN SALADINO: No. But Chapter, Chapter
16 130 -- 134, Waterfront Consistency Act is
17 adjudicated by the Zoning Board.

18 MS. REICHERT: Sure.

19 CHAIRMAN SALADINO: So that -- but just, just
20 again, just as a policy question.

21 MS. REICHERT: No, I understand that.

22 CHAIRMAN SALADINO: Just as a policy
23 response.

24 MS. REICHERT: What we can do is review the
25 EAF, and, you know, any of those questions,

1 you know, we'll go over them with a fine tooth
2 comb.

3 I did not prepare the EAF myself. I was
4 retained after the application was submitted, but
5 we can look at it and address anything in terms of
6 CEAs. And, you know, in some of the neighbors'
7 letters, they had a question about, you know,
8 surface water runoff, and drainage, and point
9 sources, so, you know, we can address all of that.
10 And if anything needs to be revised, then we'll
11 submit a revised EAF.

12 CHAIRMAN SALADINO: Just, again, and just to
13 get it on the record, because, again, I think it's
14 important, we talk a lot about policy in Greenport.
15 Greenport is the last permitting agency when it
16 comes to a permit. And even though you have a
17 Letter of Nonjurisdiction from, from the DEC, the
18 DEC -- I believe, the bulkhead is 95 feet from the,
19 from the, from the accessory structure. The DEC
20 code for tidal wetlands says 300 feet is an
21 adjacent area. Southold Town says 100 feet. The
22 Village of Greenport uses 100 feet. And the linear
23 distance is not measured from the fixed bulkhead,
24 it's measured from the tidal zone, and the tidal
25 zone AE intrudes onto the property 50 or 60

1 additional feet past the bulkhead.

2 So I understand you have that Letter of
3 Nonjurisdiction, but, again, the Village of
4 Greenport is the last permitting agency for the --
5 and for the members of the public that don't know,
6 I'm a member of the Conservation Advisory Council,
7 and for the last 16 years that's how we applied
8 that policy, from the tidal zone, not from the
9 fixed bulkhead. So that will be stuff that I'm
10 going to, that I'm going to raise, just so --

11 MS. REICHERT: Sure.

12 CHAIRMAN SALADINO: -- you could respond.

13 MS. REICHERT: And, just for the record, the
14 proposed porch is shown as 96 feet from the
15 bulkhead, but the principal dwelling is about
16 180 feet deep.

17 CHAIRMAN SALADINO: But it's fixed. I don't
18 want to debate it with you here.

19 MS. REICHERT: No, no, it's fine, you know.

20 CHAIRMAN SALADINO: I don't want to debate it
21 with you here. It's a fixed construction, it's
22 masonry construction, there's a wall around it.
23 The Village of Greenport considers that an
24 accessory structure, it's -- and you're -- the DEC
25 says 100 feet. Well, the DEC says 300 feet. The

1 Town of Southold and Village of Greenport says 100
2 feet. If we look at the map, it's 95 feet from the
3 bulkhead. So even with those dimensions, it would
4 require a wetland permit. That's something you
5 could talk to the Village about, the Village
6 Attorney, the Village Building Inspector. Right
7 now it's not the time to talk about that, because
8 I'm going horse, and I apologize.

9 MS. REICHERT: That's fine.

10 CHAIRMAN SALADINO: So we're going to take
11 your advice and we're going to table this until our
12 August meeting, which is -- I have it here in front
13 of me.

14 MS. REICHERT: You just had a motion on it,
15 actually.

16 CHAIRMAN SALADINO: I'm sorry?

17 MS. REICHERT: You just had a motion on that.

18 MEMBER NYCE: August 20th.

19 CHAIRMAN SALADINO: We had a motion to table it?

20 MS. REICHERT: No, no, no. I said you had a
21 motion to set the date of your next meeting at the
22 beginning of this meeting.

23 ATTORNEY STOLAR: She's referring to the
24 earlier motion that you set for August 20th.

25 CHAIRMAN SALADINO: I understand that, and I

1 apologize to the public, I apologize to the
2 Attorney. I'm an old coot and sometimes I forget.

3 MS. REICHERT: Don't worry.

4 CHAIRMAN SALADINO: You know, that's why I
5 have the agenda in front of me, to refer to it.

6 So we're going to set the -- we're going to
7 table this application until our August 20th
8 meeting, 6 p.m., at this firehouse. How's that?

9 MS. REICHERT: Thank you very much.

10 CHAIRMAN SALADINO: Thank you. You're good,
11 we're good?

12 MEMBER NYCE: Do that as a motion?

13 CHAIRMAN SALADINO: Okay. I'm not sure if we
14 need that.

15 ATTORNEY STOLAR: You don't need it as a
16 motion.

17 MEMBER NYCE: Oh.

18 ATTORNEY STOLAR: Your practice is not --
19 it's better practice to do so, but you don't --
20 it's not required.

21 MEMBER NYCE: Fantastic. I'm good.

22 CHAIRMAN SALADINO: I thought I screwed up
23 again.

24 MEMBER NYCE: No.

25 CHAIRMAN SALADINO: All right. Item No. 4,

1 Item -- whatever the item number is, because we're
2 out of order, I apologize.

3 MEMBER NYCE: Next item.

4 CHAIRMAN SALADINO: Next item is 181 Fifth
5 Street. This is a motion to accept the
6 application --

7 MR. KOHUT: Thank you. We're all leaving now
8 after 174 Sterling Street.

9 MEMBER NYCE: Was it something we said?

10 CHAIRMAN SALADINO: Yes.

11 (Laughter)

12 CHAIRMAN SALADINO: *181 Fifth Street. This*
13 *is a motion to accept the application, schedule a*
14 *Public Hearing, and arrange a site visit regarding*
15 *the application of 181 Fifth Street LLC. The*
16 *Applicant proposes a 612 square foot, two-story*
17 *addition with basement. This requires the*
18 *following additional variance:*

19 *A Side Yard Setback Requirement.*

20 *Minimum Side Yard Requirement is 10 feet.*

21 *The plan shows a side yard setback of 8.7 feet.*

22 *This would require an area variance of 1.3 feet.*

23 *The property is located in the R-2 One and*

24 *Two-Family District and is not located in the*

25 *Historic District.*

1 *The Suffolk County Tax Map number is*
2 *11001-7-4-19.*

3 Is the applicant here? Name and address for
4 the Stenographer.

5 MEMBER GORDON: We've seen you before.

6 (Laughter)

7 MR. MAZZAFERRO: Hi. Nick Mazzaferro,
8 Engineer of Record for the project, P.O. Box 570,
9 Greenport, New York 11944.

10 So there's a quick history behind this, we've
11 been here before. We came in February to get
12 preexisting C of O's for the building. The
13 structure has been in the same family for over 80
14 years. At that time, we were proposing a one -- a
15 two-story extension off the rear of the house, and
16 we were going to have the rear extension conform to
17 all the setbacks.

18 We did get the C of O's issued for the
19 preexisting conditions. We also acquired a
20 demolition permit for the existing structure, and
21 we also acquired a building permit to start
22 rebuilding the interior of the existing structure,
23 basically ripping out all the plaster and all the
24 amenities. And during that time we were designing
25 the addition off the back. And by keeping the

1 setback at 10 feet, it really created a bad design.

2 We put a jog in the house. There's an
3 existing wall there, because the house was extended
4 once either in the '30s to '40s, and it turns out
5 that the south side of the house lines up perfectly,
6 the rear of the house lines up on the west side
7 perfectly. On the north side we have a house that
8 starts out at the front of house, it runs back,
9 jogs in 5 feet, runs back a bunch, another 10 or 15
10 feet, and then jogs in 1.3 feet, and then continues
11 out to the rear.

12 So the design conditions made the outside of
13 the house not looking good for the character of the
14 neighborhood, the roof line didn't look good, plus
15 it was zigzagging. And then we got into the
16 interior, and my layouts, even with my design
17 skills, just couldn't make it happen, so to look
18 good to the client.

19 So we decided to redesign the interior, come
20 to the Board and ask them for relief on 1.3 feet,
21 but, most importantly, to align the structure up so
22 we can create an even line going back along the
23 side of the house, so we can create an even roof
24 line that looks good from all sides, and so that we
25 can get a nice squareness, without a lot of in and

1 outs to it. And, basically, that's where we are.

2 CHAIRMAN SALADINO: Okay. Just to refresh
3 everybody's memory, the last meeting we had, I
4 believe it was --

5 MR. MAZZAFERRO: February and March.

6 CHAIRMAN SALADINO: We -- you decided that
7 you could make it work without a variance, right?

8 MR. MAZZAFERRO: Until it got to the interior
9 design, yeah.

10 CHAIRMAN SALADINO: Until it got to --

11 MR. MAZZAFERRO: And then we started looking
12 at the elevations and it really didn't look good
13 from the outside.

14 CHAIRMAN SALADINO: All right, not a problem.

15 MR. MAZZAFERRO: So we came back. But we
16 did, we did secure the permits for the work that's
17 going on now on the interior, because we haven't
18 started the new extension yet. We got a permit to
19 demolish the interior, get rid of all the old plaster,
20 and then also start rebuilding the interior of the
21 existing structure.

22 CHAIRMAN SALADINO: So there's no intrusion
23 on the -- in the side yard yet.

24 MR. MAZZAFERRO: There's nothing going on
25 there yet.

1 CHAIRMAN SALADINO: Okay.

2 MR. MAZZAFERRO: Not yet.

3 CHAIRMAN SALADINO: So that's a Building
4 Department -- Alex, I'm sure, will take care of
5 that --

6 MR. MAZZAFERRO: Yeah.

7 CHAIRMAN SALADINO: -- as far as that. The
8 only thing that I would have, because I read these
9 EAFs, I'm like fanatical about them, and there's a
10 question that I always look at, how are you going
11 to contain the stormwater? You know, you don't --
12 you say there's not going to be any stormwater.

13 MR. MAZZAFERRO: Not going to be any what?

14 CHAIRMAN SALADINO: Stormwater, there's not
15 going to be any.

16 MR. MAZZAFERRO: Oh, no. For the extension?
17 It's going to have a roof on it, so there'll be,
18 you know, the normal, normal stormwater, but
19 rainwater you need --

20 CHAIRMAN SALADINO: Where will that
21 stormwater go? The question says, "Will the
22 proposed action create stormwater discharge?"

23 MR. MAZZAFERRO: Well, we had -- yeah, what's
24 the roof area? What are we doing with the
25 extension, 24-by-26? We have under 1,000 square

1 feet, so I don't think we're required to put
2 separate dry wells in, so it just runs under the
3 ground. The footprint for the extension, the new
4 roof area is about 625.

5 CHAIRMAN SALADINO: Will stormwater discharge
6 flow to adjacent properties?

7 MR. MAZZAFERRO: No.

8 CHAIRMAN SALADINO: "Will storm water
9 discharges be directed to established conveyance
10 systems (runoff and storm drains)? If yes, briefly
11 describe."

12 MR. MAZZAFERRO: No. We're probably -- we're
13 going to drain it towards the back. It's graded to
14 go into the backyard into the natural soil that's
15 there.

16 CHAIRMAN SALADINO: Okay.

17 MR. MAZZAFERRO: There's a huge backyard on
18 this property, because we're not getting anywhere
19 near coverage.

20 MEMBER NYCE: It's a gabled roof running the
21 length of the building on the addition?

22 MR. MAZZAFERRO: Yeah, the ridge, the ridge
23 runs --

24 MEMBER NYCE: It's going to run off the
25 existing --

1 MR. MAZZAFERRO: Yeah, correct. So the ridge
2 runs --

3 MEMBER NYCE: It will run off to the two side
4 yards?

5 MR. MAZZAFERRO: Right.

6 MEMBER NYCE: And get a gutter down to the
7 back.

8 MR. MAZZAFERRO: The gutter will then spit it
9 out to the back

10 MEMBER NYCE: Okay.

11 CHAIRMAN SALADINO: Dinni, do you have any
12 questions?

13 MEMBER GORDON: No. I mean, this seemed to
14 me to be a very easy one when we --

15 CHAIRMAN SALADINO: Shh, don't say that.

16 (Laughter)

17 MEMBER GORDON: -- dealt with it in the past.

18 CHAIRMAN SALADINO: Don't say that, they're
19 all hard.

20 (Laughter)

21 MEMBER GORDON: I'm just wondering, do we --
22 is there -- does it make any sense to have a -- do
23 we need a site visit?

24 CHAIRMAN SALADINO: We made a site visit.

25 MEMBER GORDON: We made a site visit.

1 MR. MAZZAFERRO: That's correct.

2 CHAIRMAN SALADINO: We made a site visit.

3 MEMBER GORDON: That's right. So I'm
4 questioning whether we need another.

5 CHAIRMAN SALADINO: I'm going to ask these
6 guys. I don't believe, I personally don't believe
7 we've got to go to the site.

8 MEMBER GORDON: I mean, it's a beautiful
9 house, I would like to see it again, but that's not
10 the point.

11 MEMBER NYCE: I mean, unless they're serving
12 tea and crumpets or something, we don't have to go
13 to the site.

14 (Laughter)

15 MR. MAZZAFERRO: Forty thousand pounds?
16 Forty thousand pounds.

17 AUDIENCE MEMBER: Forty-four thousand pounds.

18 MR. MAZZAFERRO: Forty-four thousand pounds
19 of plaster came out.

20 MEMBER NYCE: Oh.

21 MEMBER GORDON: Forty-four. I'm sorry.

22 MEMBER NYCE: The house is nearly floating now.

23 CHAIRMAN SALADINO: I can't even, I can't
24 even comprehend that.

25 MR. MAZZAFERRO: Yeah, walls, floor, ceiling,

1 every -- two floors.

2 CHAIRMAN SALADINO: Okay. Any questions for
3 Nick, you, David, Jack, anybody?

4 MEMBER REARDON: I don't believe right now.

5 CHAIRMAN SALADINO: No? Okay. What are we
6 thinking with this? Are we going to accept this
7 application?

8 MEMBER NYCE: Yeah, I think so.

9 CHAIRMAN SALADINO: All right.

10 MEMBER GORDON: Sure.

11 CHAIRMAN SALADINO: I'm going to make a
12 motion that -- did you want to say something?

13 MEMBER GORDON: I said sure.

14 CHAIRMAN SALADINO: Oh, all right. I'm going
15 to make a motion that we accept that application.
16 So moved.

17 MEMBER NYCE: Second.

18 CHAIRMAN SALADINO: All in favor?

19 MEMBER REARDON: Aye.

20 MEMBER NYCE: Aye.

21 MEMBER GORDON: Aye.

22 CHAIRMAN SALADINO: Aye.

23 And we're going to set a date for the Public
24 Hearing. I see it here in front of me, August 20th,
25 at 6 p.m. It will be here. We set them all at

1 6 o'clock, so -- and we're not going to make a site
2 visit, so you don't have to do anything. That's it.
3 See you guys on August --

4 MEMBER GORDON: Twentieth.

5 CHAIRMAN SALADINO: Twentieth.

6 All right. Next up on our agenda is
7 *Item No. 5, 218 Sixth Street*. What are we thinking
8 here, folks? What -- just so you understand the
9 process, while my colleagues are kind of mulling it
10 in their mind, we're going to do a balancing test.
11 There's five question, we'll do a balancing test,
12 and then we'll do SEQRA, or we'll do SEQRA first
13 and then we'll do a balancing test, and then
14 we'll vote.

15 Actually, I'm kind of thinking we're going to
16 vote on these, these variances separately, one --
17 actually, there's three of them, right, one for the
18 shed, one for the deck, and one for the addition.

19 MEMBER GORDON: The others we're legitimizing.

20 MR. UELLEDAHL: The front deck.

21 CHAIRMAN SALADINO: Well, those we could take
22 en mass. But what are we thinking about the
23 relatively important stuff on this application?
24 The addition, the deck, the shed, I think. The
25 shed, I don't -- the shed is -- the shed complies

1 on the rear, right?

2 MEMBER NYCE: Just the side yard.

3 CHAIRMAN SALADINO: It's just a foot-and-a-half
4 on the side yard, so I'm not saying anything. We're
5 probably -- we're not going to make you move the
6 shed, I don't think.

7 MR. UELLEND AHL: Thank you.

8 MS. GERTZ: The rabbits will be happy.

9 MEMBER NYCE: And then I'll sleep better as
10 long as the rabbits are happy.

11 (Laughter)

12 CHAIRMAN SALADINO: So what are we thinking
13 about the addition? The addition --

14 MEMBER GORDON: Well, I think once we've
15 dealt with the ancient history, that it's a pretty
16 simple and understandable proposal.

17 One of the things I've been struck by in my
18 now, I think, eight years of serving on this Board
19 is that there are two things that people want most,
20 and that are pretty understandable. One is the one
21 I'm less sympathetic with, which is more swimming
22 pools, but the other one is bigger kitchens. And
23 these houses, a house that's built in 1883 doesn't
24 have a kitchen that, that really works for 2024.

25 MR. UELLEND AHL: Correct.

1 MEMBER GORDON: And I clear -- I see you said
2 you were redesigning the kitchen.

3 MR. UELLEND AHL: Yes.

4 MEMBER GORDON: And that's a part of moving
5 it out 5 feet. And 5 feet for a new kitchen, and
6 other things, of course, but I'm just thinking
7 about the footage of it --

8 MR. UELLEND AHL: Yes.

9 MEMBER GORDON: -- seems very reasonable.

10 MEMBER NYCE: And I don't know why we ever
11 did away with summer kitchens to begin with.

12 (Laughter)

13 CHAIRMAN SALADINO: I have a summer kitchen
14 in my yard.

15 MEMBER NYCE: There you go.

16 CHAIRMAN SALADINO: I do.

17 MEMBER NYCE: I'm just kidding.

18 MEMBER GORDON: So now we have outside
19 showers instead.

20 (Laughter)

21 CHAIRMAN SALADINO: Jack, what do we think?

22 MEMBER REARDON: I'm thinking move ahead.
23 Unless we want to throw in a special covenant, I
24 think we're all set.

25 MEMBER NYCE: Yeah. No, and my concern is

1 always with the covenant, exacerbating a
2 preexisting condition, right? I think this is a
3 reasonable 5-foot ask. My concern down the road
4 would be that does the wood deck at some point
5 become part of -- they come back for enclosing that
6 as well, and then that starts -- but that's not
7 what's in front of us, I'm just -- I'm projecting
8 out, and --

9 CHAIRMAN SALADINO: No, no, I think it's
10 legitimate. I think it's legitimate that,
11 you know, we talk about putting porches on a house
12 and then worry that later on people come back to
13 enclose them.

14 MEMBER NYCE: Right.

15 CHAIRMAN SALADINO: They become living space.
16 They lose that --

17 MEMBER NYCE: That's part of historically how
18 these buildings got built. There was a two-story,
19 and then there was a story-and-a-half off the back,
20 and then a one-story off the back of that, again,
21 which is fine. And I'm looking at it from, you know,
22 as close as it is to the property line. Yes, right
23 now, the other house is 10 feet away.

24 I also look at it, all this stuff from the
25 safety factor, because, as being part of our lovely

1 volunteer Fire Department, some of these houses are
2 not easy to get in and around, and should that get
3 enclosed later on, it's --

4 CHAIRMAN SALADINO: Well, that, they would
5 have to come back --

6 MEMBER NYCE: Right.

7 CHAIRMAN SALADINO: -- to the Zoning Board
8 anyway. You wouldn't have to add anything special.

9 ATTORNEY STOLAR: You don't have to, but you
10 can. You can add a condition that it not be
11 enclosed, but you don't, you don't have to.

12 CHAIRMAN SALADINO: I just --

13 ATTORNEY STOLAR: You can deal with it the
14 next time around.

15 CHAIRMAN SALADINO: Yeah. I just --

16 MEMBER NYCE: Right, and that would be dealt
17 with by somebody else.

18 CHAIRMAN SALADINO: I have to be honest with
19 you, and I don't think I'm showing my cards here, I
20 just don't think that's happening.

21 MEMBER NYCE: Yeah.

22 MR. UELLENDahl: No.

23 CHAIRMAN SALADINO: I don't think that's
24 happening.

25 MR. UELLENDahl: This one requires the

1 Building Department, and then you have to deal
2 with us.

3 CHAIRMAN SALADINO: The problem that I have,
4 and I don't want to be the lone dissenter here,
5 the -- I have no problem with the extension of the,
6 of the kitchen. I think we're kind of phrasing it
7 different, you know, it's -- we keep saying it's a
8 5-foot extension, a -- no, it's actually a new
9 addition, you know, so -- but I don't have a
10 problem with that.

11 I have a -- I have a couple of problems with
12 the deck. I have a couple of problems with the
13 deck, because the new addition to the kitchen is
14 indoor living space, and while the current neighbor,
15 which I don't believe lives there, I believe it's
16 investment property --

17 MS. GERTZ: Yes, his son does.

18 CHAIRMAN SALADINO: I'm sorry?

19 MS. GERTZ: His son does.

20 CHAIRMAN SALADINO: Oh. That's enclosed
21 living space, and it's -- and in my mind, because
22 my neighbor is 10 feet away from my house, and what
23 happens inside his house or inside my house, it
24 doesn't affect us. But what happens outside,
25 you know, on the deck, that, that kind of does

1 affect me and it does affect him, them, both sides.

2 So I don't have a problem with the, with the
3 extension. I do have a problem with a deck that's
4 on the property line. I think -- so I would be
5 willing to support with my vote the kitchen
6 extension.

7 I'm going to have to talk to these guys a
8 little more about putting the deck on the property
9 line. I -- the --

10 MEMBER GORDON: But how --

11 CHAIRMAN SALADINO: The -- I'm sorry?

12 MEMBER GORDON: How would they do it otherwise?
13 That's part of the problem. Maybe I don't have
14 enough imagination, but I don't really see how the
15 deck could be --

16 CHAIRMAN SALADINO: Well, we have the power,
17 we have the power to grant a 9. -- a 9-foot-9-inch --
18 9-foot -- 9.9-foot variance, or we have the power
19 to grant a 5-foot variance, we have the power to
20 grant a 7-foot variance, you know, that's within
21 our power. So to put the deck on the property
22 line, I think for me, anyway, but I'm only one
23 vote, for me, anyway, is a bridge a little too far.

24 The variance runs with the land, which means
25 that when that kid is not living there anymore, the

1 new owner -- and I know it's not our job to care
2 about the unborn, you know, about the new owner,
3 but sometimes we should care about what happens
4 down the road. Plus, the mandate of the Zoning
5 Board is to gradually eliminate nonconforming uses.
6 So that's kind of like how, how I'm thinking.

7 I'm okay with the shed. Obviously, the -- I
8 have to read the application. Obviously, the front
9 yard setback is -- the side yard setback of the
10 established house, of the as-built house,
11 obviously, we're okay with that. The new
12 extension, I expressed my opinion about that.

13 A 9.9-foot variance to the deck, if, if it
14 has to be 9 feet, if it has to be 9.9 feet, after
15 just expressing my opinion, that would be, that
16 would be expressed in my vote, that I'm, that I'm
17 uncomfortable with that.

18 ATTORNEY STOLAR: Can I ask you a question?
19 I'm looking at what you're -- perhaps what you're
20 looking at, and it's site plan A-1 showing the
21 setback from the addition and from the deck, and
22 from the addition it shows as 13 inches, and from
23 the deck it shows as 10 inches, rather than one inch
24 with respect to each.

25 MEMBER REARDON: We were there today. The

1 deck, it lines up with the house.

2 ATTORNEY STOLAR: Right, but it goes on a
3 slight angle.

4 MEMBER REARDON: The chimney is one inch off,
5 then it takes this little jog. And it may very
6 well be one-foot-one-inch off the property line
7 there, but the way it's built, it appears to be --

8 CHAIRMAN SALADINO: My survey shows .1 inch.

9 MR. UELLEND AHL: If you look at the survey,
10 the brick actually extends 3, 4 inches towards the
11 property line, and we are actually keeping -- we're
12 taking off the brick, and we are aligning the
13 addition with the existing structure, so we'll
14 actually stay --

15 CHAIRMAN SALADINO: Well, I don't have a
16 problem with the addition.

17 MR. UELLEND AHL: That's the addition, yeah.

18 CHAIRMAN SALADINO: I don't have a problem
19 with the addition.

20 MR. UELLEND AHL: Okay.

21 CHAIRMAN SALADINO: I think it's a good idea.
22 I'm talking about the deck. But, again, you know
23 I'm seeing, I'm seeing, I'm seeing that the --

24 MR. UELLEND AHL: Well, it's not one inch,
25 it's 10 inches.

1 CHAIRMAN SALADINO: No. The plan shows a
2 side yard setback of one inch.

3 ATTORNEY STOLAR: What plan are you
4 referring to?

5 CHAIRMAN SALADINO: I'm looking at the Notice
6 of Disapproval.

7 ATTORNEY STOLAR: The notice is different
8 than the -- the notice appears to be different than
9 the site plan. Take a look at S-1, I think it was.
10 I just moved away from it. S-1 or A-1?

11 MR. UELLEND AHL: A-1.

12 ATTORNEY STOLAR: S-1, sorry. A-1 and --

13 CHAIRMAN SALADINO: Brian, this is the
14 survey.

15 ATTORNEY STOLAR: Yeah, A-1. Take a look
16 at A-1.

17 CHAIRMAN SALADINO: Yeah, but A-1 is the
18 architect's drawing. I'm looking at the survey.

19 ATTORNEY STOLAR: Right. And the survey
20 shows it as, from the existing house now, 0.9 feet,
21 I believe.

22 MR. UELLEND AHL: Yes.

23 ATTORNEY STOLAR: And from the deck that's
24 there now shows it as .8 feet. So you're talking
25 about a couple of inches one way or another. It's

1 10 inches for the deck, and the 9 would be 12 --
2 what's that? Eleven, 11 inches. Well, that would
3 be more than .9, then.

4 MR. UELLEND AHL: Yes.

5 ATTORNEY STOLAR: That would be 1.1 --

6 MR. UELLEND AHL: Because we were cutting it
7 back a few inches --

8 ATTORNEY STOLAR: Okay.

9 MR. UELLEND AHL: -- because of that brick.

10 ATTORNEY STOLAR: Okay. So the plan, as the
11 applicant is saying, the plan should be reflective
12 of a 13-inch setback from the house, and a 10-inch
13 setback from the deck.

14 MR. UELLEND AHL: Correct.

15 ATTORNEY STOLAR: So, if you were to grant
16 the house variance, you'd be granting a variance to
17 8.9 feet, rather than the 9.9 feet. And if you
18 were to grant the deck application, that would be
19 5-6 by .86 of a foot.

20 CHAIRMAN SALADINO: No, it would be 9.1 feet
21 for the house, 9.1 feet for the house.

22 ATTORNEY STOLAR: No, that's 13. The house
23 is 13 inches, so that's one-point -- figure 1.1.

24 CHAIRMAN SALADINO: I'm looking at here. It
25 says .9 feet, 0.9 feet.

1 MR. UELLEND AHL: This is the survey.

2 CHAIRMAN SALADINO: This is the survey. This
3 is the survey.

4 MR. UELLEND AHL: Right.

5 MS. GERTZ: The house is actually going to
6 come in a little with the addition.

7 CHAIRMAN SALADINO: Yeah, but we have to go
8 by the survey, not Frank's drawing, not the site
9 plan.

10 MR. UELLEND AHL: No, no.

11 ATTORNEY STOLAR: No. What they're saying is
12 the survey shows existing conditions, and the
13 proposal is to modify the existing conditions to
14 bring it back slightly.

15 MR. UELLEND AHL: Yes.

16 CHAIRMAN SALADINO: Okay.

17 ATTORNEY STOLAR: So whereas it may be
18 11 inches now at the -- once construction is
19 complete, they're proposing to have it 13 inches,
20 so it will come back a couple of inches.

21 MR. UELLEND AHL: So we are decreasing the
22 noncompliance by a few inches. Thanks for picking
23 that up.

24 CHAIRMAN SALADINO: I was ready to -- I was
25 ready to vote yes with the -- with it.

1 ATTORNEY STOLAR: Well, just so -- you don't
2 want to be in the same situation as you were in in
3 that earlier application --

4 MR. UELLEND AHL: Right

5 ATTORNEY STOLAR: -- where you -- you know,
6 what happened before. Rather, let's clear it up
7 now, so if there's an approval, we know what that
8 says, and we know if the next owner will know,
9 won't have an issue.

10 MS. GERTZ: That also would mean, then, that
11 deck, if it follows the house line, would be less.

12 ATTORNEY STOLAR: Right. That would be,
13 according to the plans, 10 inches from the property
14 line, so .86, rather than the .1.

15 MEMBER NYCE: Right.

16 MEMBER GORDON: Is there any -- does this --
17 for this discussion, is there any significance for
18 anybody who has to get in there? I mean,
19 obviously, a fire truck is not going to get in
20 there, but, you know, a human being with a hose, or a --

21 MS. GERTZ: On the side of the house, you mean?

22 MEMBER GORDON: Yeah.

23 MS. GERTZ: Well, there is a driveway right
24 next to it, but not our driveway, but -- so there
25 is access to it, pretty easy access.

1 CHAIRMAN SALADINO: That driveway with the
2 Volkswagen, that's not your driveway?

3 MS. GERTZ: That's our driveway.

4 CHAIRMAN SALADINO: That's your driveway.

5 MS. GERTZ: The driveway next to --

6 CHAIRMAN SALADINO: Or you're talking next
7 door.

8 MS. GERTZ: The other side is the other
9 house.

10 ATTORNEY STOLAR: So now that I'm looking at
11 the survey, I have a feeling the .1 reference by
12 the Building Inspector was to the chimney, not to
13 the addition.

14 MS. GERTZ: Yeah.

15 ATTORNEY STOLAR: So what you'd be --

16 MR. UELLEND AHL: That's true.

17 ATTORNEY STOLAR: Yeah. So what you -- I
18 think what you'd be granting is two variances,
19 essentially, or two parts of a variance for that
20 section. One is to permit the chimney to remain
21 at .1, and then for the addition to the house to be
22 at, at -- what is it? 13 inches, so 1.1.

23 CHAIRMAN SALADINO: Well, our policy, our
24 system in the past, when these were preexisting,
25 preexisting nonconforming setbacks and stuff, we

1 didn't look to -- I understand what you're saying,
2 Brian, I understand what you're saying. I'm not
3 sure -- I see where it's one inch, but --

4 (Attorney Stolar Spoke to the Chairman Saladino
5 Off the Record)

6 CHAIRMAN SALADINO: That was, that was, that
7 was the reason that there was a question about the
8 notice, how the Notice of Disapproval, and the
9 public notice was written for exactly that, that
10 reason.

11 And, again, just for myself, and there's four
12 of us here, and I'm only one vote, I'm only one
13 voice here, one inch or two inches or three inches,
14 as far as the deck is concerned, is not going to
15 change how I, how I think or my opinion of the
16 relief needed.

17 We can, we can do the balance. We can do
18 SEQRA, we can do the balancing test. My colleagues
19 can vote how they see with the balancing test, and
20 everybody's opinion will be expressed in their
21 vote, or we can come up with an alternative that
22 might be okay with the, with the applicant, maybe
23 just move the deck back a little bit, maybe conform
24 it to the, to the original building permit and --

25 MEMBER NYCE: The 5 feet.

1 CHAIRMAN SALADINO: The 5 feet. I have an
2 enormous problem with a Building Inspector from
3 1995 issuing variances. I have a big problem with
4 that, but, again, not to rehash the past, I would
5 be willing to go along with that, and accept that
6 he overstepped his bounds, but agree to the
7 original terms of that building permit. I would be
8 comfortable with that.

9 MS. GERTZ: May I offer another suggestion,
10 which is not what I want to do? But if we were to
11 leave the deck as it is, not extend it, would that
12 satisfy you? So, in other words, we shorten our
13 deck by 5 feet, but not changing it.

14 CHAIRMAN SALADINO: I'm just -- I'm looking
15 at the plans and I'm looking at the proposed new
16 deck. I see the garden room, I think it's great,
17 and I'm looking at the new deck 15-by-22 feet.
18 Well, actually, it's more than that if you count
19 the steps. I'm guessing the steps are 10 inches,
20 12 inches, so it's actually 15 by, if you include
21 the steps, 24 feet. I'm just not seeing -- and,
22 again, it's not my deck, it's not my yard, and it's
23 not my dream. I'm just not seeing the reason why
24 this deck can't come south the 5 feet, and you
25 could add that 5 feet that you might be losing.

1 So it would be 15 feet, 5 feet from the neighbor's
2 property line, and then extend the deck 22 feet
3 into the existing yard.

4 So I understand there's sliders there. I
5 don't know, I don't know how much house is, is
6 between the end of the house and the end of the
7 slider. I don't know what that distance is, I
8 don't have a ruler to measure it. Maybe Frank
9 could tell me, you know.

10 MR. UELLEND AHL: Well, usually --

11 CHAIRMAN SALADINO: This dimension here.

12 MR. UELLEND AHL: Well, the Town of Southold
13 would not count basically at least a 3-foot deck
14 from exit from the sliding door.

15 CHAIRMAN SALADINO: I didn't hear the first
16 part of that, I'm sorry.

17 MR. UELLEND AHL: Okay. Let me see what that
18 is. Let me see. Can I approach you?

19 CHAIRMAN SALADINO: Of course. If you could
20 just come up here and point towards her.

21 MR. UELLEND AHL: So, okay. What are you saying?

22 CHAIRMAN SALADINO: This dimension here.

23 MR. UELLEND AHL: Yes. Yeah, I did know the
24 dimension was less than 3 feet. Well, no it's
25 about 3 feet, but not 5. I mean, the 5-foot line

1 would probably be encroaching on the, on the
2 slider.

3 CHAIRMAN SALADINO: Right. And it would be
4 unreasonable to ask that that slider might be
5 smaller or --

6 MR. UELLEND AHL: Well, yes.

7 CHAIRMAN SALADINO: Okay.

8 MR. UELLEND AHL: If you look at the
9 elevation, this is -- well, you cannot force the
10 applicant to take down the existing deck, we can
11 just leave the deck the way it is, correct?

12 CHAIRMAN SALADINO: That's a Building Department
13 issue. That would be a Building Department issue
14 if the deck is illegal.

15 MR. UELLEND AHL: Uh-huh.

16 CHAIRMAN SALADINO: But we're not going to
17 make that threat. We don't make threats. We're
18 not the Building Department police.

19 (Laughter)

20 CHAIRMAN SALADINO: You know, that would be
21 up to the --

22 MR. UELLEND AHL: Well --

23 CHAIRMAN SALADINO: That would be up to the
24 Building Inspector, it's not something we're going
25 to recommend.

1 MR. UELLEDAHL: Right. So, I mean, they
2 would like to hold onto what's proposed, so why
3 don't you vote?

4 CHAIRMAN SALADINO: Good advice.

5 MEMBER GORDON: The questions?

6 CHAIRMAN SALADINO: Well, I'm going to ask my
7 colleagues. Maybe, maybe they have something to
8 say. I've been doing a lot of yapping, so maybe
9 they have something to say.

10 MEMBER GORDON: No. I'm ready to vote SEQRA
11 and ask the questions, and see how many of us are
12 comfortable with them.

13 CHAIRMAN SALADINO: Granting the variance as
14 requested?

15 MEMBER GORDON: Are you -- so would you be --
16 are you thinking of coupling a couple of the
17 variances, so we really focus on the one? I mean,
18 we have these legitimizing variances.

19 CHAIRMAN SALADINO: Well, I think we could --

20 MEMBER GORDON: Can we?

21 CHAIRMAN SALADINO: With Brian's advice, I
22 think we could, we could vote en masse and just
23 break out the one variance for the deck. I think --

24 MEMBER GORDON: Yeah.

25 CHAIRMAN SALADINO: -- we should be able to

1 do that without getting into too much trouble.

2 MEMBER GORDON: Well, or do we have to couple
3 it with the variance for the garden room? Let's go
4 down the list here. The first one is obviously
5 just legitimizing the front, we're not going to do
6 anything with the front.

7 MR. UELLEND AHL: Right.

8 MEMBER GORDON: And the second one is the
9 existing part of the house. And this third, the
10 third one is really -- really couples the two
11 pieces of the house, right?

12 ATTORNEY STOLAR: It incorporates the deck
13 and the house --

14 MEMBER GORDON: Yeah.

15 ATTORNEY STOLAR: -- I think by virtue of
16 the .1 being the chimney.

17 MEMBER GORDON: Right. And then the last one
18 is just the shed. So I think we should vote on the
19 three that are not giving us any kind of problem,
20 and then vote on the third one that says, "New Proposed".

21 CHAIRMAN SALADINO: Well, I think that's what
22 I said, we vote on them en masse and we break that
23 one out.

24 MEMBER GORDON: Okay, we're in agreement.

25 CHAIRMAN SALADINO: You guys agree?

1 MEMBER REARDON: Uh-huh.

2 CHAIRMAN SALADINO: Okay.

3 MEMBER REARDON: They're not linked.

4 CHAIRMAN SALADINO: We're going to take the
5 three variances that are -- that we all seem to be
6 in agreement on and break out the one variance for
7 the deck.

8 MEMBER GORDON: Well, is it for the deck?
9 No, it's for both.

10 CHAIRMAN SALADINO: I'm not prepared to
11 vote -- well, I am, but I -- but my -- if it's one
12 vote, then my vote would be, would be different for
13 the, for the extension on the house as it would be
14 for the deck. And if you force me -- if I'm forced
15 to vote for the both of them together, then the
16 applicant would be penalized for the extension with
17 my vote. But three votes might carry it, you know.

18 ATTORNEY STOLAR: You could, you could even
19 separate that one out, approve it in parts, or deny
20 it in parts.

21 CHAIRMAN SALADINO: I thought we could do
22 that. You know, I thought --

23 ATTORNEY STOLAR: Yeah, you can separate it out.

24 MS. GERTZ: How would we know what's being
25 approved?

1 ATTORNEY STOLAR: It will say, the decision
2 will identify what's approved.

3 MS. GERTZ: Will specify?

4 ATTORNEY STOLAR: Yeah.

5 CHAIRMAN SALADINO: All right. I'm going to
6 make a motion that the Zoning Board of Appeals
7 declare itself Lead Agency for the purposes of
8 SEQRA. So moved.

9 MEMBER NYCE: Second.

10 MEMBER REARDON: Second

11 CHAIRMAN SALADINO: All in favor?

12 MEMBER REARDON: Aye.

13 MEMBER NYCE: Aye.

14 MEMBER GORDON: Aye.

15 CHAIRMAN SALADINO: And I'll vote aye.

16 This is a Type II Action, right, Brian, so no
17 further discussion about that?

18 ATTORNEY STOLAR: Yeah.

19 CHAIRMAN SALADINO: We're going to do --
20 we're going to do a balancing at the time. I'm
21 going to read these five questions, and they're
22 going to relate to -- if it's okay with the rest of
23 the Board, they're going to relate to everything
24 except the deck. Can we -- do we do that, right?
25 We can do that. So --

1 MEMBER REARDON: Uh-huh

2 CHAIRMAN SALADINO: I have the balancing test
3 here, because, again, I don't have it committed to
4 memory.

5 Whether an undesirable change will be
6 produced in the character of the neighborhood, or a
7 detriment to nearby properties will be created by
8 the granting of the area variance. Jack?

9 MEMBER REARDON: This is for the front
10 setback?

11 CHAIRMAN SALADINO: This is for everything.

12 ATTORNEY STOLAR: Everything, except the deck.

13 MEMBER REARDON: Everything, except the deck. No.
14 (Roll Call by Chairman Saladino)

15 MEMBER NYCE: No.

16 MEMBER GORDON: No.

17 CHAIRMAN SALADINO: And I'll vote no.

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

21 (Roll Call by Chairman Saladino)

22 MEMBER REARDON: No.

23 MEMBER NYCE: No.

24 MEMBER GORDON: No.

25 CHAIRMAN SALADINO: And I'll vote no.

1 Whether the requested area variance is
2 substantial.

3 (Roll Call by Chairman Saladino)

4 MEMBER REARDON: Yes.

5 MEMBER NYCE: Yes.

6 MEMBER GORDON: Yes.

7 CHAIRMAN SALADINO: And I'm going to vote
8 yes, also.

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

13 (Roll Call by Chairman Saladino)

14 MEMBER REARDON: No.

15 MEMBER NYCE: No.

16 MEMBER GORDON: No.

17 CHAIRMAN SALADINO: And I'll vote no.

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

23 (Roll Call by Chairman Saladino)

24 MEMBER REARDON: Yes.

25 MEMBER NYCE: Yes.

1 MEMBER GORDON: Yes.

2 CHAIRMAN SALADINO: I'm going to say no, but
3 the house is there. I'm going to say no. All right.

4 I'm going to make a motion that we grant --

5 ATTORNEY STOLAR: Grant the variances necessary
6 to approve the shed and the house addition.

7 CHAIRMAN SALADINO: I'm going to make a
8 motion that we, that we grant the area variances
9 necessary to approve the shed and the variances
10 relating to the house and the new construction. Is
11 that it?

12 ATTORNEY STOLAR: Yeah, and based on Drawing
13 A-1. Based on the -- where the house is reflected
14 to be shown in Drawing A-1.

15 MEMBER GORDON: Hmm.

16 CHAIRMAN SALADINO: So, wait. Dinni did I
17 hear --

18 MEMBER GORDON: No. I just -- okay.

19 CHAIRMAN SALADINO: So moved.

20 MEMBER REARDON: Second.

21 (Roll Call by Chairman Saladino)

22 MEMBER REARDON: Aye.

23 MEMBER NYCE: Aye.

24 MEMBER GORDON: Yes.

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

1 All right. This is going to be, this is
2 going to be for the deck. Before, before we did
3 SEQRA. Before I do the balancing test, I -- again,
4 my opinion is that it wouldn't, it wouldn't be a
5 hardship to set it back, to give the neighbor a
6 little relief, to give the applicant a little
7 relief. But, again, I'm only one vote.

8 We're going to do, we're going to do the --
9 and, also, I think -- I would be comfortable -- I
10 would be -- I would be more than comfortable, I
11 would be happy with the original terms of the, of
12 the -- of the building permit 5 feet. But if we
13 want to negotiate a little bit, I'm open to that,
14 too. I just don't think the deck should be on the
15 property line, where somebody's having a cocktail
16 on the deck, and you're leaning on the fence, and
17 the guy's watering his grass on the other side of
18 the fence. I think there should be a little relief
19 from that.

20 MEMBER NYCE: Come back 3 feet to the edge of
21 the slider?

22 CHAIRMAN SALADINO: Frank. I asked him how
23 far he thought it was.

24 MEMBER NYCE: Yeah.

25 CHAIRMAN SALADINO: Kind of ambiguous, kind

1 of. We -- are you willing to -- is the architect
2 willing to give us his expert opinion how --

3 MEMBER NYCE: It's not --

4 CHAIRMAN SALADINO: I don't see a ledger
5 there. Most scales are a quarter inch is one foot.
6 I don't have a ruler.

7 MEMBER NYCE: It could be a patio on grade.
8 Therefore, the normal --

9 CHAIRMAN SALADINO: Well, that, too, David,
10 is he might be accepting to that.

11 MEMBER NYCE: Right? A few steps down and
12 it's to something that's on grade, as opposed to --

13 CHAIRMAN SALADINO: Would you be -- would
14 you, would you consider something like that? We
15 could let you go all the way to the fence if you
16 would consider a patio like on grade.

17 MS. GERTZ: Not elevated, you're saying?

18 CHAIRMAN SALADINO: Not elevated, yeah.

19 MEMBER NYCE: Yeah, so it's basically not a
20 permanent structure, it's paver.

21 MS. GERTZ: If we get denied, I'll have to
22 consider all kinds of things, but --

23 CHAIRMAN SALADINO: I'm sorry.

24 MS. GERTZ: I said if we get denied, I'll
25 have to consider all kinds of things, but it's not

1 what our plan was. And, you know, we have had a
2 deck there for 25 years, nobody's ever complained
3 to us about noise or problems like that. We're
4 really, you know -- again, it's a small distance, a
5 small difference from what is already existing.
6 And, you know, I mean, you know, my next door
7 neighbor, he would come here on my behalf if I
8 asked him to. I didn't, but there's --

9 CHAIRMAN SALADINO: But it's not always about
10 the guy that lives there now.

11 MS. GERTZ: I know, but we've been through
12 others as well, including some neighbors that were
13 not so easy going, let's say --

14 CHAIRMAN SALADINO: Dinni?

15 MS. GERTZ: -- and they never complained.

16 CHAIRMAN SALADINO: Again --

17 MEMBER REARDON: Can I ask a question?
18 Because I'm not really sure of the protocol here.
19 But are we basically looking to do on-the-spot
20 negotiations, okay, you can go back 5 feet, da, da,
21 da, da, and then we would grant that, or we're
22 going to -- it looks like we know how this is this
23 is going to go. Can they then reapply for a
24 different design variance for yet a different
25 design to their deck?

1 CHAIRMAN SALADINO: We have the right, we
2 have the right to approve or deny.

3 MEMBER REARDON: Right, but that I know.

4 CHAIRMAN SALADINO: Okay.

5 MEMBER REARDON: But we've got some
6 negotiations going on here, like, "Would you be
7 okay to cut the deck back 5 feet to grade on the
8 side."

9 CHAIRMAN SALADINO: I think that's a good
10 thing.

11 MEMBER REARDON: So we can alter the,
12 basically, variance?

13 ATTORNEY STOLAR: You can grant the minimum
14 variance necessary for the applicant to obtain
15 their benefit. So if you determine, and if you
16 hear things in the audience, because the hearing is
17 closed, but if you hear things in the audience that
18 help you get there, so be it.

19 MEMBER REARDON: What's the definition of
20 minimum, legal or what we negotiate?

21 ATTORNEY STOLAR: Well, your -- well, it's
22 what you feel is the minimum variance --

23 MEMBER REARDON: Okay.

24 ATTORNEY STOLAR: -- that would accomplish
25 what they would want.

1 MEMBER REARDON: All right, I understand.

2 Thank you.

3 ATTORNEY STOLAR: It's subjective.

4 CHAIRMAN SALADINO: I think, I think
5 negotiating in this situation is a good thing. I
6 think --

7 MEMBER REARDON: Well, they don't have all
8 their players here, though. They have to --
9 you know, that's something that takes decisions
10 from all the shareholders and there's only one
11 here.

12 MS. GERTZ: Well, I'm -- I can probably
13 represent her fairly accurately.

14 MEMBER REARDON: Yeah. And in my experience
15 is you make a design decision on the spot like
16 that, you know, you might not have wanted it to
17 have been that quick.

18 MS. GERTZ: I agree.

19 MEMBER REARDON: You got a month, you can --
20 you know, we can -- I guess what I'm trying to get
21 at is can we deal with this deck thing next month?
22 If we approve this stuff, they go back and talk
23 about it and then come back to us.

24 CHAIRMAN SALADINO: Here's the deal. We
25 closed the Public Hearing, we had a Public Hearing,

1 we closed the Public Hearing, we have 62 days to
2 make a decision. We don't have to decide tonight.

3 MEMBER REARDON: Uh-huh.

4 CHAIRMAN SALADINO: We have 62 days to make a
5 decision, and, if they ask, that can be extended.
6 We've never taken 62 -- I don't think we've ever
7 taken, in my tenure here, 62 days to make a
8 decision, but that's where we are.

9 MEMBER REARDON: Okay.

10 CHAIRMAN SALADINO: It appears that most of
11 the people here, and the audience over there, would
12 like to resolve this. I don't have a problem
13 giving the applicant time to kick it around or --

14 MEMBER GORDON: But the applicant is not
15 eager to have time to kick it around, the applicant
16 is eager to get going.

17 CHAIRMAN SALADINO: Here's, here's -- I don't
18 even know if this is appropriate to say, but here's
19 my experience as Chairman of the Zoning Board. A
20 lot of people learn a lot of things by kind of like
21 reading the room, you know? So if I'm, if I'm an
22 audience member, or if I'm a member of the Zoning
23 Board and I'm looking out into the room, or out
24 there, this discussion, if I was in the audience,
25 this discussion would mean a lot to me, this would

1 tell me a lot. So, you know, having said that, now
2 it's up to you. Do you, do you want to kick this
3 around for another month? We would be glad to --
4 we would be glad to bring it up again next month.
5 We'd put you at the top of the list. It would be
6 resolved, I'm guessing, you know, shortly. Or --

7 MEMBER GORDON: Maybe what's fair is to get --

8 CHAIRMAN SALADINO: I thought I was being fair.

9 MEMBER GORDON: Have a sort of straw vote so
10 that they know. I mean, their calculation about --

11 CHAIRMAN SALADINO: I'm not prepared to do
12 that.

13 MEMBER GORDON: Their calculation about
14 whether they want to spend a month noodling it
15 around will surely be affected by what she -- what
16 they think about --

17 CHAIRMAN SALADINO: I'm not prepared to do
18 that. I think our discussion here --

19 MEMBER GORDON: Okay.

20 CHAIRMAN SALADINO: -- with the -- and the
21 answers with the balancing test should tell anybody
22 in the audience all they need to know about how
23 this vote might go.

24 MEMBER GORDON: Okay.

25 MS. GERTZ: Well, if I may, I appreciate your

1 offer. I'm hesitant to put it off any longer,
2 seriously, because that's August, September. We
3 need to get started. We have a contractor lined up
4 for September. And I don't want to delay it much
5 beyond that, if at all possible.

6 You know, and I am trying to read the room,
7 and I'm a little concerned, let's say, from my read
8 of it. So I really just, you know, again, want to,
9 want to, you know, implore all of you that this is
10 really such a small change to what is there. And
11 notwithstanding, and I understand you need to
12 correct, you know, past mistakes, but we are a
13 small house. You know, this deck would mean a lot
14 to us.

15 CHAIRMAN SALADINO: Well, we're not denying
16 you a deck. The deck is going to be the same
17 amount of square feet.

18 MS. GERTZ: I know, but --

19 CHAIRMAN SALADINO: The only thing we're --
20 I'm suggesting, not even my colleagues, I'm
21 suggesting, is that the deck be brought further
22 south a few feet just to accommodate a future
23 neighbor, the current neighbor, to show, to show a
24 little bit of -- to show a little bit of deference
25 to the original building permit, you know.

1 And when we say, "Well, it's been there,
2 nobody ever complained," for something to be
3 grandfathered, it has to be legal to begin with.
4 So, you know, to say that to me that, "Well, nobody
5 cares," you know, and, "It's there" --

6 MS. GERTZ: I'm not saying nobody cares.

7 CHAIRMAN SALADINO: No, I understand, I
8 understand. And to say nobody, nobody took
9 exception to it in the past --

10 MS. GERTZ: Well, I understand what you're
11 saying, and I guess, for me, in many ways, it's
12 kind of a design concern. You know, we have this
13 house, we can't move the house, we can't shift it
14 farther from the property line. It's an old house,
15 it goes back the way it goes. And to have the deck
16 go back from the house line would make it a much
17 more usable space for us than having to shift it
18 over, even 5 feet. You know, not impossible,
19 of course, but not desirable on my -- in my -- for
20 me, so.

21 CHAIRMAN SALADINO: Okay. Do we want to
22 consider alternatives, or we just want to vote the
23 way -- we want to take the vote the way the relief
24 is requested? I'm willing to listen to an
25 alternative. I have an alternative. If not, then

1 we'll vote the way it is on the property line,
2 one inch, whatever it is. I have it here
3 somewhere. 9.9 feet.

4 You know, I'm looking, I'm looking at the
5 balancing test. You know, the way I would answer
6 this test now, the way I'm going to answer this
7 test now, three of the questions the applicant
8 fails, so -- but, again, Chairman's don't get an
9 extra vote, you know, we only, we only get one
10 vote. So, you know, there's four of us here.
11 We'll throw the dice, I guess, if that's -- are we
12 okay with that?

13 MEMBER REARDON: Yeah.

14 CHAIRMAN SALADINO: Do the balancing test?
15 No, we're not going to consider an alternative?

16 MEMBER REARDON: They're not suggesting an
17 alternative.

18 CHAIRMAN SALADINO: Well, we have the right
19 to suggest, to grant --

20 MEMBER REARDON: You did, you made the 5-foot
21 suggestion to them. They opted not to jump on that.

22 CHAIRMAN SALADINO: No.

23 MS. GERTZ: I did make a suggestion, also,
24 that we leave it as it is.

25 MEMBER REARDON: Yeah. That's what you have

1 on paper.

2 MS. GERTZ: No, no.

3 MR. UELLEND AHL: No.

4 MS. GERTZ: That we don't extend it, that we
5 don't extend the deck.

6 ATTORNEY STOLAR: Oh, we thought you meant
7 leave the application as presented.

8 MS. GERTZ: Oh, no, no.

9 ATTORNEY STOLAR: Leave the deck as it is.

10 MS. GERTZ: We don't extend the deck.

11 CHAIRMAN SALADINO: Oh, then you were going
12 to redraw the request that I made.

13 MEMBER REARDON: Just as is.

14 MEMBER GORDON: No. Why would they --

15 MEMBER NYCE: No, it still needs relief on
16 that side.

17 MEMBER GORDON: Then they wouldn't have to.
18 We've just --

19 MEMBER NYCE: She's just talking about not
20 extending it back to -- not extending it to the
21 east, the 5 feet.

22 MS. GERTZ: Right.

23 MEMBER NYCE: Leave the deck as it is, no
24 extension. Right now they're proposing that the
25 addition comes back 5 feet and the deck goes

1 another 5 feet as well. She's saying not extend
2 the deck that extra 5 feet to the east.

3 MR. UELLEND AHL: So sit would be a
4 10-foot-wide --

5 MEMBER NYCE: It's going to be a 10-foot-wide
6 by 22 1/2, or 10 feet by 22 1/2, right? I think
7 the primary concern that we're having is the deck
8 along that north --

9 CHAIRMAN SALADINO: Here, again, the primary
10 concern that I'm having is, notwithstanding the
11 suggestion that the applicant's making, is that
12 this deck, whether, whether we're going to like
13 investigate, or crawl underneath it, or rip some
14 floor board up, see if it's -- that deck is being
15 replaced. In my mind, that deck is being replaced
16 with a new deck. I may be wrong, but in my 76 years,
17 that's, that's my, my opinion of how that new deck
18 would be constructed. If that, if that deck is new
19 construction, I have a problem with new construction
20 being on the property line. I don't know how much --
21 how plain I can say it.

22 I think I can read a room. I think what we
23 should do is go through this balancing test and
24 vote. It's -- and don't take this the wrong way.
25 I was just going to say it's getting late, and it

1 has nothing to do -- it's me, because I'm a blabber
2 mouth, you know.

3 (Laughter)

4 CHAIRMAN SALADINO: So we should just -- we
5 should move this along and vote. Agreed?

6 MEMBER REARDON: Uh-huh.

7 CHAIRMAN SALADINO: Agreed?

8 MEMBER GORDON: Uh-huh.

9 CHAIRMAN SALADINO: We did SEQRA, so I'll --
10 and so we're understanding, this is for the side
11 yard, the relief sought for the side yard, side
12 yard relief for the deck.

13 MEMBER NYCE: Yes.

14 CHAIRMAN SALADINO: Right? Okay.

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

19 (Roll Call by Chairman Saladino)

20 MEMBER REARDON: No.

21 MEMBER NYCE: Yes.

22 CHAIRMAN SALADINO: I'm going to vote yes.

23 MEMBER GORDON: No.

24 CHAIRMAN SALADINO: No.

25 Whether the benefit sought by the applicant

1 can be achieved by some method feasible for the
2 applicant to pursue other than an area variance.

3 (Roll Call by Chairman Saladino)

4 MEMBER REARDON: No.

5 MEMBER NYCE: No.

6 MEMBER GORDON: No.

7 CHAIRMAN SALADINO: I vote yes.

8 Whether the requested area variance is
9 substantial.

10 (Roll Call by Chairman Saladino)

11 MEMBER REARDON: Yes.

12 MEMBER NYCE: Yes.

13 MEMBER GORDON: Yes.

14 CHAIRMAN SALADINO: And I'll vote yes.

15 Whether the proposed variances will have an
16 adverse effect or impact on the physical or
17 environmental conditions in the neighborhood or
18 district.

19 (Roll Call by Chairman Saladino)

20 MEMBER REARDON: No.

21 MEMBER NYCE: Yes.

22 MEMBER GORDON: No.

23 CHAIRMAN SALADINO: I'm going to vote yes.

24 Whether the alleged difficulty was self-created,
25 which consideration shall be relevant to the decision

1 of the Board of Appeals, but shall not necessarily
2 preclude the granting of the area variance.

3 (Roll Call by Chairman Saladino)

4 MEMBER REARDON: Yes.

5 MEMBER NYCE: Yes.

6 MEMBER GORDON: Yes.

7 CHAIRMAN SALADINO: And I'll vote yes.

8 I'm going to make a motion that we, we grant
9 this area variance. So moved.

10 ATTORNEY STOLAR: Grant? You said grant with
11 regard to the deck, you're moving to grant?

12 CHAIRMAN SALADINO: I'm sorry?

13 ATTORNEY STOLAR: You said grant this area
14 variance.

15 MR. UELLEDAHL: Yeah

16 CHAIRMAN SALADINO: Yeah.

17 ATTORNEY STOLAR: Okay.

18 CHAIRMAN SALADINO: So we know what my
19 response is going to be. We're going to see what --

20 ATTORNEY STOLAR: Okay.

21 CHAIRMAN SALADINO: -- their responses are.

22 MEMBER NYCE: I'll second, I'll second his
23 motion.

24 CHAIRMAN SALADINO: Jack?

25 MEMBER REARDON: You just made a motion,

1 didn't you?

2 CHAIRMAN SALADINO: And he seconded.

3 MEMBER NYCE: I second.

4 MEMBER REARDON: And I vote aye.

5 MEMBER NYCE: I vote no.

6 MEMBER GORDON: I vote yes.

7 CHAIRMAN SALADINO: And I vote no.

8 MEMBER GORDON: Well, this is what happens
9 when somebody's sick.

10 ATTORNEY STOLAR: So it's a no decision, and
11 you discuss it at next month's meeting.

12 CHAIRMAN SALADINO: Explain how we put this
13 on the agenda for next month's meeting.

14 ATTORNEY STOLAR: Deliberate, deliberation,
15 that's it.

16 CHAIRMAN SALADINO: We're only going to have
17 four people at next month's meeting.

18 MEMBER GORDON: What?

19 ATTORNEY STOLAR: Okay.

20 MEMBER GORDON: Oh, oh, right, me. I'm sorry.

21 ATTORNEY STOLAR: You still can deliberate.

22 If it turns out the other vote is a no, you have
23 three to one at that vote. And if it turns out the
24 other way, you'll know where it is, and you'll vote
25 in September and make the final decision then.

1 MEMBER REARDON: I have a procedural
2 question, and I -- we're set on our track, I
3 understand that. During this period of time, do
4 the applicants have an opportunity to change
5 their --

6 ATTORNEY STOLAR: So the Public Hearing's
7 closed, you can't consider new evidence or new
8 information. If there's something you think of,
9 somehow, as to what would minimize the --
10 you know, minimize the impact, you can certainly
11 vote on that. Somebody --

12 CHAIRMAN SALADINO: Could we, could we vote,
13 unanimous vote to reopen the Public Hearing?

14 ATTORNEY STOLAR: Of course. It would have
15 to be unanimous based on everybody who was present.
16 So with four Board members, as long as all four
17 vote now, you can reopen the hearing, we could
18 schedule it for another Public Hearing next month.

19 MEMBER GORDON: Well, I wouldn't vote for
20 opening. To save you the time, I'm going to tell
21 you right away, I wouldn't vote to reopen it. I
22 just think we would be become in the same place.

23 ATTORNEY STOLAR: That's your answer, you
24 need all four.

25 CHAIRMAN SALADINO: Well, I know you needed

1 unanimous to --

2 MEMBER GORDON: Right.

3 CHAIRMAN SALADINO: -- to reopen the Public
4 Hearing.

5 MEMBER GORDON: Saving you time.

6 CHAIRMAN SALADINO: Well, not really, because
7 you won't be here next month.

8 MEMBER GORDON: Well, other people will.

9 CHAIRMAN SALADINO: We're getting too far
10 into the weeds.

11 MEMBER GORDON: I see what you mean. It's
12 sort of unfair for me to make it impossible to --

13 CHAIRMAN SALADINO: No, no. Listen, we --
14 Dinni, especially you and I, we -- and David, too,
15 we've been doing this a long time, you know, and --

16 MEMBER GORDON: Well, maybe -- but maybe --
17 but, you know, I hadn't thought about that. If you
18 guys want -- if everybody else wants to reopen the
19 hearing, I will vote yes, and then we'll have
20 unanimity. I mean, that's -- I didn't mean to make
21 it difficult for everybody, but I see --

22 CHAIRMAN SALADINO: I don't think, I don't
23 think you are.

24 MEMBER GORDON: -- because I'm on vacation.

25 CHAIRMAN SALADINO: No, no, I don't think you

1 are. I think now, now it's up to the applicant
2 now. And now --

3 MEMBER NYCE: On the process.

4 CHAIRMAN SALADINO: Now, you know, there's a
5 couple of choices. I mean, there's judicial review,
6 which is --

7 MEMBER GORDON: Well, we don't want to.

8 CHAIRMAN SALADINO: Well, I think it's crazy,
9 but there's that, or a new application for the --
10 for a different -- for a --

11 MS. GERTZ: A new application, we'd have to
12 start this process from the beginning again?

13 CHAIRMAN SALADINO: Only for the deck.

14 ATTORNEY STOLAR: If it's reopened, they
15 schedule another hearing, the part that needs to be
16 done again is noticed. Another notice would be
17 sent out in the same manner as the original
18 application. But you don't need to submit any of
19 the original documents. If you have other plans
20 that you want the Board to consider, that can be
21 considered.

22 CHAIRMAN SALADINO: All right, that's that.
23 Any other Zoning Board of Appeals --

24 ATTORNEY STOLAR: So, wait. Was there an
25 actual motion? There was an actual motion to

1 reopen?

2 MEMBER NYCE: No.

3 CHAIRMAN SALADINO: No. Dinni, Dinni was
4 reluctant to do that.

5 ATTORNEY STOLAR: Okay.

6 CHAIRMAN SALADINO: Right?

7 MEMBER GORDON: Well, but I said --

8 ATTORNEY STOLAR: She said she would if the
9 rest of the Board wanted to.

10 CHAIRMAN SALADINO: I didn't hear.

11 MEMBER GORDON: Yeah, if everybody -- yeah, I
12 said if the other three would like to reopen, then
13 I will make -- I will -- in order to make it
14 unanimous, I will vote yes, and then you can have
15 the other when I'm not here. It just seemed to me
16 it was unfair.

17 CHAIRMAN SALADINO: Do we want to vote to
18 reopen the Public Hearing?

19 MEMBER NYCE: It doesn't hurt anything, right?

20 MEMBER REARDON: What are we suggesting to do?

21 CHAIRMAN SALADINO: Reopen the Public
22 Hearing.

23 MEMBER NYCE: Right now, or for next month?

24 ATTORNEY STOLAR: If you reopen the hearing,
25 it's basically setting it so that you have another

1 scheduled Public Hearing on another date, subject
2 to the same notice as the original application.

3 MEMBER NYCE: Which would be next month.

4 MEMBER REARDON: Right.

5 MEMBER NYCE: Which means we could take other
6 information, or other testimony, or whatever.

7 MEMBER REARDON: That sounds like a very
8 prudent thing to do.

9 ATTORNEY STOLAR: Motion?

10 CHAIRMAN SALADINO: We're going to make a
11 motion to --

12 ATTORNEY STOLAR: Reopen.

13 CHAIRMAN SALADINO: To reopen the Public
14 Hearing for 218 Sixth Street. So moved. And for
15 the public, this has to be a unanimous vote.

16 MEMBER NYCE: I'll second it.

17 (Roll Call by Chairman Saladino)

18 MEMBER REARDON: Aye.

19 MEMBER NYCE: Yes.

20 MEMBER GORDON: Yes.

21 CHAIRMAN SALADINO: And I'll vote yes.

22 So we'll schedule the reopened Public Hearing
23 for August 20th, at 6 p.m. All right?

24 And getting back to *any other Zoning Board of*
25 *Appeals business that might come before this Board.*

1 Nobody.

2 *Item No. 7 is a motion to adjourn. So moved.*

3 MEMBER NYCE: Second.

4 CHAIRMAN SALADINO: All in favor?

5 MEMBER REARDON: Aye.

6 MEMBER NYCE: Aye.

7 MEMBER GORDON: Aye.

8 CHAIRMAN SALADINO: And I'll vote aye.

9 (The Meeting was Adjourned at 7:57 p.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To **Fredric Hulse**
Street and Apt. No., or PO Box No. **212 6th ST**
City, State, ZIP+4® **GREENPORT, NY 11944**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To **Pipe's Cove BPRE LLC**
Street and Apt. No., or PO Box No. **215 4th ST**
City, State, ZIP+4® **GREENPORT, NY 11944**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To **Kara & Philip Letts**
Street and Apt. No., or PO Box No. **POB 323**
City, State, ZIP+4® **Briarcliff Heights NY 11965**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To **Peter Luke**
Street and Apt. No., or PO Box No. **215 Fifth St**
City, State, ZIP+4® **GRPT, NY 11944**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To **GAIL CAMELA**
Street and Apt. No., or PO Box No. **212 6th ST**
City, State, ZIP+4® **GREENPORT, NY 11944**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To **Ruby & Emil Lanne**
Street and Apt. No., or PO Box No. **46 DuBois Ave**
City, State, ZIP+4® **Sea Cliff, NY 11579**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To **PETER JARQUET**
Street and Apt. No., or PO Box No. **211 Fifth St**
City, State, ZIP+4® **GREENPORT, NY 11944**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions