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VILLAGE OF GREENPORT

COUNTY OF SUFFOLK : STATE OF NEW YORK

-----X

ZONING BOARD OF APPEALS

REGULAR SESSION

-----X

Station One Firehouse

Third & South Streets

Greenport, New York 11944

November 19, 2024

6:00 p.m.

BEFORE:

JOHN SALADINO ~ CHAIRMAN

DINNI GORDON ~ MEMBER

SETH KAUFMAN ~ MEMBER

DAVID NYCE ~ MEMBER

JACK REARDON ~ MEMBER (absent)

MICHAEL NOONE, SECRETARY TO THE BOARDS

BRIAN STOLLAR, VILLAGE ATTORNEY

All other interested parties

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CHAIRPERSON SALADINO: Good evening, folks. It's approximately 6:00. This is the Village of Greenport Zoning Board of Appeals regular meeting.

Item Number 1 is a motion to accept the minutes of the September 17, 2024, Zoning Board of Appeals meeting. So moved.

MEMBER GORDON: Second.

CHAIRPERSON SALADINO: All in favor?

MEMBER REARDON: Aye.

MEMBER NYCE: Aye.

MEMBER GORDON: Aye.

MEMBER KAUFMAN: Aye.

CHAIRPERSON SALADINO: And I'll vote aye.

Item number 2 is a motion to schedule the next Zoning Board of Appeals meeting for December 17, 2024 at 6:00 p.m. at the Station One Firehouse, Third and South Streets, Greenport, New York

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11944. So moved.

MEMBER KAUFMAN: Second.

CHAIRPERSON SALADINO: All in favor?

MEMBER REARDON: Aye.

MEMBER NYCE: Aye.

MEMBER GORDON: Aye.

MEMBER KAUFMAN: Aye.

CHAIRPERSON SALADINO: And I'll vote aye.

Item Number 3 is 218 Sixth Street. This is a motion to accept the Findings and Determinations for 218 Sixth Street. This Property is located in the R-2 One- and Two-family District and is not located in the Historic District. The Suffolk County Tax Map Number is 1001-7-2-4.

For the public that's interested, there's two findings. One is for a home addition and one is for a backyard deck. The

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members, I'm guessing the members
have read the findings, so I'll
make a motion that we accept the
Findings and Determinations. So
moved.

MEMBER REARDON: Second.

CHAIRPERSON SALADINO: All in
favor?

MEMBER REARDON: Aye.

MEMBER NYCE: Aye.

MEMBER GORDON: Aye.

MEMBER KAUFMAN: Aye.

CHAIRPERSON SALADINO: And
I'll vote aye. And, Michael, you
have them?

SECRETARY NOONE: I think you
signed them already.

CHAIRPERSON SALADINO: Before
the vote?

SECRETARY NOONE: I mean,
I'll have you sign them after the
meeting.

CHAIRPERSON SALADINO: Okay.
This guy makes a habit of throwing

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me under the bus.

Item Number 4 is 151 Central Avenue. It is a motion to accept the applications, schedule a public hearing, and arrange a site visit regarding the application of Jake LaChapell?

MR. LA CHAPELLE: That's right.

CHAIRPERSON SALADINO: Am I getting that right?

MR. LA CHAPELLE: Yep.

CHAIRPERSON SALADINO: Thank you. On behalf of -- oh, you got to help me with this.

MR. LA CHAPELLE: Idanes Sanchez.

CHAIRPERSON SALADINO: -- Idanes Sanchez.

MR. LA CHAPELLE: That's right.

CHAIRPERSON SALADINO: Application proposes renovation of existing two-family house. Work

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includes demolition of the

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non-historic one-story kitchen,

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addition at rear of house, rear

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deck, and non-historic garage in

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rear of house, construction of a

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new deck. Finished work will

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decrease building coverage by

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118 square feet, the lot coverage

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at 31.7 percent.

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And the variances, for the

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people that have the agenda, the

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variances are on the agenda.

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There's front yard, side yard, two

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side yard setback requirements and

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combined side yard setback

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requirement. Plus there might be

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another one that we might have to

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talk about. The applicant, name

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and address for the stenographer,

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please.

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MR. LA CHAPELLE: Jake

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LaChapelle of LaChapelle

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Architecture, 1870 Ole Jule Lane,

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Mattituck. Do you have enough

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information or would you like me
to speak about it?

CHAIRPERSON SALADINO: You
can give us whatever you want to.

MR. LA CHAPELLE: All right.
The existing house is a two story,
timber frame residence with a full
basement. It's listed as a
contributing structure for the
Village Historic District, but
it's not on the register itself.
The house was built in 1870 in a
configuration that's not in
nonconformance with the future
front and side yard setback
requirements.

So we're requesting relief from
those requirements in order to
proceed with these alterations and
addition. And the work that will
be done to the existing house will
be in conformance with
rehabilitation requirements and
secretary of standards.

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The non-historic first floor kitchen is poorly constructed and in poor condition, so we're proposing to demolish that and rebuild it. The new first floor will house a kitchen. A new foundation will provide sufficient support for the second floor there.

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Of course, the house didn't originally have a bathroom on the second floor, so when one was added, it's too small. That made the bedrooms too small and it's the cause of an insufficiently wide 23 1/4 inch second floor hallway. So the new second floor is going to sort all that out.

And then we're proposing to get rid of the non-historic garage that's on the side of the house altogether, rebuild the deck in the back, expand it slightly, and then build a small garden shed.

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CHAIRPERSON SALADINO: Okay.

I have a couple of questions. The other members might have some questions also. On your site plan you -- we should explain. We should explain also, this is a nonconforming house with a conforming use.

MR. LA CHAPELLE: That's right.

CHAIRPERSON SALADINO: So you're allowed to do a lot of stuff, but you can't increase the nonconformity.

MR. LA CHAPELLE: Yes.

CHAIRPERSON SALADINO: So once you demolish -- once you demolish a good portion, a small portion of the lot coverage, to rebuild that portion, it has to conform to code.

So on your site plan, you have lot coverage at 35 percent. Lot coverage for that piece of

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property is 30 percent. So we're going to need another -- we're going to need another variance somewhere in here, I'll let the building department make a note of it, to go above the 30 percent lot coverage. Also --

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AUDIENCE MEMBER: Could you just talk into the mic?

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CHAIRPERSON SALADINO: I'm sorry, I was talking to him.

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AUDIENCE MEMBER: Yeah. I can't hear you.

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CHAIRPERSON SALADINO: I'll bring it a little closer. As an explanation, the reason I'm over here is because when they set the tables up, the legs are here and I don't fit in this portion of the table. I apologize, folks. Plus I'm a little horse anyway.

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Also you show a new garden shed. I see the side yard and the rear yard setbacks, but I don't see the

1

2 dimensions of the shed. Could you
3 share with us what that is? Do
4 you know?

5 MR. LA CHAPELLE: I've listed
6 it as 144 square feet, so I'm
7 guessing 12 by 12.

8 CHAIRPERSON SALADINO: Okay,
9 and the height?

10 MR. LA CHAPELLE: Under the
11 required -- what's our limit 15,
12 feet, 12 feet?

13 CHAIRPERSON SALADINO:
14 Fifteen feet, yeah. So -- and the
15 last question I might raise -- and
16 I'm not sure if this question is
17 going to hold up the application,
18 but the new portion of the deck, I
19 don't see how high it is. I don't
20 see treads and risers. Maybe I
21 missed it, how high the new deck
22 is.

23 The concern is -- the concern is
24 if you put a deck behind and
25 you're .5 feet or a half a foot

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from the property line, your

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neighbor's property, you put a

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five-foot deck, then you're

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basically looking over the fence.

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MR. LA CHAPELLE: Sure.

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CHAIRPERSON SALADINO: So I

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don't see that here. I don't see

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that on the site plan.

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MR. LA CHAPELLE: I don't

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have it in the drawings in front

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of me here, but it's something

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like 30 inches above ground and it

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should be at the -- it's going to

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be at the level of the first

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floor.

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CHAIRPERSON SALADINO: Well,

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maybe you can just get that.

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MR. LA CHAPELLE: Yes, that's

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easy. On the lot coverage, if you

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go back to the site plan, in my

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review of the zoning for this, I

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identified the allowable lot

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coverage as 35 percent. Did I

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make --

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CHAIRPERSON SALADINO: That's
for a two-family house.

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MR. LA CHAPELLE: This is a
one-family house.

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CHAIRPERSON SALADINO:
Thirty-five percent is for a
two-family --

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MR. LA CHAPELLE: That's for
a two family? So I made a mistake
there.

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CHAIRPERSON SALADINO: Well,
we didn't make a mistake. No, I'm
kidding. I'm hoping we didn't
make a mistake, right? We got the
code right? 30 percent?

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MR. LA CHAPELLE: Okay, I'll
review it.

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CHAIRPERSON SALADINO: So
that's going to be an additional
ask for relief.

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MR. LA CHAPELLE: Sure.

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CHAIRPERSON SALADINO: And,
well, just off the top of my head,
I don't have -- I do have the EAF,

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but I'm sorry I didn't go through
this as well as I normally do.

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Did you let us know what you're

5

going to do with storm water

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runoff? You are going to add a

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second floor roof and an addition

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to the rear of the house.

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MR. LA CHAPELLE: I don't

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believe that I've shown it in the

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site plan at this stage when I

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submitted this, but now I have dry

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wells shown. So I can add that in

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a --

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CHAIRPERSON SALADINO: Okay.

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MR. LA CHAPELLE: -- the plan

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that submit to you guys in a day.

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CHAIRPERSON SALADINO:

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Because you know we have to

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continue --

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MR. LA CHAPELLE: Yes. I

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think at this stage I just had a

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statement that we'll deal with it.

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CHAIRPERSON SALADINO: Okay.

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All right, I'll probably have some

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more questions for you at another

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time, but I'm going to ask my

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colleagues, anybody have any

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questions for this applicant? You

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look like have you a question,

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Dinni.

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MEMBER GORDON: I'm just --

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you say construction of the new

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deck in approximate footprint of

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existing. Can you explain why

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it's approximate?

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MR. LA CHAPELLE: Because

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it's getting bigger. The existing

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size, this is on the drawing A6,

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which is the site plan, is 140

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square feet. The proposed back

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deck is 296. That's not getting

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wider, but it's getting deeper

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because the existing deck is 7

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feet deep from the back wall of

22

the house, which is not optimal.

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MEMBER GORDON: And it is

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that increase in deck, which

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constitutes a new --

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MR. LA CHAPELLE: A new footprint?

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MEMBER GORDON: A new problem for us. I mean, very minor, but it increases the nonconformity.

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MR. LA CHAPELLE: Right, and if we kept the deck the same size, then we wouldn't be increasing, but we'd still be crossing -- we'd still be well over -- we'd still be 1.7 percent over the lot coverage.

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MEMBER GORDON: Then you would actually be decreasing the nonconformity by the decreasing in the building coverage.

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MR. LA CHAPELLE: We're already decreasing the nonconformity by removing the garage.

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MEMBER GORDON: Right, right.

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MR. LA CHAPELLE: So we've already accomplished that.

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MEMBER GORDON: Okay, thank,

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you.

MR. LA CHAPELLE: I
understand your point though.

CHAIRPERSON SALADINO: Seth,
anything?

MEMBER KAUFMAN: No.

CHAIRPERSON SALADINO: Jack?

MEMBER REARDON: No
questions.

CHAIRPERSON SALADINO: David?

MEMBER NYCE: No. I had a
question about the lot coverage as
well.

SECRETARY NOONE: John, are
you going to require a revised
Notice of Disapproval on this?
Because if -- it's just about the
timing. I need to get this in the
newspaper for the issue of the
5th, which means I have to get it
in by next Wednesday because of
the Thanksgiving holiday, which
means I'm going to need to get a
Notice of Disapproval turned

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around in the next few days, and I

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don't know if that's -- I don't

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know if that's doable.

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CHAIRPERSON SALADINO: My

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opinion is we do need it, but I'm

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going to ask if by us acting as

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the CEO here, now, the Zoning

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Board acting as the CEO and

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bringing up this additional

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relief, do we need another Notice

12

of Disapproval even though we just

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identified --

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VILLAGE ATTORNEY STOLLAR:

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There's no harm in adding it. So

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if we can, without doing another

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denial letter and Notice of

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Disapproval, you want to just add

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it to the process and require it

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as a variance in any event.

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CHAIRPERSON SALADINO: Well,

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it's going to be required as a

23

variance. It would just -- now

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we're just debating --

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VILLAGE ATTORNEY STOLLAR:

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Right, that will be your

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determination now and at the end

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of the day. So it makes no sense

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just to wait through that process.

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It's probably a good idea, I think

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you're suggesting, that we just

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incorporated it into the legal

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notice.

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SECRETARY NOONE: Without a

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signed Notice of Disapproval; is

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that right?

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VILLAGE ATTORNEY STOLLAR:

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What the Chair is saying --

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SECRETARY NOONE: Right.

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They're going to act as the

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building department.

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VILLAGE ATTORNEY STOLLAR:

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Right. They're going to interpret

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this as requiring -- not act as

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the building, but essentially

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stepping in the shoes to make that

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legal determination or that

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factual determination.

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CHAIRPERSON SALADINO: Got

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that?

MR. LA CHAPELLE: We appreciate the practicality of that as well.

CHAIRPERSON SALADINO: And also he's going to give you a revision. I think he's going to give you a revision site plan to show the dry wells --

MR. LA CHAPELLE: I'll include that.

CHAIRPERSON SALADINO: -- and the height of the deck. And so he's going to -- you're going to give the building department that stuff too, right?

MR. LA CHAPELLE: Certainly. As long as -- well, yes.

CHAIRPERSON SALADINO: Okay.

MR. LA CHAPELLE: Can I do that without holding up the acceptance of the application?

CHAIRPERSON SALADINO: No, we're going to accept the

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application now.

MR. LA CHAPELLE: Yeah,
that's what I thought. Okay.

CHAIRPERSON SALADINO: So as
long as we have that before next
month.

MR. LA CHAPELLE: Yes.

CHAIRPERSON SALADINO: Right?
Okay. Am I getting that right?
Am I missing something?

SECRETARY NOONE: No, no.

VILLAGE ATTORNEY STOLLAR:
No. What I was saying is that
you're going to now have a
two-step process. You're
scheduling it for the December
meeting. You'll make that motion
to accept the schedule. And also,
as a Board, you are determining
that the additional variance for
lot coverage of --

CHAIRPERSON SALADINO: Be
included.

VILLAGE ATTORNEY STOLLAR: --

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31.7 percent where 30 percent is
required, be included.

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MEMBER GORDON: Do we need to
make a motion?

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VILLAGE ATTORNEY STOLLAR:

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That should be by motion, yes.

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CHAIRPERSON SALADINO: Before

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we accept the application?

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VILLAGE ATTORNEY STOLLAR:

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You can do it at any time. Any

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time tonight if you want to get

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this on for December.

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SECRETARY NOONE: And just

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bare in mind, if there are any

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other applications that are going

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to need variances changed, you'll

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have to go through the same

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process, John.

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CHAIRPERSON SALADINO: Okay.

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Okay. I'm going to make a motion

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that the additional required

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variance relief be included in

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our --

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MEMBER GORDON: Evaluation?

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CHAIRPERSON SALADINO: --

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determination for this application

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and we'll take that additional

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relief up at our next meeting.

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Did I get that right?

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MEMBER GORDON: Yeah.

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VILLAGE ATTORNEY STOLLAR: At

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the next meeting, at which time

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they'll be a public hearing

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scheduled on the application with

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that additional letterhead.

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CHAIRPERSON SALADINO: Okay,

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so moved.

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MEMBER GORDON: Second.

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CHAIRPERSON SALADINO: All in

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favor?

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MEMBER REARDON: Aye.

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MEMBER NYCE: Aye.

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MEMBER GORDON: Aye.

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MEMBER KAUFMAN: Aye.

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CHAIRPERSON SALADINO: All

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right.

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MR. LA CHAPELLE: Thanks to

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the Board.

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CHAIRPERSON SALADINO: We're
not done yet. I'm going to make a
motion we accept this application.

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MEMBER NYCE: Second.

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CHAIRPERSON SALADINO: All in
favor?

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MEMBER REARDON: Aye.

9

MEMBER NYCE: Aye.

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MEMBER GORDON: Aye.

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MEMBER KAUFMAN: Aye.

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CHAIRPERSON SALADINO: We're
going to want a site visit, guys?

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Dinni?

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(Board members nodding.)

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CHAIRPERSON SALADINO: We're
going to schedule a public hearing
for our December meeting, which is
December --

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SECRETARY NOONE: 17th.

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CHAIRMAN SALADINO: -- 17th.

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We set the public hearings all at
6:00, so it's 6:00 will be the
public hearing for this. It will
be -- unless the fire department

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needs the room, we'll be at the schoolhouse, but we'll schedule it for here and you'll be notified if it's not here.

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And we're going to need a site visit. And what we would normally ask is is that you stake out the property with wherever any new work is going to be done, just stake it out. So show us where the shed is going to be and where the deck is going to be and we'll schedule that site visit for what time?

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MEMBER GORDON: 4:30? It's going to be dark.

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MEMBER REARDON: We're probably --

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CHAIRPERSON SALADINO: Do you have your boat outside; is that what the deal is?

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MEMBER REARDON: Would you like to wear it?

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CHAIRPERSON SALADINO: No.

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4:30 --

MEMBER KAUFMAN: 4:00.

CHAIRPERSON SALADINO: 4:00?

MEMBER KAUFMAN: It has to be
4:00 so we can actually see what
we're doing.

CHAIRPERSON SALADINO: Okay.
We're going to schedule a site
visit for 4:00, this way there's
enough light to see what's going
on.

MR. LA CHAPELLE: Sure.

CHAIRPERSON SALADINO: So
we'll see somebody at the site on
December 17th at 4:00 and then the
public hearing will be here at
6:00.

MR. LA CHAPELLE: Okay.

VILLAGE ATTORNEY STOLLAR:
That's your motion. You need a
second and a vote.

CHAIRPERSON SALADINO: What?

VILLAGE ATTORNEY STOLLAR:
You're going to second and a vote.

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MEMBER NYCE: I second the
motion.

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VILLAGE ATTORNEY STOLLAR:
Second and a vote on your motion
to schedule a public hearing.

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CHAIRPERSON SALADINO: I
thought we did it.

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VILLAGE ATTORNEY STOLLAR:
No, you made the motion, but you
didn't have a second yet.

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MEMBER NYCE: I'll second it.

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VILLAGE ATTORNEY STOLLAR:
You just have to run it.

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CHAIRPERSON SALADINO: All in
favor?

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MEMBER REARDON: Aye.

18

MEMBER NYCE: Aye.

19

MEMBER GORDON: Aye.

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MEMBER KAUFMAN: Aye.

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CHAIRPERSON SALADINO: And
I'll vote aye. See you on the
17th.

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I'm going to take this out of
order. The next two are going to

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require a little bit of discussion. So I'm going to take the agenda out of order.

We're going to do Item Number 7, 320 Carpenter Street. This is a motion to accept the application, schedule a public hearing, and arrange a site visit regarding the application of Ruth Shank.

Applicant proposes to build a 10 by 14 carport in the front yard. This requires the following variances: The variances are listed on the agenda.

The property is located in the R2 One- and Two-Family District. It is also located in the Historic District. The Suffolk County Tax Map Number is 1001-5-2-10. Is the applicant here?

(Audience member indicating.)

CHAIRPERSON SALADINO: Name and address for the stenographer, please.

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MS. SHANK: Ruth Shank, 320
Carpenter Street.

CHAIRPERSON SALADINO: Okay.
You want to give us a little
story?

MS. SHANK: I'm sorry?

MEMBER GORDON: Tell us about
your project.

MS. SHANK: Oh, I'm proposing
a carport where my existing
driveway is right now, 10 by 14.
It will be open with some
decorative lattice, some vines
growing on it. It's going to have
a standing seam roof to match the
wood shingles on my existing
house, painted white, and fit my
Mini Cooper.

CHAIRPERSON SALADINO: I
didn't hear, I'm sorry.

MEMBER NYCE: Fits her Mini
Cooper.

CHAIRPERSON SALADINO: Oh,
okay. I was going to say, a 10 by

1

2

14 carport is a little tiny, isn't

3

it? And the shed that we see on

4

the site plan that Frank drew,

5

that shed is staying?

6

MS. SHANK: Yes.

7

CHAIRPERSON SALADINO: And

8

could you tell me how far that --

9

because I don't see it here. I'll

10

ask you, can give us the

11

information?

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MS. SHANK: It's on the

13

survey.

14

MEMBER GORDON: Come up.

15

CHAIRPERSON SALADINO: Yes.

16

My question is, do we know how far

17

this shed is from the carport?

18

MS. SHANK: No.

19

CHAIRPERSON SALADINO: Okay.

20

We're going to need to know that.

21

MS. SHANK: I mean, it could

22

be -- it can be varied if it has

23

to be a certain distance, but I

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want to be able to pull the car in

25

and have access to my terrace,

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which is shown there. So maybe
three feet from the existing
storage tool shed.

CHAIRPERSON SALADINO: Okay.
Maybe we could just find that out.

MS. SHANK: I mean, I haven't
really discussed it with Dennis
McMahan (phonetic). I can move it
one way or the other as long as
I'm in compliance.

CHAIRPERSON SALADINO: Well,
you know, maybe it would be best
to discuss it with the architect
who drew the plans.

MS. SHANK: Oh, Frank?

CHAIRPERSON SALADINO: Yeah.
Just let him make a note and tell
us or he could tell us.

MS. SHANK: Yeah.

CHAIRPERSON SALADINO:
There's a lot of stuff that I
don't have with this application.
Do we have any -- no? Okay, I
don't have anymore questions.

1

2

I'll ask the members if they have
any questions.

3

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MEMBER KAUFMAN: No.

5

6

CHAIRPERSON SALADINO: Dinni,
you got any questions?

7

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11

MEMBER GORDON: Is the
issue -- I'm asking you a question
actually. Is the issue the
distance of the shed from the
house --

12

CHAIRPERSON SALADINO: Maybe.

13

14

MEMBER GORDON: -- and not
the shed from the carport?

15

CHAIRPERSON SALADINO: Maybe.

16

17

MEMBER GORDON: And that's
why we need to know.

18

19

20

21

CHAIRPERSON SALADINO: Well,
is it secret? Is that a secret
thing? So just let us know,
that's all.

22

David, you got any questions?

23

MEMBER NYCE: No.

24

CHAIRPERSON SALADINO: Jack?

25

MEMBER REARDON: You're

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putting in a new driveway?

MS. SHANK: I'm having the existing blacktop removed and either putting in two brick pathways for the tires and then a landscape for the other half, which was a two-car car driveway, I may landscape that with more gardens.

MEMBER REARDON: Very nice. Okay, so it looks like we -- just to fill out, you know, try to reiterate what John said, so we all have that information. We're looking for the distance from the closest point of the carport to the closest point of your shed and then how far the shed is from the house.

MS. SHANK: The existing shed from the house?

MEMBER REARDON: Yes.

MS. SHANK: Isn't that shown on the drawing?

1

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CHAIRPERSON SALADINO: I

3

don't see it.

4

MEMBER REARDON: No.

5

CHAIRPERSON SALADINO: But I

6

might be missing it. I'm looking

7

at the survey too. I do have a

8

survey. I'm looking at the survey

9

too and...

10

MEMBER REARDON: I don't see

11

it.

12

CHAIRPERSON SALADINO: Part

13

of the concern is -- we're going

14

to accept this application today,

15

but part of the concern is you

16

have a couple of accessory

17

buildings in your front yard,

18

which the code doesn't allow that

19

and you're asking to get rid of

20

one and put another one in.

21

MS. SHANK: No, I'm not

22

getting rid of one.

23

CHAIRPERSON SALADINO:

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Weren't you tearing something

25

down?

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MS. SHANK: No.

CHAIRPERSON SALADINO: Oh,
you're taking the driveway out.
But you want to put an accessory
building in the front yard.
That's not permitted by code, but
that's the reason you're here, so
you can ask for relief.

So I don't want to speak for my
colleagues, but I'm guessing we're
going to accept this application
and take it up at the public
hearing. You'll answer the
questions that we raised and we'll
take it up at the public hearing
next month, okay.

MS. SHANK: How do I get the
information to you, what you're
asking?

MEMBER NYCE: Frank, the
architect.

CHAIRPERSON SALADINO:
Whoever drew the plans, whoever is
going to build it -- actually, we

1

2

would prefer the guy that created
the site plan, the architect's
rendering.

3

4

5

MS. SHANK: The architect?

6

Yes.

7

CHAIRPERSON SALADINO: Fit in

8

to -- because Frank's a good guy.

9

He's a good architect and all, but

10

his applications are intentionally

11

sparse. So we have to ask when we

12

get stuff from him. So I'm sure

13

he'd be glad to put the dimensions

14

and stuff on the --

15

MS. SHANK: Well, is there a

16

minimum -- a maximum --

17

minimum/maximum --

18

CHAIRPERSON SALADINO: Why

19

don't we discuss that at the

20

public hearing. We'll accept the

21

application tonight. He'll put

22

the dimensions in and we can

23

discuss that at the public

24

hearing. Okay?

25

MS. SHANK: Thank you.

1

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CHAIRPERSON SALADINO: I'm

3

going to make a -- everybody done

4

with this?

5

I'm going to make a motion that

6

we accept this application. So

7

moved.

8

MEMBER KAUFMAN: Second.

9

CHAIRPERSON SALADINO: All in

10

favor?

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MEMBER REARDON: Aye.

12

MEMBER NYCE: Aye.

13

MEMBER GORDON: Aye.

14

MEMBER KAUFMAN: Aye.

15

CHAIRPERSON SALADINO: And

16

I'll vote aye.

17

I'm going to make a motion we

18

schedule a public hearing for

19

December 17th at 6:00 here. So

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moved.

21

MEMBER NYCE: Second.

22

CHAIRPERSON SALADINO: All in

23

favor?

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MEMBER REARDON: Aye.

25

MEMBER NYCE: Aye.

1

MEMBER GORDON: Aye.

2

MEMBER KAUFMAN: Aye.

3

CHAIRPERSON SALADINO: And

4

I'll vote aye.

5

We're going to need, where the
carport is going to be, just stake
it out so we can see the footprint
of where the carport is going to
be.

6

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MS. SHANK: Before the

11

December meeting?

12

CHAIRPERSON SALADINO: We're
going to schedule a site visit for
December 17th.

13

14

15

MS. SHANK: Oh, you're going
to come?

16

17

CHAIRPERSON SALADINO: We're
going to come to your house
December 17th at...

18

19

20

MEMBER GORDON: 3:30?

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MEMBER KAUFMAN: 4:15?

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MEMBER NYCE: We're going to
be going right from Central Avenue
right to Carpenter Street.

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MS. SHANK: It's two houses
up.

MEMBER GORDON: And actually
we don't need a lot of light to
see a driveway.

CHAIRPERSON SALADINO: You
see the way my members push me
around here? Does everybody see
that?

UNKNOWN SPEAKER: It's
terrible.

CHAIRPERSON SALADINO: We'll
be there. We'll be at your home
for the site visit at...

MEMBER GORDON: 4:20.

MEMBER KAUFMAN: 4:22.

CHAIRPERSON SALADINO: 4:20
on December 17th.

AUDIENCE MEMBER: 4:20.

CHAIRPERSON SALADINO: So if
you could, 4:20; 4:20. And if you
could, just a reminder, just stake
out the property.

MEMBER GORDON: It's only

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going to take five minutes.

MS. SHANK: Okay, that's fine. That's fine.

CHAIRPERSON SALADINO: Okay, thank you. Moving on.

MEMBER NYCE: Most respectfully.

CHAIRPERSON SALADINO: That's the way I take it.

(Whereupon, Member Reardon left the meeting room.)

CHAIRPERSON SALADINO: All right, we're going to go out of order.

Item Number 6 is 749 Main Street. This is a motion that we accept the application, schedule a public hearing, and arrange a site visit regarding the application of Jennifer Del Vaglio. Did I get that right?

MS. DEL VAGLIO: (Nodding.)

CHAIRPERSON SALADINO: On behalf of Wayne Turett. This is,

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again, the relief is listed --
that's required is listed on the
application.

This property is located in the
R1, One-Family Residential
District. It is also located in
the Historic District. The
Suffolk County Tax Map Number is
1001-2-3-8.2. Is the applicant
here? Name and address for the
stenographer, please.

MS. DEL VAGLIO: Of course.
It's Jennifer Del Vaglio. That's
D-E-L-V-A-G-L-I-O, and I'm here on
and a half of Wayne Turett from
East End Pool King.

So basically what we're
requesting is a side yard relief
for 5.5 feet on the southeast side
of the property that butts up
against a parking lot for the
hotel Townsend Manor. I tried to
include as much information as I
could when I was putting through

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the description.

(Whereupon, Member Reardon
reentered the meeting room.)

MS. DEL VAGLIO: So I think I
answered most of the questions
that were brought up on the
disapproval. It does indicate and
show where the code compliant
barrier for the pool will be,
which is going to be right up on
the deck. It shows the overflow
for storm water management, which
is in the driveway. I'm showing
the pool equipment on the north, I
guess, northwest side of the
property.

And then there was a comment in
the disapproval about fencing. So
there is currently fencing.
There's a stockade fence. Did you
see the property yet or not yet?

CHAIRPERSON SALADINO: Well,
actually we're all kind of
familiar -- well, I'm familiar

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with the property. I'm sure my
colleagues are --

MEMBER GORDON: I'm not.

CHAIRPERSON SALADINO: Okay.
I'll speak for myself then.

MS. DEL VAGLIO: Okay.

CHAIRPERSON SALADINO: I'm
familiar with the property, but
just tell me what you were going
to say? I'm sorry.

MS. DEL VAGLIO: That's okay.
So there is a wood stockade fence
now that's in between the parking
lot and the property that we're
speaking of, but it is the hotel's
stockade fence.

So if we need to put up some
sort of barrier there, we
certainly can. It's not part of
the plan. I didn't know that we
needed to have a secondary fence
for a barrier. I understand about
visibility, but, again, it is a
parking lot over there. There is

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a garden bed on that side, on our side of the property; it's a garden bed full of shrubs and trees and we plan to put more heavy vegetation in that garden bed.

And the reason that we're in the side yard is, of course, because we're trying to move as far away from Sterling Creek as possible. I direct it back to you now.

CHAIRPERSON SALADINO: I'm sorry?

MS. DEL VAGLIO: I'll direct it back to you.

CHAIRPERSON SALADINO: Well, you mention that -- I wasn't going to bring it up now. I was going to bring it up at the public hearing, but I'll mention it now.

MS. DEL VAGLIO: Okay.

CHAIRPERSON SALADINO: You keep mentioning, you know, because with of the water. The portion of

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the rear yard is Zone X, I mean,

3

so there is no restriction on

4

water, on the waterfront. So I'm

5

not -- I'm not seeing, in your

6

narrative, why the pool can't be

7

in the rear yard, Number 1.

8

Number 2, I asked for -- via the

9

building department, I asked for

10

an as-built survey and a survey

11

where the architect gave us some

12

dimensions, how far the pool would

13

be from the house.

14

MS. DEL VAGLIO: I submitted

15

those. Did you get them?

16

CHAIRPERSON SALADINO: We do

17

have them.

18

MS. DEL VAGLIO: Okay.

19

CHAIRPERSON SALADINO: You do

20

have them. Okay. I'm not sure

21

of -- I'm not sure where this

22

measurement, this 10 feet, 1 1/2

23

inch is being taken from. So I'm

24

going to kind of question that.

25

MS. DEL VAGLIO: Okay.

1

CHAIRPERSON SALADINO:

2

3

Because we do have a portion in

4

our code that an accessory

5

building can't be closer than 10

6

feet to the house.

7

MS. DEL VAGLIO: Okay.

8

CHAIRPERSON SALADINO: So

9

that would interest us. The fact

10

that the pool is in the side yard

11

is part of the relief that you're

12

asking.

13

So I would ask now, you know, I

14

don't see a restriction in the

15

rear yard, why the pool can't go

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in the rear yard except maybe you

17

don't want it there. But I just

18

didn't understand in your

19

narrative why the water makes a

20

difference where the pool is.

21

MS. DEL VAGLIO: I was trying

22

to stay out of trustee

23

jurisdiction.

24

CHAIRPERSON SALADINO: There

25

are no trustees in Greenport.

1

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MS. DEL VAGLIO: Okay. So

3

then I guess it's not an issue.

4

I'm more familiar with the Town of

5

Southold, so please excuse me.

6

CHAIRPERSON SALADINO: But

7

anyway it's, Zone X. Also, on the

8

survey, the as-built survey and

9

the survey that you supplied us, I

10

thought I had asked the distance

11

from the house to the FEMA Zone,

12

to the zone, to the top of the

13

bank where the slope starts. I

14

don't know how to --

15

MS. DEL VAGLIO: I can get it

16

for you.

17

CHAIRPERSON SALADINO: Okay,

18

that would be good also.

19

MS. DEL VAGLIO: Sure, that's

20

easy.

21

CHAIRPERSON SALADINO: There

22

was one or two other things that I

23

had. I'm sorry, go ahead.

24

MEMBER GORDON: I have a --

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CHAIRPERSON SALADINO: I'm

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sorry, Dinni.

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MEMBER GORDON: This is just a question about -- it's sort of a typo type of question. In the Environmental Assessment Form, the questions 10 and 11, you say will proposed action connect to an existing public or private water supply. And you checked no, but in fact you're going to be connected to the Village water, right?

14

MS. DEL VAGLIO: No. It's --

15

16

17

CHAIRPERSON SALADINO: I think they said they were going to be bringing water in.

18

19

20

21

22

MS. DEL VAGLIO: We're going to bring in water trucks for the fill and there is no auto fill on the pool. It's a vinyl pool currently.

23

24

CHAIRPERSON SALADINO: I'm sorry, there's no what?

25

MS. DEL VAGLIO: There's no

1

2

auto fill to be scheduled to be

3

part of the pool build. It's a

4

vinyl pool. So it wouldn't be

5

connected to any water source.

6

MEMBER GORDON: Okay. That's

7

just an indication of my limited

8

knowledge of vinyl pools.

9

MS. DEL VAGLIO: That's okay.

10

Mine is limited on the Zoning

11

Board.

12

MEMBER GORDON: And so the

13

next one: Will proposed section

14

connect to existing wastewater

15

utilities, that's also irrelevant

16

for this kind of pool?

17

MS. DEL VAGLIO: Correct. It

18

will go into a dry well.

19

MEMBER GORDON: Okay. All

20

right, thank you.

21

CHAIRPERSON SALADINO: And...

22

MEMBER NYCE: The assumption

23

there is that the dry well is of

24

an adequate size to handle the

25

number of gallons?

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2

MS. DEL VAGLIO: Oh, yeah.

3

The pool is actually very shallow.

4

So it's not --

5

MEMBER NYCE: Yeah, it's like

6

four to five feet deep, right?

7

MS. DEL VAGLIO: Yeah.

8

MEMBER NYCE: 7 1/2 by, what

9

46 feet right?

10

MS. DEL VAGLIO: Yeah. It's

11

going to take less than two water

12

trucks to fill it, which would

13

equal 14,000 gallons if I used

14

full water trucks and I won't be.

15

MEMBER NYCE: Yeah. You said

16

approximately here, 11; 11 1/2

17

thousand gallons?

18

MS. DEL VAGLIO: Exactly.

19

CHAIRPERSON SALADINO: Seth,

20

have you any questions?

21

MEMBER KAUFMAN: No.

22

CHAIRPERSON SALADINO: Jack?

23

MEMBER REARDON: Are you set

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to have it on the side yard or

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now, through tonight's discussion,

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is the backyard now an option?

MS. DEL VAGLIO: I think that they would really like to have it on the side yard because what they want to do is kind of have it right off of that deck. The whole open floor concept really looks out to that side because of the deck. So just like natural kind of progression of the house and into the pool is what they're looking to do.

MEMBER REARDON: Even realizing that a pool in the backyard doesn't involve any variances?

MS. DEL VAGLIO: I'm happy to bring it up to the client and get back to you.

MEMBER REARDON: Okay. That just came to me as the discussion is going on. It seems like sometimes people opt to go more this way because they're set and

1

2 sometimes it's like oh, I didn't
3 know that, eureka.

4 MS. DEL VAGLIO: Right. I
5 appreciate it. Thank you.

6 CHAIRPERSON SALADINO: The
7 very definition of swimming pool
8 in the Village's code relegates it
9 to the rear yard.

10 MS. DEL VAGLIO: Right.

11 CHAIRPERSON SALADINO: So
12 that's why -- one of the reasons
13 you're here is you're asking to
14 put it in a side yard.

15 MS. DEL VAGLIO: Right.

16 CHAIRPERSON SALADINO: It
17 would be -- it would be beneficial
18 if you raised that question to the
19 applicant about putting the pool
20 in the rear yard as opposed to the
21 side yard. I shared with you that
22 variances don't have the weight or
23 precedence, interpretations do,
24 but they have to be consistent.

25 And I'll also share with you

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that in my recollection, I can
never remember a pool in a side
yard that this Board granted
relief for.

5

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So, you know, I'm not saying,
you know, it can't happen. All
I'm saying is, in my memory, we've
never done that. So, you know, in
discussion with the homeowner, as
far as putting the pool in the
rear yard, it might be a good
idea.

14

MS. DEL VAGLIO: Okay.

15

CHAIRPERSON SALADINO: So...

16

MS. DEL VAGLIO: For sure.

17

CHAIRPERSON SALADINO:

18

Anybody else?

19

(No response.)

20

VILLAGE ATTORNEY STOLLAR:

21

What is the proposed top elevation
for the pool?

22

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MS. DEL VAGLIO: The

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elevation is going to be flush

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with the current deck and the

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current deck has about five steps.
So it would be about 35 inches off
of grade.

CHAIRPERSON SALADINO: I
don't see that on the -- I don't
see that on the survey.

MS. DEL VAGLIO: The survey
doesn't show the elevation of the
pool or the height of the deck,
but it does show the stairs that
lead up to it. So if you take an
average rise of seven inches and
you multiply it by the five,
that's how I'm coming up with the
35 inches above grade.

CHAIRPERSON SALADINO: Well,
again, not being an architect or a
builder, I don't see a legend for
the height of the risers or the
width of the treads, but maybe I'm
missing it. I don't know.

MS. DEL VAGLIO: There's no
ledger and you're not missing
anything and I'm happy to include

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the elevation height if you'd like

3

to see it on the survey for the

4

next meeting.

5

CHAIRPERSON SALADINO: I

6

think since the attorney raised

7

the question, yeah, I think it

8

would be a good idea to show.

9

MS. DEL VAGLIO: Certainly.

10

CHAIRPERSON SALADINO: And I

11

see the edge of the pool, the

12

dotted line that represents the

13

edge of the pool, you know,

14

according to this, I mean, you're

15

going to step off the deck into

16

the pool. So are these stairs

17

going to be eliminated?

18

If the pool is going to be the

19

height of the deck and the stairs

20

east of the deck, by 10 or 15 feet

21

east of the deck, those stairs are

22

going to be eliminated? We're

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used to Mr. Brown's drawing that

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are five-foot by five-foot.

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MS. DEL VAGLIO: I have a

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large one I can share with you.

(Whereupon there was inaudible conversation between Member Nyce and Chairperson Saladino.)

MS. DEL VAGLIO: Correct. You are correct. That is all going to be --

MEMBER NYCE: Can you let my wife know?

MS. DEL VAGLIO: Excuse me?

MEMBER NYCE: Can you let my wife know?

(Laughter.)

MS. DEL VAGLIO: For sure, yes. The dotted line, so the perimeter around the pool is actually going to just be one foot, which is considered the coping. It's going to be made out of the same deck material that's at the preexisting deck. And then there will be either a glass fence or a rail fence that is compliant with code and the stairs will

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remain.

CHAIRPERSON SALADINO: Yeah,
but what I'm seeing here on the
as-built -- well, I see it on the
as-built survey -- on the site
plan that you submitted is that
the edge of the deck doesn't show
the elimination of those steps.
So that's the reason for my
question.

I'm not sure if I have that
drawing that David has, but if you
say those steps are going to be
eliminated and the distance --
according to this the distance
from the house, is going to be, in
fact, 13 feet. Maybe we'll take
it up at the public hearing.

MEMBER NYCE: Seems fine.

MEMBER GORDON: (Nodding.)

MS. DEL VAGLIO: So if I
understand you correctly, what
you're looking for is for us to
have a conversation about possibly

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relocating the pool to the rear yard, which would be on the water side.

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CHAIRPERSON SALADINO: We don't make the -- we don't write the application. If he feels he wants to appeal to the CEO's decision, the building inspector's decision, that's certainly his right. I'm just telling you what kind of makes things easy.

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MS. DEL VAGLIO: Yes, and then you're saying the pool, per code, should be greater than ten-feet off of the home?

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CHAIRPERSON SALADINO: Any accessory building has to be a minimum of more than ten feet from the principal building.

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MS. DEL VAGLIO: Even though they're all kind of connected? So this wouldn't be considered like an addition? This is --

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CHAIRPERSON SALADINO: Well,

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if you consider the deck part of the principal building, then the pool would have to be ten feet from there. We're kind of giving you a little bit of space.

MS. DEL VAGLIO: Okay.

MEMBER NYCE: And then the only other thing we were requesting was the elevation of the deck.

MS. DEL VAGLIO: Certainly. Oh, and the distance from the bluff, right still?

MEMBER NYCE: Yes.

VILLAGE ATTORNEY STOLLAR: In fact, I had one more question.

CHAIRPERSON SALADINO: Well, just to clarify that one thing.

VILLAGE ATTORNEY STOLLAR: Yes.

CHAIRPERSON SALADINO: It doesn't have to be from the slope. The distance -- because obviously you're not going to be able to put

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a pool in Zone A, you know, on the slope.

MS. DEL VAGLIO: Correct.

CHAIRPERSON SALADINO: So the distance from the slope in Zone X and the limit of Zone X.

MS. DEL VAGLIO: Can I go to the darker line that shows delineation between Zone E and Zone AE -- I mean, Zone X and Zone AE?

CHAIRPERSON SALADINO: Yes.

MS. DEL VAGLIO: And just bring the marker back from there?

CHAIRPERSON SALADINO: And also from the top of the bank because that's part of the slope.

MS. DEL VAGLIO: Okay.

CHAIRPERSON SALADINO: Okay?

MS. DEL VAGLIO: No problem.

CHAIRPERSON SALADINO: I'm sorry.

VILLAGE ATTORNEY STOLLAR:

That's all right. So my other

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2

question is, the barrier fence

3

that you're referring to, is that

4

going to be immediately around the

5

pool as I think I see on the plan,

6

or is it the fence that you were

7

referring to on the property

8

abutting your client's property?

9

MS. DEL VAGLIO: Oh, no. Do

10

you have a copy of it that has the

11

red dotted line?

12

VILLAGE ATTORNEY STOLLAR:

13

That's what I'm looking at.

14

That's why --

15

MS. DEL VAGLIO: Yes. So the

16

red dotted line will be the

17

barrier for the pool.

18

VILLAGE ATTORNEY STOLLAR:

19

Okay. Good, thank you.

20

MS. DEL VAGLIO: You're

21

welcome.

22

CHAIRPERSON SALADINO: Did we

23

talk about mechanicals? Are the

24

mechanicals on this drawing?

25

VILLAGE ATTORNEY STOLLAR:

1

The pad is.

2

3

MEMBER REARDON: They're on
the opposite side of the house.

4

5

CHAIRPERSON SALADINO: The
mechanicals are on the north side
of the house?

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7

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MS. DEL VAGLIO: Correct.

9

10

MEMBER NYCE: And there's no
hookup to water or --

11

12

CHAIRPERSON SALADINO: And
how far -- I apologize for not
knowing this, for not raising the
question sooner, and the
mechanicals are going to be...

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14

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VILLAGE ATTORNEY STOLLAR:

17

There's no linear dimension on the
plan. That should be added too.

18

19

CHAIRPERSON SALADINO: Can
you give us the distance of the
mechanicals from the side yard?

20

21

22

MS. DEL VAGLIO: Certainly.

23

It's usually a three by five to a
three by eight pad. So it will be
13.2 feet off of the property line

24

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1

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that will butt up against the

3

equipment bad, but, yes, I can

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show the dimensions.

5

CHAIRPERSON SALADINO: Okay,

6

and just, you know, probably kid

7

of gets us in trouble --

8

MS. DEL VAGLIO: No, that's

9

okay.

10

CHAIRPERSON SALADINO: --

11

when we go by probably. If you

12

can just note that, that would be

13

good. Are you taking notes?

14

SECRETARY NOONE: What?

15

CHAIRPERSON SALADINO: Are

16

you taking notes?

17

SECRETARY NOONE: It's all up

18

here (indicating).

19

CHAIRPERSON SALADINO: Okay.

20

Seth, anything?

21

MEMBER KAUFMAN: No, I'm

22

good.

23

CHAIRPERSON SALADINO: Jack,

24

anything?

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MEMBER REARDON: No, no. I

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think the information we're
looking for is what we need.

CHAIRPERSON SALADINO: Okay.

And, David, you're done?

MEMBER NYCE: Yes.

CHAIRPERSON SALADINO: Diana,
you're done?

MEMBER GORDON: Yes.

CHAIRPERSON SALADINO: All
right, I'm going to make a motion
that we accept this application.
So moved.

MEMBER NYCE: Second.

CHAIRPERSON SALADINO: All in
favor?

MEMBER REARDON: Aye.

MEMBER NYCE: Aye.

MEMBER GORDON: Aye.

MEMBER KAUFMAN: Aye.

CHAIRPERSON SALADINO: And
I'll vote aye.

MS. DEL VAGLIO: Thank you.

CHAIRPERSON SALADINO: Okay,
we got a little more business with

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2

this, but just stick around for
another 30 seconds. We're going
to schedule --

4

5

MEMBER REARDON: Is this for
this (indicating.)

6

7

CHAIRPERSON SALADINO: I want
a site visit.

8

9

MEMBER REARDON: Okay.

10

CHAIRPERSON SALADINO: I
would like a site visit, but we'll
ask. Everybody?

11

12

13

MEMBER KAUFMAN: Yes.

14

MEMBER NYCE: Yeah.

15

CHAIRPERSON SALADINO: And
I'm familiar with the property and
would like to see.

16

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MS. DEL VAGLIO: We'd love to
have you back. What time?

19

20

CHAIRPERSON SALADINO: We're
going to schedule a public hearing
for December 17th at 6:00. Like I
said, we set them all for 6:00.

21

22

23

24

So I'll make a motion that we --

25

we never used to, but since we

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have to do this by resolution now,

3

I make a motion that we set the

4

public hearing December 17th at

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6:00 p.m. at Station One

6

Firehouse. So moved.

7

MEMBER KAUFMAN: Second.

8

CHAIRPERSON SALADINO: All in

9

favor?

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MEMBER REARDON: Aye.

11

MEMBER NYCE: Aye.

12

MEMBER GORDON: Aye.

13

MEMBER KAUFMAN: Aye.

14

CHAIRPERSON SALADINO: And

15

I'll vote aye.

16

And the site visit, we're going

17

to go through the time with the

18

site visit again with the

19

members --

20

MS. DEL VAGLIO: Yes, let's

21

do that.

22

CHAIRPERSON SALADINO: -- so

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prepare yourself. What time do

24

you think we want to go there?

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Noon? She said she's going to

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make lunch. What time do you think?

MEMBER NYCE: 4:50.

CHAIRPERSON SALADINO: No, 4:50 is dark. I don't want to fall in Sterling Creek.

MEMBER GORDON: A little earlier than that.

CHAIRPERSON SALADINO: How about 3:30? Too early?

MEMBER REARDON: No. It's early, not too early. I'm here to do.

MEMBER KAUFMAN: Okay. Well, just to get around it. It has to be earlier, right? So...

CHAIRPERSON SALADINO: Well, there's one at 4:00. This one is going to take a couple of minutes. You know, it's not in the same proximity as the other ones. So we'll make it a 3:30. I'm going to make it at 3:30. Show-up when you want.

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MEMBER NYCE: 8:30 it is.

CHAIRMAN SALADINO: David is coming for lunch, so put the pot on. So we would ask you to just stake out anything you think we should see.

MS. DEL VAGLIO: Sure.

CHAIRPERSON SALADINO: Also the north side of the house we would like to see. We would like to see where the mechanicals are going to be.

MS. DEL VAGLIO: Okay.

CHAIRPERSON SALADINO: And by that time we'll have the dimensions for the rear yard --

MS. DEL VAGLIO: Yes.

CHAIRPERSON SALADINO: -- and we could look at that.

MS. DEL VAGLIO: Okay, perfect.

VILLAGE ATTORNEY STOLLAR:
Again, you have you a motion. You need to second.

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MEMBER NYCE: I'll second
that motion.

VILLAGE ATTORNEY STOLLAR:
There you go. 5-0, got it.

CHAIRPERSON SALADINO: Do we
need a resolution --

VILLAGE ATTORNEY STOLLAR:
You're scheduling a meeting.

MEMBER GORDON: For the site
visit?

VILLAGE ATTORNEY STOLLAR:
Yeah, you're scheduling a Board
meeting.

CHAIRPERSON SALADINO: Okay.
I'll make a motion that we
schedule the site visit for
749 Main Street at 3:30 on
December 17th.

MEMBER NYCE: Second.

CHAIRPERSON SALADINO: All in
favor -- so moved. Second. All
in favor?

MEMBER REARDON: Aye.

MEMBER NYCE: Aye.

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MEMBER GORDON: Aye.

MEMBER KAUFMAN: Aye.

CHAIRPERSON SALADINO: And
I'll vote aye. That's okay.
Thank you.

MS. DEL VAGLIO: Thank you.

CHAIRPERSON SALADINO: We'll
see you on December 17th.

MS. DEL VAGLIO: Sounds good.

CHAIRPERSON SALADINO: If
it's not snowing. If it's
snowing, all bets are off.

Next on our agenda is 140 Main
Street. This is a motion to
accept the application scheduling
a public hearing and arrange a
site visit regarding the
application of Robert I. Brown, RA
on Mark and Patty Carlos.

The applicant proposes to add a
second and third floor to the
building over existing retail
space and create two new
apartments, approximately 1,100

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square feet each.

There's some variances listed on the agenda. The property is located -- that we're going to have to talk about. The property is located in the CR Commercial District and is also located in the Historic District. The Suffolk County Tax Map number is 1001-5-3-1 8.

Rob, before you start, I just -- well, I'm kind of thinking maybe you tell us what's on your mind and then I'll voice the concerns that I have and see what the other members have to say. Okay, Dinni?

MEMBER GORDON: Can I just, it says CR District, but the application says CW, Commercial Waterfront District. And I looked on the tax map. It looks to me as though it is, in fact, in the Waterfront District.

CHAIRPERSON SALADINO: Well,

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there is no CW District.

2

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MEMBER GORDON: All right,

4

I'm sorry. It's WC, right or what

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-- anyway, it's the Waterfront

6

District.

7

CHAIRPERSON SALADINO: My

8

recollection of this property, and

9

we can check, we can certainly

10

check, is that it's in the CR.

11

It's not in the WC.

12

MEMBER GORDON: Anybody have

13

a map?

14

CHAIRPERSON SALADINO: I do

15

have a map.

16

MEMBER GORDON: And look at

17

the application.

18

CHAIRPERSON SALADINO: The

19

application is kind of ripe with a

20

couple of questions that need to

21

be answered.

22

MEMBER GORDON: Okay, this is

23

one of them.

24

CHAIRPERSON SALADINO: Okay,

25

you don't have to yell.

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2

MEMBER GORDON: No, I'm

3

sorry, I didn't mean to yell.

4

I'll show you.

5

VILLAGE ATTORNEY STOLLAR:

6

It's definitely CR. There are no

7

WC properties on Main Street

8

except at the southern end of Main

9

Street by Claudio's.

10

MEMBER GORDON: I'm looking

11

for the place. This is (indicating).

12

CHAIRPERSON SALADINO:

13

(Perusing) Well, that's a

14

mistake. That's a mistake.

15

MEMBER GORDON: Okay.

16

CHAIRPERSON SALADINO:

17

Obviously, if we left it as the

18

WC, you would have --

19

MR. BROWN: No, I know it's

20

CR. That was an error on my part.

21

If I miswrote it.

22

CHAIRPERSON SALADINO: Okay.

23

MR. BROWN: Okay. Robert

24

Brown, architect, 205 Bay Avenue,

25

Greenport. And the proposal in

1

2

this project is to add two

3

stories, two residential units

4

above DiAngela Leather on the

5

corner of East Front Street and

6

Main Street.

7

Very simply, we're adding two

8

stories that will conform to the

9

existing footprint of DiAngela

10

leather on the corner. We are

11

within the 35 feet, but we are

12

proposing a three-story structure,

13

which case we're here. The top of

14

the proposed structure is shorter

15

than adjacent structure, and --

16

CHAIRPERSON SALADINO: The

17

adjacent structure where?

18

MR. BROWN: Well, both

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adjacent structures actually, but

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the adjacent structure immediately

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to the south and to the east. It

22

being a corner lot, those are the

23

only two abutting structures. And

24

I would point out that I believe

25

it's on -- shown on the drawings

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2

and I do big drawings so I can

3

read it.

4

(Laughter.)

5

CHAIRPERSON SALADINO: Thank

6

you for that.

7

MR. BROWN: That we have

8

historic evidence of a three-story

9

gable roof structure on that

10

location in the past, so we're not

11

proposing anything new in that

12

respect.

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CHAIRPERSON SALADINO: Okay.

14

The questions I have have more to

15

do with process than -- well, I

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actually have a lot of questions

17

about the application and about

18

the NOD that you received, which

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I'm not -- I'm absolutely

20

flabbergasted at this Notice of

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Disapproval, but we'll get to

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that.

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As far as process, it was always

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our practice -- have you been in

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front of the Planning Board?

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MR. BROWN: Yes.

CHAIRPERSON SALADINO: You have a completed application in front of the Planning Board?

MR. BROWN: They have an application.

AUDIENCE MEMBER: We're working on the items that they've identified, a couple of reports that they've requested, things like that. So we're working on that. Well received by the Planning Board and we have preliminary meeting with the Historic Committee and they -- it was well received with them as well.

CHAIRPERSON SALADINO: Well, that's not the information that I have. I understand you went for a presubmission conference.

AUDIENCE MEMBER: Yes.

CHAIRPERSON SALADINO: And you got a presubmission conference

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report from the Planning Board?

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AUDIENCE MEMBER: Yes.

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CHAIRPERSON SALADINO: But no application for the site plan approval has been submitted to the Planning Board. It's always been tradition here --past practice, long time past practice, that the application for site plan review in the Commercial District would go to the Planning Board first. And then, if there was zoning attached, after they made their comments, they would send it to the Zoning Board. Our new code actually, kind of, mandates that.

MR. BROWN: If I may, when we were before the Planning Board, it was my impression that the Planning Board was unsure of the new procedures and directed us to come here in the meantime.

CHAIRPERSON SALADINO: Well, David has the big book out and I

1
2 have a big book too. We can read
3 it. We can read the portion, it's
4 -- if at the time, the Planning
5 Board was -- again, it's a process
6 question. And these members will
7 tell you I'm a process guy, you
8 know? I believe if you follow the
9 path, you'll never get lost.

10 So as far as that's concerned,
11 again, it's my understanding that
12 there's no application to get --
13 according to the new code
14 Chapter 150-30 or 31, 30, 31. You
15 have to have a completed
16 application in front of the
17 Planning Board, the site plan.
18 This is a significant application
19 and also a substantial expansion
20 because it's more than 500 square
21 feet.

22 MR. BROWN: It's -- excuse
23 me, it's my understanding that we
24 made a complete application. We
25 were asked for additional

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2

information, which we provide, and

3

we have not heard back from the

4

Planning Board. That's my

5

understanding of the situation as

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it stands.

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VILLAGE ATTORNEY STOLLAR: As

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far as I understand, they -- the

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process, as you complained

10

explained it, Chair, is exactly

11

right. They came in for the

12

presubmission conference. We had

13

the presubmission conference. The

14

Planning Board issued a report.

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There has been no subsequent

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application filed with the

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Planning Board for the relief and

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I think staff also notified the

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applicant of the steps in the

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process where you first go to

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Planning Board for your

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application, your site plan

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application.

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Then the Planning Board will

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refer you over here. Obviously,

1
2 the Planning Board can't make a
3 determination until the Zoning
4 Board makes a determination, but
5 the process still requires that
6 the initial step after the
7 presubmission conference and
8 report is to go to the Planning
9 Board.

10 CHAIRPERSON SALADINO: And
11 also to establish Lead Agency as
12 far as SEQRA. You really -- we
13 really don't want to be the Lead
14 Agency on this. We did that once
15 with the Main Aden (phonetic) and
16 it turned into a nightmare and you
17 really can't have two Lead
18 Agencies unless the project --

19 MR. BROWN: Well --

20 CHAIRPERSON SALADINO: Well,
21 unless the project is segmented,
22 then you can, but this is not. I
23 hesitate to do this. I don't want
24 to put anybody on the spot here,
25 but we have the chairman of the

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Planning Board here. If she's willing to clear up the question about the application without offering an opinion about the project.

MS. HAMMES: I'm happy to speak if that's permissible, as to my understanding is.

CHAIRPERSON SALADINO: Well, I'm sure the members would like to hear. I would like to hear what you have to say.

MS. HAMMES: Just so you can hear me. I'll come Patricia Hammes, chair of the Planning Board. My understanding is pretty much in line with what you said, John, which was there was a presubmission hearing. The Board issued the presubmission report. I think you all actually got a copy of that report. I think I forwarded it to you as well. But, in any event, it's available

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online.

That report gives feedback to the applicant, as well as identifies additional materials, questions, information that has to be provided as part of the application.

Under the code under Section 150-31, the process is such that after that, the applicant then is supposed to file a complete application, which has to meet the statutory requirements, as well as anything that's required under the presubmission report, the building department -- so this is not just for me, the building department is going to have to confirm this, but the building department then reviews that. Assuming that they believe it's complete, they will then refer it to the Planning Board who then officially will have a meeting and accept it and

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2

basically establish themselves as
Lead Agency and coordinating

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review. And at that point, would

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refer it out to any other Board.

6

So from the Planning Board's

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perspective, when I've asked the

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question, what I've been told is

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that there's been no subsequent

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full application filed for this

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since we issued the presubmission

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report.

13

Assuming that's the case, from

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the Planning Board's perspective,

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we would think that this

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application for appeal for the

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Notice of Disapproval is premature

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to be accepted at this point

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because the Planning Board is

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still waiting for that final

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application.

22

And frankly, until a full and

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complete application has been

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accepted, it's unclear to me how

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even the Notice of Disapproval

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2 could really be issued because the
3 application is not complete at
4 this point. But that's something
5 that the Village -- well, the
6 Planning Board and a Village
7 question. Because in the first
8 instance, the building department
9 reviews it, checks with the
10 consultants, checks with counsel,
11 and once they confirm that they
12 think it's adequate, the Planning
13 Board then does a double check and
14 then, as I said, would have a
15 meeting and formally accept it,
16 but that step has not occurred.
17 And when I asked about the status,
18 all I've been told is that the
19 Notice of Disapproval was issued,
20 but the full application had not
21 yet been received. And Mike can
22 either confirm or not confirm on
23 that, but that's my understanding.

24 And, as I said, from the
25 Planning Board's perspective, we

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think the appropriate thing would be for the full application to be received. We don't see any reason to deviate from the policy and procedure that's been done by this Village for at least the last six years since I've been on the Planning Board and I think longer than that.

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CHAIRPERSON SALADINO: Well,

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I would ask -- one second, please.

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I would ask -- I know I haven't

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been notified in a change of

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policy. I don't think -- if I

16

haven't been notified, I'm

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reasonably sure the members

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haven't been notified. Have you

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been notified?

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MS. HAMMES: No, I have not

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and I've been asking the question.

22

And, Rob, to your point about what

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was said at that meeting, all we

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said at that meeting was that the

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Village ultimately needed to tell

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you the procedure because it's a building department question.

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MR. BROWN: Understood.

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MS. HAMMES: So, yes, I have not been advised of any change in policy on that.

22

23

MR. BROWN: I have a question if I may?

24

25

CHAIRPERSON SALADINO: If Patricia is done.

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MS. HAMMES: Do you have

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anything? Anybody have anything?

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You guys have any questions for

5

me?

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CHAIRPERSON SALADINO: Can

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you just remain available because

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we might?

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MS. HAMMES: Yeah, sure.

10

CHAIRPERSON SALADINO: Thank

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you.

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MR. BROWN: I have to admit,

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I'm confused because we submitted

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an application in order to get the

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presubmission conference. It was

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a full application. We received a

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report that required additional

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information. I had no reason to

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think that submitting that

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information was not a completion

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of the application, which had been

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submitted in order to get the

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presubmission conference. If

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there's an additional application

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that needs to be made, we weren't

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made aware of that.

CHAIRPERSON SALADINO: Well,
in all fairness. -- well, it's --
planning is not my mandate.

MS. HAMMES: It's in the
report, to be clear. The report's
clear what you have to submit --

CHAIRPERSON SALADINO:
Patricia.

MS. HAMMES: -- for a full
and complete application.

CHAIRPERSON SALADINO:
Patricia.

The process is spelled out in
the code. The process is spelled
out. The presubmission conference
is more your concept of the
project and stuff. That doesn't
relieve you of filling out an
application and submitting. And
just one other question and just
the reason this requires site
plan, just so we can clear that
up, the reason this requires site

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plan is because --

MS. HAMMES: It's a significant application.

CHAIRPERSON SALADINO: -- it's a significant application and substantial expansion.

MS. HAMMES: (Nodding.)

CHAIRPERSON SALADINO: So those are the reasons. There are exempt reasons that you don't have to submit a site plan. But this doesn't fit in that category.

MR. BROWN: I understand going to the Planning Board and we did go to the Planning Board. I had no reason to think that having submitted an application and drawings and then the requested information from the presubmission report, that that did not constitute the full application. I mean --

AUDIENCE MEMBER: I'm confused too.

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MS. HAMMES: I haven't received anything before the presubmission report.

CHAIRPERSON SALADINO: It's spelled out in the code.

AUDIENCE MEMBER: We submitted --

MS. HAMMES: Just to be clear --

(Whereupon, there was crosstalk.)

CHAIRPERSON SALADINO: Guys, guys, guys.

VILLAGE ATTORNEY STOLLAR: Patricia, let me get this.

MS. HAMMES: Okay.

VILLAGE ATTORNEY STOLLAR: So the presubmission report specifically states that this report is intended to provide the applicant with general feedback and identify issues of the concern to the Planning Board in respect to the proposed use and site plan

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review by the Planning Board of the materials submitted by the applicant as part of their presubmission process.

Upon receipt of a complete, final site plan application, the Planning Board will review the entire application taking into account all consideration to the zoning chapter, of the applicable code revisions, and SEQRA.

So that if is in the conclusion of the report. There are other portions in the report that specifically identify and state when a full site plan application is to be submitted. That's in multiple locations within the report.

So there is a next step after the presubmission. I know summary submission conference and report, it's a new process, but at the same time, we were sure to include

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that so it would be clear what the next steps were.

MR. BROWN: I understand what you're saying, but that's not my point. My point is we completed a full application form. We submitted full drawings.

VILLAGE ATTORNEY STOLLAR:
Are you saying after the presubmission conference process?

MR. BROWN: Before.

VILLAGE ATTORNEY STOLLAR:
Okay.

MR. BROWN: And we responded to the report. What, beyond that, I need to know, constitutes a full application?

VILLAGE ATTORNEY STOLLAR:
Well, right. So that's a conversation to be had with the building department as to the documentation that is necessary to complete your site plan application, which I don't think

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has changed significantly from

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what that would have been even

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before we adopted the

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presubmission conference.

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MR. BROWN: I understand

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that, but what I'm saying, again,

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is what has been submitted, to my

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mind, and nobody has been able to

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explain otherwise, constitutes a

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full application. We've completed

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the form. We had the

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presubmission conference. We

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completed the drawings. They were

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submitted. We responded to the

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report and submitted it.

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CHAIRPERSON SALADINO: But

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it's a two-step -- it spells it

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out in the code. It's a two-step

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process. You submit an

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application --

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MR. BROWN: Well --

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CHAIRPERSON SALADINO: Let me

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finish. You submit an application

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for your presubmission conference.

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You submit any information you would like the Planning Board to consider. They write a report on that. After you get that report, you submit an application for a full, complete application to the Planning Board.

VILLAGE ATTORNEY STOLLAR:

And if --

CHAIRPERSON SALADINO: --

review.

VILLAGE ATTORNEY STOLLAR:

Before he goes on --

MR. BROWN: -- so I

understand.

(Whereupon, there was crosstalk.)

VILLAGE ATTORNEY STOLLAR:

Before you go on, just we also had in the report the identification of materials required for a complete submission. A whole section on that listing a number of items, including all materials

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required under Section 150-31,

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various plan sheets, a coastal

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consistency analysis, zoning

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tables.

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AUDIENCE MEMBER: Yeah.

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VILLAGE ATTORNEY STOLLAR: It

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goes on.

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MR. BROWN: And that was all

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submitted.

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AUDIENCE MEMBER: That also

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requires that you meet with zoning

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and historic.

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(Whereupon, there was

15

crosstalk.)

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VILLAGE ATTORNEY STOLLAR: So

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that was submitted to the building

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department?

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MR. BROWN: Yes.

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AUDIENCE MEMBER: As part of

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the report. So it's a very

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confusing process. And maybe,

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Mike, can you help us understand

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this, because the input we

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received --

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VILLAGE ATTORNEY STOLLAR: We
need your name.

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CHAIRPERSON SALADINO: Excuse
me, one second, one second.
Please, please. One second, one
second. If you want to speak,
just get up, tell her the --

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MR. BROWN: If I understand,
what you're asking for is for me
to collect all of the documents
that I had submitted and resubmit
them and call that the final
application?

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CHAIRPERSON SALADINO: I'm
not -- I'm not a member of the
Planning Board. We're the Zoning
Board.

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MS. HAMMES: -- community
report unless you submit it and --

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AUDIENCE MEMBER: I submitted
the reports.

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CHAIRPERSON SALADINO: I wish
I had a gavel.

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(Whereupon, there was

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crosstalk.)

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VILLAGE ATTORNEY STOLLAR: SO

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let's do this, Chair. I don't

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think we're going to get an answer

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to what the building department

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has while we sit here tonight. I

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think that's a question for the

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building department to look over

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and Mr. Brown to have a

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conversation with the building

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department to figure what they

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submitted, what they still need to

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submit, both in terms of what the

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code requires --

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CHAIRPERSON SALADINO: I

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agree with you, Brian, that we're

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not going to solve this problem

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here tonight with Mike as the

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representative of the building

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department. As the chairman of

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the Zoning Board, I'm telling you

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this application in front of us

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right now is out of process. I'm

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going to put it to the members.

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MR. BROWN: I'm not disputing
that. That's not my intention.

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CHAIRPERSON SALADINO: So as
far as the Zoning Board is
concerned, we're going to put a
pin in this application until
somebody in authority, whether it
be the building department,
whether it be the Mayor, whether
it's the Village attorney or the
Czar, I don't know, makes the
determination if, in fact, you did
supply a complete application to
the Planning Board. If you
didn't, you would be required to.
If you did, they would make a
determination and eventually it
would come back to us. That's --
I'm thinking that's our position.

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SECRETARY NOONE: John, can I
make a point? I sent an e-mail to
Mark on July 3rd. He asked me,
can we start to schedule the
Zoning Board review?

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I knew this was going to come up and I did not make a unilateral decision to have them appear. And I told him, unfortunately you can't jump ahead to ZBA. You were referred to ZBA by the Planning Board. After you submit your formal site plan application and it is deemed complete, the application may be subject to preliminary review by the Planning Board prior to any action by the Board of Appeals or Historic Commission. That was on July 3rd.

AUDIENCE MEMBER: Mike, let me ask this question --

MR. BROWN: Now I didn't make a unilateral decision.

CHAIRPERSON SALADINO: Identify yourself for the record.

MR. CARLOS: My name is Mark Carlos. I own the property at 140 Main. We didn't set this meeting.

SECRETARY NOONE: I

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understand that.

MR. CARLOS: We set the meeting through the Village, through the process of working with you and the building inspector. We didn't force ourselves into this meeting.

SECRETARY NOONE: I understand that. I understand that, but there has been a little bit of miscommunication regarding significant applications within the Village.

But I new this was going to be a problem and I want to go on the record myself as saying I knew this was going to be a problem and I did not make a unilateral decision to put you on an agenda.

MR. CARLOS: Well, the way, if I could say, the way we understood the report that we received from the Planning Board was there was a number of items

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that we needed to submit to make
the application complete.

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But in that list of items, there
was, meeting with the Zoning Board
to get the variances required;
meeting with historic, okay? In
addition to these other things,
the coastal impact study and
things like that. And they gave
us six months to submit that from
the date of that report.

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So my question is, we can't even
meet with zoning or historic until
the front end of that report is
complete? I think there's mass
confusion in terms of how this
process works. Because, again,
the Village set this meeting with
me and Rob. We didn't set this
meeting. We just said can we go
in front of zoning and it was
scheduled.

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CHAIRPERSON SALADINO: Can I
interrupt for one second?

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MR. CARLOS: Sure.

CHAIRPERSON SALADINO: And,
Mike, to respond, not to throw
anybody under the bus here, not to
step on somebody's toes, who did
schedule this meeting?

SECRETARY NOONE: I did not
make the unilateral --

CHAIRPERSON SALADINO: Who
put this application --

SECRETARY NOONE: -- decision
to let them go forward. I knew
this was going to be a mistake.
There's another e-mail that I sent
to the chairman of the Planning
Board saying basically the same
thing. I just want you to --
there is confusion within the
building department as to the
steps for a significant
application.

CHAIRPERSON SALADINO: I'm
going to be honest with you also.
I have problems with this

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application, like Mike, for

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perhaps different reasons. We can

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go into them tonight or wait until

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you guys come up on the jukebox.

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MR. CARLOS: I would prefer

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you go into it tonight so we can

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address it.

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CHAIRPERSON SALADINO: But

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before we do that, I had

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significant problems with this

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application. I tried to get a

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meeting with the building

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inspector. Actually, I requested

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him being here. I thought we had

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that right, but apparently I'm on

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the pay me no mind list. And I

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asked that the building inspector

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be here to explain how this

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application got on the agenda. I

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don't see him.

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I understand there's a vacuum in

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the building department. We all

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know there is. We all know

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there's a problem there. But I

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get -- the Zoning Board gets an application. It's an appeal. The Village collects the application for the zoning.

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I'm not sure how the process works for the planning. It's not part of my mandate. The Village collects the application. The Zoning Board eventually either approves or disapproves the application.

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MR. CARLOS: Right.

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CHAIRPERSON SALADINO: So when we get an application, we look at it. We'd hope to address any concerns or problems before it gets to this point, before it gets to the television camera, but in this case, it didn't happen. I was refused a meeting with the building inspector, which, in my mind, is kind of unheard of. I don't know how that happens, but, you know, if my entire tenure on

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the Zoning Board, we always had
access to the building inspector.

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This application wound up on our
agenda. I certainly believe,
Mike, that he didn't decide it
become part of our agenda. One of
the two responsibilities that a
chairman of the statutory Board
has is to create the agenda. I
didn't want to see this on our
agenda. But there it is.

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So again, I don't want to throw
anybody under a bus here or
anything, but I sympathize with
your position. We're here long --
not that we have anything else.
None of us have lives, not that we
have anything else to do, but
we're here longer than we should
because of miscommunication in the
building department.

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I know Trisha. She runs a tight
ship on the Planning Board. I
tend to believe what she says when

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it comes to the application. I've

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read the code myself. The code is

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online for you guys to read. In

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my mind -- and, again, planning is

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not my purview. In my mind, it's

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pretty simple to discern. You

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know, it lists the steps. For you

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to misinterpret one of the steps

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or think, well, that's good

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enough. I said earlier that

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usually probably never works. Oh,

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that's probably good enough.

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Probably never makes for a good

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plan.

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MR. CARLOS: Well, from our

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perspective that's not what we're

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doing. We just didn't know the

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process. We did not understand

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the process. I've asked folks at

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the Village, what is the process

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and this is how we were directed

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in terms of the process that we're

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following here.

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MEMBER NYCE: How --

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MR. CARLOS: I don't know

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what else I can say as a homeowner

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or as a property owner. You know,

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I go by the guidance of what the

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Village is telling me. This is

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hey, this is your next step.

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Okay, we get prepared for that

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next step. We move to it.

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You know, like Rob. Rob's been

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doing this for a very long time.

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He's confused. What does that

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tell you? That there's very poor

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communication coming from the

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Village with respect to these

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projects.

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This project, we've been working

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on working on this for

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eight months now. Eight months.

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Okay? It took us four months to

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get a denial letter. You know,

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there's issues let's just say.

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CHAIRPERSON SALADINO: Well,

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as long as we understand, I mean

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the Zoning Board, even as

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2 incomplete and incorrect as this
3 application is, for the Zoning
4 Board, we only got it two weeks
5 ago. So it's not the Zoning Board
6 that held up your application.

7 MR. CARLOS: No, no I'm not
8 blaming -- I'm not blaming
9 anybody.

10 CHAIRPERSON SALADINO: --
11 putting it out there for the
12 public.

13 MR. CARLOS: Please don't
14 misunderstand me.

15 CHAIRPERSON SALADINO: No, I
16 understand.

17 AUDIENCE MEMBER: But we want
18 clear guidance. We will do
19 whatever we're required to do. We
20 just don't have that clear
21 guidance from the Village. And I
22 know that when the code got
23 rewritten, there was mass
24 confusion. How do things work and
25 I know there was some confusion.

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The presubmission process with the
Planning Board, again, that's new,
you know.

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CHAIRPERSON SALADINO: Well,
there was always presubmission
conference with the Planning
Board.

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AUDIENCE MEMBER: That's not
my point. That's not my point.

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CHAIRPERSON SALADINO: Well,
I'm responding to him.

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MR. CARLOS: Again --

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CHAIRPERSON SALADINO: It's
not though.

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MR. CARLOS: If we knew -- if
we knew that there were items that
we needed to submit to planning,
when we needed to meet with them,
we've had time. Rob and I, we've
been waiting, okay, four months
now from the last meeting we had
until now. Four months.

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So we've had time. We could

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have met with the Planning Board

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and addressed the issues. We've gotten most of what they've asked for. We'll sit and discuss it with them and figure out the next steps, but, you know --

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CHAIRPERSON SALADINO: I

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don't know.

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MR. CARLOS: Maybe we're out

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of sequence, but --

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CHAIRPERSON SALADINO: I

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mean, obviously, Mike is the

13

contact person right now at the

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Planning Board. He's the face

15

right now of the Planning Board.

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Have you been, is there someone

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else? I don't know anybody else in

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the Planning Board? Do we even

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have anybody? Is there anybody

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else that you've been

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communicating with that maybe

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didn't give the right information?

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MR. BROWN: All our

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information has come from either

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the Mayor or Mike. Now let me

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repeat my question, which I think

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is the crux of this issue, and

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that is: We submitted an

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application; we submitted the

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drawings; we submitted a response

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to the presubmission report; we

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had the presubmission conference.

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MR. CARLOS: We have a site

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plan.

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MR. BROWN: What else should

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we have done to satisfy the

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Planning Board requirements?

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CHAIRPERSON SALADINO:

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According to the --

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MS. HAMMES: I haven't

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received anything since the

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presubmission report.

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MR. CARLOS: We submitted it --

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MS. HAMMES: You may have,

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but I am telling you the Planning

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Board hasn't received anything, so

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I can't respond to that because I

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don't know what you submitted.

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VILLAGE ATTORNEY STOLLAR:

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Right. I think the answer is, as we were talking about before, I don't think we'll find that out tonight. I think that's best dealt with perhaps on Thursday. I'll be at Village Hall for quite -- you know, for most of the day. So if the conversation comes up then, we'll figure it out.

MR. CARLOS: So are you asking to set up a meeting on Thursday?

VILLAGE ATTORNEY STOLLAR: I'm just saying if you want to come in and talk about the application process and, you know, while I'm present with Mike.

MR. CARLOS: Well, I think the next step is to meet with the Planning Board again; is that correct?

VILLAGE ATTORNEY STOLLAR: Right, right, but we can go over what we have, what there is in our

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code, what there is in a
presubmission report that's being
requested of you to submit, and
also, you know, what the Village
already has on file so we can
figure out --

MR. CARLOS: See, I think the
confusion with us is meeting with
zoning, meeting with historic, was
part of making the application
complete. That that was steps in
the process to do that, in
addition to the other reports that
the Planning Board had requested
from us.

So because in the report, it
says, you need to meet with
zoning, you need to meet with
historic, address the zoning
issues, make sure historic is okay
with your project. So we thought
that that was part of --

CHAIRPERSON SALADINO: Well,
past practice has always been that

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it went to -- that site plan

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review, it went to the Planning

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Board. They reviewed the

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application and I'm -- we're kind

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of -- I'm rehashing this, but I'll

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say it one more time.

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They review the application. If

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there's zoning attached, then

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they'll refer it to zoning. If

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there's no zoning attached, then

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the site plan review would go

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forward just with planning or

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another statutory board, if

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historic, in this case, who they

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would refer it to.

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MR. CARLOS: Okay, we

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thought --

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CHAIRPERSON SALADINO: In all

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cases it would go back planning.

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MR. CARLOS: Our

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understanding was, the trigger was

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the disapproval letter. That was

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the trigger for us to get in front

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of you. Beyond that, we did not

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clearly understand the planning

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process and having a subsequent

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meeting to go through the items

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that they've outlined in their

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report.

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So, we're more than happy to do

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that. We have nothing, but time

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to do that. And here we are today

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saying, nope, you're out of

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sequence. We have to go

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backwards. So we'll do it. We'll

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do whatever is required, but at

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the same time, I think it's a

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disservice to me. It's a

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disservice to Rob, to have to go

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through this and deal with this

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mass confusion at least on our

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part. You know, I've been talking

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with lots of people for months now

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from the Village and this has not

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come up at all, and Rob has as

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well.

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CHAIRPERSON SALADINO:

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Unfortunately, the people that you

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you've talking to from the
Village -- well, we heard from
Michael Noone that this --

MR. CARLOS: Well I --

CHAIRPERSON SALADINO: --
that this was a concerned from the
building department.

MR. CARLOS: Mike has been
nothing but helpful, extremely
helpful.

CHAIRPERSON SALADINO: And he
always has been. But we just
heard from him. The only face of
the building department that the
Village has right now is the
building clerk. And he told you,
he told you, via e-mail, that this
was going to be a problem.

MR. CARLOS: Then why are we
here today? Again, we didn't set
this meeting. The Village set
this meeting with us, okay?

CHAIRPERSON SALADINO: You're
going to force me to say it,

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right? You're going to force me to say it? Obviously you're talking to the wrong people at the Village. I don't want to be flippant about this, but that's the obvious answer.

MR. CARLOS: We'll do whatever is required.

CHAIRPERSON SALADINO: In the interest of -- okay, so we're going to put a pin in this application until such time --

MR. CARLOS: If you would like to discuss your concerns, that would be helpful.

CHAIRPERSON SALADINO: I have a lot of concerns about this application that I tried to address to the building department and nobody wanted to hear it. And I have -- this Zoning Board, a few years ago, instituted -- progressed -- so when you make an application, you'll know.

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This application right now is incomplete and incorrect as far as the Zoning Board is concerned. I don't usually -- I don't like to speak for my colleagues, but I'm sure even they would agree that this application right now is incomplete and incorrect. The Village -- the Zoning Board issued an interpretation I think, it's 2018 -- 2018?

MEMBER GORDON: I would say

'17.

CHAIRPERSON SALADINO: 2017.

MEMBER GORDON: June of

'17 minutes is what I have.

CHAIRPERSON SALADINO: That

multi-family dwellings were not a permitted use in the Commercial Retail District. There's a question about the property.

Well, will it be a multi-family dwelling because, you know,

there's three buildings -- there's

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three improvements on one tax map lot. So I'm of the belief that it would constitute a multi-family dwelling.

MR. BROWN: If I may? We were advised by the building inspector that it was three buildings. In which case, this would be a two-family.

MR. CARLOS: He came out to the property, did an inspection of the property. I have photos here that show --

CHAIRPERSON SALADINO: Well, I have the property code.

MR. CARLOS: -- before we did the renovation in 1997.

CHAIRPERSON SALADINO: I have the property card. The building inspector, in my opinion, wasn't qualified to make that decision. He didn't know about -- I even asked him, I said, you got a property card? You see separate

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deeds for each improvement? You

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know it's one tax map number? He

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didn't have an even to any of

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them. He was told that

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traditionally it's been three

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buildings and he went by that.

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So, as far as the building

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inspector making a determination

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-- and everybody here makes a

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mistake. He doesn't speak in (in

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audible). He can make mistake as

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we all do, which I do often.

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But I was curious. So I went

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and got a property card and it

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shows the improvements on the

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property. There's many things on

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the property card that common

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sense would tell you that to put

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two apartments above the one story

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improvement that's there, that

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would constitute a multi family

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because -- and this should be at a

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public hearing, but just to give a

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heads up with the application.

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The property card shows a building to the rear, a two story -- a three-story building with two stores. And it shows the building to the south, two story -- three stories.

MR. CARLOS: Uh-huh.

CHAIRPERSON SALADINO: And a building behind that, two stories. And a one story 15 by 52-foot building to the north. According to the property card, the building -- the 19 by 52 building is the principal building on the property.

The 22 by 19 foot building to the rear of that, the two-story building, according to the property card, is a building. So that's two buildings.

The 15 by 52 foot building that you proposed to build these two floors over is listed as a garage, as an accessory building. To be

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an accessory building, it has to

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be accessory to a principal

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building.

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MR. CARLOS: I have photos.

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CHAIRPERSON SALADINO: This

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is your property card.

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MR. CARLOS: I have photos

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showing that it wasn't a garage

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before we did the renovation. I

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can tell you that. It was a

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hardware store.

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CHAIRPERSON SALADINO: This

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is your property card. If we're

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going to go by the property card

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and you say, well, property card

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says three buildings, we have to

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go by the property card for

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everything. So that's my -- when

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you did the renovation -- also on

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the property card, without getting

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into too much detail. We can take

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it up when this application comes

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in front of us, but on the

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property card, also, it says that

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all the assessments are merged.

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The three assessments are merged, which I don't know if it's a legal thing, but a common sense would tell me, a common sense thing would tell me, if they merge the assessments and this building is considered an accessory building and these are -- this is a principal buildings, that that becomes part of that building and there's already two apartments in that building. And two plus two equals four and that equals multi-family in my mind.

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But, again, these are the concerns that I have. I'm not sure any of the concerns the members have. You asked me to share my concerns with you.

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MR. CARLOS: I appreciate that.

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CHAIRPERSON SALADINO: I don't know if I stepped outside

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the lines here by doing that, if I

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have to recuse myself for the next

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meeting for doing that, but since

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you asked, I told you.

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So -- and there's one or two

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other things, you know, that I

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would make a point of. So -- and

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I have to add, just out of

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curiosity, Rob, I have to ask you

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since you submitted this

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application. Where did you get

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this application? This is --

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MR. BROWN: The form?

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CHAIRPERSON SALADINO: Yes,

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Zoning Board of Appeals --

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MR. BROWN: Online.

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CHAIRPERSON SALADINO: Is

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this our current application? Is

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this the application?

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SECRETARY NOONE: Let me take

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a look.

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CHAIRPERSON SALADINO: Also,

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it says that you have to use an

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application supplied by the

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Village. If you got this
online --

MR. BROWN: I got it online.

CHAIRPERSON SALADINO: It's
wrong.

MEMBER NYCE: How long ago?

MR. BROWN: Six months, eight
months.

SECRETARY NOONE: This looks
likes one of our older
applications, but I have to check
online.

CHAIRPERSON SALADINO: So --
well, there's a lot of stuff
that's missing on this application.

SECRETARY NOONE: When it was
submitted, nobody said, this is
the wrong application.

CHAIRPERSON SALADINO: I said
-- I'm willing to admit I make
mistakes.

MR. BROWN: I'm not
suggesting it was you.

CHAIRPERSON SALADINO: No,

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no, I'm willing admit I make
mistakes all the time. So I have
to assume that since I'm not
perfect, nobody's perfect; other
people make mistakes too.

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MR. BROWN: And that's fine.

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I make a ton of mistakes.

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CHAIRPERSON SALADINO: I'm

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just that this application --

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MR. BROWN: I just have to

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know how to correct them.

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CHAIRPERSON SALADINO: Well,

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this application it has to be an

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application on a form used by the

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Village. This is in my -- listen,

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also if what we're discussing here

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turns out to be fruitful, which I

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believe it is, we're talking

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something other than an area

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variance. We're talking a use

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variance, which would be an entire

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different form also.

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MR. BROWN: Sure.

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CHAIRPERSON SALADINO: So

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that would be what I'm looking for. And I'm not prepared to change my mind about it unless somebody in authority can convince me I'm wrong.

But, again, I'm only one vote. You know, there's four free thinkers other than under me. So I'm not saying anything will come of this. These are my concerns.

MR. CARLOS: So besides the property card, is there anything that would convince you otherwise that it certainly isn't an accessory building and it never was? You know, we did the project back in '97. It was --

CHAIRPERSON SALADINO: Well, the property card is from the 60's.

MR. CARLOS: It was a hardware store, so I can't -- I wouldn't classify that as a garage. So I'm trying to

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understand, you know, where your
thought process is.

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CHAIRPERSON SALADINO: My

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thought process is, this is an

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official document from Southold

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Town and I'm just reading it.

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MR. CARLOS: I get that. But

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I'm saying is besides that, you

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know --

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CHAIRPERSON SALADINO: Well,

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because --

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MR. CARLOS: What are the

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next steps in terms of like, we'll

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meet with planning. Is there any

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way we can get input from the

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Zoning Board so that we can

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properly --

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CHAIRPERSON SALADINO: Well,

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because that's a change --

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MR. CARLOS: -- concerns.

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CHAIRPERSON SALADINO: You

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changed the use. Because you

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changed the use, doesn't change it

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from what it's listed here on the

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property card. It's being taxed

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as a garage, not as a luggage

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store.

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You know, so we have to go -- I

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have to go by what's on this card.

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Is it an improvement? Yeah, it's

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an improvement. Is the building

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to the rear an improvement? But

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in my mind also is it's one tax

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lot. It's a 3,200 square foot lot

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and you maxed out at 98 or

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98 percent.

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MR. CARLOS: As is every

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building in the Village.

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CHAIRPERSON SALADINO: That's

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not entirely true.

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MR. CARLOS: Most.

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CHAIRPERSON SALADINO: Just

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for the sake of this conversation,

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let's say you're maxed out. So,

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again, sometimes we have to go by

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the law. That's why we hire a

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smart guy like Brian to be here.

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Sometimes we have to use our

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common sense.

My dad used to say if there was a school for common sense, they would close down all the other schools, but you wouldn't want a guy that went to the common sense school setting -- changing your liver or doing something like that.

So we look at things -- we look at things as it's stated in the law and as what makes sense, but we can't add or subtract to the code. There's a process that we have to follow. Where we can deviate from where opinion matters is when it comes to the decision. The process is the process. The code is the code. We can't add words to the code. We can't subtract words to the code. We can adjudicate the case based on the code and then where we have latitude is our decisions and that

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decision is expressed in our vote.

MR. BROWN: Question.

CHAIRPERSON SALADINO: I was on a little rant there, I'm sorry.

MR. BROWN: That's all right. Question. Where do I find the proper documents to fill out?

CHAIRPERSON SALADINO: That's a building department question.

SECRETARY NOONE: The proper application should be online. I'll double check and see what's online. Whatever document's online right now has been online since I got to the Village. So if your application is the same application --

MR. BROWN: That's the only place I could have gotten it is from online.

SECRETARY NOONE: I'll have to take a look.

CHAIRPERSON SALADINO: Does anyone else? You guys anything

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else?

MR. CARLOS: Is there any other input that you can provide?

CHAIRPERSON SALADINO: I'll ask the members.

MEMBER NYCE: Just for my own clarification.

MR. CARLOS: Sure.

MEMBER NYCE: In order for this to progress forward, it appears to me that the application that you have and had done with the Planning Board needs to be complete first. Everything else gets triggered from that; is that correct?

SECRETARY NOONE: Another submission. A whole separate formal site plan application goes be submitted.

MEMBER NYCE: So most of the stuff that's going to come up will come up as they accept your application and then recommend

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where it has to go from there for
the different processes, right?

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So they're the ones that are
going to initially determine what
the use of the building is, maybe
what use is going to be moving
forward. You know, they're taking
Lead Agency on all of this stuff.

So then they're going to then
recommend that it go to the
Historic Preservation or to us and
then the process will work its way
through. So I think it's just,
this -- my understanding, John,
correct, but this is premature
here because --

MR. CARLOS: We understand
that.

MEMBER NYCE: I get your
point, Rob, that you have all the
stuff. All of the stuff that you
already collected is your final
submission. It just, I guess, it
didn't get to that step and back

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to the Planning Board, and I guess that's where it needs to get next.

SECRETARY NOONE: It's a whole separate -- it's a whole new separate new site plan application, a whole -- the whole things done over including what was requested in the presubmission conference report.

MR. BROWN: And that was submitted.

VILLAGE ATTORNEY STOLLAR: Right, but the short answer, Dave, is yes.

MEMBER NYCE: Okay. So you do have a way forward and for what it's worth, you know, we feel bad that you're here inappropriately.

MR. CARLOS: I feel bad.

AUDIENCE MEMBER: And past my bedtime.

CHAIRPERSON SALADINO: Stop it.

MEMBER NYCE: Really?

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CHAIRPERSON SALADINO: He

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looks like his next stop is

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Andy's.

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MR. BROWN: Whiskey wings.

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CHAIRPERSON SALADINO: You

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guys done?

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MR. CARLOS: I'm done.

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MR. BROWN: If you're done,

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we're done.

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CHAIRPERSON SALADINO: We

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were done a little while ago, as

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long as you know. I'm going to

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make a motion. When you guys sit

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down.

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I'm going to make a motion

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that -- I'm searching for the

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words to not --

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VILLAGE ATTORNEY STOLLAR:

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Hold this in abeyance?

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CHAIRPERSON SALADINO: Yeah,

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is that it?

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VILLAGE ATTORNEY STOLLAR: I

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think that's where you're going.

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CHAIRPERSON SALADINO: Table?

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I'm going to make a motion that we hold this application for 140 Main Street in abeyance until such time we get an application -- until such time going forward.

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MEMBER GORDON: A correct application.

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CHAIRPERSON SALADINO: So moved.

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MEMBER NYCE: Second.

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CHAIRPERSON SALADINO: All in favor?

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MEMBER REARDON: Aye.

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MEMBER NYCE: Aye.

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MEMBER GORDON: Aye.

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MEMBER KAUFMAN: Aye.

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CHAIRPERSON SALADINO: And I'll vote aye.

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MR. BROWN: Thank you for

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your time.

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CHAIRPERSON SALADINO: Anyone

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else from the public that would

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like to speak before we adjourn?

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Planning Board members? Anybody?

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MEMBER REARDON: I would.

CHAIRPERSON SALADINO: Wait a second. You're not the public. Anybody? Anybody? Anybody else from the public? I really am on the pay me no mind list.

VILLAGE ATTORNEY STOLLAR:
Moving forward.

CHAIRPERSON SALADINO: Jack, would like to say something?

MEMBER REARDON: They're not interested. I was going to speak to them, but...

CHAIRPERSON SALADINO: Guys, can you wait one second? Guys? Guys? Folks? Members of the public, can you give me just one second? There's a member here that would like to say something.

MEMBER REARDON: My name is Jack Reardon and I would like to express my frustration for you because I too am a regular dude and I don't have the best

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interpretation when I go to

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technical writing or when I go to

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a Village Hall or a Town Hall and

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often times I find myself in a

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very similar conundrum.

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And not that this is going to

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make the process any better and

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not that I really exude empathy,

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but I feel for you guys and I feel

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like a meting on Thursday with the

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attorney should help expedite

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whatever needs to be done to get

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you to planning and to us as quick

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as possible, and I hope it does

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happen.

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And, you know, I can't speak for

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my colleagues, but I would like to

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say as a member of this Board, I'm

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sorry that you're here and, you

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know, you wasted three hours of

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your night, let alone all the

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spinning of the wheels that could

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have been going on up to this

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point.

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I understand how valuable time
is. I'm not going to take anymore
of your valuable time, I'm sorry.

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But from my perspective, I would
have liked to have stamped it and

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have you out the door. So good

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luck. I'm not saying it's going

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to pass. I'm must saying good

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luck.

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MR. BROWN: Thank you.

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VILLAGE ATTORNEY STOLLAR:

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And just in terms on timing on

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Thursday, check -- call the

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Village Hall staff in the morning,

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I'll give them a sense as to what

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time I should be arriving and they

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can let you know.

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MR. BROWN: We'll see you

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then.

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CHAIRPERSON SALADINO:

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Obviously, you want to talk to the

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attorney and you want to talk to

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the representative of the building

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department. I wouldn't get bagged

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down with talking to the head of

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the marina or the head of the

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waste water treatment plant.

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I'm being serious. The only

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people that I would speak to are

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people that can give you the

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correct information and progress

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your application. And if the

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chairman of the Planning Board was

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available, she would be like one

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of the perfect people to have

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been, but I don't know her

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schedule.

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Having said all that, having

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said all that and not wanting to

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put her on the spot, is there

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anyone else from the public that

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would like to speak?

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That's item number 8, any other

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Zoning Board of Appeals business

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that might properly come before

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this Board? Anyone like to speak?

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(No response.)

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CHAIRPERSON SALADINO: No?

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No? Guy in the back, there? You
guys, no?

All right, Item Number 9 is the
motion to adjourn. So moved.

MEMBER NYCE: Second.

CHAIRPERSON SALADINO: All in
favor?

MEMBER REARDON: Aye.

MEMBER NYCE: Aye.

MEMBER GORDON: Aye.

MEMBER KAUFMAN: Aye.

CHAIRPERSON SALADINO: And
I'll vote aye. Thank you folks.
Thanks for coming.

(Whereupon, the meeting
concluded at 7:47 p.m.)

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

I, REBECCA WOOD, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

THAT the above and foregoing contains a true and correct transcription of the proceedings.

I further certify that I am not related, either by blood or marriage, to any of the parties in this action; and

THAT I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of December, 2024.

REBECCA WOOD