

1 VILLAGE OF GREENPORT  
 2 COUNTY OF SUFFOLK : STATE OF NEW YORK  
 3 -----x  
 4 ZONING BOARD OF APPEALS  
 5 REGULAR SESSION  
 6 -----x

7 Station One Firehouse  
 8 3rd & South Streets  
 9 Greenport, NY, 11944  
 10  
 11 December 17, 2024  
 12 6:00 p.m.

13 B E F O R E:

- 14 JOHN SALADINO - CHAIRMAN
- 15 DINNI GORDON - MEMBER
- 16 SETH KAUFMAN - MEMBER
- 17 JACK REARDON - MEMBER
- 18 DAVID NYCE - MEMBER

19 \*\*\*\*\*

20 ALSO IN ATTENDANCE:

- 21 BRIAN STOLAR - ZONING BOARD ATTORNEY
- 22 MICHAEL NOONE - CLERK TO THE BOARD

23  
 24  
 25

1           CHAIRMAN SALADINO:  It's  
2           approximately 6:03.  This is the  
3           Village of Greenport Zoning Board of  
4           Appeals regular meeting.

5           Item number 1 is a motion to  
6           accept the minutes of the November 19,  
7           2024 Zoning Board of Appeals meeting.  
8           So moved.

9           MEMBER NYCE:  Second.

10          CHAIRMAN SALADINO:  All in favor?  
11          (Aye said in unison.)

12          CHAIRMAN SALADINO:  And I vote  
13          aye.

14          Item number 2 is a motion to  
15          schedule the next Zoning Board of  
16          Appeals meeting for January 21, 2025 at  
17          6:00 p.m. at the Station One Firehouse,  
18          Third and South Streets, Greenport, New  
19          York 11944.  So moved.

20          MEMBER GORDON:  Second.

21          CHAIRMAN SALADINO:  All in favor?  
22          (Aye said in unison.)

23          CHAIRMAN SALADINO:  And I'll vote  
24          aye.

25          Folks, for the people that are

1 following the agenda, we're going to go  
2 out of turn. We're going to take item  
3 number 5 first, which will be 320  
4 Carpenter Street. This is a public  
5 hearing regarding the application of  
6 Ruth Weisshahn.

7 Applicant proposes to build a 10  
8 by 14 carport in the front yard. The  
9 necessary relief is listed on the  
10 agenda. The Suffolk County Tax Map --  
11 oh, this property is in the R2, it's  
12 also in the Historic District, and the  
13 Suffolk County Tax Map Number is  
14 1001-5-2-10.

15 *(Mailings: Andrew Auriohio, P.O.*  
16 *Box 2104, Greenport, New York 11944;*  
17 *Helene Hubbard, 176 Central Avenue,*  
18 *Greenport, New York 11944; Ludacer*  
19 *McFadden, 620 Platt Drive, Orient, New*  
20 *York 11957; Susannah Leete, 215 Park*  
21 *Row, Apartment 3E, New York, New York,*  
22 *10038; Judith Kirpatrick, 175 Central*  
23 *Avenue, Greenport, New York 11944;*  
24 *Sofie Elkin, 4988 West Lake Road,*  
25 *Geneva, New York 14456; Main and*

1           *Central Realty, 2760 Yennecott Drive,*  
2           *Southold, New York 11971; Frances*  
3           *Walton, 171 Central Avenue, Greenport,*  
4           *New York 11944.)*

5           CHAIRMAN SALADINO: Is the  
6           applicant here?

7           MS. SHANK: Yes.

8           CHAIRMAN SALADINO: Name and  
9           address for the stenographer, please.

10          MS. SHANK: Ruth Shank, 320  
11          Carpenter Street.

12          CHAIRMAN SALADINO: Is there  
13          something you would like to tell us  
14          about this driveway?

15          MS. SHANK: Well, I want to put up  
16          a carport on my property. It's  
17          actually -- I know it says it's in the  
18          front yard, but really it's what I call  
19          the side yard. I know technically I'm  
20          on the corner, so it is the front yard.  
21          It is 10 by 14. It's going to have a  
22          standing seam roof to match the wood  
23          shingles. It's going to protect my car  
24          from the birds and some snow and  
25          weather.

1           Other than that, the other part of  
2           the driveway, which is also -- I'm  
3           removing the black top, and I want to  
4           use what's left, turn that -- I hate to  
5           even say it, a garden, more flowers.

6           CHAIRMAN SALADINO: This Zoning  
7           Board is in favor of flowers, so you  
8           don't have to be embarrassed.

9           MS. SHANK: Just that I already  
10          can't take care of what I have, so.  
11          And I'm going to try to keep it in the  
12          character of the house, proportions,  
13          design, function and form.

14          Did you have any questions?

15          CHAIRMAN SALADINO: I'm going to  
16          ask the members.

17          MEMBER GORDON: I have one  
18          question, which is I saw that you have  
19          a small car, and it will fit nicely  
20          under what is planned. Have you  
21          contemplated the possibility that  
22          either you or a future owner would have  
23          a larger car and will it fit under this  
24          proposed -- a larger car?

25          MS. SHANK: First of all, that

1 would be their problem. If I sell my  
2 house and they don't like it, then it  
3 comes down. And I've had three cars,  
4 all the same size, so I'm not planning  
5 on getting a larger car. So yes, I'm  
6 sure my son who has a giant jeep is  
7 going to be disappointed but, you know,  
8 it's my house, so.

9 CHAIRMAN SALADINO: Good answer.  
10 Good answer.

11 Seth, any questions?

12 MEMBER KAUFMAN: No.

13 CHAIRMAN SALADINO: Jack?

14 MEMBER REARDON: I have no  
15 questions.

16 CHAIRMAN SALADINO: David?

17 MEMBER NYCE: No.

18 CHAIRMAN SALADINO: Thank you.

19 MS. SHANK: Thank you.

20 CHAIRMAN SALADINO: Is there  
21 anyone else from the public that would  
22 like to speak on this application?

23 Name and address for the  
24 stenographer.

25 MS. KREHLING: Lorraine

1           Kreahling, 157 Central. I live down  
2           the street from Ruth, and she doesn't  
3           have any trouble taking care of all the  
4           garden that she has. I want to go on  
5           the record as that.

6                     Also, everything that she does is  
7           in such superb taste that no matter  
8           what she says she might be doing, you  
9           can be sure it will be within the  
10          realms of good taste in our Historic  
11          District.

12                    CHAIRMAN SALADINO: Thank you.

13                    Just for the public, this Board  
14          deals in land use, so historic and  
15          architectural and sometimes taste  
16          doesn't come into -- I'm sure the  
17          Historic Board will -- this is in the  
18          Historic District, so you will have to  
19          go to the Historic Board.

20                    MS. SHANK: Yes.

21                    CHAIRMAN SALADINO: Is there  
22          anyone else from the public that would  
23          like to speak? If not, I'm going to  
24          make a motion we close this public  
25          hearing.

1 MEMBER NYCE: Second.

2 CHAIRMAN SALADINO: All in favor?

3 (Aye said in unison.)

4 CHAIRMAN SALADINO: And I'll vote  
5 aye. This is going to come up in a few  
6 minutes for discussion and vote. We're  
7 going to have to go through this other  
8 stuff first.

9 Item number 4 on this agenda will  
10 be 151 Central Avenue. This is a  
11 public hearing regarding the  
12 application of Jake LaChapelle --

13 MR. LaCHAPELLE: That's me.

14 THE COURT: On behalf of Danny  
15 Sanchez.

16 Applicant proposes renovation of  
17 an existing two-story house. The  
18 relief requested is listed on the  
19 agenda.

20 Did I read the wrong -- I read the  
21 wrong -- this property is in the R2,  
22 One and Two Family District, it's also  
23 in the Historic District, and the  
24 Suffolk County Tax Map Number is  
25 1001-5-2-4.



1 I want to make an addition -- a  
2 correction to the record. When I read  
3 the Suffolk County Tax Map Number for  
4 320 Carpenter Street --

5 MEMBER NYCE: You had it correct,  
6 1001-5-2-10.

7 CHAIRMAN SALADINO: No, the  
8 Suffolk County Tax Map Number is -- for  
9 Carpenter Street is that 5-2-10. I'm  
10 going to cite it, I'm going to mention  
11 it, the Suffolk County Tax Map Number  
12 for 320 Carpenter Street is  
13 1001-5-2-10. And if I got it wrong,  
14 I'm kind of hoping the stenographer  
15 will make that correction for me.  
16 Thank you.

17 MEMBER GORDON: That's certainly  
18 what it says on the agenda.

19 CHAIRMAN SALADINO: I'm just  
20 thinking I read it in the wrong place  
21 because we moved -- because we went out  
22 of turn. I'm sorry, go ahead.

23 *(Mailings: Christopher Lanzaro, 2*  
24 *Courtyard Circle, Centerport, New York*  
25 *11721; 130 Bay Avenue Property LLC,*

1 P.O. Box 558, Sagaponack, New York  
2 11962; Lorraine Kreamling/Ronald Fried,  
3 12 86th Street, Apartment 537, New  
4 York, New York 10028; Joseph Henry, 421  
5 First Street, Greenport, New York,  
6 11944; Diane Matousek, 904 Old Oak  
7 Road, Baltimore, Maryland 21212; Daniel  
8 Hulsebosch/Monica Velez, 99 Jane  
9 Street, Apartment 7E, New York, New  
10 York 10014; Richard Walker, P.O. Box  
11 1321, Southold, New York 11971; Cameron  
12 Brien/Margaret Harwood, 157 W 74th  
13 Street, PH, New York, New York 10023;  
14 Dennis Chalkin/Hillary Kelbick, 161  
15 Central Avenue, Greenport, New York  
16 11944; Judith Sone-Innamorato, 4 Valley  
17 Road, Syosset, New York 11791; Tomasz  
18 Baumiller/Marta Baumiller, 977 Main  
19 Street, Riverhead, New York 11901.)

20 MR. LaCHAPELLE: Jake LaChapelle,  
21 1870 Ole Jule, O-L-E, J-U-L-E, Lane in  
22 Mattituck.

23 As the chair mentioned, this is an  
24 application for an area variance at 151  
25 Central Avenue. The existing house is

1 a timber frame two-story residence with  
2 full basement. The house was built in  
3 1870 or thereabouts. The configuration  
4 wasn't in conformance with the future  
5 front and side yard setback  
6 requirements, so we're requesting  
7 relief from those in addition to the  
8 lot coverage.

9 The proposed work includes  
10 rehabilitation of a historic home and  
11 an addition to it. A one-story kitchen  
12 addition with crawl space was added to  
13 the rear at some point along with an  
14 attached one-story garage and a rear  
15 deck. The non-historic first floor  
16 kitchen is poorly constructed and in  
17 poor condition, we're proposing to  
18 demolish it and rebuild it. Our new  
19 first floor will have a contemporary  
20 kitchen and a new foundation will  
21 provide a sufficient support for a  
22 second floor above it.

23 Of course, the house didn't  
24 originally have the bathroom on the  
25 second floor, so when one was added it

1 was too small. They made the bedrooms  
2 very small, and it's the cause of an  
3 insufficiently wide 23 and a quarter  
4 inch second floor hallway. The new  
5 second floor will fit adequately sized  
6 bedrooms, egress, and bathrooms.

7 The non-historic garage is  
8 proposed to be demolished and not  
9 replaced. A new at-grade patio is  
10 proposed to replace the existing back  
11 deck. This change, as I think the  
12 Board knows, was made after the  
13 previous meeting and then after talking  
14 to neighbors, and edited drawings to  
15 the Board show that change. And then a  
16 12 by 12 garden shed is proposed to the  
17 rear yard.

18 The total lot coverage is 34.3  
19 percent right now over the allowed, and  
20 by taking out that garage we're  
21 reducing it to 31.7 percent.

22 That's -- those are the numbers.  
23 If you have any questions, please feel  
24 free to ask.

25 CHAIRMAN SALADINO: The first

1           thing I would thank you for the  
2           at-grade deck. That would take  
3           something off our plate. Also, we  
4           spoke at the site and the pergola that  
5           you propose for the deck you are going  
6           to set back from the property line.

7           MR. LaCHAPELLE: The five feet.

8           CHAIRMAN SALADINO: Five feet?

9           MR. LaCHAPELLE: That's correct.

10          CHAIRMAN SALADINO: Okay. And I  
11          don't have anything. Do the members  
12          have any questions for the applicant?

13          MEMBER REARDON: Only thing I saw  
14          is I don't see any specific information  
15          as to what John was saying regarding  
16          the pergola. I just don't see it on  
17          the plans, let alone its offset of five  
18          feet, so I don't know if you're going  
19          to -- there's going to have to be a  
20          plan for the guys to build this, so I  
21          would just request that five foot  
22          setback that was on the plan so there's  
23          no question about that.

24          CHAIRMAN SALADINO: We can  
25          condition it when we make --

1           MEMBER REARDON: I'm sure it will  
2           be in the plan.

3           MR. LaCHAPELLE: That's  
4           acceptable, that's fine.

5           CHAIRMAN SALADINO: David,  
6           anything?

7           MEMBER NYCE: No.

8           CHAIRMAN SALADINO: Seth?

9           MEMBER KAUFMAN: No.

10          CHAIRMAN SALADINO: Diana?

11          MEMBER GORDON: No. The garden  
12          shed is five feet also?

13          CHAIRMAN SALADINO: The garden  
14          shed I'm thinking is as of right. That  
15          will be between the applicant and the  
16          Building Department.

17          MEMBER KAUFMAN: It doesn't  
18          involve us.

19          CHAIRMAN SALADINO: If no one has  
20          anymore questions, thank you.

21          MR. LaCHAPELLE: Thank you.

22          CHAIRMAN SALADINO: Is there  
23          anyone from the public that would like  
24          to speak on this application?

25          Name and address for the

1 stenographer.

2 MS. KREAHLING: Lorraine  
3 Krehling, 157 Central. I live next  
4 door. I really appreciate how open  
5 Jake and Danny have been with the  
6 neighbors, talking about the full idea  
7 of their plans. We're not surprised  
8 that they want to put on a second  
9 story, and it will block light, but you  
10 know -- I know this is only about  
11 zoning, but it is true that our other  
12 neighbor Dan on the other side and I  
13 both share concerns about the fact that  
14 there will be an infringement on our  
15 property because they're going to be  
16 working on our property because they're  
17 tearing down things that are on the  
18 property line. And we just want to --  
19 but Jake has assured us that he will  
20 let us know ahead of time whether  
21 that's going to happen and --

22 (Whereupon, the proceedings were  
23 interrupted by the fire whistle.)

24 MS. KREAHLING: So I just wanted  
25 to say, and they're well aware and it's

1 in the full plan about the concern with  
2 asbestos shingles, so that's also --  
3 the garage is actually covered in them,  
4 which is what saved it when our house  
5 burned down. So they have been very  
6 clear that they will take care of this  
7 adequately. It does have something to  
8 do with property lines in this case,  
9 since it will be coming onto our  
10 property. So I just wanted to go on  
11 the record as mentioning that and  
12 making sure that there's follow-up on  
13 that by the Town. But otherwise, you  
14 know, it seems like a very reasonable  
15 plan. They're not really expanding the  
16 size. These are the way these lots are  
17 laid out, and we are all close to each  
18 other, so we have to get along. So  
19 we're happy to have Danny as a new  
20 neighbor.

21 CHAIRMAN SALADINO: Thank you.  
22 Just to add to the record, the concern  
23 about construction on the property line  
24 and containment of the possible  
25 asbestos, that's a Building Department



1 issue.

2 ATTORNEY STOLAR: Correct, yeah.

3 CHAIRMAN SALADINO: We don't have  
4 to -- Mike is here, he'll make the  
5 Building Inspector aware of those  
6 concerns.

7 CLERK NOONE: I'll pass them along  
8 to --

9 CHAIRMAN SALADINO: So we don't  
10 have to condition that in anything we  
11 do?

12 ATTORNEY STOLAR: Correct, yes.

13 CHAIRMAN SALADINO: Okay. Is  
14 there anyone else from the public that  
15 would like to speak on this  
16 application? No.

17 Just for the public, I have the  
18 mailings here of who was notified for  
19 the previous application and who was  
20 notified for this application. The  
21 stenographer has them, they're part of  
22 the public record. If anybody maybe in  
23 the back there wants, I will read them,  
24 but if not, we can kind of move on. No  
25 one back there? No. Okay.

1 I'm going to make a motion we  
2 close this public hearing.

3 MEMBER NYCE: Second.

4 CHAIRMAN SALADINO: All in favor?

5 (Aye said in unison.)

6 CHAIRMAN SALADINO: And I'll vote  
7 aye.

8 Item number 5 on this agenda is  
9 746 Main Street. This is a public  
10 hearing regarding the application of  
11 Jennifer DelVaglio on behalf of Wayne  
12 Turett. Applicant proposes  
13 construction of a 46 by 7 and a half  
14 foot in-ground vinyl pool. The relief  
15 requested is on the agenda.

16 This property is in R-1, One  
17 Family Residential District, it's also  
18 in the Historic District, and the  
19 Suffolk County Tax Map Number is  
20 1001-2-3-8.2.

21 (Mailings: Milton Jaimes & Mark  
22 Marland, 5303 Deer Creek, Boulder, CO  
23 80301; Carlos & Patricia DeJesus, 754  
24 Main Street, Greenport, New York 11944;  
25 Andrew Derr & Sonja Reinholt, 301 Manor

1           *Place, Greenport, New York 11944;*  
2           *Protestant Episcopal Church, P.O. Box*  
3           *502, Greenport, New York 11944; ELI*  
4           *Hospital, Attn: Admin, 201 Manor Place,*  
5           *Greenport, New York 11944; Townsend*  
6           *Manor Inn, 714 Main Street, Greenport,*  
7           *New York 11944; Samuel Sifton &*  
8           *Christina Fallon, 750 Main Street,*  
9           *Greenport, New York 11944.)*

10           CHAIRMAN SALADINO: Name and  
11           address for the stenographer, please.

12           MS. DEL VAGLIO: Jennifer  
13           DelVaglio, 4045 Bridge Lane in  
14           Cutchogue, New York. And this is  
15           Wayne.

16           MR. TURETT: Wayne Turett, 746  
17           Main Street.

18           CLERK NOONE: John, for the  
19           record, could you just mention  
20           something about the address issue.

21           CHAIRMAN SALADINO: I'm going to.

22           MS. DEL VAGLIO: So we're here  
23           before you tonight requesting for a  
24           side yard variance for a lap pool. And  
25           we understand that it's a kind of big

1 request for the Zoning Board to  
2 consider being that the code states  
3 that the pool is to be in the backyard,  
4 but we wouldn't have a Zoning Board if  
5 there wasn't relief requested on  
6 occasion. So we're asking for it to be  
7 in the side yard because, number one,  
8 the house does shed quite a bit of  
9 light onto -- I mean, quite a bit of  
10 shade onto the pool area if it were to  
11 be in the rear yard. We'd also like to  
12 make note that there is a hotel right  
13 next door to the southeast property  
14 line, so it's a big asphalt parking  
15 lot. There wouldn't be any  
16 interruption for any neighbors.

17 This pool is to be primarily used  
18 for health and wellness. Wayne and  
19 Jessica take their health very  
20 seriously, and they do a lot of  
21 swimming at both residences they have.  
22 They're very into outdoor activities,  
23 and the pool would just enhance, you  
24 know, their physical fitness.

25 The pool, I think, should also be

1 kind of taken into consideration on a  
2 separate note because, you know, when  
3 we're doing zoning requests, a swimming  
4 pool I think offers multiple things.  
5 Not only does it offer the health and  
6 wellness benefit, but it also will  
7 reduce any oversizing of structures on  
8 properties too, which I think is a kind  
9 of important detail when considering  
10 all of the expansion that's happening  
11 within the Village now.

12 I think I'm going to let Wayne  
13 weigh in and add a few things to the  
14 conversation, and then I'll open it up  
15 to the Board.

16 CHAIRMAN SALADINO: Before Wayne,  
17 so you're suggesting if the relief for  
18 the pool is -- so to grant relief for  
19 the pool, that would limit further  
20 construction on the property; is that  
21 part of your narrative?

22 MS. DEL VAGLIO: No, my narrative  
23 is for consideration overall, not just  
24 this property. I think that pools  
25 should be considered an asset to the

1 Village because it will reduce  
2 oversized structures on lots.

3 CHAIRMAN SALADINO: I've never  
4 heard that before.

5 MR. TURETT: That was spoken by a  
6 real pool manufacturer and installer.

7 I would just like to just state  
8 that in my opinion my lot is kind of  
9 unique in the Village. As we were  
10 talking about at the last applicant  
11 where the houses are really close  
12 together, the idea of having a pool on  
13 a side yard, I imagine from a zoning  
14 perspective had to do with, you know,  
15 trying not to disturb the neighbors.  
16 In my particular case, I built on a lot  
17 that was part of a whole lot. In other  
18 words, when I bought the lot, it was  
19 divided from the front house. So I  
20 have a shared driveway, and I'm way in  
21 the back. Where I want to put the  
22 pool, which is part of the deck, so in  
23 other words, it would be level with the  
24 deck so it's partially in-ground, where  
25 I want to put the deck, it's adjacent

1 to a parking lot. It's adjacent to a  
2 parking lot and further from the  
3 parking lot is the Townsend Manor pool.  
4 By the way, I asked Scott if I could  
5 pay to use his pool and he says no. So  
6 we're building a pool hopefully. I do  
7 think that the fact that this is a  
8 unique situation in the Village, I hope  
9 that you can consider that this might  
10 be a worthwhile exception. I  
11 understand why you maybe not want to  
12 make an exception, but in this case I  
13 think that it really wouldn't disturb  
14 anybody. As a matter of fact, the  
15 parking lot on Townsend Manor would be  
16 more of a disturbance to me, but I  
17 bought into this, so I'm fine with it.

18 Also, the pool is a narrow pool.  
19 It's 7 feet wide by 46 feet, and so it  
20 really literally is only for swimming  
21 laps. There won't be any volleyballs  
22 or anything like that happening in that  
23 pool. So I respectfully ask to get the  
24 variance for the pool. Thank you.

25 CHAIRMAN SALADINO: Thank you. Do

1 any of the members have any questions  
2 for the applicant before we --

3 MEMBER REARDON: I'll throw this  
4 out there, if I might. Today looking  
5 at everything and getting elevations,  
6 you had mentioned that the pool was  
7 going to be at the same elevation as  
8 the top of the deck, right?

9 MR. TURETT: Right.

10 MEMBER REARDON: And if you were  
11 to project that line south to the  
12 property line of Townsend Manor, what  
13 would that give you between that line  
14 and the top of your fence?

15 MR. TURETT: So I don't have the  
16 exact number, but I think it's  
17 somewhere in the 30 inch plus range.

18 MEMBER REARDON: Thank you.  
19 That's kind of what I had in mind. You  
20 understood the question, I appreciate  
21 that.

22 MS. DEL VAGLIO: We're thinking  
23 that the deck existing is 35 inches off  
24 grade, above grade, and then if the  
25 Townsend stockade fence is arguably 54



1 inches, then that's where we're getting  
2 those --

3 MEMBER REARDON: That fence is  
4 yours, right?

5 MR. TURETT: The fence was put  
6 there by Townsend Manor. But the  
7 existing deck is a little less than 30,  
8 so when you project it out it's going  
9 to be --

10 MEMBER REARDON: I get it. Thank  
11 you.

12 MS. DEL VAGLIO: The pool will  
13 have the barrier around it and that  
14 will be on the deck.

15 MR. TURETT: And it will have a  
16 self cover, an automatic cover.

17 MEMBER REARDON: So the barrier,  
18 the railing in essence, is that going  
19 to be glass, or is it opaque in some  
20 way?

21 MR. TURETT: I wasn't thinking of  
22 making it opaque because I was thinking  
23 of making the same grasses that I have  
24 in front there as the barrier, the  
25 original barrier. If I needed to make

1           it opaque, if that's a condition, I can  
2           do that. It's not a big issue for me.

3           MEMBER REARDON: That's it.

4           CHAIRMAN SALADINO: David?

5           MEMBER NYCE: No.

6           MEMBER GORDON: I'm a little  
7           concerned about the provision which  
8           requires a permanent fence or barrier.  
9           I mean, I understand from the  
10          construction of your pool, it won't  
11          have what is contemplated in this  
12          provision. It will have, however, a  
13          closed -- maybe you need to explain a  
14          little more about what the barrier will  
15          be there thinking of protecting  
16          visitors and children.

17          MR. TURETT: So on the Townsend  
18          Manor edge of the pool, the deck is  
19          only like this big (indicating), and  
20          there will be a rail on that deck, and  
21          that rail will go all the way around  
22          the pool -- it's a dotted line on the  
23          plan -- go all the way around the pool,  
24          and it will end at the house on both  
25          sides. So no one will be able to get

1           into that area without pressing down on  
2           a gate. And the three doors from the  
3           rooms on that floor will be alarmed.

4           MS. DEL VAGLIO: It will all be  
5           compliant with the New York State code.

6           MEMBER GORDON: Okay.

7           MR. TURETT: I mean --

8           MEMBER GORDON: I'm dealing with  
9           the text and the text calls for  
10          self-closing, self-latching gate, and  
11          I'm not sure this is what is  
12          contemplated in that language.

13          MR. TURETT: It is.

14          MEMBER GORDON: I understand that  
15          functionally your description -- your  
16          description suggests that you're  
17          reaching the same goal as the  
18          legislation provides.

19          MR. TURETT: It actually will be a  
20          self-closing gate that you have to push  
21          down on to open. It's totally  
22          compliant.

23          MEMBER GORDON: Okay. Thank you.

24          CHAIRMAN SALADINO: Seth?

25          MEMBER KAUFMAN: So I think this

1           came up the last time, but you can put  
2           this pool as of right in the rear yard.

3           MR. TURETT:    Yeah.

4           MEMBER KAUFMAN:   So what happened  
5           to the rear yard?

6           MR. TURETT:    This is -- from my  
7           perspective, it becomes a non-object  
8           when it's part of the deck.  And  
9           frankly, we really don't want it to  
10          become an object.  And so if you put it  
11          in the backyard, it will be your  
12          typical pool, probably fully in-ground,  
13          and a paving around it, just like a  
14          typical pool.  It becomes an object in  
15          the yard, whereas now with the deck,  
16          it's really not an object.

17          MS. DEL VAGLIO:  Also, as I stated  
18          before, if you're on property, it's  
19          very shaded back there if you go right  
20          off the deck.  So this way, the pool  
21          will stay heated, less utilities will  
22          be used to keep it warm.

23          MEMBER KAUFMAN:  Thank you.

24          CHAIRMAN SALADINO:  Okay.

25          MR. TURETT:  Actually just if I

1           could say one more thing.

2           CHAIRMAN SALADINO:    Sure.

3           MR. TURETT:    The fact that it's a  
4           little sliver of a pool makes it even  
5           less of an object as opposed to, you  
6           know, if -- it's not me, I probably  
7           would not do a pool if I had to do it  
8           in the backyard, but if someone was  
9           building a pool in the backyard, they  
10          wouldn't do a 7-foot pool.  They would  
11          do a 15 foot by 40 foot pool, just like  
12          everybody else.  It also takes up a lot  
13          of the backyard whereas if I put it on  
14          the side where the deck is, that side  
15          yard has always just been a passage.  
16          And so it will remain just a passage  
17          that way.

18          CHAIRMAN SALADINO:    Thank you.  We  
19          have a couple of letters and there's a  
20          question about the address that we're  
21          going to have to address, but before we  
22          get to that, I'm going to ask if  
23          there's anyone else from the public  
24          that would like to speak.  If not -- I  
25          saw you fidgeting.

1 MS. KREAHLING: Yeah, I will  
2 speak.

3 Lorraine Kreamling, 157 Central.  
4 I knew nothing about this pool. I hate  
5 pools. But actually, I know this  
6 house, and I understand what he's  
7 doing, and I also know my friend rented  
8 the front house and how noisy the  
9 Townsend Manor is and that they are  
10 putting this in the right place, that  
11 they're not going to bother anyone it  
12 sounds like. And I like the fact that  
13 he's leaving his backyard for more  
14 garden so.

15 CHAIRMAN SALADINO: I don't  
16 remember him saying that.

17 MS. DEL VAGLIO: It's implied.

18 MS. KREAHLING: Shade garden. So  
19 anyway, I'm speaking out from the  
20 public in favor of it.

21 MS. DEL VAGLIO: Thank you.

22 CHAIRMAN SALADINO: Is there  
23 anyone else from the public that would  
24 like to speak? No.

25 I'm going to try to -- I'm not

1           even sure how I'm going to do this.  
2           When this application came in front of  
3           the Zoning Board, it -- the application  
4           had the wrong address on it, and the  
5           Zoning Board takes the application as  
6           it's presented, whatever application we  
7           see on the -- whatever address we see  
8           on the application, we take it for  
9           granted that's the guy that wants  
10          relief. In this case, that didn't  
11          happen.

12                     In talking to the Building  
13          Department, we thought it would be to  
14          everybody's advantage that we just kind  
15          of make a note of it. We're going to  
16          let the attorney weigh in also on this,  
17          and just instead of holding -- instead  
18          of rejecting the application outright,  
19          we thought we would let the process go  
20          forward and --

21                     ATTORNEY STOLAR: As long as the  
22          legal notice and the notice that was  
23          provided to neighbors contains either  
24          the correct address or the correct  
25          section, block, and lot, it's fine.

1           MEMBER GORDON: Can we rewrite the  
2 notice of disapproval? Because the  
3 notice of disapproval -- no? I have  
4 three copies of the notice of  
5 disapproval at different times, and it  
6 doesn't -- and it has the wrong  
7 address. By the way, it also isn't  
8 dated. A notice of disapproval should  
9 be dated. So I just wonder if we can't  
10 rewrite that. I mean, we're talking  
11 this is a line editing change, not a  
12 substantive change.

13           ATTORNEY STOLAR: The notice of  
14 disapproval that I see is signed on  
15 looks like 10/24/24. The date is right  
16 next to the signature. Next to --

17           MEMBER GORDON: Oh, I see, yes,  
18 you're right.

19           ATTORNEY STOLAR: It contains the  
20 wrong address of 749 Main, but it does  
21 identify as I understand the correct  
22 section, block, and lot, so this -- it  
23 can move forward. There's nothing you  
24 would need to do to get to this stage.  
25 The issue and the question would be by



1 virtue of having the incorrect address,  
2 is there a jurisdictional error, but  
3 because the section, block, and lot is  
4 sufficient, you can go forward and  
5 continue processing this.

6 MEMBER GORDON: Okay.

7 CHAIRMAN SALADINO: We all  
8 observed at the property the notice had  
9 the correct address, thank goodness,  
10 and the public notice and the agenda, I  
11 didn't see that being reason enough --  
12 first of all, we didn't know about it  
13 last month, and then when we did find  
14 out to reject the application and start  
15 that process.

16 CLERK NOONE: One of the problems  
17 is that on the tax map, I always check  
18 the tax maps -- rather the Village's  
19 tax rolls, and Mr. Turett's address on  
20 the tax rolls is Main Street, which  
21 many properties will just have Main  
22 Street or Second Street, there will be  
23 no address.

24 CHAIRMAN SALADINO: I think the  
25 safest thing to do here is to throw the

1 representative of the pool company  
2 under the bus.

3 MS. DEL VAGLIO: I'll take it.

4 CHAIRMAN SALADINO: I'm only  
5 kidding. Nobody should be pointed out  
6 here or singled out. I'm positive it  
7 was an honest mistake, it's easily  
8 correctable, and I think that's what  
9 we're going to do here.

10 We do have two letters, I'm going  
11 to ask Mike, Mike, can you read them?  
12 We have two letters from neighbors  
13 about the project.

14 CLERK NOONE: I'll read them in  
15 the order received. The first one was  
16 received December 16th, it's from Don  
17 Wiss, 518 First Street (reading):

18 Please have this read at the  
19 December 17th Zoning meeting. Agenda  
20 item: 746 Main Street. I'm Don Wiss,  
21 my house is at 518 First Street, it is  
22 still under construction. I'm opposed  
23 to any variance for a pool. I don't  
24 want Greenport to be known for its  
25 pools like the Hamptons. There is

1 water all around us. Pools use scarce  
2 water and toxic chemicals. And these  
3 days, people like to heat the water,  
4 which can only be done adequately with  
5 fossil fuels. Not good. Were I  
6 setting policy, there would be no pool  
7 variances at all. All should follow  
8 the pool setback rules. The fewer  
9 pools in the Village, the better.

10 The second one is from Christina  
11 Fallon of 750 Main Street (reading):

12 Dear all, I am writing to express  
13 my support to my neighbor Wayne  
14 Turett's application for a variance to  
15 permit the installation of a lap pool  
16 at his residence. We have owned our  
17 home since 2012 and are lucky to have  
18 Wayne and Jessica next door. They  
19 built their impressive home with true  
20 consideration for the site and their  
21 impact on the environment. I'm certain  
22 they will be as considerate in the  
23 construction -- they will be as  
24 considerate in the construction of the  
25 lap pool. As we adjust to a warming

1 climate and an aging population, pools  
2 will be an important source of fitness  
3 and relief. The proposed design  
4 minimizes energy use in keeping with  
5 the passive house principles of their  
6 home. I enthusiastically support their  
7 proposal, and I hope the Village of  
8 Greenport will approve it. We are  
9 lucky to have a thoughtful,  
10 forward-thinking architect like Wayne  
11 as a member of our community. With  
12 warmest regards.

13 CHAIRMAN SALADINO: Thank you.

14 Before we close the public  
15 hearing, is there anyone else from the  
16 public that would like to speak?  
17 Hearing none, I'm going to make a  
18 motion to close this public hearing.

19 MEMBER KAUFMAN: Second.

20 CHAIRMAN SALADINO: All in favor?

21 (Aye said in unison.)

22 CHAIRMAN SALADINO: And I'll vote  
23 aye.

24 Moving on, we have item number,  
25 I'm guessing, 7. This is 426 Clark

1 Street, this is a motion to accept the  
2 application, schedule a public hearing,  
3 arrange a site visit regarding the  
4 application of Marc Rishe on behalf of  
5 67 Sound Cheshire LP. The applicant  
6 proposes to renovate a single family  
7 residence with existing footprint and  
8 add an additional 203 square foot  
9 second floor. The relief requested is  
10 on the agenda. The property is located  
11 in the R-2, One and Two Family  
12 District, it's not in the Historic  
13 District, and the Suffolk County Tax  
14 Map Number is 1001-7-3-7.

15 MEMBER NYCE: And it's the correct  
16 address.

17 CHAIRMAN SALADINO: I hope so.  
18 We'll ask.

19 MEMBER GORDON: It's around the  
20 corner from me, it's the correct  
21 address.

22 CHAIRMAN SALADINO: As long as he  
23 doesn't have a pool guy put the -- I'm  
24 only kidding.

25 MR. RISHE: Marc Rishe, 315 Sutton

1 Place, Greenport. Good evening.

2 So the project is essentially to  
3 renovate the existing home on the site.  
4 There is a 200 square foot addition  
5 proposed on the rear of the house,  
6 which is on the north side that is in  
7 the existing footprint of the home, so  
8 there will be no expansion of the  
9 existing footprint. We will be  
10 removing an existing pergola and  
11 greenhouse off the site. And the  
12 existing garage will remain. It will  
13 be just simply re-clad and re-roofed,  
14 cleaned up similar to the house. I'm  
15 happy to answer any questions the Board  
16 may have.

17 MEMBER GORDON: This is a notice  
18 of disapproval which truly does not  
19 have a date. I looked at the end, the  
20 signature, there's no date there. I  
21 mean, it just seems to me in the future  
22 if we're going back to look at the  
23 record to know when the notice of  
24 disapproval was filed is important. So  
25 that could be fixed, right?

1           ATTORNEY STOLAR:  It could be.  
2           Another way to deal with it is to just  
3           stamp it received by the Building  
4           Department once it's received so that  
5           you have the file date, which is the  
6           date by which --

7           MEMBER GORDON:  My copies don't  
8           have that.

9           ATTORNEY STOLAR:  I don't see it  
10          either.

11          MEMBER GORDON:  Sorry to have  
12          something so trivial.

13          CHAIRMAN SALADINO:  No, no it's --  
14          I don't know how -- I don't know how to  
15          respond to that that will help.  Some  
16          of us know, some of us know -- and I  
17          apologize for intruding on your --  
18          we're going to accept your application  
19          probably.

20          I just don't know -- for the  
21          public, we deal with -- we deal with  
22          what Dinni is bringing up every month,  
23          and for me, it's an enormous problem.  
24          I don't express it, I don't bring it up  
25          at the meetings, but it's an enormous

1           problem that this official document  
2           gets to us while it's either incomplete  
3           or incorrect. I just don't think  
4           that's right. And I don't know what to  
5           do about it. I just -- we don't want  
6           to penalize the applicant. We don't  
7           want to penalize --

8           CLERK NOONE: I'll talk to the --  
9           we have somebody different writing  
10          these, and I'll talk to the Building  
11          Department.

12          CHAIRMAN SALADINO: We kind of  
13          know that, Mike.

14          CLERK NOONE: What I'm saying is  
15          the prior -- the Building  
16          Inspector/Code Enforcement officer who  
17          is currently out on medical leave, he  
18          generally puts the date on it. I don't  
19          stamp that in the application and the  
20          plans are always stamped.

21          CHAIRMAN SALADINO: Mike, we know  
22          that prior to the employee in charge,  
23          the previous -- I don't want to say  
24          previous employee because he's still an  
25          employee. Prior to Alex, the current



1 Code Enforcement officer getting sick,  
2 things were, in my opinion, kind of up  
3 to snuff. Some of the members had  
4 problems with minor stuff, I didn't,  
5 because we could always square it away.  
6 The problem I have now is that whoever  
7 is writing the notices of disapproval  
8 and whoever is required to sign them a  
9 lot of times are two different people  
10 and it causes a problem for this Board.  
11 So without belaboring all this -- and I  
12 apologize to the public and I apologize  
13 to Marc, but, you know, it comes up  
14 every month, and every month it's a  
15 problem. And for the members here, it  
16 doesn't seem to us -- and I will take  
17 this to speak to the members, it  
18 doesn't seem to us that it's kind of  
19 being addressed. You know, and --

20 CLERK NOONE: I'll ensure that  
21 there's a date and stamp going forward  
22 on the notice of disapproval.

23 CHAIRMAN SALADINO: Well, you  
24 know, the date and the stamp is only  
25 one of the problems, and I don't expect

1           you to handle all of the problems. So  
2           we're going to get off of this. I'm  
3           sorry, Marc. We're going to get off it  
4           and get back --

5           MR. RISHE: Can I just say for the  
6           record, all that said, I agree, as  
7           someone who has done several  
8           applications, it's nice to at least see  
9           things moving again. I know for a time  
10          there were, you know, a lot of things  
11          ground to a halt, so I think hopefully  
12          everything is on the right track.

13          CHAIRMAN SALADINO: Well,  
14          sometimes moving forward doesn't  
15          necessarily mean moving forward right.  
16          It's easy to shuffle things and get  
17          them out of the way just for the sake  
18          of expediency, but they should also be  
19          complete and correct also.

20          But back to my question, my  
21          question is I'm looking at your drawing  
22          and you have the asphalt driveway and  
23          the existing garage as two parking  
24          spaces. So we know we can park a car  
25          in the garage, right, and the code says

1 we can put a car in the driveway. I'm  
2 just not seeing the dimensions for the  
3 proposed space in the asphalt driveway.  
4 Do you have those?

5 MR. RISHE: I don't have them on  
6 these plans, but I'd be happy to  
7 provide them.

8 CHAIRMAN SALADINO: Next time.

9 MR. RISHE: Sure, absolutely.

10 CHAIRMAN SALADINO: You understand  
11 what I'm saying?

12 MR. RISHE: Yeah, I understand.  
13 You want to make sure it's the  
14 appropriate 10 by 20 or whatever the  
15 requirement is, correct.

16 CHAIRMAN SALADINO: Right. So  
17 other than that, I'm -- I don't have  
18 any questions.

19 MEMBER NYCE: This is all  
20 basically existing footprint.

21 MEMBER REARDON: What do I see  
22 here about a visual obstruction, do you  
23 see that on here?

24 MR. RISHE: The visual  
25 obstruction, if you look at the site

1 plan, it's on the corner of Fifth and  
2 Clark, so essentially per the code --  
3 if you're looking at the site plan,  
4 you'll see there's a diagonal line that  
5 sort of cuts there. That indicates  
6 that the house existing home is  
7 technically per code a visual  
8 obstruction to that corner, it's  
9 required to be behind that line. So  
10 it's an existing condition, but that's  
11 one of the variance requests.

12 MEMBER REARDON: Thank you.

13 CHAIRMAN SALADINO: Dinni, you  
14 have anything?

15 MEMBER GORDON: No.

16 CHAIRMAN SALADINO: Seth?

17 MEMBER KAUFMAN: I don't.

18 CHAIRMAN SALADINO: David.

19 MEMBER NYCE: No.

20 CHAIRMAN SALADINO: Thank you.

21 These guys have any questions? All  
22 right. I'm going to make a motion we  
23 accept this application.

24 MEMBER REARDON: Second.

25 CHAIRMAN SALADINO: All in favor?

1 (Aye said in unison.)

2 CHAIRMAN SALADINO: We're going to  
3 schedule a public hearing, we're going  
4 to schedule a public hearing for our  
5 next meeting, January 21st in 2025.

6 MR. RISHE: May I ask one question  
7 when you're done?

8 CHAIRMAN SALADINO: No questions.  
9 Kidding.

10 MR. RISHE: I can submit -- I'll  
11 submit an updated plan showing those  
12 dimensions in advance of that?

13 CHAIRMAN SALADINO: Sure, that  
14 would be great.

15 CLERK NOONE: You can send them to  
16 me, Marc, and I'll make sure they all  
17 get them. And if you could bring by  
18 hard copies too.

19 MR. RISHE: Will do.

20 CHAIRMAN SALADINO: So we -- we're  
21 going to set the public hearing for  
22 January 21st at 6:00 p.m. at Station  
23 One here, unless the fire department  
24 has something going on. If there is,  
25 we'll notify the applicant. We're

1 going to set it for 6:00, we set them  
2 all for 6:00. We're going to ask you  
3 to -- do we need a site visit for this  
4 property?

5 MEMBER REARDON: Usually we do.

6 CHAIRMAN SALADINO: Site visit.  
7 So we're going to schedule a site visit  
8 for before it gets dark.

9 MEMBER GORDON: 4:00, 4:15 in  
10 January.

11 CHAIRMAN SALADINO: We go through  
12 this every month.

13 MEMBER GORDON: Three weeks after  
14 the solstice, 4:15 should be okay.

15 CHAIRMAN SALADINO: Okay. 4:15.  
16 So we're going to set the site visit  
17 time for 4:15. We'll just ask you to  
18 stake out whatever you think we need to  
19 see.

20 And so I'll make a motion that we  
21 set the public hearing for January 21st  
22 at 6:00 p.m. and the site visit for  
23 4:15 on the same day on January 21st.  
24 So moved.

25 MEMBER REARDON: Second.

1 CHAIRMAN SALADINO: All in favor?

2 (Aye said in unison.)

3 CHAIRMAN SALADINO: And I'll vote  
4 aye. See you then.

5 Next up is -- since it's not on  
6 the agenda, I'll just ad lib it.

7 CLERK NOONE: I believe you told  
8 me you didn't want it on the agenda.

9 CHAIRMAN SALADINO: I believe you  
10 were talking to the previous chairman.

11 This is item -- this is going to  
12 be a discussion and possible motion on  
13 320 Carpenter Street.

14 Members, what do we know, what do  
15 we think?

16 MEMBER KAUFMAN: I don't see any  
17 issues with it.

18 MEMBER NYCE: I would just  
19 stipulate that it's a pergola, that it  
20 stay a pergola, that it cannot morph  
21 into a garage.

22 CHAIRMAN SALADINO: So just  
23 understand, no sides.

24 MEMBER GORDON: No permanent  
25 structure.

1           CHAIRMAN SALADINO: That was your  
2 intention, right, just a roof over the  
3 parking space?

4           MS. SHANK: It would be either  
5 four or six posts and some decorative  
6 lattice.

7           MEMBER NYCE: As long as you can  
8 see through, it's not a -- stipulate it  
9 not be a permanent wall.

10          CHAIRMAN SALADINO: We don't want  
11 to see it turn into a building. It's  
12 already a building, it's already a  
13 structure by code, but we don't want to  
14 see it turn into an enclosed garage.

15          MS. SHANK: Right, no.

16          CHAIRMAN SALADINO: We're not  
17 opposed to that, if you ask for it. If  
18 that was original ask, we would have to  
19 debate that. But as far as this is  
20 concerned, we just -- do we have to  
21 condition that? She would have to come  
22 back for that, right?

23          ATTORNEY STOLAR: You'd be  
24 approving it based on the plans, and  
25 the plans don't show that. But just to



1 be clear, you can also say shall be  
2 open on all four sides except for  
3 lattice may be placed. Or leave it as  
4 is.

5 CHAIRMAN SALADINO: I don't want  
6 to make it too complicated.

7 ATTORNEY STOLAR: So make it --  
8 decide on the plans.

9 CHAIRMAN SALADINO: Jack, do you  
10 have anything?

11 MEMBER REARDON: No, this one is  
12 pretty straightforward.

13 CHAIRMAN SALADINO: And David, you  
14 voiced your concern.

15 MEMBER NYCE: I did.

16 CHAIRMAN SALADINO: I'm going to  
17 make a motion that the Zoning Board of  
18 Appeals declare itself lead agency for  
19 the purposes of SEQRA. So moved.

20 MEMBER NYCE: Second.

21 CHAIRMAN SALADINO: All in favor?  
22 (Aye said in unison.)

23 CHAIRMAN SALADINO: And I'll vote  
24 aye.

25 And this is a Type II action, no

1 further discussion is necessary. The  
2 relief we'll take in block. We got to  
3 do -- we kind of talked about it, but  
4 just to make things official, we're  
5 going to do this five question  
6 balancing test, and then we'll vote on  
7 the application. I should have this  
8 committed to memory, but I don't. So  
9 I'm going to have to read it off this.

10 Whether an undesirable change will  
11 be produced in the character of the  
12 neighborhood or a detriment to nearby  
13 properties will be created by the  
14 granting of the area variance? And  
15 again, for the public, we're going to  
16 read this, we're going to take a short  
17 answer for this application. If it was  
18 a little more complicated, we would  
19 take each one in turn and discuss each  
20 one, but now I think we can just have  
21 an up and down vote for each one of  
22 these questions. So whether an  
23 undesirable change will be produced in  
24 the character of the neighborhood or a  
25 detriment to nearby properties will be

1 created by the granting of the area  
2 variance? Jack?

3 MEMBER REARDON: No.

4 CHAIRMAN SALADINO: David?

5 MEMBER NYCE: No.

6 CHAIRMAN SALADINO: Dinni?

7 MEMBER GORDON: No.

8 CHAIRMAN SALADINO: Seth?

9 MEMBER KAUFMAN: No.

10 CHAIRMAN SALADINO: And I'll vote  
11 no.

12 Whether the benefit sought by the  
13 applicant can be achieved by some  
14 method feasible for the applicant to  
15 pursue, other than an area variance?  
16 Jack?

17 MEMBER REARDON: No.

18 CHAIRMAN SALADINO: David?

19 MEMBER NYCE: No.

20 CHAIRMAN SALADINO: Dinni?

21 MEMBER GORDON: No.

22 CHAIRMAN SALADINO: Seth?

23 MEMBER KAUFMAN: No.

24 CHAIRMAN SALADINO: And I'll vote  
25 no.

1           Whether the requested area  
2           variance is substantial? Jack?

3           MEMBER REARDON: No.

4           CHAIRMAN SALADINO: David?

5           MEMBER NYCE: No.

6           CHAIRMAN SALADINO: Dinni?

7           MEMBER GORDON: No.

8           CHAIRMAN SALADINO: Seth?

9           MEMBER KAUFMAN: No.

10          CHAIRMAN SALADINO: And I'll vote  
11          no.

12          Whether the proposed variance will  
13          have an adverse effect or impact on the  
14          physical or environmental conditions in  
15          the neighborhood or district? Jack?

16          MEMBER REARDON: No.

17          CHAIRMAN SALADINO: David?

18          MEMBER NYCE: No.

19          CHAIRMAN SALADINO: Diana?

20          MEMBER GORDON: No.

21          CHAIRMAN SALADINO: Seth?

22          MEMBER KAUFMAN: No.

23          CHAIRMAN SALADINO: And I'll vote  
24          no.

25          Whether the alleged difficulty was

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

6 MEMBER REARDON: Yes.

7 CHAIRMAN SALADINO: David?

8 MEMBER NYCE: Yes.

9 CHAIRMAN SALADINO: Dinni?

10 MEMBER GORDON: Yes.

11 CHAIRMAN SALADINO: Seth?

12 MEMBER KAUFMAN: Yes. It's the  
13 bird feeders.

14 CHAIRMAN SALADINO: And I'll vote  
15 yes.

16 I'm going to make a motion that we  
17 grant the accumulated area variances.  
18 So moved.

19 MEMBER NYCE: Second.

20 CHAIRMAN SALADINO: I'm going to  
21 take a roll call vote to make it  
22 official. Jack?

23 MEMBER REARDON: Yes.

24 CHAIRMAN SALADINO: David?

25 MEMBER NYCE: Yes.

1 CHAIRMAN SALADINO: Dinni?

2 MEMBER GORDON: Yes.

3 CHAIRMAN SALADINO: Seth?

4 MEMBER KAUFMAN: Yes.

5 CHAIRMAN SALADINO: And I'll vote  
6 yes. Easy peasy. Thank you. You'll  
7 speak to Mike and he'll tell you when  
8 you can go to the HPC.

9 CLERK NOONE: She's on the agenda  
10 for Thursday.

11 CHAIRMAN SALADINO: And whatever  
12 happens after that, we're not quite  
13 sure. We don't know.

14 The next item on our agenda is  
15 going to be 151 Central Avenue. This  
16 is discussion and possible motion on  
17 the application of Jake LaChapelle for  
18 151 Central Avenue, the Suffolk County  
19 Tax Map Number remains the same at  
20 1001-5-2-4.

21 Members, what are we thinking  
22 here?

23 MEMBER NYCE: I think Jack had a  
24 point, if the pergola is held five feet  
25 off the eastern property, the adjacent

1 property, I don't see any other -- all  
2 the rest of it are -- it's the existing  
3 footprint. They're going up a second  
4 story at the back of the house, which I  
5 understand is going to shade your house  
6 slightly, but it seems almost as of  
7 right. The shed is as of right based  
8 on the setbacks.

9 CHAIRMAN SALADINO: The shed  
10 doesn't need relief, right?

11 MEMBER NYCE: It's as of right as  
12 proposed.

13 MEMBER GORDON: It is just very  
14 small amounts, 1.9 for the side yard  
15 setback variance and --

16 CHAIRMAN SALADINO: 1.9?

17 MEMBER NYCE: That's the one side,  
18 the other side needs substantial.

19 CHAIRMAN SALADINO: Seth,  
20 anything?

21 MEMBER KAUFMAN: No, I think it's  
22 fine.

23 CHAIRMAN SALADINO: And I'm going  
24 to ask Brian, we don't have to  
25 condition that the pergola -- I mean,

1           that's a Building Department issue,  
2           right, that the pergola -- we're not  
3           granting relief to put the pergola on  
4           the property line?

5                    ATTORNEY STOLAR:  No, the pergola  
6           is being set back five feet.

7                    CHAIRMAN SALADINO:  Right.  I  
8           don't see that in the --

9                    ATTORNEY STOLAR:  That was stated  
10          by the applicant during the  
11          presentation today.

12                   CHAIRMAN SALADINO:  So we're going  
13          to just -- whoever does this that  
14          grants the building -- they're going to  
15          make a note of that, the final  
16          inspection, the pergola will be five  
17          feet from --

18                   ATTORNEY STOLAR:  I would include  
19          it -- in this instance, I would include  
20          it in your decision.  It was  
21          represented, there's no reason not to.

22                   CHAIRMAN SALADINO:  Condition.

23                   ATTORNEY STOLAR:  Yeah.

24                   CHAIRMAN SALADINO:  We're going to  
25          go through the --



1           MEMBER REARDON: John, I have one  
2 question before you continue. I'm  
3 sorry, I should probably know the  
4 answer to this question. So if the  
5 architect put the five foot setback  
6 dimensions on the plans tomorrow, does  
7 he have to resubmit those plans to the  
8 Building Department?

9           ATTORNEY STOLAR: No, because  
10 unless -- the only issue could be if a  
11 variance was required for the pergola  
12 in that location, and no variance was  
13 noted on the application here.

14           MEMBER REARDON: Right now there  
15 is a zero dimension regarding the  
16 location of the pergola. At some  
17 point, a carpenter or building has to  
18 know where to place it.

19           ATTORNEY STOLAR: Right. But what  
20 happens here is the next step, you'll  
21 condition it on the pergola being in a  
22 zoning compliant location but at least  
23 five feet from the property line. In  
24 order -- as he will have to do, in  
25 order to get the building permit and

1           move forward with the building permit,  
2           that item will be reflected on the next  
3           set of plans before the permit shall  
4           issue.

5           MEMBER REARDON: All right. I was  
6           thinking maybe it would be the same  
7           thing if he just did the plans, and it  
8           would be virtually like no discussion  
9           about it here, it's just part of the  
10          building that would be part of the  
11          plans and resubmit the plans.

12          CHAIRMAN SALADINO: That  
13          wouldn't -- we would have no control  
14          over that.

15          MEMBER REARDON: Right.

16          CHAIRMAN SALADINO: I mean the  
17          plans that he submits, that becomes --  
18          if he submits plans with a pergola  
19          that's four feet from the property  
20          line, he's going to get a notice of  
21          disapproval from the Building Inspector  
22          and then we're going to see him again.

23          CLERK NOONE: The final plans will  
24          be reviewed, and I give them a copy of  
25          the findings and determinations,

1           they'll get the final plans, and that's  
2           how we issue the building permit.  If  
3           the pergola is noncompliant, that  
4           triggers another notice of disapproval.

5           CHAIRMAN SALADINO:  We'll just  
6           mention it in the discussion for the  
7           record and when the notice -- when the  
8           findings and determinations are public,  
9           it will be reflected in the findings.  
10          So I think we're looking for an  
11          elaborate solution to a nonexistent  
12          problem.  But we're going to do things  
13          according to Hoyle (phonetic) because  
14          last time we got sued it cost me a  
15          boatload of money.  We're indemnified.  
16          We don't pay, just to let you know, so  
17          don't feel sorry for us.

18          I'm going to read these five  
19          questions --

20          ATTORNEY STOLAR:  Lead agency  
21          first.

22          CHAIRMAN SALADINO:  We didn't do  
23          that?  I'm going to make a motion that  
24          the Zoning Board of Appeals declares  
25          itself lead agency for the purposes of

1 SEQRA. So moved.

2 MEMBER KAUFMAN: Second.

3 CHAIRMAN SALADINO: All in favor?

4 (Aye said in unison.)

5 CHAIRMAN SALADINO: And I'll vote  
6 aye.

7 This is a Type II action, no  
8 further discussion. We're going to do  
9 the five question balancing test and  
10 then we'll vote.

11 Whether an undesirable change will  
12 be produced in the character of the  
13 neighborhood or a detriment nearby  
14 properties will be created by the  
15 granting of the area variance? Jack?

16 MEMBER REARDON: No.

17 CHAIRMAN SALADINO: David?

18 MEMBER NYCE: No.

19 CHAIRMAN SALADINO: Dinni?

20 MEMBER GORDON: No.

21 CHAIRMAN SALADINO: Seth?

22 MEMBER KAUFMAN: No.

23 CHAIRMAN SALADINO: And I'll vote  
24 no.

25 Whether the benefit sought by the

1 applicant can be achieved by some  
2 method feasible for the applicant to  
3 pursue, other than an area variance?  
4 Jack?

5 MEMBER REARDON: No.

6 CHAIRMAN SALADINO: David?

7 MEMBER NYCE: No.

8 CHAIRMAN SALADINO: Dinni?

9 MEMBER GORDON: No.

10 CHAIRMAN SALADINO: Seth?

11 MEMBER KAUFMAN: No.

12 CHAIRMAN SALADINO: And I'll vote

13 no.

14 Whether the requested area  
15 variance is substantial? Jack?

16 MEMBER REARDON: No.

17 CHAIRMAN SALADINO: David?

18 MEMBER NYCE: No.

19 CHAIRMAN SALADINO: Dinni?

20 MEMBER GORDON: No.

21 CHAIRMAN SALADINO: Seth?

22 MEMBER KAUFMAN: No.

23 CHAIRMAN SALADINO: I'll vote no.

24 Whether the proposed variance will  
25 have an adverse effect or impact on the

1 physical or environmental conditions of  
2 the neighborhood or district? Jack?

3 MEMBER REARDON: No.

4 CHAIRMAN SALADINO: David?

5 MEMBER NYCE: No.

6 CHAIRMAN SALADINO: Diana?

7 MEMBER GORDON: No.

8 CHAIRMAN SALADINO: Seth?

9 MEMBER KAUFMAN: No.

10 CHAIRMAN SALADINO: And I'll vote  
11 no.

12 Whether the alleged difficulty was  
13 self-created, which consideration shall  
14 be relevant to the decision of the  
15 Board of Appeals, but shall not  
16 necessarily preclude the granting of  
17 the area variance? Jack?

18 MEMBER REARDON: Yes.

19 CHAIRMAN SALADINO: David?

20 MEMBER NYCE: No.

21 CHAIRMAN SALADINO: Dinni?

22 MEMBER GORDON: No.

23 CHAIRMAN SALADINO: Seth?

24 MEMBER KAUFMAN: No.

25 CHAIRMAN SALADINO: And I'll vote

1 no.

2 I'm going to make a motion that we  
3 grant the area variances and condition  
4 the approval that the eventual pergola  
5 be kept a minimum of five feet from the  
6 neighboring property line; am I getting  
7 that right?

8 ATTORNEY STOLAR: Yes.

9 CHAIRMAN SALADINO: So moved.

10 MEMBER NYCE: I second your  
11 motion.

12 MEMBER REARDON: Aye.

13 CHAIRMAN SALADINO: David?

14 MEMBER NYCE: Yes.

15 CHAIRMAN SALADINO: Dinni?

16 MEMBER GORDON: Yes.

17 CHAIRMAN SALADINO: Seth?

18 MEMBER KAUFMAN: Yes.

19 CHAIRMAN SALADINO: And I'll vote  
20 yes. Easy peasy. You'll talk to Mike,  
21 and I'm guessing when the findings are  
22 done and -- it's in the Historic and --

23 CLERK NOONE: He's going to HPC on  
24 Thursday.

25 CHAIRMAN SALADINO: And then

1           whatever happens after that, happens.

2           MR. LaCHAPELLE: Thank you.

3           CHAIRMAN SALADINO: And thank you  
4           for -- it's rare that we get an  
5           applicant that kind of hears, you know,  
6           what the neighbors are saying and what  
7           we're kind of saying. It was good that  
8           you did that.

9           MR. LaCHAPELLE: That's the owner.  
10          I can't take credit for that.

11          CHAIRMAN SALADINO: Whoever. Take  
12          the credit. Nobody is going to know.

13          Next up is 746 Main Street. This  
14          is a discussion and possible motion on  
15          the application of Jennifer Del Vaglio  
16          and Wayne Turett, and the Suffolk  
17          County Tax Map Number remains the same  
18          at 1001-2-3-8.2.

19          Members, what are we thinking  
20          here? Do you want me to go first? I  
21          don't make any bones about it. I have  
22          a problem with deviating from past  
23          practice. We know -- I've explained to  
24          the applicant and his representative,  
25          in my tenure on the Zoning Board, we



1 know that interpretations carry the  
2 weight of precedence and variances  
3 don't, but they should be consistent.  
4 In my tenure on the Zoning Board, we  
5 have never put a pool in a side yard.  
6 Code was just revised a year ago and  
7 we -- the Code Committee and the  
8 legislators agreed that that portion of  
9 the code remained the same. We would  
10 like the swimming pools in the rear  
11 yard. This applicant has the  
12 opportunity to put the pool in the rear  
13 yard.

14 Some of the stuff that we heard,  
15 some of the things that we heard to  
16 support the application that, well,  
17 it's a parking lot next door, we also  
18 know that the variance runs with the  
19 land, so regardless what's next door  
20 today, tomorrow, maybe it's not a  
21 parking lot.

22 So I also -- there's a question  
23 about -- there's a question about --  
24 there's a question in my mind about we  
25 have a portion of our code that says an

1           accessory building or an accessory  
2           structure can't be closer than 10 feet  
3           to the principal building. When we  
4           went for our inspection, the new code  
5           describes what an accessory structure  
6           or building is, and it's separate from  
7           the principal building, it's separated  
8           from the principal building. There  
9           could be an argument in my mind, and  
10          I'm going to wait for the members to  
11          weigh in, that the current deck is  
12          attached to the principal building, in  
13          my mind. There is an outdoor shower on  
14          the deck that's attached to the  
15          principal building. That could be  
16          considered part of the principal  
17          building. And for the pool to abut the  
18          deck by less than 10 feet would be  
19          added relief that was needed. So I'm  
20          not sure where I fall on that. The  
21          building -- the Code Enforcement  
22          officer is not here, I would ask him to  
23          weigh in. The code is the code, it  
24          kind of reads that way. So that's just  
25          one more thing that for me to consider.

1 I'm going to ask the members if  
2 they have anything to say? Seth, Jack,  
3 anything?

4 MEMBER GORDON: Well, there is  
5 some textual problems with this. I  
6 mean, the edge of the pool shall be  
7 kept at a distance of not less than 20  
8 feet from all property lines. I mean,  
9 there are some serious textual  
10 problems.

11 I have a little question about  
12 157B deals with screening the pool from  
13 the view of abutting property. On the  
14 one hand that seems irrelevant, since  
15 it's the parking lot. On the other  
16 hand, maybe it won't always be the  
17 parking lot, and maybe you don't want  
18 people peering over from the parking  
19 lot. I mean, there are -- I'm having a  
20 little problem here because I see why  
21 it seems this screening requirement  
22 seems almost irrelevant in this unique  
23 property. But I also want to respect  
24 the text. The note that was made by  
25 the Building Department on our agenda

1 here is that the information we are  
2 given does not demonstrate compliance  
3 with visual screening. Have you  
4 thought about doing something more --

5 ATTORNEY STOLAR: The hearing is  
6 concluded. If there's an answer to  
7 that, we can't consider that.

8 MEMBER GORDON: You're right.  
9 Sorry. Forgot. Anyway, I'm having  
10 some trouble.

11 CHAIRMAN SALADINO: You can phrase  
12 it differently. You could phrase it  
13 not in the form of a question.

14 MEMBER GORDON: Well, the text is  
15 if located within 50 feet of any  
16 property line, such pool shall be  
17 screened from the view of abutting  
18 properties. So the question is whether  
19 we want to provide a variance from  
20 that, a quite considerable variance  
21 from that.

22 CHAIRMAN SALADINO: Yeah, or you  
23 could just have said the applicant  
24 didn't address that and we want to take  
25 that into consideration.

1 MEMBER GORDON: Okay.

2 CHAIRMAN SALADINO: Or not.

3 Anyone else? Jack, you got  
4 something you want to say?

5 MEMBER REARDON: No, I don't have  
6 anything to add.

7 CHAIRMAN SALADINO: David?

8 MEMBER NYCE: No. I agree with  
9 some of the concerns. I think there  
10 are other options that allow for this  
11 to move forward as of right and still  
12 more or less satisfy what the applicant  
13 is trying to do, so I'm having a tough  
14 time.

15 CHAIRMAN SALADINO: Seth?

16 MEMBER KAUFMAN: I feel the same  
17 as David.

18 CHAIRMAN SALADINO: The balancing  
19 test, the five questions on the  
20 balancing test in my mind, if for me --  
21 for my vote on these five questions, I  
22 would have to say that this application  
23 fails a minimum of three of these  
24 questions. We'll go through them,  
25 we'll go through them. Actually I kind

1 of think I'm going to read them now and  
2 just whether an undesirable change will  
3 be produced in the character of the  
4 neighborhood or a detriment to nearby  
5 properties? The fact that the Zoning  
6 Board has never granted a variance for  
7 a pool in a side yard, I understand  
8 this is for a specific property, but  
9 we've done that for every property in  
10 the -- that's come before this Board in  
11 the Village.

12 Whether the benefit sought by the  
13 applicant can be achieved by some  
14 method, other than an area variance?  
15 The answer is obviously yes. You can  
16 put the pool in the backyard as of  
17 right.

18 Whether the area variance is  
19 substantial? I don't -- in the  
20 totality of the square foot on the lot,  
21 maybe no, but maybe the concentration  
22 of that density in just that one area  
23 in proximity to the neighbor next door,  
24 you know, maybe yes.

25 Whether the proposed variance will

1 have an adverse effect or impact on the  
2 physical or environmental conditions in  
3 the neighborhood or district? I would  
4 have to answer I don't know. You know,  
5 I don't know since I have no experience  
6 with a pool in a side yard 12 feet from  
7 a neighbor's property or 14 feet from a  
8 neighbor's property, even though it is  
9 a parking lot, but today, tomorrow,  
10 Townsend Manor is in the Commercial  
11 Retail District, it could be a hotel  
12 next to that where that parking lot is.

13 And whether the alleged difficulty  
14 was self-created? I mean, the obvious  
15 answer is yes. So for me to -- my  
16 opinion would be to fail at least three  
17 of these questions would make me maybe  
18 think about not approving this, and I  
19 think that opinion would probably be  
20 expressed in my vote.

21 I do have a question for the  
22 attorney about the question that I  
23 raised with the addition of the new  
24 code with this deck being attached to  
25 the principal building, not detached

1 from it, does it become part of the  
2 principal building since it's not an  
3 accessory structure, and would the pool  
4 not being 10 feet from the deck  
5 raise --

6 ATTORNEY STOLAR: If the ultimate  
7 determination is consistent with the  
8 elements and the -- your consideration  
9 of the various factors to deny, it  
10 doesn't matter. I don't think you need  
11 to get there based on what I'm hearing  
12 at this point.

13 CHAIRMAN SALADINO: Yeah, but I'm  
14 only -- it's an issue that I think  
15 should have some kind of answer for the  
16 other -- I don't know if it's clear in  
17 my mind, you know, I know the Zoning  
18 Board interprets the code, and for  
19 somebody that's interested enough, they  
20 could ask for an interpretation of that  
21 portion of the code. It could happen,  
22 it could happen even if the applicant  
23 wanted to put the pool in the rear yard  
24 with the same configuration and stuff.  
25 So now you take one thing off the



1 table, you take one problem off the  
2 table, and you put it back on the table  
3 because it would abut the deck. So you  
4 know, without somebody asking this  
5 Zoning Board for an interpretation, I'm  
6 going to go by the written word of the  
7 code, the black and white portion of  
8 the code. The new code says that a  
9 deck is an accessory structure, it says  
10 that accessory structures have to be  
11 separate from the principal building,  
12 this is not, it's attached to, it's  
13 fastened to, it's part of the -- it's  
14 shaded by the -- there's an overhang  
15 from the principal building, there's a  
16 shower on it, there's a stairway on it.  
17 I'm just not seeing how it's not part  
18 of the principal building.

19 ATTORNEY STOLAR: And it might be.  
20 But your jurisdiction is appellate  
21 only, and that issue has not been  
22 raised nor has the denial letter  
23 identified it as part of the principal  
24 dwelling. I would stay away from  
25 addressing it at this point. It can

1           come up later, and you can deal with it  
2           at another point when the issue does  
3           come up, but for now, especially given  
4           the discussion that we've had already  
5           with regard to your consideration of  
6           the various factors, there's no need to  
7           address that at this point.

8           CHAIRMAN SALADINO: I understand  
9           that, but it also, in my mind, gives  
10          the members, you know, a clearer path  
11          to follow. Again, my opinion is my  
12          opinion. The members may or may not  
13          share it. You know, but okay, that  
14          might be something for the Code  
15          Committee. For the attorney at the  
16          Code Committee. Right now everybody  
17          voiced their opinion so far? I'll make  
18          a motion that the Zoning Board of  
19          Appeals --

20          ATTORNEY STOLAR: First motion  
21          should be lead agency.

22          CHAIRMAN SALADINO: -- declare  
23          itself lead agency for the purposes of  
24          SEQRA. So moved.

25          MEMBER NYCE: Second.

1 CHAIRMAN SALADINO: All in favor?

2 (Aye said in unison.)

3 CHAIRMAN SALADINO: And this is a  
4 Type II action, so no further  
5 discussion is required. I'm going to  
6 read the five questions here, and then  
7 the members will vote.

8 Whether an undesirable change will  
9 be produced in the character of the  
10 neighborhood or a detriment to nearby  
11 properties will be created by the  
12 granting of the area variance? Jack?

13 MEMBER REARDON: No.

14 CHAIRMAN SALADINO: David?

15 MEMBER NYCE: Yes.

16 CHAIRMAN SALADINO: Dinni?

17 MEMBER GORDON: No.

18 CHAIRMAN SALADINO: Seth?

19 MEMBER KAUFMAN: Yes.

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

22 Whether the benefit sought by the  
23 applicant can be achieved by some  
24 method feasible for the applicant to  
25 pursue, other than an area variance?

1 Jack?

2 MEMBER REARDON: Yes.

3 CHAIRMAN SALADINO: David?

4 MEMBER NYCE: Yes.

5 CHAIRMAN SALADINO: Dinni?

6 MEMBER GORDON: Yes.

7 CHAIRMAN SALADINO: Seth?

8 MEMBER KAUFMAN: Yes.

9 CHAIRMAN SALADINO: And I'll vote  
10 yes.

11 Whether the requested area  
12 variance is substantial? Jack?

13 MEMBER REARDON: No.

14 CHAIRMAN SALADINO: David?

15 MEMBER NYCE: Yes.

16 CHAIRMAN SALADINO: Dinni?

17 MEMBER GORDON: Yes.

18 CHAIRMAN SALADINO: Seth?

19 MEMBER KAUFMAN: Yes.

20 CHAIRMAN SALADINO: And I'm going  
21 to say yes.

22 Whether the proposed variance will  
23 have an adverse effect or impact on the  
24 physical or environmental conditions in  
25 the neighborhood or district? Jack?

1 MEMBER REARDON: No.

2 CHAIRMAN SALADINO: David?

3 MEMBER NYCE: No.

4 CHAIRMAN SALADINO: Dinni?

5 MEMBER GORDON: No.

6 CHAIRMAN SALADINO: Seth?

7 MEMBER KAUFMAN: No.

8 CHAIRMAN SALADINO: I'll vote no.

9 Whether the alleged difficulty was

10 self-created, which consideration shall

11 be relevant to the decision of the

12 Board of Appeals, but shall not

13 necessarily preclude the granting of

14 the area variance? Jack?

15 MEMBER REARDON: Yes.

16 CHAIRMAN SALADINO: David?

17 MEMBER NYCE: Yes.

18 CHAIRMAN SALADINO: Dinni?

19 MEMBER GORDON: Yes.

20 CHAIRMAN SALADINO: Seth?

21 MEMBER KAUFMAN: Yes.

22 CHAIRMAN SALADINO: And I'll vote

23 yes. I'm going to make a motion that

24 we -- do you want me to make this

25 motion in the negative?

1           ATTORNEY STOLAR: You should make  
2           a decision one way or another, so it's  
3           better if you're going to deny it, it  
4           would be to move to deny the requested  
5           relief.

6           CHAIRMAN SALADINO: Well, the  
7           motion could be either way. The vote  
8           is what decides.

9           ATTORNEY STOLAR: The problem is  
10          it may end up being a non-vote, unless  
11          you actually take action on the  
12          application, which is either approve or  
13          deny.

14          CHAIRMAN SALADINO: All right. So  
15          I'm going to make a motion that we deny  
16          this area variance. So moved.

17          MEMBER NYCE: Second.

18          CHAIRMAN SALADINO: Jack?

19          MEMBER REARDON: Yes.

20          CHAIRMAN SALADINO: David?

21          MEMBER NYCE: Yes.

22          CHAIRMAN SALADINO: Dinni?

23          MEMBER GORDON: Yes.

24          CHAIRMAN SALADINO: Seth?

25          MEMBER KAUFMAN: Yes.

1           CHAIRMAN SALADINO:  And I'm going  
2           to vote yes.  The decision will be in  
3           the Village -- the decision will be in  
4           the Village Clerk's office.  The  
5           decision will be there in five days.  
6           The findings will be out next month,  
7           I'm guessing.  And --

8           MS. DEL VAGLIO:  Can I ask a  
9           question?

10          CHAIRMAN SALADINO:  Sure.

11          MS. DEL VAGLIO:  Can we appeal the  
12          request under the guise that we did in  
13          the original application, ask if it  
14          could be considered part of the deck  
15          structure as an addition?  And I  
16          believe you brought light to that, and  
17          we can have the transcript read back  
18          saying that we did bring that up  
19          originally.

20          ATTORNEY STOLAR:  You brought that  
21          up with the Building Department?

22          MS. DEL VAGLIO:  No, I brought  
23          that up at this hearing last month.  I  
24          said, could this be considered an  
25          addition as it's attached to the house

1 and it's part of the deck, at which  
2 time I was told that, no, because it  
3 was less -- it was less than something  
4 about the 10 feet and we're at 12 feet.

5 CHAIRMAN SALADINO: I think what I  
6 told you last month, and we can check  
7 the minutes, I think what I told you  
8 was we were kind of giving you -- in my  
9 opinion, we were kind of giving you  
10 latitude with the deck because I had  
11 the same question about the deck being  
12 part of the house last month. But we  
13 didn't raise that issue then, I raised  
14 it now, and then on the advice of  
15 counsel it wasn't part of the notice of  
16 disapproval and it's not what we voted  
17 on. If I'm not sure -- right now the  
18 appeal for this is an Article 78. As  
19 far as that question, I don't have an  
20 answer as far as that question. It's  
21 not something we debated, it's not  
22 something we considered, and it wasn't  
23 on the notice of disapproval, and it  
24 wasn't part of the relief requested.  
25 So --



1 MS. DEL VAGLIO: Can we appeal it  
2 and change the request and revisit?

3 CHAIRMAN SALADINO: Make a new  
4 application?

5 MS. DEL VAGLIO: And revisit this.

6 CHAIRMAN SALADINO: I think, well,  
7 again, this has already been  
8 adjudicated. If there's new  
9 information, again, I'll defer to the  
10 attorney, you can make a new  
11 application, but if there's -- if the  
12 Building Department decides that  
13 there's no new information, they really  
14 don't have to accept the application.  
15 What is it called? Res adjudicata?

16 ATTORNEY STOLAR: Collateral  
17 estoppel -- not collateral, but  
18 estoppel is what you're thinking.

19 CHAIRMAN SALADINO: So if it's  
20 already been decided on and there is no  
21 new information, the Building  
22 Department would have the right to say,  
23 no, we're not --

24 ATTORNEY STOLAR: You can ask the  
25 Building Department for an

1 interpretation of the code as to  
2 whether whatever it is you think it may  
3 be, should be.

4 MS. DEL VAGLIO: If we moved it to  
5 the rear yard, we would still be here  
6 for a side yard variance.

7 CHAIRMAN SALADINO: I didn't hear  
8 the first part, I'm sorry.

9 MS. DEL VAGLIO: If we moved it to  
10 the rear yard, we would still be here  
11 for a side yard variance because it  
12 would still be in -- it would still be  
13 at a 14.2 foot setback, so either way.

14 CHAIRMAN SALADINO: Wait, I'm not  
15 understanding. If you moved it to the  
16 side yard -- if you moved it to the  
17 rear yard, depending on how you drew  
18 the pool, you might not -- isn't the  
19 lot 70 feet wide?

20 MS. DEL VAGLIO: Yes, it is.

21 CHAIRMAN SALADINO: And the Zone X  
22 portion of the rear yard and 75 feet  
23 deep?

24 MS. DEL VAGLIO: 71.8, yes.

25 CHAIRMAN SALADINO: Approximately

1           70 feet deep. So you have a 70 by 70  
2           foot area to put a 20 by 30 pool. I'm  
3           sure an architect can kind of figure  
4           that out. So that would be as of  
5           right, unless the Conservation Advisory  
6           Council had a problem with construction  
7           being closer than a hundred feet to the  
8           wetlands.

9                    ATTORNEY STOLAR: Just to also  
10           point out that with regard -- 70 feet  
11           is the width of the property at the  
12           rear line and it expands, it gets  
13           wider, but let's just assume 70. I  
14           think the pool length is 46 as  
15           proposed, so that would -- they could  
16           design it in other ways, but there are  
17           ways to get it to fit either as  
18           proposed size or as altered.

19                   CHAIRMAN SALADINO: There is an  
20           alternative.

21                   ATTORNEY STOLAR: That's what you  
22           said.

23                   CHAIRMAN SALADINO: Getting back  
24           to the agenda, the next to last item on  
25           the agenda, we covered everything.

1           Next and last item on the agenda  
2           is item number 7, any other Zoning  
3           Board of Appeals business that might  
4           properly come before this Board. Is  
5           there a chance that anybody has got a  
6           question? This guy looks like he might  
7           have a question.

8           MS. KREAHLING: No, he wants to  
9           have dinner.

10          CHAIRMAN SALADINO: My question is  
11          what's for dinner?

12          And item number 8 is a motion to  
13          adjourn. So moved.

14          MEMBER NYCE: Second.

15          CHAIRMAN SALADINO: All in favor?

16          (Aye said in unison.)

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C E R T I F I C A T E

I, AMY THOMAS, a Court Reporter and Notary Public, for and within the State of New York, do hereby certify:

THAT the above and foregoing contains a true and correct transcription of the proceedings held on December 17, 2024, and were reported by me.

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of DECEMBER, 2024.

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AMY THOMAS