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VILLAGE OF GREENPORT

COUNTY OF SUFFOLK : STATE OF NEW YORK

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ZONING BOARD OF APPEALS

REGULAR SESSION

-----X

Station One Firehouse

Third & South Streets

Greenport, New York 11944

January 21, 2025

6:00 p.m.

BEFORE :

JOHN SALADINO ~ CHAIRMAN

DINNI GORDON ~ MEMBER

SETH KAUFMAN ~ MEMBER

DAVID NYCE ~ MEMBER

JACK REARDON ~ MEMBER

MICHAEL NOONE, SECRETARY TO THE BOARDS

BRIAN STOLLAR, VILLAGE ATTORNEY

All other interested parties

2 CHAIRPERSON SALADINO: Good

3 evening, folks. It's  
4 approximately 6:00 and this is the  
5 Village of Greenport Zoning Board  
6 of Appeals Regular Meeting.

7 Item Number 1 is a motion to  
8 accept the minutes of the  
9 December 17, 2024 Zoning Board of  
10 Appeals Meeting. So moved.

11 MEMBER REARDON: Second.

12 MEMBER NYCE: Second.

13 CHAIRPERSON SALADINO: All in  
14 favor?

15 MEMBER REARDON: Aye.

16 MEMBER NYCE: Aye.

17 MEMBER GORDON: Aye.

18 MEMBER KAUFMAN: Aye.

19 CHAIRPERSON SALADINO: And  
20 I'll vote aye.

21 Item Number 2 is a motion to  
22 schedule the next Zoning Board of  
23 Appeals meeting for February 18,  
24 2025, at 6:00 p.m., Station One  
25 Firehouse, Third and South Street,

2 Greenport, New York 11944. So  
3 moved.

4 MEMBER NYCE: Second.

5 CHAIRPERSON SALADINO: All in  
6 favor?

7 MEMBER REARDON: Aye.

8 MEMBER NYCE: Aye.

9 MEMBER GORDON: Aye.

10 MEMBER KAUFMAN: Aye.

11 CHAIRPERSON SALADINO: And  
12 I'll vote aye.

13 Item Number 3 is 151 Central  
14 Avenue. This is a motion to  
15 accept the Findings and  
16 Determinations for Jake  
17 LaChapelle -- am I getting that  
18 right?

19 MEMBER NYCE: Yes.

20 CHAIRPERSON SALADINO: On  
21 behalf of...

22 MEMBER GORDON: Idanes Sanchez.

23 CHAIRPERSON SALADINO: Idanes  
24 Sanchez. This property is located  
25 in the R-2 One- and Two-Family

2 Residential District and is  
3 located in the Historic District.  
4 The Suffolk County Tax Map Number  
5 is 1001-5-2-4. Have the members  
6 all read the findings?

7 MEMBER NYCE: Yes.

8 CHAIRPERSON SALADINO: We're  
9 all good? All right, so moved.

10 MEMBER GORDON: Second.

11 CHAIRPERSON SALADINO: All in  
12 favor?

13 MEMBER REARDON: Aye.

14 MEMBER NYCE: Aye.

15 MEMBER GORDON: Aye.

16 MEMBER KAUFMAN: Aye.

17 CHAIRPERSON SALADINO: And  
18 I'll vote aye.

19 Item Number 4 is 320 Carpenter  
20 Street. Motion to accept the  
21 Findings and Determination for  
22 Ruth Weisehahn (Shank) -- is that  
23 her alias?

24 This property is located in the  
25 R-2 One- and Two-Family

2 Residential District and is also  
3 located in the Historic District.  
4 The Suffolk County Tax Map Number  
5 is 1001-5-2-10. So moved.

6 MEMBER REARDON: Second.

7 CHAIRMAN SALADINO: All in  
8 favor?

9 MEMBER REARDON: Aye.

10 MEMBER NYCE: Aye.

11 MEMBER GORDON: Aye.

12 MEMBER KAUFMAN: Aye.

13 CHAIRPERSON SALADINO: And  
14 I'll vote aye.

15 Item Number 5 is 746 Main  
16 Street. This is a motion to  
17 accept the Findings and  
18 Determination for Jennifer Del Vaglio  
19 on behalf of Wayne Turett. The  
20 property is located in the R-1  
21 One-Family Residential District  
22 and is also located in the  
23 Historic District. The Suffolk  
24 County Tax Map Number is  
25 1001-2-3-8.1 -- 8.2. So moved.

2 MEMBER NYCE: Second.

3 MEMBER GORDON: Second.

4 CHAIRPERSON SALADINO: All in  
5 favor?

6 MEMBER REARDON: Aye.

7 MEMBER NYCE: Aye.

8 MEMBER GORDON: Aye.

9 MEMBER KAUFMAN: Aye.

10 CHAIRPERSON SALADINO: And  
11 I'll vote aye.

12 Mike, you have the findings?

13 SECRETARY NOONE: (Nodding.)

14 CHAIRPERSON SALADINO: Item  
15 Number 6 is 426 Clark Street.  
16 This is a public hearing regarding  
17 the application of Mark Rische on  
18 behalf of 67 Sound Cheshire LP.

19 The applicant proposes to  
20 renovate a single-family residence  
21 within the existing footprint and  
22 add an additional 203 square foot  
23 second floor.

24 For the public that's interested,  
25 the relief is listed on the

2 agenda. This property is located  
3 in the R-2, One- and Two-Family  
4 Residential District and is not  
5 located in the Historic District.  
6 The Suffolk County Tax Map Number  
7 is 1001-7-3-7.

8 We have the Findings and  
9 Determination -- the mailings. If  
10 anyone from the public wants me to  
11 read them, I will. If not, the  
12 stenographer has them. She'll  
13 include them in the minutes. This  
14 was properly noticed --

15 SECRETARY NOONE: Yes.

16 CHAIRPERSON SALADINO: -- in  
17 the newspaper?

18 We're going to open the public  
19 hearing. Is the applicant here?  
20 Is there something else I have to  
21 do before we open the public  
22 hearing?

23 VILLAGE ATTORNEY STOLLAR: No.

24 CHAIRPERSON SALADINO: Is the  
25 applicant here?

2 (Audience member indicating.)

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

6 MR. RISHE: Mark Rische. My  
7 home address is 315 Sutton Place,  
8 Greenport.

9 CHAIRPERSON SALADINO: It's  
10 your time. You want to give us a  
11 story?

12 MR. RISHE: Sure. As you  
13 said, the proposal is to renovate  
14 the existing single-family home  
15 within the existing footprint of  
16 the home, so no expansion to the  
17 lot coverage. There is a garage  
18 on the property that will remain.  
19 It will be reclad with, you know,  
20 siding similar to the house and  
21 new roofing, remaining a garage.  
22 And the house itself will have an  
23 addition over an existing  
24 one-story section in the back of  
25 the house.



2 So, again, it's about 200-square  
3 foot of an addition, but over  
4 existing -- over existing  
5 footprint. I'd be happy to answer  
6 any questions the Board may have.

7 CHAIRPERSON SALADINO: Well,  
8 we're going to ask you about  
9 addressing the sightlines and  
10 perhaps the obstruction on the  
11 corner lot, but I'll ask the  
12 members. Do any of the members  
13 have any questions?

14 MEMBER NYCE: No. That was  
15 the obvious one was the sightline  
16 because the hedges around that  
17 corner and the 6-foot fence that  
18 goes along that whole property  
19 line on the west side of the  
20 property.

21 CHAIRPERSON SALADINO: I  
22 actually -- but we can make that  
23 part of our discussion. I think  
24 the applicant's aware. I have the  
25 code provisions. It's

2 150-13(B)(1) and 150-13(F)(1).

3 And basically what they say is any  
4 obstruction on a corner property  
5 30 feet from the intersection of  
6 the corner, it can't be higher  
7 than 30-feet-- I'm sorry,  
8 30 inches. And 150-13(F)(1) says  
9 that no fence in the front yard  
10 can be higher than 4 feet.

11 So we're going to kind of talk  
12 about that a little bit, all  
13 right? Do any of the other  
14 members have anything? You look  
15 like have you a question.

16 MEMBER GORDON: Well, my  
17 question is really not for Mark,  
18 but for the rest of my colleagues.  
19 Is there not -- should we not be  
20 ruling on a variance on the fence?  
21 Or -- I mean, we're not being  
22 asked to rule on a variance on the  
23 fence. It's okay with me, but I  
24 want to know what others think.

25 CHAIRPERSON SALADINO: Well,

2 right now -- right now the fence --

3 MEMBER NYCE: It's not on the  
4 Notice of Disapproval.

5 CHAIRPERSON SALADINO: -- is  
6 not on the Notice of Disapproval.

7 MEMBER GORDON: Right.  
8 That's why I'm asking.

9 CHAIRPERSON SALADINO: Or the  
10 fence is not on the Notice of  
11 Disapproval, but that doesn't mean  
12 we don't have the right to address it.

13 MEMBER NYCE: Condition our  
14 approval based on it, right?

15 MEMBER GORDON: Yeah.

16 CHAIRPERSON SALADINO: Unless  
17 you're suggesting we overlook it.

18 MEMBER GORDON: No -- well, no.

19 CHAIRPERSON SALADINO: Okay.

20 MEMBER GORDON: I think it's  
21 sort of unnecessary to be  
22 concerned about it beyond the end  
23 of the house, but I also -- on  
24 Fifth Street, but I also know that  
25 we did interpret the code to

2 suggest that that ruling -- that  
3 that rule extended all the way to  
4 the back of the lot. Are we  
5 simply restating that? Are we  
6 assuming that?

7 MEMBER NYCE: Based on it  
8 being the front yard?

9 MEMBER GORDON: Based on it  
10 being the front yard, yeah.

11 CHAIRPERSON SALADINO: I  
12 don't think we're saying anything  
13 like that. I think we're saying,  
14 our interpretation, however long  
15 ago that was, I don't remember.

16 MEMBER GORDON: Six or  
17 seven years.

18 CHAIRPERSON SALADINO: Six or  
19 seven years ago, becomes the law  
20 of the land. And we should be --  
21 we should follow our own laws.  
22 Because we don't agree with a law,  
23 it doesn't stop being a law.

24 MEMBER GORDON: Okay.  
25 Alright, fine.

2 CHAIRPERSON SALADINO: And I  
3 think this should be part of our  
4 discussion, but Mark is here and  
5 we'll let him respond if he wants.  
6 Is that, like was mentioned  
7 sometime ago or before, if he  
8 wants to appeal that condition, he  
9 has the right to do it.

10 If you want a six-foot fence on  
11 Fifth Street, you have the right  
12 to apply for a building permit and  
13 appeal the Notice of Disapproval.

14 MR. RISHE: Correct, as long  
15 as I'm not waiving my right to  
16 request relief in the future. I  
17 think that's the way I would say it.

18 CHAIRPERSON SALADINO: I  
19 don't think -- by us conditioning  
20 -- I'll ask the attorney. By us  
21 conditioning that the fence on  
22 Fifth Street -- it's a corner  
23 property, the fence on Fifth  
24 Street can't be higher than 4 feet  
25 and 30 feet from the corner has to

2 be 30 inches, both on Fifth and on  
3 Clark, that doesn't -- that  
4 doesn't prevent him, if he does  
5 want a 6-foot fence on Fifth  
6 Street, to applying for a building  
7 permit, a fence permit, and having  
8 it denied and appealing it.

9 VILLAGE ATTORNEY STOLLAR:

10 That's exactly right.

11 MR. RISHE: It's an existing  
12 fence, that's the only caveat  
13 which I probably need to seek my  
14 own counsel for.

15 MEMBER REARDON: Mark, could  
16 you please just, for a frame of  
17 reference, just tell us, starting  
18 at the like maybe the corner of  
19 Clark and Fifth the length -- not  
20 the length of the fence -- the  
21 height of the fence on Fifth, the  
22 backyard, the side yard, and then  
23 back on Clark?

24 MR. RISHE: Sure. Just let  
25 me -- give a moment to pull up the

2 plans and I can approximate for you.

3 CHAIRPERSON SALADINO: There  
4 is no fence on --

5 MEMBER GORDON: On Clark.

6 CHAIRPERSON SALADINO: -- on  
7 Clark.

8 MR. RISHE: So heading north  
9 from Clark Street on Fifth Street,  
10 the fence begins, we'll say,  
11 approximately midway at the house.

12 MEMBER REARDON: Got it.

13 MR. RISHE: It then extends  
14 back, not to the lot line, but to  
15 where the driveway is.

16 MEMBER REARDON: AND that's a  
17 6 footer?

18 MR. RISHE: That's a 6  
19 footer. It extends down the  
20 driveway to the edge of the  
21 existing garage, which is also a  
22 6 footer. And then the rest of  
23 the house, which I guess is  
24 irrelevant for purposes of this  
25 discussion, is all 6 foot, the

2 same fence.

3 MEMBER REARDON: Do you have  
4 plans to address existing fence  
5 that doesn't fall within this  
6 kickback? Like are you putting up  
7 a new fence?

8 MR. RISHE: No, not --

9 MEMBER REARDON: Not right now?

10 MR. RISHE: Not absent any  
11 conditions by the Board. The  
12 intent was to keep the fence there  
13 or some form of fence to enclose  
14 the back yard, but the fence  
15 between my property and my  
16 neighbor to the east would remain.

17 MEMBER REARDON: And are you  
18 looking to fence Clark Street?  
19 Even if it is a 30-inch fence, are  
20 you looking for that?

21 MR. RISHE: No, no fence on  
22 Clark Street. So heading south  
23 from where the fence is, which is  
24 in question, on the corner of  
25 Fifth Street and Clark Street are



2 private hedges. So I think that  
3 is the obstruction that is being  
4 referred to by the Chairman in  
5 that instance.

6 MEMBER REARDON: You're not  
7 adding any new fence?

8 MR. RISHE: Not adding any  
9 new fence, correct.

10 CHAIRPERSON SALADINO: And  
11 like I explained to you, just so  
12 it's for the public record, just  
13 so everybody's clear, in 99 and  
14 9/10ths percent of municipalities  
15 a hedge is considered a fence.  
16 Not here. But it is an  
17 obstruction. So that's how we  
18 kind of are applying, you know,  
19 150-13(B). So anybody else?

20 MEMBER KAUFMAN: No.

21 CHAIRPERSON SALADINO: Question?

22 (No response.)

23 CHAIRMAN SALADINO: Thanks.  
24 Is there anyone else from the  
25 public that would like to speak?

2 (Audience member indicating.)

3 CHAIRPERSON SALADINO: Seeing  
4 none -- no, I'm kidding. Name and  
5 address for the stenographer, please.

6 MR. STUESSI: Kevin Stuessi,  
7 420 Clark Street. I'm speaking in  
8 my personal capacity as the  
9 immediate next door neighbor, not  
10 as Mayor.

11 A couple of things. It's  
12 obviously a very prominent corner  
13 in the Village and within the  
14 neighborhood. There's a lot of  
15 folks that have opinions on it and  
16 I just wanted to speak positively  
17 for the applicant in that he's  
18 been in the neighborhood, been  
19 talking to people and I know he's  
20 answered a lot of questions from  
21 folks about it.

22 There was a lovely couple that  
23 did live there that sadly moved  
24 away and we lost them from both  
25 the fire department and Peconic

2 Landing, so I'm hopeful we might  
3 find somebody that moves into the  
4 neighborhood permanently.

5 The garage that's in the back  
6 hasn't been used as a garage in  
7 many, many years. I'm not sure at  
8 what point they stopped using it  
9 as garage. It was actually used  
10 as part of the residence and they  
11 were living back there with a, you  
12 know, other -- you know, heater  
13 and other things. But as I  
14 understand with the plans, they  
15 are converting it back to a garage.

16 There was a fence in the front  
17 yard, which the applicant did  
18 remove. It was closest to my  
19 property. It was probably about a  
20 6-foot tall gate. The applicant  
21 also did a nice job cleaning the  
22 property up when he took  
23 possession of it, which a lot of  
24 the neighbors had asked about. So  
25 I'm very thankful for that

1  
2 happening.

3 I will note that the hedge that  
4 the Chair mentioned on the  
5 property is probably about 6 inches  
6 too high right now for that 30 inches  
7 limit, but, in any event, I'm  
8 supportive of the changes. A  
9 couple of other neighbors who  
10 aren't here this evening have also  
11 expressed support for the limited  
12 amount of building he's looking to  
13 do on the property.

14 There was a lot of fear of one  
15 of these bigger supersized  
16 Greenport houses on a small lot.  
17 So with that, I think they've done  
18 a thoughtful job of incorporating  
19 an expansion on the second floor.

20 I will say that neighbors have  
21 also been concerned about the  
22 historic character of the  
23 neighborhood. Unfortunately, our  
24 neighborhood in West Dublin below  
25 the tracks is not part of the

2 Historic District. A lot of  
3 people think it is, but it's not.

4 However the applicant did ask  
5 for some history on it. I made an  
6 introduction to our former chair  
7 of the Historic Preservation  
8 Commission, Jane Ratsey-Williams,  
9 who lives up the street on Fifth  
10 Street. She shared some  
11 information with him.

12 And while I've not haven't seen  
13 any plans for for what the house  
14 is going to look like, you know, I  
15 and other neighbors do hope it  
16 will retain the historic character  
17 of the neighborhood and how it was  
18 built with the shingled siding.  
19 That's all I have to say. Thank  
20 you.

21 CHAIRPERSON SALADINO: Thank  
22 you. Is there anyone else from  
23 the public that would like to  
24 speak? You in the back? No?

25 (No response.)

2 CHAIRPERSON SALADINO: I'm  
3 going to make a motion that we  
4 close this public hearing.

5 MEMBER NYCE: Second.

6 CHAIRPERSON SALADINO: So  
7 moved.

8 MEMBER KAUFMAN: Aye.

9 CHAIRPERSON SALADINO: All in  
10 favor?

11 MEMBER REARDON: Aye.

12 MEMBER GORDON: Aye.

13 MEMBER NYCE: Aye.

14 MEMBER KAUFMAN: Aye.

15 CHAIRPERSON SALADINO: And  
16 I'll vote aye.

17 What are we thinking?

18 MEMBER NYCE: I have a  
19 question for the attorney though.  
20 If we act solely on the two items  
21 from the Notice of Disapproval  
22 and our -- do not condition the  
23 fence. The fence is a  
24 nonconforming item as of now. If  
25 we don't mention it in our

2 response, does that put us in at a  
3 disadvantage? In other words, do  
4 we leave it out of our conversation or  
5 do we put it in a condition and  
6 then allow him to come --

7 CHAIRPERSON SALADINO:

8 Before Brian answers, because --  
9 can I just tag onto your question?

10 MEMBER NYCE: Sure, absolutely.

11 CHAIRPERSON SALADINO: The  
12 fence -- I'm sorry. The fence --  
13 if the fence was preexisting  
14 nonconforming, I would kind of  
15 lean towards saying, well, you  
16 know, it's preexisting. But the  
17 fence is not preexisting. It is  
18 nonconforming, but it's not  
19 preexisting.

20 I mean, the fence certainly  
21 hasn't been there since 1975 or  
22 1949. You know, it's a relatively  
23 new fence. And by looking at the  
24 fence, you have to admit that  
25 somebody overstepped their bounds

2 when they put -- I don't believe  
3 anybody got a fence permit to put  
4 that fence up. So that's kind of  
5 like what I'm saying. So, you  
6 know, David's saying, are we  
7 handcuffing ourselves by talking  
8 about this fence or --

9 VILLAGE ATTORNEY STOLLAR: No.  
10 Simple. You can do whatever you  
11 want on this. If you think there  
12 is an impact from the application,  
13 which is the second story addition  
14 and the garage, that the fence  
15 and/or the hedges impose a  
16 potential adverse impact,  
17 particularly with respect to the  
18 existing first floor portion, you  
19 can impose appropriate requirements  
20 there that also will not affect  
21 the fence in the area that you're  
22 talking about. That is not part  
23 of the application and nothing you  
24 do tonight would change that.

25 CHAIRPERSON SALADINO: Well,



2 the fact that the fence is not  
3 part of the application doesn't  
4 stop us from mentioning it or  
5 conditioning that it should  
6 conform -- it should be code  
7 conforming.

8 VILLAGE ATTORNEY STOLLAR:

9 That's the law to begin with that  
10 it should be code conforming.  
11 Even if you say that, it's  
12 basically saying it a second time.

13 MEMBER NYCE: Okay.

14 VILLAGE ATTORNEY STOLLAR: It  
15 exists as is, whether it's legal  
16 or not. By your saying something  
17 about it without all the  
18 background, you're better off not  
19 touching that fence, I think, and  
20 leaving that alone and letting it  
21 stand alone. If, in fact, it's  
22 lawful, then so be it. If it's  
23 not, then, at some point, they may  
24 have to deal with it.

25 CHAIRPERSON SALADINO: I'm

2 not understanding at some point.

3 VILLAGE ATTORNEY STOLLAR: If  
4 somebody makes a complaint that  
5 there's a fence existing there  
6 that's not legal and the building  
7 department has to address it.

8 MEMBER NYCE: Right.

9 CHAIRPERSON SALADINO: Why  
10 wouldn't it be up to this Board to  
11 say, hey, that fence is not legal?

12 VILLAGE ATTORNEY STOLLAR:  
13 It's not part of this application.  
14 The application is for the house  
15 and the garage.

16 MEMBER GORDON: That's --

17 CHAIRPERSON SALADINO: Yeah,  
18 but we have the authority to look  
19 at an application --

20 VILLAGE ATTORNEY STOLLAR: On  
21 appeal. Appellate authority.  
22 Nothing has been raised with  
23 regard to the fence.

24 CHAIRPERSON SALADINO: I  
25 mean, as it's a new application in

2 front of us.

3 VILLAGE ATTORNEY STOLLAR: No.

4 CHAIRPERSON SALADINO: Well,

5 I have the law here that says  
6 that. But I'm just not sure why,  
7 if it's here and we know about it  
8 and everybody there knows about it  
9 and everybody out in TV land knows  
10 about it, why would we just let it  
11 go and hope that somebody down the  
12 road in the building department  
13 thinks about it?

14 VILLAGE ATTORNEY STOLLAR:

15 But what information do you have  
16 to be able to make your decision?  
17 Do you have the building department  
18 file that speaks to the fence or  
19 anything as to the review process  
20 regarding the fence?

21 CHAIRPERSON SALADINO: You  
22 mean a previous appeal?

23 VILLAGE ATTORNEY STOLLAR: A  
24 previous appeal, anything from the  
25 building department file, a

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permit?

CHAIRPERSON SALADINO: Aside from -- aside from relief from a previous appeal -- a variance from a previous appeal, what other thing in the building department could justify putting up a illegal fence?

VILLAGE ATTORNEY STOLLAR: If a permit is required, a permit.

CHAIRPERSON SALADINO: Well, how can he get a permit?

VILLAGE ATTORNEY STOLLAR: If it's not a lawful fence, you can't, but if it is, there would be a permit. And if it didn't, as you say, it obviously looks and appears to be post-1975, at which time permits were required, I assume is what you're saying for fences, then there's --

CHAIRPERSON SALADINO: Prior to zoning, yeah.

VILLAGE ATTORNEY STOLLAR: Right.

2 Unless there was some -- I mean,  
3 it's not just the zoning. It's  
4 prior to any requirement for a  
5 fence permit. So if there was no  
6 requirement for a fence permit in  
7 1975, that's not the year we're  
8 looking at, it's some subsequent  
9 year when the requirement was  
10 effectuated by adoption of the law  
11 that required a permit for that.  
12 And my sense is it was probably  
13 after because we didn't have a  
14 building code until 1984.

15 CHAIRPERSON SALADINO: I  
16 just -- okay. I just thought on  
17 an individual note, a personal  
18 note, I just find it hard. We're  
19 invited to the property to look at  
20 the property, to look at -- we're  
21 invited for sight inspection and  
22 it's hard to go to a property and  
23 see -- we can debate this -- you  
24 and I can debate this, but see an  
25 obvious violation and not bring it

2 up in the hopes that somewhere  
3 someone else will bring it up.

4 MEMBER REARDON: Couldn't we  
5 just deal with the application at  
6 hand and then raise it ourselves  
7 with the building department?

8 VILLAGE ATTORNEY STOLLAR: Of  
9 course.

10 MEMBER KAUFMAN: So why don't  
11 we just do that?

12 MEMBER GORDON: Doesn't that  
13 delay the process?

14 MEMBER KAUFMAN: No. It's a  
15 separate issue. It's a separate  
16 issue, yeah. So you could still  
17 get a building permit for the  
18 house, right, but then the fence  
19 would be a separate issue that you  
20 can deal with and it wouldn't hold  
21 up anything else.

22 CHAIRMAN SALADINO: You're  
23 right. You're 100 percent right  
24 and anyone of us, anyone here has  
25 the right to mention that or make

2 a complaint with the building  
3 department. I just never have. I  
4 just never...

5 MEMBER KAUFMAN: I just don't  
6 see what the functional difference  
7 is if we just refer it to the  
8 building department as opposed to  
9 dealing with it within this issue  
10 if there are potential complications,  
11 that's all. I mean, it just seems  
12 like the same outcome either way.

13 MEMBER NYCE: As a thought  
14 and to Brian as well, if we put a  
15 condition in that all remaining  
16 fences be code complaint?

17 VILLAGE ATTORNEY STOLLAR:  
18 That's fine and can you do that.

19 MEMBER NYCE: And, again,  
20 should -- if he has proper permits  
21 for the 6-foot fence, then fair  
22 game. If not, then it has to be  
23 code compliant and therefore drop  
24 down to the 4-foot as the front  
25 yard. Does that make sense?

2 CHAIRPERSON SALADINO: It  
3 certainly does. It certainly  
4 does. The only --

5 MEMBER REARDON: Can I ask  
6 the homeowner a question or the  
7 property owner a question? Mark,  
8 this might be somewhat unusual and  
9 this is just how I see things, so  
10 excuse me if I'm speaking out of  
11 place. You understand what the  
12 discussion is about right here?

13 MR. RISHE: I do.

14 MEMBER REARDON: It's only --  
15 we're only talking a certain  
16 distance actually from where your  
17 fence starts to the back of the  
18 house. That seems like the  
19 technical definition. I could be  
20 incorrect. Are you willing --  
21 regardless of the distance, it  
22 can't be that much more, are you  
23 willing to just simply change it  
24 down to 4 feet?

25 MR. RISHE: Well -- so just



clarify, the fence area in question would be on all of Fifth Street and it would be along the driveway as well since the required front yard is 30 feet and that would probably -- that would account for that account for that entire length of fence as well.

That said, I mean, I have effectively been noticed that the fence is illegal, so I would -- I reserve my right to -- I'm trying to think about how to say this properly -- request relief in the future. But as a condition, I would -- I'll agree to reduce the fence to whatever the required height is, whether it's 4 feet or 4-and-a-half feet, something like that, as well as reduce the hedge to 30 inches or whatever is required. And I will -- if I choose to, I will seek separate relief for the fence.

2 MEMBER NYCE: Fair enough.

3 MEMBER REARDON: I think in  
4 the Town -- in a Village like  
5 this, that kind of stuff goes  
6 along way and we could avoid  
7 potential quagmire on this issue.

8 MR. RISHE: Yeah, thank you.

9 MEMBER KAUFMAN: One question  
10 just for the lawyer, attorney, is  
11 the 30-inch hedge actually part of  
12 this matter though because that  
13 actually directly impacts the  
14 sightline, this issue.

15 VILLAGE ATTORNEY STOLLAR: As  
16 the Chair said, technically it's  
17 not a requirement in this Village,  
18 but because it impacts what you're  
19 looking at, you can impose  
20 appropriate conditions that  
21 mitigate. So you can limit the  
22 height of the hedges as part of  
23 the approval.

24 MEMBER KAUFMAN: But the  
25 hedges that are within that limit

2 to the corner though, aren't  
3 those -- those are sightline  
4 issues, aren't they?

5 VILLAGE ATTORNEY STOLLAR:

6 Exactly, that's what I'm saying.  
7 So while it's technically not a  
8 requirement, if you see it as a  
9 potential impact --

10 MEMBER KAUFMAN: Okay, got it.

11 VILLAGE ATTORNEY STOLLAR: --

12 and it will reduce the impact from  
13 the applicant is seeking, then,  
14 yes, you can keep the height to a  
15 minimum --

16 MEMBER KAUFMAN: I understand.

17 CHAIRPERSON SALADINO: Well,

18 Brian, -- even though we're not  
19 going to ask for an interpretation  
20 of the fence and obstruction, I  
21 mean, a hedge will -- previous  
22 administrations didn't look at a  
23 hedge as a fence, it can't be  
24 denied that it's an obstruction.

25 I mean, it might not meet the

2 definition of a fence in this  
3 Village, but it certainly would  
4 qualify as an obstruction that you  
5 can't see through it. So I  
6 wouldn't have a problem, you know?

7 MR. RISHE: How old is the  
8 hedge though?

9 CHAIRMAN SALADINO: What?

10 MR. RISHE: Kidding. I said  
11 how old is the hedge? What year  
12 was it planted?

13 CHAIRPERSON SALADINO: Don't  
14 be like a sore winner here.  
15 You're going to get what you need  
16 here and you shouldn't razz the  
17 chairman.

18 MEMBER KAUFMAN: I thought  
19 that was funny. So more, please.

20 (Whereupon, there was  
21 crosstalk.)

22 CHAIRPERSON SALADINO: Okay,  
23 Diana, do you have something you  
24 want to ask?

25 MEMBER GORDON: No.

2 CHAIRPERSON SALADINO: No?

3 Seth, you're done?

4 MEMBER KAUFMAN: I'm done.

5 CHAIRPERSON SALADINO: David?

6 MEMBER NYCE: I'm done.

7 VILLAGE ATTORNEY STOLLAR: If  
8 I can, for the record, I'm just  
9 looking at a Goggle image from  
10 2012 and the hedge was there and a  
11 fence was there as well. The  
12 fence we're talking about on  
13 Clark, but it does appear to be  
14 lower than 6 feet. So it appears  
15 to have been some kind of change  
16 between 2012 and today.

17 CHAIRPERSON SALADINO: Just  
18 so we're putting it in the minutes  
19 in case there's judicial relief  
20 that looked for down the road or  
21 something, there's no possible  
22 way, legally, that without a  
23 variance that a 6-and-a-half foot  
24 fence, a 6-foot fence, was built  
25 in the the front yard on Fifth

2 Street. If the fence is there,  
3 and because of the dynamic in the  
4 Village at times, it was  
5 overlooked, it shouldn't -- we  
6 shouldn't -- I don't believe that  
7 this Board should pay that forward.

8 We should -- so if in 2012 there  
9 was a lower fence and now there's  
10 a higher fence and the applicant  
11 agreed to lower the fence to  
12 4 feet, after scrutinizing the  
13 building department records, you  
14 can go look at the building  
15 department records. If, in fact,  
16 there was a variance -- I would  
17 kind of bet there wasn't, but if  
18 there was, you don't have to lower it.

19 All right, we're going to do the  
20 balancing test and then vote on  
21 the application, right? Am I  
22 forgetting anything?

23 MEMBER GORDON: No.

24 MEMBER KAUFMAN: I thought  
25 you need to declare SEQRA.

2 CHAIRPERSON SALADINO: We're  
3 going to do SEQRA.

4 MEMBER KAUFMAN: All right.

5 CHAIRPERSON SALADINO: All  
6 right I'll put my glasses on. I'm  
7 going to make a motion that the  
8 Zoning Board of Appeals declares  
9 itself Lead Agency for the  
10 purposes of SEQRA. So moved.

11 MEMBER NYCE: Second.

12 CHAIRPERSON SALADINO: All in  
13 favor?

14 MEMBER REARDON: Aye.

15 MEMBER NYCE: Aye.

16 MEMBER GORDON: Aye.

17 MEMBER KAUFMAN: Aye.

18 CHAIRPERSON SALADINO: And  
19 I'll vote aye. This is a Type II  
20 action, no further necessary.

21 I'm going to go through this  
22 balancing test and then we'll...

23 The applicant has already  
24 confirmed that he's going to  
25 comply with the 4-foot fence in

2 the front yard. Whether an  
3 undesirable change will be  
4 produced in the character of the  
5 neighborhood or a detriment to  
6 nearby properties will be created  
7 by the granting of the area  
8 variance? And before I start,  
9 we're going to take these three  
10 variances in block. So we're  
11 going to vote all three at the  
12 same time.

13 Jack?

14 MEMBER REARDON: No.

15 CHAIRPERSON SALADINO: David?

16 MEMBER NYCE: No.

17 CHAIRPERSON SALADINO: Dinni?

18 MEMBER GORDON: No.

19 CHAIRPERSON SALADINO: Seth?

20 MEMBER KAUFMAN: No.

21 CHAIRPERSON SALADINO: And  
22 I'll vote no.

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



2 applicant to pursue other than an  
3 area variance?

4 Jack?

5 MEMBER REARDON: No.

6 CHAIRPERSON SALADINO: David?

7 MEMBER NYCE: No.

8 CHAIRPERSON SALADINO: Diana?

9 MEMBER GORDON: No.

10 CHAIRPERSON SALADINO: Seth?

11 MEMBER KAUFMAN: No.

12 CHAIRPERSON SALADINO: And

13 I'll vote no.

14 CHAIRPERSON SALADINO:

15 Whether the requested area variance is  
16 substantial?

17 Jack?

18 MEMBER REARDON: No.

19 CHAIRPERSON SALADINO: David?

20 MEMBER NYCE: No.

21 CHAIRPERSON SALADINO: Dinni?

22 MEMBER GORDON: No.

23 MEMBER KAUFMAN: No.

24 CHAIRPERSON SALADINO: Seth,

25 no. And John will vote no.

2 Whether the proposed variance  
3 will have an adverse effect or  
4 impact on the physical or  
5 environmental conditions in the  
6 neighborhood or district?

7 Jack?

8 MEMBER REARDON: No.

9 CHAIRPERSON SALADINO: David?

10 MEMBER NYCE: No.

11 CHAIRPERSON SALADINO: Dinni?

12 MEMBER GORDON: No.

13 CHAIRPERSON SALADINO: Seth?

14 MEMBER KAUFMAN: No.

15 CHAIRPERSON SALADINO: And

16 I'll vote no.

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

24 Jack?

25 MEMBER REARDON: Yes.

2 CHAIRPERSON SALADINO: David?

3 MEMBER NYCE: No.

4 CHAIRPERSON SALADINO: Dinni?

5 MEMBER GORDON: No.

6 MEMBER KAUFMAN: No.

7 CHAIRPERSON SALADINO: And

8 I'm going to vote no.

9 All right, we're going to vote  
10 on the variance.

11 MEMBER GORDON: Yes.

12 CHAIRPERSON SALADINO: All  
13 right, I'm going to make a motion  
14 that we approve the listed area  
15 variances. So moved.

16 MEMBER KAUFMAN: Second.

17 CHAIRPERSON SALADINO: Jack?

18 MEMBER REARDON: Aye.

19 CHAIRPERSON SALADINO: David?

20 MEMBER NYCE: Yes.

21 CHAIRPERSON SALADINO: Dinni?

22 MEMBER GORDON: Yes.

23 CHAIRPERSON SALADINO: Seth?

24 MEMBER KAUFMAN: Yes.

25 CHAIRPERSON SALADINO: And

2 I'll vote yes. Easy peasy.

3 Did I miss something? Okay,  
4 you'll have -- and we're only  
5 approving the plans that, you  
6 know, you submitted and you'll  
7 have -- I say this all the time,  
8 if it's true or not, don't hold me  
9 to it; you'll have your decision  
10 -- you can have your decision at  
11 Village Hall within five days.

12 You might have it now. And the  
13 findings you'll have next month.  
14 You know the deal.

15 Item Number 7. Is there any  
16 other Zoning Board of Appeals  
17 business that might properly come  
18 before this Board? Here's your  
19 shot. Anybody got a question?

20 (No response.)

21 CHAIRPERSON SALADINO:

22 Anybody back there? No.

23 (No response.)

24 CHAIRPERSON SALADINO: Item

25 Number 8 is a motion to adjourn.

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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.  
Thank you for coming.

(Whereupon, the Zoning Board  
of Appeals meeting concluded at  
6:38 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 1st day of February, 2024.

  
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REBECCA WOOD

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