

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 Old Schoolhouse
8 1st & Front Streets
9 Greenport, NY, 11944
10
11 April 15, 2025
12 6:00 p.m.
13
14 B E F O R E:
15 JOHN SALADINO - CHAIRMAN
16 DINNI GORDON - MEMBER
17 SETH KAUFMAN - MEMBER
18 DAVID NYCE - MEMBER
19 JACK REARDON - MEMBER
20 *****
21 ALSO IN ATTENDANCE:
22 BRIAN STOLAR - VILLAGE ATTORNEY
23 MICHAEL NOONE - CLERK TO THE BOARD
24
25

1 CHAIRMAN SALADINO: Folks, this is
2 the regular meeting of the Village of
3 Greenport Zoning Board of Appeals.
4 It's approximately --

5 CLERK NOONE: 6:03.

6 CHAIRMAN SALADINO: 6:03. And
7 Item Number 1 is a motion to accept the
8 minutes of the March 18, 2025 Zoning
9 Board of Appeals meeting. So moved.

10 MEMBER GORDON: Second.

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

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

15 Item Number 2 is a motion to
16 schedule the next Zoning Board of
17 Appeals meeting for May 20, 2025 at
18 6:00 p.m. at Station One Firehouse,
19 Third and South Streets, Greenport, New
20 York 11944. So moved.

21 MEMBER KAUFMAN: Second.

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

24 CHAIRMAN SALADINO: And I vote
25 aye.

1 MEMBER NYCE: I will be absent.

2 CHAIRMAN SALADINO: Okay. I'll
3 write that down.

4 Item Number 3 is 417 Clark Street.
5 This is a public hearing regarding the
6 application of Joe Bocci on behalf of
7 Nicole Murch. Applicant proposes
8 renovations and addition to an existing
9 two story, one family residence. The
10 relief requested is on the agenda. The
11 property is located in the R2, One and
12 Two Family District and is not located
13 in the Historic District. I'm going to
14 ask Mike, we -- public notice was --

15 CLERK NOONE: It was published.

16 CHAIRMAN SALADINO: And I have the
17 mailings.

18 CLERK NOONE: The mailings have
19 been given to --

20 CHAIRMAN SALADINO: I have the
21 mailings. If anyone from the public
22 would like me to read them, I will. If
23 not, the stenographer has them, she's
24 entering them into the public record.
25 Speak now. Nope. Okay. That's good.

1 (Mailings: Christine Nusse and
2 Patricia Bennett, 375 Riverside Drive,
3 Apartment 5BB, New York, New York
4 10025; Jeanne Cooper, 414 Clark Street,
5 Greenport, New York 11944; Kevin
6 Steussi, 420 Clark Street, Greenport,
7 New York 11944; Marc Rishe, 315 Sutton
8 Place, Greenport, New York 11944;
9 Anthony Auriemmo, 72 Linden Street,
10 Massapequa, New York 11762; Peter
11 Rowsom, 203 Fourth Street, Greenport,
12 New York 11944; Richard and Laura
13 Johnson, 440 W 44th Street, Apartment
14 4, New York, New York 10036; Stephen L.
15 Clarke, P.O. Box 750, Greenport, New
16 York 11944; Carol-Anne Hoffman, 40
17 Grove Street, Unit #2, Waltham,
18 Massachusetts 02453-8383.)

19 And we'll open the public hearing.
20 Is the applicant here?

21 MR. BOCCI: Yes.

22 CHAIRMAN SALADINO: Name and
23 address for the stenographer, please.

24 MR. BOCCI: Joseph Bocci, P.O. Box
25 461, Shelter Island 11964.

1 CHAIRMAN SALADINO: Do you want to
2 tell us about your project?

3 MR. BOCCI: Sure. I'll let Andrew
4 Reyniak give you a little --

5 MR. REYNIAC: Hi, I'm the
6 architect for the project, Andrew
7 Reyniak, Box 134, Sagaponack, New York
8 11962.

9 In this project, we take an
10 existing building, which has an
11 existing barn on the property and it's
12 the existing buildings that have the
13 existing nonconforming lot issues. The
14 building is a gambrel roof structure
15 typical for the area. One story is a
16 flat roof addition was put on one side
17 at some point, it looks to be in the
18 '50s. We propose rebuilding that flat
19 roof addition with a gambrel roof, so
20 the building is more consistent with
21 its historic character. There's an
22 existing rear porch that we propose
23 removing, making it a little bit
24 shallower but a little bit wider. That
25 would enable us to put a room above it

1 on the second floor. And then we're
2 basically rebuilding the second floor
3 roof line in the gambrel style
4 extending the second floor a little bit
5 over the front porch and rebuilding the
6 front porch itself.

7 So we hope that this is not any
8 kind of burden or inconvenience on the
9 neighbors, and in fact, hope it will be
10 an improvement to the character of this
11 building by modifying that side, you
12 know, flat roofed addition and hope
13 that everyone agrees.

14 CHAIRMAN SALADINO: Thank you.

15 Is there anyone else from the
16 public that would like to speak?

17 MR. BISCHOFF: Yes, sir. My name
18 is Joan Bischoff, Bischoff Law PLLC,
19 I'm an attorney and I represent the
20 neighbors, Christine Nusse and Pat
21 Bennett. And I wanted to start to tell
22 you guys how much I appreciate being in
23 this building. This Village has come
24 so far in maintaining it as a wonderful
25 town, and I commend you guys for doing

1 the job that you are doing. I love
2 coming in this building. We used to
3 have our North Fork Motion Council
4 meetings here and it's always been a
5 pleasure. You guys are very nice about
6 borrowing it from the Village also from
7 the people -- from the rest of the
8 north fork.

9 Well, good evening, Members of the
10 Zoning Board. I have submitted a
11 detailed letter dated yesterday
12 outlining our strong opposition to the
13 pending variance application, and I
14 respectfully request that it be made
15 part of the official record in this
16 proceeding. In summary, we believe
17 this application is both procedurally
18 incomplete and substantively deficient.

19 We raised serious concerns in a
20 separate letter the day before about
21 the decision to treat this as a Type II
22 application, and I added to that in the
23 letter that I sent today. The
24 applicant improperly claims the project
25 qualifies as a Type II action exempt

1 from environmental review despite the
2 fact that the proposal involves major
3 physical changes, proximity to
4 sensitive coastal areas. As a matter
5 of fact, the corner of the property is
6 in the brown area if you check the
7 flood map. Not much, but it's where
8 the barn sits in the back. The
9 required -- it is our opinion that the
10 required environmental assessment form
11 should have been filled out properly
12 and signed and that a full SEQRA review
13 should have been transacted.

14 CHAIRMAN SALADINO: The long form?
15 I'm sorry, the long form?

16 MR. BISCHOFF: Not the long form,
17 the short form would be great, but
18 something needs to be done to establish
19 plans with the change of the roof and
20 the possible results of runoff water
21 from that roof. There's very little
22 area on that property. It sits very
23 close to the property lines. Most of
24 the side of the house is taken up by
25 concrete impervious driveway, and I

1 have concerns about -- if you look at
2 the house now, you see lots of little
3 roofs. They have a very different
4 pattern of runoff than one big roof,
5 and there is nothing included in the
6 application that tells me nor are the
7 calculations done about what you would
8 need nor where the culverts have to go
9 or where they do not have to go. And
10 it's just a concern. My neighbors are
11 living right here behind, and they are
12 very concerned about it.

13 There is also a procedural concern
14 about the conflict of the code. When I
15 went through this application, there
16 was so much going on, and I certainly
17 hope I did not ruin your afternoon with
18 an eight-page letter, but I just came
19 across a lot of stuff that, as an
20 attorney, I have to bring to your
21 attention. I hope you don't mind.
22 When I read the code, some articles
23 still mention the 20 percent maximum
24 lot coverage where the bulk schedule
25 says 30 percent. I don't know why that

1 is, but it appears to be a conflict in
2 the code, which makes it difficult for
3 you to make a decision in this case
4 because which one is it, 20 or 30?
5 Obviously the Building Department
6 thinks it's 30, but as an attorney, I
7 look at the code and it says 20 and 30,
8 so I don't know which one it is.
9 Typically you would have to go by the
10 least of the -- feel free to interrupt
11 me.

12 CHAIRMAN SALADINO: For the
13 record, would you like to cite that
14 portion of the code?

15 MR. BISCHOFF: I did. It's in my
16 letter. Do you want me to read the
17 letter?

18 CHAIRMAN SALADINO: No, you don't
19 need to read the letter, but the
20 portion of the code where you believe
21 the lot coverage should be 20 percent
22 as opposed to 30.

23 MR. BISCHOFF: Absolutely.
24 Section 150-7B(1)(b) of the Village of
25 Greenport Zoning Code unambiguously

1 lists the total area coverage for all
2 principal buildings and accessory
3 buildings to 20 percent of the lot
4 area.

5 CHAIRMAN SALADINO: Is that for
6 schools?

7 ATTORNEY STOLAR: It's for places
8 of worship. Just the section you're
9 referencing 150-7B(1) is for places of
10 worship, including parish houses.

11 MR. BISCHOFF: But then it lists
12 -- no, this is in section -- the
13 description of the R-1.

14 ATTORNEY STOLAR: Correct. R-1,
15 within R-1 where this property is
16 located has different regulations with
17 respect to different uses. B, Section
18 B, the one you refer to applies only to
19 places of worship.

20 MR. BISCHOFF: All right.

21 CHAIRMAN SALADINO: We could
22 square that away in our discussion.
23 We'll certainly square that away.

24 MR. BISCHOFF: Sure, sure.

25 The applicant seeks seven

1 variances, many of which are
2 substantial, including a 90 percent
3 front yard reduction, a lot coverage
4 increase well above permitted limits,
5 and multiple side yard and height
6 variances. These are not minor
7 deviations. If you look at the
8 picture, and I will at the end of my
9 presentation ask if I may put those in
10 the record, as well, the pictures that
11 I will show you. If you look at the
12 property, it is very dense already,
13 very, very dense already. And we
14 understand that the application
15 mentions that it's rather minimal what
16 they're asking for, 11 feet in total
17 lot coverage.

18 CHAIRMAN SALADINO: Square feet.

19 MR. BISCHOFF: Square feet. And
20 we -- when you look at the percentages
21 and you look at the base level that is
22 already so nonconforming, that is a big
23 difference. And if you look at the
24 effect of the mass of the second floor,
25 it really drastically expands the

1 second floor by 65 percent. That's
2 almost the whole square footprint of
3 the front of the building when you
4 stand and look at the property from the
5 street.

6 MEMBER GORDON: But that's not a
7 land use question. The Zoning Board
8 considers land use questions, and
9 there's really only the 11 foot
10 increase in land use. And most of the
11 variances that are requested are
12 efforts to legitimize or legalize -- we
13 go back and forth with words which are
14 a little slippery -- what already
15 exists. You're sounding as though when
16 you complain about the number of
17 variations -- of variances requested,
18 that these are changes from what
19 exists, but they are --

20 MR. BISCHOFF: No, no, what I'm
21 saying is that the existing level is
22 already so far out of compliance that
23 every smaller increase in the
24 compliance, which by the way, not a 3
25 percent variance as is noted in the

1 disapproval by the Building Department,
2 it's actually almost a 10 percent
3 change in --

4 CHAIRMAN SALADINO: You're going
5 to have to explain that math.

6 MEMBER KAUFMAN: Where does 10
7 percent come from?

8 MR. BISCHOFF: I have the
9 calculations in the letter, but the way
10 --

11 CHAIRMAN SALADINO: Just so we're
12 all on the same page, the letter that
13 you sent to this Board today?

14 MR. BISCHOFF: On the 14th, yes.

15 CHAIRMAN SALADINO: I don't know,
16 mine says received.

17 MEMBER KAUFMAN: It's dated April
18 14th.

19 CHAIRMAN SALADINO: We got it
20 today.

21 ATTORNEY STOLAR: But it was
22 delivered today.

23 CLERK NOONE: It was delivered
24 today.

25 CHAIRMAN SALADINO: So some of us

1 are not on the same page as to some of
2 your --

3 CLERK NOONE: What did I give you?

4 CHAIRMAN SALADINO: It doesn't
5 matter. I'm not going to read it now
6 anyway.

7 CLERK NOONE: We received one
8 letter yesterday and one today by air.
9 One was a ten page letter and one
10 was --

11 MR. BISCHOFF: Yes. The other one
12 was a two page.

13 CLERK NOONE: I have the two page
14 letter.

15 MR. BISCHOFF: The first one was
16 just the SEQRA.

17 CLERK NOONE: That was SEQRA and
18 this is the ten page letter.

19 CHAIRMAN SALADINO: I'm sorry,
20 again, I interrupted. I apologize.

21 MR. BISCHOFF: No, no, no, I like
22 it. Don't worry about it.

23 CHAIRMAN SALADINO: Then we'll do
24 it some more.

25 ATTORNEY STOLAR: You had a

1 question of where the 10 percent
2 variation is stated here.

3 CHAIRMAN SALADINO: I'm not seeing
4 it, I apologize. I don't -- you know,
5 how we compute lot coverage, how the
6 Zoning Board or the Building Department
7 who then relates it to the Zoning Board
8 computes lot coverage, we take the
9 amount of buildings and accessory
10 structures, we add up that square feet,
11 we divide the total lot coverage, the
12 lot area into that number and we get a
13 percentage.

14 MR. BISCHOFF: When you look at
15 the percentage before this project is
16 done and the percentage after the
17 percentage is done --

18 CHAIRMAN SALADINO: I have those
19 numbers in front of me.

20 MR. BISCHOFF: The difference is
21 11 square feet, I think.

22 MEMBER GORDON: Is that because
23 you are considering the barn a separate
24 dwelling rather than an accessory
25 structure?

1 MR. BISCHOFF: No, it's just the
2 total square footage of all the
3 structures.

4 CHAIRMAN SALADINO: Well, the
5 number that I -- it doesn't matter.

6 MR. BISCHOFF: It's whether you
7 talk about the absolute increase or
8 whether you talk about the difference
9 in percentage between before and after.
10 But I had a problem looking at the
11 application also clearly distinguishing
12 the difference between before and after
13 for all the noncompliance situations.
14 There wasn't a clear saying of before
15 it was this much out of compliance and
16 after it will be this much out of
17 compliance.

18 CHAIRMAN SALADINO: Well, there's
19 a survey.

20 MR. BISCHOFF: It wasn't clear to
21 me. I saw the questions that you guys
22 raised during the initial hearing, I
23 saw the minutes of that, and I think it
24 was Member Nyce that was bringing up
25 that he didn't exactly know where the 3

1 feet was. I have the same confusion.

2 I still have that confusion.

3 In my view, the application fails
4 to meet the legal standards under New
5 York law for granting area variances.
6 It lacks any meaningful explanation,
7 documentation, or analysis of
8 alternatives. The answers in the
9 application are conclusory,
10 unsupported, and do not address the
11 required statutory factors.

12 Finally, the application omits
13 essential documentation, including
14 before and after roof plans, elevation
15 comparisons, permit history, and even
16 basic proof that the current uses and
17 the structures are legal. To that
18 effect, when I go to the listing of the
19 house when it was sold last year and I
20 look at the barn, I believe there is a
21 C of O that says barn. When I look at
22 the pictures, I see furniture in there,
23 I see beds in there, both the first
24 floor and the second floor. And I will
25 submit those and a picture of the

1 density into the record, if I may.

2 These are the pictures.

3 CHAIRMAN SALADINO: So just -- do
4 those photographs reflect a kitchen or
5 sanitary facilities?

6 MR. BISCHOFF: They don't show
7 that, but I don't know what's there.
8 And the C of Os don't show what's
9 there, and I think it might be
10 helpful --

11 CHAIRMAN SALADINO: So your
12 contention, again, because you say
13 barn, it's an agricultural accessory
14 to --

15 MR. BISCHOFF: I would think that
16 the definition of barn is different
17 than what I see here. This is a living
18 room and a bedroom. I've slept in
19 barns.

20 CHAIRMAN SALADINO: I'm sorry.

21 MR. BISCHOFF: I'm not an engineer
22 nor an architect, I leave that to your
23 expertise.

24 ATTORNEY STOLAR: Why don't you
25 give them to me? How many photos?

1 MR. BISCHOFF: Four.

2 ATTORNEY STOLAR: Interested
3 Party's Exhibits 1 through 4.

4 MR. BISCHOFF: I have one more
5 document that shows the flood zone
6 crawling up to the corner of the barn.

7 CHAIRMAN SALADINO: From the FEMA
8 map?

9 ATTORNEY STOLAR: This is the area
10 he referred to before as the brown
11 zone, which is the X zone.

12 CHAIRMAN SALADINO: I know the
13 entire property is in Zone X, so it's
14 not in --

15 ATTORNEY STOLAR: Not the entire
16 property, no. The FEMA flood map we'll
17 mark as Interested Party's Exhibit 5.
18 If you take a look at it, you see the
19 brown area on there is usually
20 designated as X Zone, and the area
21 outside is not in a FEMA regulated
22 zone.

23 CHAIRMAN SALADINO: I can't see
24 this. Even with my glasses, I can't
25 see it. Maybe I have a bigger copy.

1 MEMBER GORDON: We have this
2 enormous one.

3 ATTORNEY STOLAR: Shows the same
4 thing, if you want to pass that.

5 CHAIRMAN SALADINO: What zone is
6 the corner of the barn in? Is that the
7 property?

8 MR. BISCHOFF: You're saying that
9 the brown on the flood map, FEMA map is
10 X?

11 CHAIRMAN SALADINO: No, the brown
12 is --

13 ATTORNEY STOLAR: Brown is usually
14 the X Zone, anything outside of --
15 anything land side of that is --

16 MEMBER REARDON: You can see it
17 better on the --

18 CHAIRMAN SALADINO: The brown is
19 AE.

20 ATTORNEY STOLAR: AE is usually a
21 blueish green.

22 CHAIRMAN SALADINO: Not on the
23 FEMA map.

24 MR. BISCHOFF: That's AE, I agree.

25 CLERK NOONE: Does anybody want to

1 see the exhibits?

2 ATTORNEY STOLAR: If I can, for
3 explanation purposes. Off the record.

4 (A discussion was held off the
5 record.)

6 MR. BISCHOFF: I'm almost done,
7 gentlemen and ladies, I'm sorry. I'm
8 sorry I've taken so much of your time.

9 In my client's view, this is not a
10 complete or lawfully reviewable
11 application. We respectfully urge the
12 Board to postpone any decisions, read
13 my letter, until the applicant submits
14 the necessary documentation, completes
15 the required environmental form, and
16 addresses the numerous deficiencies
17 raised in me letter. And I really
18 appreciate that you have listened to
19 me, and thank you very much.

20 CHAIRMAN SALADINO: Thank you. Is
21 there anyone else from the public that
22 would like to speak?

23 MR. BOCCI: I'd just like to note
24 that the increase in lot coverage --

25 CHAIRMAN SALADINO: Identify

1 yourself.

2 MR. BOCCI: Joseph Bocci. The
3 increase in lot coverage being
4 requested is one fifth of one percent,
5 so that's what the 11 square feet
6 calculates. It goes from 32.7 percent
7 to 32.9 percent, so it's one fifth of
8 one percent requested.

9 CHAIRMAN SALADINO: Thank you. Is
10 there anyone else that would like to
11 speak?

12 MS. SANTISI: Can I just ask a
13 question?

14 CHAIRMAN SALADINO: Name and
15 address for the stenographer, please.

16 MS. SANTISI: Laura Santisi, 143
17 Fourth Street.

18 This first section here under Item
19 3, the proposed front yard setback is
20 3.3 feet where 30 feet is required,
21 therefore a 26.7 foot variance is
22 required. I don't get that.

23 CHAIRMAN SALADINO: Could you
24 please address us?

25 MS. SANTISI: How does that work?

1 CHAIRMAN SALADINO: I'll explain
2 it to you, if you talk to us.

3 MS. SANTISI: Okay, sorry.

4 CHAIRMAN SALADINO: The house is
5 preexisting nonconforming, it was built
6 prior to code. Prior to code you could
7 do anything you want.

8 MS. SANTISI: Right.

9 CHAIRMAN SALADINO: After code,
10 after, well, 1949, but 1975 is kind of
11 what the recognized code in Greenport,
12 they decided they needed setbacks for
13 the front yard, side yards, and rear
14 yards. When somebody comes before this
15 Board, we're not going to make them
16 move the house 30 feet back.

17 MS. SANTISI: Obviously.

18 CHAIRMAN SALADINO: So what we do
19 is the policy in this municipality is
20 to legitimize, which is a word some of
21 us don't like to use, some of us do,
22 but it's the policy in Greenport.
23 Other municipalities, maybe not so
24 much. But in this municipality, when
25 you apply for a building permit, you

1 come in front of -- you go to the
2 Building Department, if there's relief
3 needed, you come in front of this
4 Board, and we basically legitimize this
5 lack of a 30 foot front yard setback,
6 the lack of a 15 foot side yard
7 setback, or 30 foot rear yard setback.

8 This Board is not prepared to deny
9 a request like that because it would
10 basically mean you would have to move
11 the house. So as impractical as that
12 would be, we bring the applicant here,
13 we list the preexisting
14 nonconformities, and we legitimize
15 them.

16 MS. SANTISI: Okay. It just seems
17 to me that since this house existed --
18 since this existing house is already
19 really out of bounds in the front, why
20 would you want to make it worse by so
21 much, you know?

22 CHAIRMAN SALADINO: How are we
23 making it worse?

24 MS. SANTISI: The proposed -- the
25 proposal is to build, I guess, over the

1 porch. So I know that it's not lot
2 coverage, but it's going to feel very
3 different when you're walking down the
4 street.

5 CHAIRMAN SALADINO: This Zoning
6 Board -- I was on the Zoning Board,
7 Dinni was on the Zoning Board, the
8 Village of Greenport Zoning Board in I
9 want to say 2015 and reaffirmed it in
10 2016 an interpretation that as long as
11 you don't go outside the footprint and
12 you went up, it was okay.

13 MS. SANTISI: Yeah, it just feels
14 like --

15 MEMBER NYCE: For the sake of
16 argument, had that structure been built
17 the way they're proposing to build it
18 now, they're still within what we're
19 talking about. I understand that it's
20 a difference now, but had it been built
21 differently originally, it would have
22 encroached on the sidewalk just as much
23 as it will now. As John said,
24 basically we're eliminating in that,
25 the policy, as long as it's the

1 footprint, it's the footprint. They
2 can't go above the heights, they can't
3 go outside of the boundaries.

4 MS. SANTISI: I guess, I just
5 don't understand, it's 3.3 feet from
6 the street, from the curb, from -- I
7 mean, that's not very big.

8 CHAIRMAN SALADINO: No, it's not.

9 MS. SANTISI: Yeah, so that's what
10 I object to. That's one thing I object
11 to. I mean, it is very crowded in that
12 lot, and you know, it would seem to me,
13 like, if they built in the back of the
14 house, it would be better, but okay.

15 MEMBER GORDON: So you're
16 commenting really on design matters
17 rather than on land use matters.

18 MS. SANTISI: Yes.

19 MEMBER GORDON: And we are not, in
20 fact, empowered nor -- there is, in
21 fact, an ongoing discussion in the
22 Village about whether we should be
23 expanding the Historic District to the
24 whole Village with the idea that there
25 would then be a kind of scrutiny of

1 basic design and use principles.

2 MS. SANTISI: Yeah. I'm just
3 thinking about the --

4 MEMBER GORDON: We don't have that
5 now.

6 CHAIRMAN SALADINO: We don't want
7 to bring that discussion here.

8 MEMBER GORDON: I'm not suggesting
9 we should. I'm, in fact, explaining
10 that we don't have that and that our
11 task is to deal with those issues on
12 the ground, not what's happening
13 upstairs. And it doesn't increase the
14 footprint at all. The increase in the
15 structure is only the 11 feet of a
16 piece of a porch.

17 MR. BISCHOFF: They're taking the
18 porch down, they're changing the shape
19 of the porch.

20 MS. SANTISI: And then they're
21 building straight up. So it's just
22 going to feel very different, and you
23 know, can you imagine if everyone
24 decides that they're doing a renovation
25 and we have a bunch of, you know.

1 CHAIRMAN SALADINO: We hear it a
2 lot.

3 MS. SANTISI: It feels like it
4 will change the feeling of the
5 neighborhood.

6 CHAIRMAN SALADINO: We don't have
7 a pyramid law in Greenport. It was
8 discussed, the powers that be that
9 write the code decided that that's not
10 something they wanted in the code, so.

11 MS. SANTISI: A pyramid?

12 MR. BISCHOFF: That's what we have
13 in Southold.

14 MS. SANTISI: Oh, okay.

15 MR. BISCHOFF: Regulates
16 dimensions and mass.

17 CHAIRMAN SALADINO: Thank you.

18 Is there anyone else that would
19 like to speak?

20 MR. TOBIN: Roric Tobin, 172 Fifth
21 Street, and I just want to speak in
22 support of this application, since I
23 heard -- I was not planning on coming,
24 but then I heard there would be some
25 opposition, so I thought I would come

1 and voice my -- that I'm in favor of
2 it. I think if you look to the house
3 immediately to the right, that that is
4 two full floors maybe five feet from
5 the sidewalk, but it's not going to
6 change the character, it's not going to
7 change the sight lines from anyone's
8 house. So I think there's some
9 personal disputes here that are being
10 misconstrued into things and bringing
11 this opposition forward. And I think
12 that what the person who is planning to
13 do this, the letter said was a
14 developer, it's not a developer, it's
15 someone who is going to live there. I
16 think there's been a lot of mis -- sort
17 of misinformation out there
18 intentionally in opposition to this
19 that is not relevant to what the Board
20 has to do, and I hope that you just
21 look at the facts, which it sounds like
22 you're going to, and approve this.
23 That's what I would like to say.

24 CHAIRMAN SALADINO: Thank you.

25 Is there anyone else from the

1 public that would like to speak? No.

2 MEMBER GORDON: We had another
3 letter. Should that be in the record?

4 CHAIRMAN SALADINO: We had a
5 letter?

6 ATTORNEY STOLAR: We received a
7 second letter from a neighbor
8 questioning that letter. It was from
9 yesterday, I believe.

10 CLERK NOONE: No, it was from last
11 week.

12 ATTORNEY STOLAR: With respect to
13 the lot coverage and including --

14 CLERK NOONE: It's been addressed.

15 MEMBER GORDON: Okay. I just
16 wanted to be sure.

17 CHAIRMAN SALADINO: Just for the
18 public, a neighbor wrote a letter about
19 the excessive lot coverage and the math
20 that this particular neighbor used.
21 There was a mistake with the size of
22 the footprint and it's been resolved.

23 CLERK NOONE: Did you want to
24 enter that in the record?

25 CHAIRMAN SALADINO: I think we

1 should, yeah.

2 CLERK NOONE: Do you want me to
3 read it?

4 CHAIRMAN SALADINO: I'm not going
5 to read it.

6 ATTORNEY STOLAR: We have -- the
7 letter references an e-mail from
8 Jeanne, J-E-A-N-N-E, Cooper,
9 C-O-O-P-E-R dated April 6th sent at
10 4:56.

11 CHAIRMAN SALADINO: I'm sorry, did
12 you want to --

13 MS. PHELAN: Hi, I'm Laurie
14 Phelan, 203 Fifth Street, and my --
15 excuse us for chatting here, but I did
16 want to just confirm with the architect
17 that there is no construction on the
18 barn; is that true?

19 CHAIRMAN SALADINO: All the
20 information that we have and according
21 to the narrative list at our last
22 meeting that the barn wouldn't be
23 touched, but he made no promises about
24 the future.

25 MS. PHELAN: That's all. Just

1 curious.

2 CHAIRMAN SALADINO: So if there's
3 a building permit in the works in the
4 future, the Building Department will
5 deal with it. And if it's not code
6 compliant, they'll come here.

7 MS. PHELAN: Just curious.
8 There's a lot of construction in that
9 very small area right now, so we're all
10 concerned neighbors.

11 CHAIRMAN SALADINO: We all live in
12 that area.

13 MEMBER NYCE: I don't. I'm on the
14 other side of the tracks.

15 MR. TOBIN: Can I make one more
16 observation? Roric Tobin, 172 Fifth
17 Street. A previous owners'
18 noncompliant use should not penalize a
19 new owners'. So the fact that a
20 previous owner had beds in there should
21 have no impact on the application of
22 the current owner.

23 CHAIRMAN SALADINO: Well, we agree
24 with you a hundred percent. But also
25 we would like to explain, we're not the

1 zoning police, we're the Zoning Board
2 of Appeals. So if there's a violation
3 and the Village Code Enforcement is the
4 department that should address that.
5 If it's not on our notice of
6 disapproval, we're not going to address
7 it.

8 Is there anyone else from the
9 public that would like to speak? No.
10 What do we think, close the public
11 hearing, keep it open? What do you
12 want to do, folks?

13 MEMBER NYCE: For clarification,
14 our attorney is saying that this is, in
15 fact -- in conflict to Mr. Bischoff's
16 letter, this is, in fact -- we are fine
17 with SEQRA as is; is that correct?

18 CHAIRMAN SALADINO: I'm going to
19 address his concerns as part of our
20 discussion.

21 MEMBER NYCE: Fantastic.

22 CHAIRMAN SALADINO: I have the
23 SEQRA Type II list here. I marked off
24 everything that's being disputed. So
25 if we want to close the public hearing,

1 we close the public hearing, and then
2 we'll address this with our discussion.
3 We'll do the balancing test.

4 MEMBER KAUFMAN: Yes, let's close
5 it.

6 CHAIRMAN SALADINO: So I'll make a
7 motion that we close this public
8 hearing.

9 MEMBER KAUFMAN: Second.

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

12 CHAIRMAN SALADINO: And I'll vote
13 aye.

14 Okay. I got a lot of stuff in
15 front of me here. Give me a second.

16 MR. BISCHOFF: Mr. Chairman, may I
17 ask one question? After discussing
18 things with the Board and with the
19 attorney, I would like to have the
20 opportunity to correct my letter to
21 make sure that the letter is adapted to
22 fact and not based on the houses of
23 worship. When does that end, the
24 period that I could submit my letter,
25 add to it or subtract to it?

1 ATTORNEY STOLAR: About a minute
2 ago.

3 CHAIRMAN SALADINO: When I just
4 closed the public hearing. If during
5 our discussion, and it's okay with the
6 members, and we address some of your
7 concerns with facts, again, if it's
8 okay with the members, I would give you
9 a chance to respond and that would be
10 part of the record.

11 MR. BISCHOFF: I appreciate it.
12 Thank you, Mr. Chairman.

13 CHAIRMAN SALADINO: So where was
14 I?

15 MEMBER GORDON: Item Number 4.

16 CHAIRMAN SALADINO: Folks, Item
17 Number 4 is 432 First Street. This is
18 a motion to accept the application,
19 schedule a public hearing, and arrange
20 for a site visit regarding the
21 applicant of Brooke Epperson on behalf
22 of Magdalena Paragas.

23 Applicant proposes
24 restoration/renovation of an existing
25 one and one-half story wood frame

1 accessory structure. The relief sought
2 is on the agenda. The property is
3 located in the R-2 One and Two Family
4 Residential District, and it's also
5 located in the Historic District. The
6 Suffolk County Tax Map Number is
7 1001-4-7-2.1.

8 Is the applicant here?

9 MR. PORTILLO: Anthony Portillo,
10 architect, 10200 Main Road, Mattituck,
11 New York.

12 Just before I start, there was a
13 small mistake on our table. The
14 elevation is accurate on the height,
15 our table is incorrect by .3 of a foot.
16 So I revised it and I brought copies.
17 I can also provide a hard copy to the
18 office, but I have copies tonight.

19 CHAIRMAN SALADINO: If you would,
20 please.

21 MR. PORTILLO: It's -- the denial
22 letter is accurate and the table is now
23 accurate on the denial letter, and the
24 elevation is not revised, the height of
25 the elevation was accurate.

1 CHAIRMAN SALADINO: Of the barn.

2 MR. PORTILLO: Yes, that's for the
3 barn, correct. So there is no work
4 being done on the house. We are --
5 there are some existing noncomplying
6 issues with the home, which we are
7 limited to legalizing or legitimizing.
8 The barn also has some nonconforming
9 items that were -- that are also part
10 of the variance request.

11 Really the three variances that
12 are being what's called self-created,
13 one is the height, and the reason for
14 the height, it's existing noncompliant
15 currently. The barn, the structure is
16 on the ground, so we want to lift it
17 one foot so we can frame it onto a
18 foundation, and we're going to provide
19 a crawl space, again, just to allow the
20 wood to be off the ground, termites,
21 you know, dirt, things like that.

22 CHAIRMAN SALADINO: The only
23 reason why the height is the crawl
24 space.

25 MR. PORTILLO: Crawl space is

1 below grade, but the house itself is
2 only one foot above grade.

3 CHAIRMAN SALADINO: What I'm
4 reading from your document is that
5 there's going to be a 5.4 foot crawl
6 space and a 1.8 foot foundation, and
7 the barn is going to go on top of that.

8 MR. PORTILLO: Right. Which is a
9 one foot increase in height from what
10 it currently is. Currently the joists
11 are sitting on the grade. So it's
12 about 8 inches out of grade currently.

13 CHAIRMAN SALADINO: I apologize,
14 I'm not getting it. If the barn is at
15 grade now and you're raising -- and
16 you're putting a 1.8 foot foundation --

17 MR. PORTILLO: Out of grade.

18 CHAIRMAN SALADINO: At grade. How
19 is the height of the barn only
20 increased by one foot?

21 MR. PORTILLO: Because currently
22 the joists that are sitting on the
23 grade are 8 inches, so it's already 8
24 inches out of grade. We're adding a
25 foot, so it's going to be 1 foot 8

1 inches out of grade when we're done.
2 So we're only adding a foot to the
3 height.

4 MEMBER GORDON: So the variance
5 requested then will be 12.1 rather than
6 11.1 on the notice of disapproval.

7 MR. PORTILLO: So the existing
8 height of the barn is 25.9 and we're
9 requesting 26.9.

10 CHAIRMAN SALADINO: Okay.

11 MR. PORTILLO: Does that make
12 sense?

13 The other request is the lot
14 coverage increase. That's due to us
15 putting in a landing and a step up to
16 the barn, so there's two doors in the
17 barn and we're just doing a landing
18 that wraps around the front to allow us
19 to access based on the new height, so
20 two risers up to that landing. So the
21 landing is creating that increase in
22 lot coverage. The increase -- the
23 current lot coverage is already over,
24 the increase is 2.2 percent for that
25 new landing and staircase -- or stairs

1 up.

2 I think the other self-created is
3 we're requesting an outdoor shower
4 that's attached to the side of the
5 barn, which essentially would put us
6 3.8 feet from the side yard. And
7 that's the current barn is 7.9 feet
8 from that side yard. So we would
9 decrease that side yard, but it is an
10 open shower, just three walls and a --
11 three walls for that outdoor shower.

12 One other thing I just want to
13 state, we did move the gate back so
14 that we had the proper parking, so we
15 didn't need that relief, so that's a
16 change that we're creating so that we
17 can get one of the parkings past the 30
18 foot front yard. So we did that as a
19 way to get proper parking, not request
20 that relief. The other reliefs are,
21 again, existing nonconforming issues.

22 Just one more statement, sorry,
23 for the Board, again, I don't know if
24 you've seen the barn, but the barn is
25 in terrible condition, and that's the

1 main reason that we're doing this. The
2 owners want to fix it, want to salvage
3 it. We do have to go to Historical for
4 the barn. The plan is to pretty much
5 get it back to original conditions, and
6 that's the reason that we're here for
7 this application. They don't want to
8 tear it down.

9 CHAIRMAN SALADINO: Okay. I'm
10 going to ask, just since we're worried
11 about procedure here, I don't have a
12 notarized form from the applicant
13 making --

14 CLERK NOONE: The application is
15 actually coming from -- the contact
16 person is Brooke Epperson.

17 CHAIRMAN SALADINO: I don't have a
18 notarized form that the applicant
19 designated --

20 CLERK NOONE: I have an affidavit
21 and I have an authorization here.

22 CHAIRMAN SALADINO: Is it
23 notarized?

24 CLERK NOONE: I don't believe it's
25 notarized.

1 CHAIRMAN SALADINO: We're going to
2 have to get that.

3 MR. PORTILLO: Sure. The
4 applicants are here -- owners, I'm
5 sorry.

6 CLERK NOONE: Will we have to
7 revise the notice of disapproval for
8 the variances? I mean, how many
9 variances are changing?

10 MR. PORTILLO: There's no changes
11 to the variances.

12 CLERK NOONE: You said --

13 CHAIRMAN SALADINO: The height.

14 CLERK NOONE: The height is
15 changing.

16 MR. PORTILLO: Now, the height is
17 accurate on the denial.

18 CLERK NOONE: And you said the lot
19 coverage is changing?

20 MR. PORTILLO: The lot coverage is
21 accurate on the denial, it's just an
22 increase in lot coverage.

23 CHAIRMAN SALADINO: How can it be
24 accurate if there's an increase?

25 MR. PORTILLO: The three --

1 CHAIRMAN SALADINO: Before we get
2 too far into the weeds with this, I
3 just have a couple of questions that
4 might make this whole conversation a
5 little more --

6 MR. PORTILLO: Sure.

7 CHAIRMAN SALADINO: I'm reading
8 your EAF here, and some of the things
9 are just not accurate, but the one
10 thing that caught my attention was will
11 a proposed action connect to an
12 existing waste water utilities, and you
13 said yes. I looked at your drawings,
14 and you show an outdoor shower and you
15 show a wet bar, so are you connecting
16 that to the municipal sewer system?

17 MR. PORTILLO: That's the plan.

18 CHAIRMAN SALADINO: You're going
19 to have to file a different application
20 then. When you connect to municipal
21 sewer system, our code says a kitchen
22 or sanitation. That would make it a
23 second dwelling unit on the property.
24 For second dwelling unit on the
25 property, you would need a use

1 variance.

2 MR. PORTILLO: For the sink alone?
3 Because when I filed --

4 CHAIRMAN SALADINO: Are you
5 connecting to the sewer system?

6 MR. PORTILLO: That's the only --
7 I mean, yeah, that's the only option
8 for the sink. If the sink needs to be
9 removed, then that might be something
10 to discuss. This is not for a second
11 area -- this isn't for an accessory
12 apartment.

13 CHAIRMAN SALADINO: I'm just
14 telling you what the code says.

15 MR. PORTILLO: I hear you. This
16 went to the Building Department. So
17 originally we were requesting for a
18 half bathroom, and that was part of our
19 denial, you know, some stuff happened
20 with the house, but essentially they
21 told us to take the half bathroom out
22 and the sink would be allowed, it would
23 not be considered accessory.

24 CHAIRMAN SALADINO: I can't quote
25 the code, but the definition of a

1 dwelling unit is living space, kitchen,
2 cooking, or connection to sanitary
3 system. So your affidavit says you're
4 going to connect to the sanitary system
5 or the waste water system.

6 MR. PORTILLO: If the connection
7 was directly to the main house, would
8 that be considered direct to the
9 sanitary system?

10 CHAIRMAN SALADINO: It's in the
11 building.

12 MR. PORTILLO: It would be the
13 same thing. Well, then maybe that's
14 something we have to just look back at.
15 There is a discussion, and I guess the
16 Village is looking at accessory
17 apartments later on.

18 CHAIRMAN SALADINO: We're a
19 hundred percent on board with that
20 until you do it.

21 MR. PORTILLO: The goal here is to
22 get the building structurally safe and
23 not -- we don't want it to fall down,
24 that's really our concern. Taking the
25 sink out is fine.

1 CHAIRMAN SALADINO: This is your
2 application. We can only go by --

3 MR. PORTILLO: Understood. Again,
4 I think it was -- then there was a
5 misinterpretation on the Building
6 Department side because that wasn't
7 what they discussed with us was take
8 out the bathroom, the sink would be
9 acceptable. I'm hearing what you're
10 saying, so I would imagine probably
11 just taking the sink out as well
12 because we're not looking to --

13 CHAIRMAN SALADINO: Right now, you
14 understand, there's a little bit of a
15 transition at the Building Department,
16 stuff gets lost in the weeds.

17 MR. PORTILLO: This sat for a year
18 in the Building Department.

19 CHAIRMAN SALADINO: We make
20 mistakes all the time here, especially
21 Seth, we make mistakes all the time.

22 MR. PORTILLO: No, no, I hear you.
23 I'm just letting you know that that's
24 what happened here. I would imagine --
25 don't want to -- I would rather us just

1 state that we'll take the sink out. I
2 mean, is that something you guys are
3 okay with right now, taking the sink
4 out?

5 AUDIENCE MEMBER: Yes.

6 MR. PORTILLO: I could just take
7 the sink out, I could revise the
8 environmental assessment form. I don't
9 want to hold this up anymore because
10 it's really about the structure. I was
11 just told that the sink could remain.

12 In regards to the outdoor shower,
13 we can plumb it to a dry well.

14 MEMBER GORDON: I have a thought
15 about -- not as well developed as
16 John's -- about maybe you needed a use
17 variance because what is a wet bar
18 doing in this? Made me wonder if you
19 were planning to have a business there.

20 MR. PORTILLO: No, it was going to
21 be used just for, like -- there's no
22 business, no residence, that's not the
23 plan here. It was just to be used as,
24 like, an accessory barn and having a
25 sink to, you know, have water in there,

1 it's basically what it is, don't have
2 to go all the way in the house. But I
3 would say that, you know, we'll put
4 some spigots outside and we'll just do
5 storage cabinets for storage.

6 CHAIRMAN SALADINO: Well, you want
7 us to put a pin in this application
8 until you get us --

9 MR. PORTILLO: I would say that I
10 could provide the removing the sink and
11 changing the environmental assessment
12 form, but requesting that we go to a
13 public hearing. There's no change to
14 the denial based on the application,
15 it's just removing that item. We're
16 not requesting a use variance, if
17 that's acceptable from the Board. I
18 mean, I'm on the record.

19 MEMBER REARDON: With the
20 condition, right?

21 CHAIRMAN SALADINO: Well, all
22 we're doing here tonight is either
23 accepting it or not. In my mind, the
24 application is incomplete, incorrect.
25 But --

1 MEMBER NYCE: Can we accept it
2 with the proposed changes, assuming
3 those proposed changes are timely?

4 MEMBER GORDON: Given that it's
5 taken them a year to get to this point
6 especially.

7 CHAIRMAN SALADINO: It's been a
8 year?

9 AUDIENCE MEMBER: Yes, we've been
10 waiting a very long time.

11 MR. PORTILLO: It's been --

12 CHAIRMAN SALADINO: We got this
13 application two weeks ago, so it's not
14 us that holds you up.

15 MR. PORTILLO: Of course not.
16 That's not what happened. But
17 unfortunately at the Building
18 Department level, it took a very, very
19 long time.

20 CLERK NOONE: Some of it had to do
21 with the fact that you had a sink and a
22 commode in there.

23 MR. PORTILLO: Hundred percent.
24 But we revised -- so we submitted, we
25 received a denial letter, and then the

1 discussion with Alex was remove the
2 bathroom and then you would not need
3 the use variance. We did that, we
4 resubmitted, requested a revised denial
5 letter, and it basically sat in the
6 Building Department for about a year.
7 Again, no one's fault, I'm just stating
8 the facts. And I would appreciate if
9 we could move forward. I will make the
10 changes, I can get it to the Building
11 Department by Friday. I don't see to
12 hold it up over the sink. I can make
13 those revisions pretty quickly.

14 CHAIRMAN SALADINO: All right.
15 Again, because we have a previous
16 application that there's a question
17 about terminology and -- a barn is
18 non-habitable space. And it's an
19 agricultural accessory building. So in
20 your narrative you call it an accessory
21 structure, but here you call it a barn,
22 so one of them has -- we're going to
23 have to -- because I would like a
24 condition that we take out the sanitary
25 system and it remain classified as

1 non-habitable space.

2 MR. PORTILLO: That's acceptable
3 to us as well. We talked with Alex
4 about the code changing maybe one day,
5 and I explained that down the road --
6 they don't want to use it for that
7 purpose, but they did want to have the
8 half bathroom as --

9 CHAIRMAN SALADINO: You realize,
10 Alex, as good a guy as he is, he has
11 gone away to Buffalo.

12 MR. PORTILLO: A hundred percent,
13 I'm just telling you -- this is just --
14 when the new person comes in and I
15 speak to them, I'll use their name, but
16 that's just how the conversation went.
17 I'm just being clear how we got there.
18 But taking the sink out --

19 CHAIRMAN SALADINO: So we're going
20 to -- for next month we're going to
21 require that the sink come out. The
22 building is not going to be connected
23 to municipal waste water treatment
24 system, the outdoor shower you're going
25 to put in a dry well.

1 MR. PORTILLO: Yes, dry well.

2 CHAIRMAN SALADINO: You'll show
3 that?

4 MR. PORTILLO: Yes, on the site
5 plan. We'll provide calculations.

6 CHAIRMAN SALADINO: And we're
7 going to classify the building as
8 non-habitable space. So what's the
9 pleasure of the Board?

10 MEMBER KAUFMAN: Let's accept with
11 those conditions.

12 MEMBER GORDON: Yeah.

13 CHAIRMAN SALADINO: Okay. And
14 you're going to get us the notarized --

15 MR. PORTILLO: I'll provide that
16 by Friday as well. Thank you. I'll
17 bring that with the revised drawings by
18 Friday.

19 CHAIRMAN SALADINO: Give it to the
20 Building Department. Mike will take
21 care of it.

22 CLERK NOONE: Are you going to
23 need a new revised notice of
24 disapproval?

25 CHAIRMAN SALADINO: I thought

1 everything remained the same.

2 CLERK NOONE: Except for the
3 height, 26.9.

4 MR. PORTILLO: That's correct.

5 CLERK NOONE: Well, it goes from
6 26.10.

7 ATTORNEY STOLAR: It goes down
8 from 26, 10 inches to 26, 9 inches.

9 CHAIRMAN SALADINO: So we're
10 reducing the --

11 MR. PORTILLO: I'm sorry, it's
12 26.9 feet, so it's 26 feet, 10 inches.
13 The 26.9 feet is the engineering
14 sketch.

15 CHAIRMAN SALADINO: I lost my
16 train of thought. So the notarized --

17 ATTORNEY STOLAR: It's reduced in
18 size, it's not an increase.

19 CHAIRMAN SALADINO: A decrease in
20 size.

21 ATTORNEY STOLAR: That's what
22 you're saying. I'm just catching you
23 up.

24 CHAIRMAN SALADINO: All right. I
25 make a motion that we accept this

1 application with those conditions. So
2 moved.

3 MEMBER GORDON: Second.

4 CHAIRMAN SALADINO: All in favor?

5 (Aye said in unison.)

6 CHAIRMAN SALADINO: And I'll vote
7 aye. We're going to -- obviously we
8 want a site visit. We'll give you a
9 time for site visit. Let me set the
10 public hearing first. We'll set the
11 public hearing for May 20th at 6:00, we
12 set them all at 6:00. And a site
13 visit, my colleagues have a question
14 about time, I don't really care what
15 time we go. What time is good for
16 everybody? We'll go to the property.

17 MEMBER GORDON: 5:30. It's going
18 to be light. We don't have --

19 MEMBER KAUFMAN: It's good light
20 this time of the year.

21 CHAIRMAN SALADINO: Jack, 5:30?

22 MEMBER REARDON: That's fine.

23 CHAIRMAN SALADINO: Dave is not
24 going to be here.

25 MR. PORTILLO: Do you want me to

1 just mark out the shower?

2 CHAIRMAN SALADINO: I'm going to
3 give you all the information as soon as
4 I talk to these guys. So we're going
5 to set the site visit for 5:30, the
6 public hearing is at 6:00, we're going
7 to set the site visit for 5:30, and if
8 you could stake out whatever you think
9 we need to see.

10 MR. PORTILLO: Got it.

11 CHAIRMAN SALADINO: And I'm
12 guessing the stoops. It's rare that
13 you see stoop on an application. I'm a
14 boroughs guy, so I'm used to having a
15 stoop.

16 MR. PORTILLO: I call it a porch
17 when it's covered, a deck in the back,
18 a stoop when it's not covered in the
19 front.

20 MEMBER GORDON: And if you're a
21 real New Yorker, you spell it
22 S-T-O-E-P.

23 CHAIRMAN SALADINO: Okay. We'll
24 see you then.

25 MR. PORTILLO: Have a great

1 evening.

2 CHAIRMAN SALADINO: Next up is
3 Item Number 5 is 114 North Street.
4 This is a motion to accept the
5 application, schedule a public hearing,
6 and arrange a site visit regarding the
7 application of Jennifer DelVaglio, East
8 End Pool LLC on behalf of Lauren and
9 Michael Nagin. The applicant proposes
10 installation of a 14 by 22 in-ground
11 gunite swimming pool. The variances
12 are listed on the agenda. The property
13 is located in the R-2 One and Two
14 Family District and is not located in
15 the Historic District. That's not the
16 Historic District? Doesn't matter.
17 The Suffolk County Tax Map Number is
18 1001-2-6-28. Is the applicant here?

19 MS. DEL VAGLIO: East End Pool
20 King, Jennifer DelVaglio,
21 D-E-L-V-A-G-L-I-O. And I'm basically
22 before you just to answer any questions
23 that you might have with this
24 application. I would like to just
25 enter for the record that there is a

1 pool that does have two side yard
2 variances and one rear yard variance.
3 That is Tax Map ID 1001-02-03-14.1 so
4 that we can use --

5 CHAIRMAN SALADINO: Would you have
6 the address?

7 MEMBER GORDON: Do you know what
8 address?

9 MS. DEL VAGLIO: Let me see. I
10 know the owner. I don't. It's down
11 the street from the church that's on
12 the corner. It's off of Sterling
13 Street. I don't have the address, I'd
14 have to Google it for you. I can
15 certainly send it.

16 Anyway, they have a side yard
17 relief, one of the side yards is the
18 pool is 5.7 feet off of the property
19 line, the other side yard is 8.5 feet
20 off from the property line. And the
21 rear yard would be 8.9 feet off of the
22 property line. So my client at 114
23 North Street is asking for variance
24 relief, and all of those reliefs are
25 about two feet on either side and then

1 the rear yard is 10 feet.

2 CHAIRMAN SALADINO: Since you
3 mention it in a few of your narratives
4 for other applications and you use a
5 comparison, you use a comp, do you know
6 when the pool was installed?

7 MS. DEL VAGLIO: No. I could go
8 back though. But no, I don't.

9 CHAIRMAN SALADINO: Do you know
10 how long it's been there? No. Do you
11 know the size of the properties
12 adjacent to it? Do you know the
13 properties behind and on either side?

14 MS. DEL VAGLIO: I service the
15 pool currently.

16 CHAIRMAN SALADINO: Could you get
17 us -- if you want to use that as part
18 of your narrative, could you get us
19 that information.

20 MS. DEL VAGLIO: Sure.

21 MEMBER GORDON: I think you must
22 be a very good salesperson because you
23 have three pool proposals at once.

24 MS. DEL VAGLIO: I know. It's
25 just the luck of the draw, it's not

1 usual. Who should I send it to, should
2 I just send it to Mike?

3 CHAIRMAN SALADINO: Give it to the
4 Building Department, and he'll forward
5 it to us.

6 And just as a reminder that -- and
7 I don't want to sound as -- anything
8 except information. Variances -- when
9 the Zoning Board issues a variance,
10 they should be consistent, but each
11 application stands on its own and each
12 application is unique. So we take --
13 and each -- one of the reasons I asked
14 if you knew when it was built, Zoning
15 Boards change, and minds change, and
16 the level of moderately tailored relief
17 to each individual member changes also.
18 So just so you know because it's going
19 to come up again.

20 Does any member have a question
21 for Ms. DelVaglio?

22 MEMBER NYCE: No. I'm interested
23 in exactly that bit of information.

24 MEMBER REARDON: Can you tell me
25 roughly how long the existing pool is?

1 You said there's an existing pool on
2 this property, right?

3 MS. DEL VAGLIO: Wait, the one
4 that I'm referring as a set precedent?

5 MEMBER REARDON: Is there an
6 existing pool on this property?

7 MS. DEL VAGLIO: At 114 North
8 Street?

9 MEMBER REARDON: Yeah.

10 MS. DEL VAGLIO: No.

11 MEMBER NYCE: She was talking
12 about a comparable nearby.

13 CHAIRMAN SALADINO: Seth, do you
14 have anything?

15 MEMBER KAUFMAN: Yeah, some of
16 these setbacks, the variances are
17 small, why not just make the pool
18 smaller so you don't need these
19 setbacks?

20 MS. DEL VAGLIO: Because they feel
21 that with their two kids and the two
22 adults that they would like to have the
23 pool be 22 by 14. And the pools do get
24 really small. I don't know if you've
25 been in a cocktail pool before, but

1 when you have, like, growing kids, the
2 pools are very small. So if they could
3 get a two foot relief, it would be
4 greatly appreciated.

5 MEMBER REARDON: What is the
6 proposed depth of this pool?

7 MS. DEL VAGLIO: Five feet.

8 MEMBER REARDON: All the way?

9 MS. DEL VAGLIO: Yeah. No, sorry,
10 the shallow end would be, like, three
11 feet, ten inches.

12 MEMBER REARDON: So its deepest
13 point is five feet.

14 MS. DEL VAGLIO: Yeah.

15 MEMBER KAUFMAN: Just to be clear,
16 the front and west side yard setbacks,
17 those are just preexisting
18 legitimizations, right?

19 CHAIRMAN SALADINO: I didn't hear
20 you.

21 MEMBER KAUFMAN: The front and
22 west side yard setbacks, those are just
23 legitimizations?

24 MEMBER GORDON: For the house.

25 MEMBER KAUFMAN: Yeah, I just

1 wanted to --

2 CHAIRMAN SALADINO: Yes. And I
3 think we're going to -- I get in
4 trouble when I speak for my colleagues.
5 I'm pretty sure that we're going to
6 accept this, and I'll address some of
7 the -- I have some questions about your
8 narrative, so I'll address them at the
9 public hearing. And I thought that was
10 all that I had. That's the only
11 question.

12 MEMBER GORDON: I have a question
13 about the geography. As we all
14 recognize, the setback variances
15 requested for the sides are very small,
16 but for the rear, it's half -- it's 10
17 feet out of a requirement of 20. So
18 that's more substantial. Who is
19 behind, is there a house nearby near
20 the boundary behind?

21 MS. DEL VAGLIO: No, the
22 closest -- the house to the right-hand
23 side if you're looking down, that house
24 is very close to the property line, but
25 behind them I believe it's a -- there's

1 a shed there first.

2 CHAIRMAN SALADINO: There's a shed
3 in the corner of the property.

4 MEMBER GORDON: I see a garage.

5 CHAIRMAN SALADINO: You understand
6 with a 10 foot -- with the pool being
7 10 feet from the property line, we look
8 at -- now you're going to put a coping
9 around the pool, and then put the two
10 beach chairs, and now you're in the
11 neighbor's yard. So, you know.

12 MS. DEL VAGLIO: There's no
13 proposed patio for this one, they're
14 just going to use their existing set
15 patio that there's actually patio on
16 grade off of the wood deck, so there
17 would be no --

18 CHAIRMAN SALADINO: So it's going
19 to go from the edge of the pool to the
20 grass, is that what you're telling us?

21 MS. DEL VAGLIO: I'm telling you
22 that there's going to be coping around
23 the pool and that it's going to butt up
24 to an existing set on grade patio, yes.
25 And I'm happy to provide an aerial, if

1 it helps you for the next meeting.

2 MEMBER KAUFMAN: Yes, please.

3 MS. DEL VAGLIO: No problem.

4 CHAIRMAN SALADINO: It's going to
5 butt up to a --

6 MEMBER GORDON: These are hard to
7 read.

8 MS. DEL VAGLIO: Those are maps
9 that are requested on the application
10 just to show the location, it's not to
11 show anything else.

12 MEMBER KAUFMAN: This patio is
13 adjacent to the house here?

14 MS. DEL VAGLIO: It's adjacent --
15 it butts up to those wood steps, yes.
16 It's just a small bluestone on grade
17 patio space.

18 CHAIRMAN SALADINO: I see 19 feet
19 to the house, but I'm going to need the
20 distance from the pool to the deck and
21 the pool to the outdoor shower. Do you
22 have that for us now?

23 MS. DEL VAGLIO: No, but I can get
24 it for you. The house is 51 feet from
25 the property line, so if you

1 subtract --

2 CHAIRMAN SALADINO: No, no.

3 MS. DEL VAGLIO: I'm getting to
4 it. So if you're at 51 feet from the
5 property line and then you take out the
6 10, and then you take out 22, and then
7 you take out 8 for the outdoor shower.

8 MEMBER NYCE: You're not taking
9 out 8 for the outdoor shower, you're
10 taking out 4.

11 MS. DEL VAGLIO: Thank you.
12 You're roughly at 15, and then there's
13 that center piece, I can't get it for
14 you.

15 CHAIRMAN SALADINO: Jack, any
16 questions?

17 MEMBER REARDON: No.

18 CHAIRMAN SALADINO: David?

19 MEMBER NYCE: No. I'd like to see
20 those dimensions.

21 CHAIRMAN SALADINO: Diana?

22 MEMBER GORDON: No. Actually it's
23 19.7 feet from the pool to the house
24 itself, but there's also this 4.4.

25 MEMBER NYCE: That's the outdoor

1 shower.

2 CHAIRMAN SALADINO: That's what I
3 asked for.

4 MEMBER GORDON: So it really is
5 15. So it's 15 feet effectively.

6 MS. DEL VAGLIO: Yeah, you're
7 right.

8 CHAIRMAN SALADINO: Seth,
9 anything?

10 MEMBER KAUFMAN: No.

11 CHAIRMAN SALADINO: I'm going to
12 make a motion that -- also, the one
13 other thing I had with this was did we
14 have a signed --

15 MS. DEL VAGLIO: Yes, you do.

16 MEMBER GORDON: I have just an
17 informational question, on this and on
18 one of the other two, you say the water
19 is supplied by a water truck?

20 MS. DEL VAGLIO: Correct.

21 MEMBER GORDON: Is that what's --
22 do you know in the comparable pool that
23 you talked about, is that how the water
24 is supplied?

25 MS. DEL VAGLIO: That's usually

1 how we do all of our installations with
2 a water truck. One, if you're doing it
3 with a vinyl pool, it helps set the
4 liner quickly, so that you can navigate
5 through any wrinkles that might be
6 there. And when you have a gunite
7 pool, it's looking for water
8 immediately, so you want it filled as
9 fast as you can fill it. It starts
10 curating, like, on contact.

11 MEMBER GORDON: I think I
12 understand those considerations. I'm
13 thinking about North Street and the
14 large water truck. And in general, the
15 small streets of Greenport and the
16 large water trucks, which are now going
17 to have their very own -- if they're
18 headed for Shelter Island, they're
19 going to have their very own lane, a
20 wider lane to get to the ferry. I
21 think it's necessary, but I also find
22 it a little alarming.

23 MS. DEL VAGLIO: Understood.

24 CLERK NOONE: Jen, you provided
25 three authorization letters. I need

1 all three notarized.

2 MS. DEL VAGLIO: No problem.

3 CHAIRMAN SALADINO: That's all.

4 We're going to make a --

5 ATTORNEY STOLAR: Before you do, I
6 had a question that's going to be
7 important. The plan shows -- and I
8 don't know if there's an intention to
9 add a fence here, but the plan shows a
10 six-foot stockade on the east side of
11 the rear yard that extends into the
12 neighboring property. Is that the
13 proposed swimming pool barrier fence,
14 or will there be another fence
15 constructed on the property or within
16 the property?

17 MS. DEL VAGLIO: My understanding
18 is that that's not our fence and we
19 will be putting in a code compliant
20 fence.

21 ATTORNEY STOLAR: Good. Thank
22 you.

23 MS. DEL VAGLIO: Of course.

24 MEMBER GORDON: 5:15.

25 CHAIRMAN SALADINO: Let's accept

1 the application. I'm going to make a
2 motion we accept this application.

3 MEMBER REARDON: Second.

4 CHAIRMAN SALADINO: All in favor?

5 (Aye said in unison.)

6 CHAIRMAN SALADINO: And I'll vote
7 aye. We'll set the public hearing for
8 6:00, we set them all for 6:00, the
9 next one will be 6:00 too, and we want
10 to do a site inspection.

11 MEMBER KAUFMAN: Yes.

12 CHAIRMAN SALADINO: That will be
13 at --

14 MEMBER GORDON: 5:15.

15 CHAIRMAN SALADINO: 5:15.

16 MS. DEL VAGLIO: Thank you.

17 MEMBER GORDON: Very easy to go
18 from 114 North to 432 First Street.

19 CHAIRMAN SALADINO: All right.

20 Next is -- Item Number 6 is 630
21 Third Street. This is a motion to
22 accept the application, schedule a
23 public hearing, and arrange a site
24 visit regarding the applicant of
25 Jennifer DelVaglio, East End Pool King

1 LLC on behalf of Rebecca Sharon.
2 Applicant proposes the installation of
3 a 16 by 32 in-ground vinyl swimming
4 pool. The relief is on the agenda.
5 This property is located in the R-2,
6 One and Two Family Residential
7 District. It's not in the Historic
8 District. And the Suffolk County Tax
9 Map Number is 1001-2-5-3.

10 Jennifer, you're up again.

11 MS. DEL VAGLIO: I am. So I'm
12 Jennifer, I'm representing Rebecca
13 Sharon and her husband Joe for this
14 pool application. We're asking for
15 some side yard variances. We're about
16 16.1 feet off of the property line, so
17 just under the cut, and then I did see
18 on the disapproval that there's a
19 setback for the pool equipment pad, and
20 if it makes it easier to move this
21 application through, we're fine to move
22 that equipment set so that it's within
23 that five foot setback.

24 CHAIRMAN SALADINO: Okay.

25 MS. DEL VAGLIO: And I'm here to

1 answer any questions that you might
2 have. And so is Rebecca.

3 CHAIRMAN SALADINO: Am I looking
4 at the right -- yeah.

5 MS. DEL VAGLIO: We also have some
6 other precedented pools. I don't have
7 all of the dates for them, but there
8 are some that are set within less of a
9 restrictive setback that we could refer
10 to, if we need to.

11 MEMBER GORDON: I was puzzled. I
12 have a feeling that I missed something
13 here. There's nothing on your notice
14 of disapproval about the pool house.

15 MS. DEL VAGLIO: That's right.
16 And I was confused by it too, so I did
17 reach out to Ken, and I asked him, and
18 he said that because it was within a
19 five foot setback that it didn't need
20 to be on the disapproval and that it
21 would go through just the Building
22 Department.

23 CHAIRMAN SALADINO: The problem
24 is, for me, maybe not anybody else, the
25 code was just revised last year. We

1 don't have a definition for pool house
2 in our code. In our code, if it's not
3 mentioned, it's not permitted. The
4 Code Committee, when swimming pools
5 came up in the last eight months, one
6 year when the code was being revised,
7 the question of pool house was raised
8 and the Code Committee in the draft
9 they sent to the Village Board decided
10 consciously to leave the term pool
11 house out of the code. So --

12 MEMBER GORDON: But isn't it an
13 accessory structure? How could it not
14 be an accessory structure? It's
15 related to the principal building.

16 MEMBER KAUFMAN: What's inside?

17 CHAIRMAN SALADINO: Weren't you
18 part of the Code Committee when we
19 talked about that?

20 MEMBER GORDON: Yes. That was a
21 while ago, and I'm an old lady. And
22 it's worth revisiting.

23 MEMBER KAUFMAN: What is in it
24 actually? Does it have running water?

25 MS. DEL VAGLIO: This pool house

1 is really actually going to be for
2 Rebecca's tools and a work out space.

3 MEMBER KAUFMAN: So it's a shed?

4 MS. DEL VAGLIO: It's like a shed.

5 MEMBER KAUFMAN: Maybe you could
6 call it a shed.

7 MS. DEL VAGLIO: I could
8 definitely change the terminology.

9 MEMBER GORDON: But then it's
10 definitely an accessory.

11 MEMBER KAUFMAN: As long as it
12 doesn't have running water and toilet
13 in it.

14 CHAIRMAN SALADINO: Being in the
15 pool business, I'm sure you know what
16 happens in pool houses. There's
17 bedrooms developed and living rooms and
18 then -- so maybe we just call it a
19 shed.

20 MS. DEL VAGLIO: Okay. A
21 she-shed.

22 CHAIRMAN SALADINO: Whatever makes
23 everybody happy.

24 The other question I have is
25 there's a dimension from the -- where

1 is north and south here? There's a
2 dimension from the back of the house to
3 the pool. I'm going to need the
4 dimension, we're going to need the
5 dimension from the deck to the pool.

6 MS. DEL VAGLIO: Just so you know,
7 we have an acceptance for a demo of
8 that deck, so that deck is being
9 removed, and it's already been through
10 the Building Department. So I mean,
11 I'm certainly happy to get it for you,
12 but it's not going to be there.

13 MEMBER NYCE: And nothing is being
14 put in its place?

15 MS. DEL VAGLIO: No.

16 CHAIRMAN SALADINO: That makes it
17 easy.

18 MEMBER REARDON: How are you
19 getting out of the house? The steps
20 are coming --

21 MS. DEL VAGLIO: And the steps
22 were part of the permit application.

23 MEMBER REARDON: That's what he's
24 going to be looking for.

25 MS. DEL VAGLIO: But you're

1 absolutely right, there will be steps.

2 MEMBER REARDON: He wants the
3 distance from the pool to whatever the
4 closest obstruction is, whether it's a
5 step or a pad.

6 MS. DEL VAGLIO: Okay.

7 CHAIRMAN SALADINO: What's going
8 to be there?

9 MS. DEL VAGLIO: It's just going
10 to be a patio space.

11 MEMBER GORDON: And there's no
12 change to the house, so these are just
13 -- the house variance requests are
14 simply the part we have been calling
15 legitimizing.

16 MS. DEL VAGLIO: Yes, you're right
17 about that.

18 MEMBER REARDON: Where is the
19 outdoor shower going to go?

20 MS. DEL VAGLIO: It was going to
21 just go on the outside of the she-shed.
22 See where the old shed is that's
23 proposed to move, that side of the
24 proposed she-shed --

25 MEMBER NYCE: I'm sorry, you said

1 this already, but the pool equipment
2 pad going to be?

3 MS. DEL VAGLIO: Oh, I said if it
4 was easier for the Board, then we would
5 be happy to move it in an additional
6 two feet so that you wouldn't have to
7 have that as a variance.

8 CHAIRMAN SALADINO: That's okay
9 with us.

10 MS. DEL VAGLIO: I know, I'm
11 trying to make it so easy.

12 CHAIRMAN SALADINO: That works for
13 us.

14 CLERK NOONE: So that variance
15 goes away.

16 MEMBER REARDON: How are you going
17 to move it and keep it in the same
18 place, you only have six feet there?

19 MS. DEL VAGLIO: Because I have
20 enough room in that pool house to have
21 it be tucked inside.

22 MEMBER REARDON: So the equipment
23 is going to move into the house? Okay.

24 CHAIRMAN SALADINO: Didn't we just
25 go through that?

1 MEMBER REARDON: I was thinking of
2 something else, I guess. I'm sorry.

3 CHAIRMAN SALADINO: No, no, no,
4 didn't we just go through, what are you
5 going to put in that accessory
6 building, just the mechanicals for the
7 pool.

8 MEMBER REARDON: I heard it was
9 going to be a work out area.

10 MS. DEL VAGLIO: Yes, you did.

11 CHAIRMAN SALADINO: You missed it.

12 CLERK NOONE: I got it.

13 MS. DEL VAGLIO: So I'll still put
14 on the distance from the two -- the two
15 steps will, in essence, remain as you
16 see on the plan. They're going to be
17 constructed out of concrete block and
18 then, you know, covered with some other
19 material, like bluestone.

20 MEMBER NYCE: Out of the back of
21 the house.

22 MS. DEL VAGLIO: In essence, I'll
23 just give you that dimension off of
24 those two.

25 CHAIRMAN SALADINO: That will

1 certainly be within the 10 feet. Okay.
2 Sounds good.

3 MS. DEL VAGLIO: Great. Do I just
4 send over an amendment to change the
5 terminology?

6 MEMBER NYCE: Yeah, as long as
7 she's moving the equipment into the
8 shed, that variance goes away as well,
9 and it's just the two side yard for the
10 pool and the legitimizing the house,
11 right?

12 CLERK NOONE: It's four remaining
13 variances.

14 MEMBER NYCE: Yeah, two for the
15 house and two for the pool.

16 CHAIRMAN SALADINO: Okay. I'm
17 going to make a motion that we accept
18 this application. So moved.

19 MEMBER KAUFMAN: Second.

20 CHAIRMAN SALADINO: All in favor?

21 (Aye said in unison.)

22 CHAIRMAN SALADINO: And I'll vote
23 aye. And we'll set the public hearing
24 for 6:00, thereabouts. 6:00 adjacent.
25 And we'll be there at what time, 5:00?

1 MEMBER KAUFMAN: How come she gets
2 to decide?

3 CHAIRMAN SALADINO: Because Dinni
4 is the most senior member.

5 MEMBER KAUFMAN: I vote 5:03.

6 CHAIRMAN SALADINO: Denied. 5:00.
7 So we're going to be there at 5:00. If
8 you would stake out anything you need
9 us to see.

10 MS. DEL VAGLIO: Do you want the
11 pool house staked out as well, even
12 though it's not part of the
13 application.

14 CHAIRMAN SALADINO: It doesn't
15 concern us, only the title.

16 MS. DEL VAGLIO: Great. So we'll
17 just do the pool. Perfect.

18 CHAIRMAN SALADINO: That will be
19 whoever goes for the inspection.

20 MS. DEL VAGLIO: One more thing.
21 Do you want me to also submit in the
22 building permit approval for us to demo
23 the shed?

24 MEMBER NYCE: The shed and the
25 deck, that would be great.

1 MS. DEL VAGLIO: The deck, that's
2 what I mean.

3 MEMBER NYCE: For our records,
4 yeah.

5 CHAIRMAN SALADINO: The other
6 lawyer is gone, so you don't have to
7 dot any Is.

8 MEMBER NYCE: We dot Ts and cross
9 Is.

10 CHAIRMAN SALADINO: Item Number 7
11 is 217 Sixth Street. This is a motion
12 to accept the application, schedule a
13 public hearing and a site visit
14 regarding the application of Jennifer
15 DelVaglio, East End Pool King LLC on
16 behalf of Mark Carroll and Tara Maitra.
17 Applicant proposes the renovation of
18 existing garage and the installation of
19 a 16 by 32 in-ground gunite swimming
20 pool. The variances are listed on the
21 agenda. The property is located in the
22 R-2, one And Two Family Residential
23 District. It is not located in the
24 Historic District. And the Suffolk
25 County Tax Map Number is 1001-7-1-8.

1 Is the applicant here?

2 MS. DEL VAGLIO: Just me again.

3 So I actually have a couple of
4 questions for you on this one, and I
5 bet I'm going to get right on top of
6 what you're looking at. Under the
7 variances that seem to be quite
8 extensive, although I think that
9 they're not as extensive as they first
10 appear. My question is for the east
11 and the west sides, I don't understand
12 those variances as being part of this
13 application because my understanding is
14 that it would be from -- and I'm
15 calling the west really the rear yard,
16 but from the rear yard, the pool is
17 44.1 feet, so I don't understand why
18 that would fall into a variance if it's
19 well within the 20 foot setback.

20 And then keeping in that theme,
21 the east side, which in my view is the
22 front yard, we're well over -- it's
23 over 50 feet, so I'm within that front
24 yard one.

25 CHAIRMAN SALADINO: Is this what

1 we're looking at, this site plan?

2 MS. DEL VAGLIO: I think so.

3 CHAIRMAN SALADINO: So what I have
4 here is for the east and west is 5.1
5 from the east end of the pool to the
6 west end of the house, and because
7 you're building a pergola over the --
8 my understanding, because you're
9 building a pergola over the patio, it
10 becomes an accessory structure, and the
11 pool has to be ten feet from an
12 accessory structure.

13 MS. DEL VAGLIO: So it's an
14 accessory structure, not a front yard
15 or a rear yard.

16 MEMBER NYCE: Right. Same for the
17 garage, right, the framed garage in the
18 back.

19 CHAIRMAN SALADINO: Because the
20 pergola is actually part of the house,
21 right, but the -- we can kind of make
22 an argument -- maybe these guys can,
23 but not me, make an argument for the
24 six feet for the garage, but that's
25 even -- and the garage we have listed

1 as a pool house somewhere.

2 MS. DEL VAGLIO: Well, we're going
3 to change that.

4 CHAIRMAN SALADINO: Yeah, we think
5 you should. We think you should.

6 MS. DEL VAGLIO: Can I just shed a
7 little bit of light on this one that
8 might make it a little easier for
9 everyone. So what we are proposing to
10 do is actually remove the pergola as
11 part of this application and not have
12 it on there. And I figured out a way
13 to get us to a 30 percent lot coverage,
14 so I'd like to make a couple of
15 amendments to the application, if
16 that's possible, to try to make it
17 easier to move it forward.

18 CHAIRMAN SALADINO: Well, to take
19 away the pergola is easy enough, but
20 when you start doing mathematical
21 computations as far as lot coverage,
22 maybe you should think about coming
23 back.

24 MS. DEL VAGLIO: We've been at
25 this for months and months and months.

1 CHAIRMAN SALADINO: Not here.

2 MS. DEL VAGLIO: In the Building
3 Department.

4 CHAIRMAN SALADINO: I'm not
5 prepared -- perhaps Mike, but I'm not
6 prepared to do -- they said there would
7 be no math.

8 MEMBER NYCE: They lie all the
9 time.

10 CLERK NOONE: This is what I say
11 to him all the time, so he's throwing
12 it back in my face.

13 MEMBER GORDON: But this is
14 reduced -- the proposal as I understand
15 it would reduce the nonconformity, so.

16 CHAIRMAN SALADINO: Yeah, but how
17 -- is she a surveyor, is she an
18 architect? She represents a pool
19 company. To say we can -- unless
20 you're saying we're going to reduce the
21 size of the pool and knock the garage
22 down, maybe it should be --

23 MEMBER NYCE: Theoretically, if
24 you remove the pergola and move the
25 pool next to the steppingstones, you

1 have your 10 foot setback from the
2 garage and your 10 foot setback from
3 your house.

4 CHAIRMAN SALADINO: But she's
5 talking about lot coverage.

6 MEMBER NYCE: Oh, yeah, that's
7 math. The other one is just moving
8 stuff.

9 CHAIRMAN SALADINO: I know.

10 MEMBER KAUFMAN: It is just about
11 the location though.

12 MEMBER GORDON: It's arithmetic,
13 not math.

14 CHAIRMAN SALADINO: Why don't you
15 tell us your suggestion?

16 MS. DEL VAGLIO: My suggestion is
17 if we remove the pergola and we take
18 out steppingstone pad, which is in here
19 at 400 square feet, we remove that
20 because it's just steppingstones, so
21 it's all full drainage, so I could get
22 us at our 30 percent lot coverage just
23 by taking that section out. And I'm
24 also still including that steppingstone
25 stoop ledge. And I did do the lot

1 calculation, and I did call the
2 surveyor, and he approved what I was
3 saying.

4 CHAIRMAN SALADINO: Okay. So if
5 you could show us that.

6 CLERK NOONE: The problem is --
7 I'm sorry, John, to interrupt, but on a
8 practical basis, I have to notice all
9 of this. So if you're going to change
10 your plans, lot coverage, you're going
11 to take the two setbacks out, I have to
12 notice that. I don't write the notice
13 of disapproval, so.

14 CHAIRMAN SALADINO: I agree with
15 you.

16 CLERK NOONE: I'm sorry, Jen, but
17 I don't write the notice of
18 disapproval. We have to have actually
19 the building inspector write that. So
20 you have to redo your plans, do we have
21 to redo the application?

22 CHAIRMAN SALADINO: We have to
23 redo the notice of disapproval.

24 CLERK NOONE: Right, that's fine.

25 MEMBER NYCE: Not the application.

1 CHAIRMAN SALADINO: Well, she's
2 going to give us another drawing.

3 CLERK NOONE: We can leave the
4 application alone, but she's going to
5 have to get the notice of disapproval
6 changed, amended, and a new --

7 MS. DEL VAGLIO: That's easy.

8 CHAIRMAN SALADINO: The
9 narrative -- I imagine your narrative
10 will stay the same, so you don't have
11 to submit, in my mind, a new
12 application.

13 CLERK NOONE: No.

14 CHAIRMAN SALADINO: Am I getting
15 that right? Because you're going to
16 say the same thing on the new
17 application as you said on this one.
18 The EAF, I imagine, is going to stay
19 the same. These pictures they
20 supplied, I guess, are going to stay
21 the same.

22 MEMBER NYCE: The set of the plans
23 and the notice of disapproval.

24 CHAIRMAN SALADINO: So we can't
25 accept this application.

1 MS. DEL VAGLIO: Could you please
2 reconsider? They are desperate for
3 this pool, and I know that it's not
4 this Board's in any way, shape, or
5 form --

6 CHAIRMAN SALADINO: Well, we don't
7 write a notice of disapproval, we can't
8 do it. The building inspector has to
9 write the notice of disapproval.

10 MS. DEL VAGLIO: Can you explain
11 to me then just why we would have to --

12 ATTORNEY STOLAR: Do you want
13 legal advice?

14 MEMBER KAUFMAN: Yes, please.

15 ATTORNEY STOLAR: I can give you
16 legal advice.

17 CHAIRMAN SALADINO: Could we have
18 the room?

19 ATTORNEY STOLAR: You need a
20 motion to go into executive session.

21 CHAIRMAN SALADINO: I'm going to
22 make a motion that we adjourn to
23 executive session for legal advice.

24 MEMBER NYCE: Second.

25 CHAIRMAN SALADINO: All in favor?

1 (Aye said in unison.)

2 (Whereupon, the Board held an
3 executive session off the record.)

4 CHAIRMAN SALADINO: I make a
5 motion we adjourn from executive
6 session and go back into regular
7 session.

8 MEMBER NYCE: Second.

9 CHAIRMAN SALADINO: All in favor?

10 (Aye said in unison.)

11 MEMBER GORDON: You will like
12 this.

13 CHAIRMAN SALADINO: It was
14 explained to us, we're going to keep
15 the notice of disapproval the way it
16 is. He's going to notice it the way it
17 is. You're going to provide --

18 CLERK NOONE: A brand new survey
19 with the changes quickly as possible,
20 and then I'll provide it to -- first of
21 all, I'll have it approved by the
22 building inspector, and then I'll
23 disseminate it and hopefully --

24 CHAIRMAN SALADINO: And then those
25 changes will be taken off the notice of

1 disapproval at our meeting, and we
2 won't have to consider them. So -- and
3 did we accept this application?

4 MEMBER NYCE: Not yet.

5 CHAIRMAN SALADINO: And I just
6 have -- we're going to accept the
7 application, but I just have one
8 question for you. I'm sure you have
9 your list there. You told us in your
10 narrative here that there's the pools
11 that are on Sixth Street, and you
12 listed tax map -- and I had to go to
13 Suffolk County Tax Map to get the
14 addresses, which if you're going to do
15 that, you have to give us the
16 addresses.

17 MS. DEL VAGLIO: Okay. I will,
18 going forward.

19 CHAIRMAN SALADINO: Going forward.
20 That -- and they're all 1001, 7-4-6,
21 isn't that the property?

22 MEMBER NYCE: No, this one is 08.

23 CHAIRMAN SALADINO: All right. So
24 7-4-6, I don't believe has a pool.
25 7-1-4, I don't believe has a pool.

1 MS. DEL VAGLIO: Okay.

2 CHAIRMAN SALADINO: And 7-1-2.

3 MS. DEL VAGLIO: 7-4-6, I'll look
4 it up again.

5 CHAIRMAN SALADINO: And 7-1-1, you
6 used that and said they all needed
7 variances, that pool didn't, it's on a
8 double lot. And 71-151, that was on a
9 double lot that was eventually
10 subdivided, but the pool was
11 conforming. All what I'm saying is
12 sometimes these pools that some of them
13 that you mentioned are code compliant,
14 they're as of right as opposed to
15 needing a variance. And I'll bring it
16 up again, you know, it's who lives next
17 door, how big the property is, how
18 close it is. All that matters to me
19 anyway. So I'm going to make a motion
20 we accept this application.

21 MEMBER KAUFMAN: Second.

22 CHAIRMAN SALADINO: All in favor?

23 (Aye said in unison.)

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

1 MEMBER GORDON: 4:45.

2 CHAIRMAN SALADINO: Dinni is
3 keeping track. We're going to set the
4 public hearing for 6:00. We'll be at
5 the property at 4:45. You can stake
6 out whatever you think we need to know,
7 and if you could also stake out what
8 you're taking away so we know what's
9 not going to be there. And we'll see
10 you at 4:45. Mike made a note of all
11 those times to remind us later on with
12 the addresses.

13 CLERK NOONE: Yeah, of course,
14 they're next to the addresses.

15 MS. DEL VAGLIO: Thank you so very
16 much.

17 CHAIRMAN SALADINO: Item number --

18 MS. DEL VAGLIO: Do we have one
19 more pool application? Just kidding.
20 No, we're good.

21 MEMBER GORDON: We'll see you the
22 next time.

23 CHAIRMAN SALADINO: If we do, Long
24 Island is going to run out of water
25 filling up these pools.

1 Item Number 8 is any other Zoning
2 Board of Appeals business that might
3 properly come before the Board, I'm
4 guessing there's not.

5 And Item Number 9 is a motion to
6 adjourn.

7 ATTORNEY STOLAR: Well, do you
8 want to discuss 417 Clark Street?

9 CHAIRMAN SALADINO: Oh, I'm so
10 sorry. Normally, in the past, it would
11 be an agenda item, but under the new
12 regime, under the new Clerk of the
13 Boards, I apologize to people from 417
14 Clark Street.

15 MEMBER NYCE: Can you give me five
16 minutes?

17 CHAIRMAN SALADINO: We'll take
18 five minutes.

19 (A recess was taken.)

20 CHAIRMAN SALADINO: We're back.

21 CLERK NOONE: Do you want me to
22 call the applicant? I've got his
23 number.

24 CHAIRMAN SALADINO: If he chose to
25 leave, that's his business.

1 CLERK NOONE: No, no, he's
2 somewhere in the Village.

3 MEMBER KAUFMAN: I would call him.

4 CLERK NOONE: He just figured that
5 the applications would take longer.

6 CHAIRMAN SALADINO: Longer than
7 this?

8 MEMBER GORDON: I think it's very
9 important to have it on the record, to
10 have it recorded, to have -- make sure
11 he's at least informed to be here
12 because we have three angry apparently
13 neighbors.

14 CHAIRMAN SALADINO: Well,
15 especially we have an attorney that
16 already threatened to sue us.

17 MEMBER GORDON: And his letter
18 talks about, you know, don't make any
19 discretionary decisions, and this would
20 be the moment when we made a
21 discretionary decision.

22 ATTORNEY STOLAR: You can go to
23 Item Number 9 then, if you want to
24 consider this next month, if that's
25 what you're thinking.

1 CLERK NOONE: Can you wait a
2 second? He may be across the street.

3 I reached voice mail.

4 CHAIRMAN SALADINO: We should
5 consider that for the next meeting. I
6 would rather not -- I understand it
7 might save you a lot of court time, and
8 it might save us some time if we -- but
9 I would rather not hold this open.
10 What do you guys think? You want to --
11 you know, he's not here. The camera is
12 out of commission.

13 ATTORNEY STOLAR: You have a
14 record. You're fine going forward.

15 MEMBER GORDON: Okay.

16 MEMBER REARDON: I vote take care
17 of business.

18 MEMBER GORDON: Yeah.

19 MEMBER NYCE: I'm fine with that.

20 MEMBER KAUFMAN: Okay with that.

21 CHAIRMAN SALADINO: We give Mike a
22 vote, what do you think?

23 CLERK NOONE: I think you should
24 vote, but I don't have a vote.

25 CHAIRMAN SALADINO: Okay. We're

1 going to discuss it a little bit first
2 to make it legal. I have a couple of
3 responses to his -- on his -- on the
4 applicant's narrative he said they
5 would contain -- and our code says that
6 you have to contain your storm water,
7 and on his narrative he said they would
8 do that. Again, not being the zoning
9 police, I would -- I don't think it's
10 that big a stretch to the applicant's
11 word on that point of view, complaint.

12 As far as the environmental
13 concern, I think that's a stretch. I
14 think the attorney's -- I think that's
15 a stretch, that a corner of the barn,
16 especially since the barn is not being
17 considered for any repair or
18 renovation.

19 As far as he made a big deal of it
20 not being a Type II action. I have the
21 Type II actions from SEQRA from -- and
22 it says these actions have been
23 determined not to have a significant
24 impact on the environment and are
25 otherwise precluded from environmental

1 review under Environmental Conservation
2 Law, maintenance and repair,
3 replacement, rehabilitation, or
4 reconstruction of a structure, retrofit
5 of an existing structure, construction
6 or expansion of a single or a two
7 family house. And there's like 700 of
8 them, and I just highlighted a few of
9 them. Granting of an area variance of
10 a single or two family residence. So
11 they kind of according to this -- and
12 it's New York State Law 617.5, Type II
13 actions. According to this, it seems
14 like we're on solid ground considering
15 this to be a Type II action. And we're
16 going to do SEQRA, we're going -- we
17 haven't declared ourselves lead agency
18 yet, so the second half of the form
19 that he would like to have been filled
20 out will be filled out once we declare
21 ourselves --

22 ATTORNEY STOLAR: Actually, if you
23 declare it to be a Type II action --

24 CHAIRMAN SALADINO: We don't have
25 to do that.

1 ATTORNEY STOLAR: You don't have
2 to fill out any part of the form.

3 CHAIRMAN SALADINO: I understand
4 that. It came up a few times, like,
5 why are even we filling this form out,
6 but the Village -- for the television
7 camera, for the public, the Village has
8 a policy that they submit this form
9 with the application, and then the
10 applicant fills it out. We never saw
11 it to be a big deal, but we do it. The
12 fact that the applicant didn't sign it,
13 that happens here all the time. We
14 give them the opportunity to sign it,
15 and --

16 So those are the few things. I
17 did the lot coverage before we got the
18 second survey, I did it twice actually,
19 one with someone from the Building
20 Department and once by myself, and then
21 we got the revised survey. And the
22 complaint from the neighbor, I took it
23 to mean that she just didn't take --
24 didn't understand the computation. The
25 complaint from the current -- this

1 action, the address from this attorney,
2 I still don't understand his math.

3 MEMBER KAUFMAN: I do understand
4 the math. What he's referring to -- I
5 did the calculations, and what it seems
6 that he is doing is he's referring to
7 the percentage change in the square
8 footage of the house. In other words,
9 it's eight or nine percent, or whatever
10 the number he had in there, percentage
11 change in the floor area of the house
12 itself, not the lot coverage. So he's
13 just playing with numbers there I
14 think.

15 CHAIRMAN SALADINO: That doesn't
16 concern us.

17 MEMBER KAUFMAN: I know. I'm just
18 telling you where the numbers are
19 coming from. They're playing with
20 numbers.

21 MEMBER NYCE: I agree.

22 MEMBER KAUFMAN: But it's the same
23 thing. In other words, the
24 calculations by the applicant about
25 that 2.9, whatever, I could look it up.

1 It's right in front of me, I should
2 tell you, 32.9 versus 32.7, that's
3 correct. That eight and change number
4 is really just measuring something
5 different. It's related to quantity,
6 but it's a different quantity. There's
7 no discrepancy there, it's just playing
8 with numbers.

9 MEMBER NYCE: He's stating the
10 overall usable square footage as
11 opposed to the footprint.

12 MEMBER KAUFMAN: But that's not
13 what we are --

14 (Whereupon, there was simultaneous
15 crosstalk.)

16 CHAIRMAN SALADINO: Exactly. It's
17 not something we normally consider.
18 So, you know, that's what I have to
19 say. What about you guys? Anything
20 about this application?

21 MEMBER REARDON: I feel like the
22 woman who spoke, you know, the project
23 does fit within the confines of what's
24 permitted, but moving the second story
25 closer to the sidewalk is an

1 encroachment on the sidewalk and the
2 public. That's my interpretation of
3 it.

4 CHAIRMAN SALADINO: If it
5 doesn't -- and I don't want to sound
6 like I'm an advocate for this guy -- if
7 it doesn't bring -- if the porch is at
8 the sidewalk or three feet from the
9 sidewalk, and the new portion is going
10 to be built over that porch, and that's
11 going to be the same dimension from --
12 the same linear distance from the
13 sidewalk, I'm not seeing how it's an
14 encroachment.

15 MEMBER REARDON: It's a visual
16 encroachment. It's certainly within
17 their permissible boundary to do, but
18 it's my job to also state -- I'm a
19 resident too, so I'm going to state
20 that, you know, I know people that
21 build one and a half story to two
22 story, and I know how that feels.

23 MEMBER KAUFMAN: But that's a
24 design consideration, it's not
25 really -- I understand it, but it's a

1 design consideration.

2 MEMBER REARDON: I'm simply
3 agreeing with the woman who stated
4 that --

5 MEMBER KAUFMAN: Yeah, sure.

6 MEMBER REARDON: I guess, we have
7 different appreciations for aesthetics.

8 MEMBER KAUFMAN: No, I agree with
9 you too. I'm just saying it's not our
10 job.

11 MEMBER REARDON: Yes. I just
12 wanted it to go on the record because
13 that kind of stuff accumulates, like,
14 enough with the bringing it forward
15 kind of thing.

16 MEMBER KAUFMAN: I like the house
17 the way it is, but it's not my house.

18 CHAIRMAN SALADINO: Dinni, you got
19 something you want to say?

20 MEMBER GORDON: Just we haven't
21 discussed the letter that came from the
22 woman, the other letter.

23 CHAIRMAN SALADINO: We did.

24 MEMBER GORDON: Well, her concern
25 is, I guess, also the density issue,

1 and I don't -- I mean, there's an
2 element of that that is just personal
3 aesthetic taste. I mean, we're --

4 CHAIRMAN SALADINO: I'm not sure I
5 understand which letter we're talking
6 about, the letter from Ms. Cooper about
7 the excessive lot coverage?

8 MEMBER GORDON: Yes. She's just
9 wrong. She talks about the -- what is
10 it, the limitation on page 13, but
11 she's talking about -- does anybody
12 have the code? She means 150.13 and it
13 just isn't relevant.

14 MEMBER KAUFMAN: The code is over
15 there.

16 CHAIRMAN SALADINO: I'm not sure.
17 I don't have the letter in front of me.

18 MEMBER REARDON: I don't think she
19 makes reference to a specific number or
20 article.

21 MEMBER GORDON: Oh, the current
22 and proposed lot coverage zoning code,
23 see attached Village Code page 13, but
24 it's 150.13 states all structures must
25 be calculated into lot coverage.

1 MEMBER NYCE: No, that's the
2 proposed. She's saying that's the
3 current and proposed lot coverage
4 zoning code, has that zoning code been
5 adopted.

6 ATTORNEY STOLAR: The simple point
7 she's making is that the barn is not
8 included in lot coverage when, in fact,
9 it was.

10 MEMBER GORDON: But it was.
11 That's what I was -- but it was
12 included. And I think it's important
13 to note that we drew attention to that
14 and we decided it was not accurate.

15 CHAIRMAN SALADINO: Again, the
16 important things that the neighbor's
17 attorney raised I thought were pretty
18 much addressed. I think we can ask
19 Brian, I think we're on solid ground.

20 MEMBER NYCE: I agree.

21 CHAIRMAN SALADINO: So are we
22 ready to do this balancing test and
23 vote? Should we just dot the Is and
24 cross the Ts, should we just take each
25 question of the balancing test and give

1 an opinion about it or just vote on
2 them? I think we kind of did discuss
3 it, but --

4 MEMBER GORDON: Yeah, I think we
5 should just vote on the whole thing. I
6 mean, after all, everything except the
7 lot coverage issue is a quote, unquote
8 legitimizing variance, which we've
9 agreed is something we're just doing.

10 CHAIRMAN SALADINO: Well, we kind
11 of thought -- just to respond to that,
12 we kind of thought we were doing that
13 when we accepted the application, we
14 thought it was a pretty routine
15 application, but then the U.S. mail
16 stepped in and created some controversy
17 for us. And I would just rather
18 that -- I personally doubt that it
19 will, but everybody has the right to
20 appeal, if it should go for judicial
21 review, that we did our job and gave
22 the municipality's point of view. So I
23 could do the balancing test and we
24 could take a hike.

25 MEMBER NYCE: Do we need to --

1 CHAIRMAN SALADINO: We'll do SEQRA
2 anyway just to be on the safe side. I
3 make a motion that the Zoning Board of
4 Appeals declares itself lead agency for
5 purposes of SEQRA. So moved.

6 MEMBER NYCE: Second.

7 CHAIRMAN SALADINO: All in favor?

8 (Aye said in unison.)

9 CHAIRMAN SALADINO: And I'll vote
10 aye. We decided that this is a Type II
11 action, no further environmental review
12 is necessary. We're going to do --

13 ATTORNEY STOLAR: Just to be
14 clear, I know it's standard the way we
15 do it, but since the first motion was
16 only for lead agency, the rest that you
17 said was not something you moved on,
18 and that being it's a Type II that
19 requires no further --

20 CHAIRMAN SALADINO: I'll make a
21 motion that we declare this a Type II
22 action and no further environmental
23 review is necessary. So moved.

24 MEMBER NYCE: Second.

25 CHAIRMAN SALADINO: All in favor?

1 (Aye said in unison.)

2 CHAIRMAN SALADINO: And I'll vote
3 aye. I lost my train of thought.

4 ATTORNEY STOLAR: Balancing test.

5 CHAIRMAN SALADINO: We're going to
6 do for you guys, we're going to do the
7 five question balancing test, and then
8 we'll vote on the variances en masse
9 after we do 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. Jack?

15 MEMBER REARDON: I abstain from
16 that one.

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: Diana?

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 variance is
15 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: And I'll vote
24 no.

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? Jack?

4 MEMBER REARDON: Yes.

5 CHAIRMAN SALADINO: David?

6 MEMBER NYCE: No.

7 CHAIRMAN SALADINO: Dinni?

8 MEMBER GORDON: No.

9 CHAIRMAN SALADINO: Seth?

10 MEMBER KAUFMAN: No.

11 CHAIRMAN SALADINO: I'm going to
12 vote no also because I don't believe
13 that that portion of the accessory
14 building that's in a tidal zone is
15 going to make a difference.

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

22 MEMBER REARDON: No.

23 CHAIRMAN SALADINO: David?

24 MEMBER NYCE: No.

25 CHAIRMAN SALADINO: Dinni?

1 MEMBER GORDON: No.

2 CHAIRMAN SALADINO: Seth?

3 MEMBER KAUFMAN: And I'm going to
4 vote no. How often does that happen?

5 We're going to take all the
6 variances en masse, and I'm going to
7 make a motion that the Zoning Board of
8 Appeals approves these variances. So
9 moved.

10 MEMBER REARDON: Second.

11 CHAIRMAN SALADINO: We'll take a
12 roll call. Jack?

13 MEMBER REARDON: Yes.

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'll vote
21 yes. Easy peasy.

22 MR. BOCCI: Thank you so much.

23 CHAIRMAN SALADINO: You'll get the
24 decision from Village Hall in a timely
25 fashion. Then you can --

1 MEMBER GORDON: And sign the --

2 CHAIRMAN SALADINO: And when you
3 get your building permit is up to you.

4 CLERK NOONE: Well, it's up to the
5 Building Department.

6 CHAIRMAN SALADINO: Up to you when
7 you apply, up to them when they --

8 CLERK NOONE: They have applied
9 already.

10 CHAIRMAN SALADINO: But as far as
11 we're concerned, obviously you have the
12 decision, you'll get an official
13 decision down the road a little bit
14 from Village Hall. And good luck with
15 the project.

16 MR. BOCCI: Thank you so much.
17 We'll do a beautiful job and respect
18 all the neighbors.

19 CHAIRMAN SALADINO: You better.

20 We're going to make a motion to
21 adjourn.

22 MEMBER NYCE: Second.

23 CHAIRMAN SALADINO: All in favor?

24 (Aye said in unison.)

25 (END TIME: 8:05 p.m.)

1 C E R T I F I C A T E

2

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

6 THAT the above and foregoing contains a
7 true and correct transcription of the
8 proceedings held on April 15, 2025, and were
9 reported by me.

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

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand this 18th day of APRIL, 2025.

16

17

-----*Amy Thomas*-----

18

AMY THOMAS

19

20

21

22

23

24

25

Date: April 11, 2025

Village of Greenport Zoning Board of Appeals
236 Third Street
Greenport, NY 11944

Re: Procedural Deficiencies in SEQRA Documentation the application of: Joe Bocci on behalf of Nicole Murch, 417 Clark Street, Greenport, NY 11944 SCTM: 1001 -7 -5 -14



Dear Members of the Zoning Board of Appeals:

I am writing to formally raise a procedural objection regarding the environmental review process associated with the pending application before the Zoning Board of Appeals concerning the property located at **417 Clark Street in the West Dublin section of Greenport.**

Upon review of the publicly available documents provided for public inspection in advance of the scheduled hearing, I have identified the following deficiencies that raise serious concerns about the adequacy and legality of the SEQRA review process to date:

1. Unsigned Part 1 of the Short Environmental Assessment Form (SEAF)

The version of the Short Environmental Assessment Form (EAF), pursuant to 6 NYCRR § 617.20 Appendix B, currently available to the public is **not signed by the applicant**. As you are aware, Part 1 of the EAF must be **fully completed and signed by the project sponsor** to certify the accuracy and completeness of the information submitted.

An unsigned Part 1 is **not a valid submission**, and as such, the Zoning Board of Appeals cannot lawfully proceed with SEQRA review or take any discretionary action on the application until a signed and complete form is submitted.

2. Part 2 of the SEAF Not Completed or Signed by Lead Agency

Further, Part 2 of the SEAF — which is the responsibility of the lead agency (presumably the ZBA in this instance) — **has not been completed or signed**. As you are well aware, SEQRA

requires that the lead agency **must determine the significance of the proposed action** prior to taking any action on the application.

Failure to complete Part 2 — the critical evaluation of potential environmental impacts — constitutes a **failure to comply with SEQRA** and renders any action taken by the Board **procedurally defective and potentially invalid** under state law.

3. Failure to Provide a Complete SEQRA Record for Public Review

As a result of the above deficiencies, the SEQRA documentation provided to the public is incomplete and does not meet the requirements of **transparency, completeness, and public participation** as mandated under SEQRA. The public is entitled to review a complete and accurate environmental record prior to and in connection with any public hearing or decision by the Zoning Board.

Request for Action:

Given the above, I respectfully request the following:

1. That the Board **immediately suspend further review** of this application until a **signed and complete Part 1** of the EAF is submitted by the applicant.
2. That the ZBA **complete and sign Part 2 of the SEAF** as required before proceeding with any hearing or determination on the matter.
3. That a **corrected and complete SEAF be made publicly available** in accordance with SEQRA's procedural requirements.

Should the Board proceed with review or a decision on the application in its current form, I reserve the right to pursue all available legal remedies, including but not limited to, filing an action under **Article 78 of the New York Civil Practice Law and Rules** to challenge the Board's actions as arbitrary, capricious, and contrary to law.

Thank you for your prompt attention to this matter.

Sincerely,


Joan H. Bischoff van Heemskerck, Attorney at Law.



Bischoff Law
PLLC
ATTORNEY AT LAW

Joan@jbischofflaw.com

(631)948-0234

7160 Hortons Lane
Hempstead, NY 11501

RECEIVED

APR 15 2025

VILLAGE OF GREENPORT
BUILDING DEPARTMENT

April 14, 2025

Village of Greenport Zoning Board of Appeals
236 Third Street
Greenport, NY 11944

**Re: Opposition to Application for Area Variances – the application of: Joe Bocci
("Developer" or "Applicant") on behalf of Nicole Murch, 417 Clark Street, Greenport, NY
11944 SCTM: 1001 -7 -5 -14**

Dear Members of the Zoning Board of Appeals:

I am the attorney for Christine Nusse and Pat Bennett, nearby residents, neighbors, and property owners, writing to respectfully object to the application for multiple variances currently pending before the Zoning Board of Appeals for the property located at **417 Clark Street, Greenport, NY 11944 SCTM: 1001 -7 -5 -14**.

Upon detailed review of the application and associated public documents, it is evident that the proposal is both procedurally defective and substantively inadequate. Accordingly, the application must be denied outright or, at minimum, adjourned until a legally sufficient and factually complete submission is provided.

I. Noncompliance with SEQRA

A. The proposed Action Does Not Qualify as Type II

The proposed development does not qualify as a Type II action under the State Environmental Quality Review Act SEQRA 6 NYCRR § 617.5¹, and is not exempted from further environmental review. However, the proposal entails significant physical modifications, including but not limited to expansion of impervious surfaces, structural alterations to the roof, extensive excavation, and increased stormwater runoff—none of which fall within the exemptions prescribed under 6 NYCRR § 617.5.

Type II actions are limited to proposals that conform with existing zoning, involve no significant environmental impacts, and do not require discretionary approvals. Here, the Developer seeks extensive variances, including substantial expansion of a pre-existing nonconforming use. The scale and nature of the proposed work exceed the thresholds of a Type II classification and necessitate a full environmental assessment.

¹ See ZBA Minutes, Page 12, Item No. 11. This is the only reference to the project's classification as a Type II action made public, and it is made without any explanation or supporting analysis.

B. Failure to Submit Required SEQRA Documentation

The Applicant has failed to submit a properly executed Environmental Assessment Form (EAF) in accordance with 6 NYCRR § 617.6. No Part 1 form has been signed or disclosed in the public record, and no determination of significance has been made by the Lead Agency. This failure constitutes a fundamental procedural violation. Under SEQRA, no discretionary action—including the granting of area variances—may proceed absent full compliance with the environmental review process. Any action by this Board prior to such compliance would be ultra vires and subject to invalidation upon judicial review.

C. Material Environmental Impacts Not Reviewed

The proposal includes a redesign of the roof—consolidating several smaller roof planes into a single, larger structure. This design materially alters stormwater runoff patterns and may substantially increase impervious coverage on a constrained lot already burdened by a concrete driveway and minimal vegetative absorption area. Yet the Applicant has failed to submit stormwater engineering calculations, roof plans, drywell placement, or excavation schematics necessary for the Board to conduct the “hard look” mandated by SEQRA.

D. Proximity to Sensitive Environmental Areas

Additionally, the subject parcel lies within 435 feet of regulated coastal zones and sensitive shoreline areas, further heightening the importance of rigorous environmental analysis. The omission of a hydrological impact study, stormwater plan, and physical alteration details renders any SEQRA review premature and legally deficient.

E. Improper Segmentation

The Applicant appears to have impermissibly segmented the environmental review by isolating select project components—excluding others such as roof alterations, barn renovation, site excavations for roof water runoff, grading, or utility improvements—from consideration. SEQRA expressly prohibits segmentation (6 NYCRR § 617.3(g)), and mandates that all reasonably foreseeable components of a project be considered cumulatively at the earliest possible stage. This segmented approach violates the law and undermines the integrity of the environmental review process.

The Application and EAF submitted appears incomplete, factually inaccurate, or misleading, particularly regarding lot coverage, cumulative site impacts, and planned alterations. This further suggests **impermissible segmentation** of the project, as only isolated aspects of the development are being evaluated rather than its full scope (e.g., demolition, grading, drainage, utility connections, and future plans for the barn).

Finally, while the applicant claims no changes are proposed for the detached barn, the structure is visibly deteriorating. The likely need for repair or redevelopment should have been disclosed and factored into environmental review. Its omission is an additional act of segmentation.

II. Conflict of Law

In direct contradiction to the lot coverage description in the Notice of Disapproval, **Section 150-7(B)(1)(b)** of the Village of Greenport Zoning Code unambiguously limits the **total area covered by all principal and accessory buildings to 20% of the lot area**. This restriction is explicitly made applicable to properties in the **R-2 zoning district by Section 150-8(B)(1)**.

While it is acknowledged that the **Parking and Bulk Schedule** in Section 150-12 references a 30% lot coverage limit, this creates a **clear and unresolved conflict within the Code**. There is **no record of any lawful amendment** to Section 150-7(B)(1)(b) that would supersede or repeal the 20% cap. In such situations, **established principles of statutory interpretation** require that the **more restrictive provision prevails** to uphold the purpose and consistency of the zoning scheme.

As such, the controlling lot coverage limit must be 20%. The proposed increase to 33% is therefore **not a 3% variance**, but rather a **65% increase** over what is legally permitted. A variance of that scale is not only excessive — it is legally and structurally unsound, and wholly inconsistent with the zoning plan and the character of the surrounding neighborhood.

Until this **conflict of law is formally resolved by legislative action**, this Board cannot lawfully approve any variance request based on the 30% figure. At a minimum, this matter must be **adjourned**. Furthermore, the Board may be compelled to **review any prior decisions** issued in reliance on the 30% figure, as such approvals may have been based on a misapplication of the Village Code.

III. Substantial and Excessive Variances Requested.

The Developer Applicant is requesting **seven separate variances** — including a **26.7-foot front yard setback reduction**, multiple side yard variances, increased structure height, and an increase in lot coverage. The sheer number of variances sought is, in itself, a red flag. It underscores the **extraordinary level of non-conformity** that defines both the existing condition and the proposed project. This is not a routine application involving one or two minor exceptions. This is a highly unusual request that would authorize extensive deviation from multiple core zoning standards.

The Developer is seeking numerous variances, several of which are substantial. Some pertain to pre-existing non-conforming conditions on the property, while others involve proposed expansions that would increase the level of non-conformity. However, the application fails to provide much information regarding the property's current measurements that define the pre-existing non-conformities—such as setbacks or other deviations from Code requirements, or are miscalculated in the application and notice of disapproval:

1. **Front Yard Setback:** 3.3' proposed where 30' is required – a **26.7' variance**
2. **East Side Yard Setback:** 8.7' proposed where 10' is required – a **1.3' variance**
3. **Both Side Yards Combined:** 19.5' proposed where 25' is required – a **5.5' variance**
4. **Barn Height:** 19.5' proposed where 15' is allowed – a **4.5' variance**

5. **Additional East Side Yard Setback:** 0.9' proposed where 5' is required – a **4.1' variance**
6. **South Side Yard Setback:** 2.3' proposed where 5' is required – a **2.7' variance**
7. **Lot Coverage:** 33% proposed where 30% is allowed – a **3% variance²**

With respect to No. 7 above, the Notice of Disapproval incorrectly identifies “a 3% variance”, when in fact it is approximately a 10% variance, even if the Code would permit a maximum lot coverage of 30% (see II below).

Given a lot size of 4,602 square feet, the permitted lot coverage at 30% would be 1,380.60 square feet. The existing structure covers 1,504 square feet, resulting in a pre-existing nonconformity of 123.40 square feet, or approximately 8.9%.

The proposed coverage would increase the nonconformity to 134.50 square feet, approximately 9.7% over the permitted coverage. Therefore, the correct variance should be considered approximately 10%, **not 3%**, as the level of non-conformity increases by almost 9%.

IV. Intensification of Pre-Existing Non-Conforming Conditions.

Rather than seeking to reduce or mitigate existing non-conformities, the Developer proposes to significantly enlarge them. The structure is already out of compliance with multiple zoning requirements. Granting relief to further deepen these non-conformities would contravene the very purpose of zoning regulation, erode neighborhood character, and set a dangerous precedent.

My clients understand that many of these requested variances stem from **pre-existing non-conforming conditions**. But these already place the property well outside the legal limits set by the zoning code. And rather than attempting to bring the property closer into conformity, the Applicant is seeking to **expand and intensify those non-conformities**. These are not minor or technical variances — they represent aggressive deviations from the Town's zoning requirements. A front yard setback that is nearly 90% smaller than what is required alone should raise significant concerns about neighborhood compatibility and over-intensification of land use. That context is crucial: changes that might appear minor on paper — like a 2- or 3-foot reduction — are not “small” when they **build on a foundation that is already deeply out of compliance**.

Under these circumstances, **none of the requested variances should be considered “de minimis”**. On the contrary, approving further encroachments would compound the problem, set a dangerous precedent, and risk materially altering the neighborhood character. This is not a

² Section 150-7 B (1) (b) of the Village of Greenport Code states: *The sum of all areas covered by all principal and accessory buildings shall not exceed 20% of the area of the lot, which limit is incorporated in the R2 zone by Section 150-8-B-(1).* However, Section 150-12 Parking and Bulk Schedule conflicts with 150-7-B(1) (b) and provides for a 30% limit. For that reason, the applicable lot coverage here is 20% , not 30%, because, in zoning regulations, when different provisions conflict, the more restrictive standard typically governs to maintain consistency with the community's planning objectives.

modest or incremental project. It is an **exceptional application** that should be treated with the heightened scrutiny it deserves — and in my view, **it should be denied**.

V. Application Fails to Meet Legal Standards

More troubling is the fact that the application does not engage with the required legal analysis. The Applicant has simply answered “No” to all questions in the application, including but not limited to whether the variances would alter the character of the neighborhood, without offering any explanation, supporting evidence, or mitigation efforts.

This conclusory approach falls short of the requirements under **New York Town Law § 267-b(3)**, which obligates Applicants to justify how each of the five legal factors weigh in their favor. The ZBA cannot approve such significant relief based on unchecked, conclusory assertions alone.

V (a). Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created³

Approval of this application would produce an undesirable change in the character of the neighborhood and create a clear detriment to nearby properties. The proposed dimensional intrusions — particularly the severe front and side yard encroachments, excessive height, and oversized lot coverage — are already inconsistent with the established spatial rhythm and development pattern of the surrounding area, and the proposed development worsen the situation. The neighborhood is defined by modest setbacks, open yards, and cohesive building scale, all of which contribute to its residential character and livability. Allowing this proposal to move forward would introduce a denser, more imposing structure that disrupts that harmony and risks diminishing property values and privacy for adjacent homeowners. Zoning exists to protect the long-term integrity of neighborhoods, and this proposal, if granted, would erode the very principles the zoning code is intended to uphold.

Specifically, the house currently is a small home with charming rooflines. What’s concerning about this project is that the applicant is proposing a major expansion that would far exceed the current building’s scale, fundamentally changing the look and feel of the house and how it relates to the surrounding properties. The developers propose a second floor that will encompass the entire footprint of the house, extremely close to all neighbors and properties, completely changing the home’s aspect from the street.

The proposed development, while it might be contextually appropriate in Sag Harbor or Sagaponack, is entirely out of scale with the modest and historically consistent residential character of West Dublin. The applicant proposes to increase the second-floor area from 587 square feet to 980 square feet—an expansion of nearly 67%. This substantial enlargement would result in a structure that appears disproportionately bulky and visually intrusive relative to

³ McKinney’s Village Law § 7-712-b)(5).

surrounding homes, thereby disrupting the established architectural rhythm, spatial harmony, and aesthetic coherence of the neighborhood streetscape.

This development would create a structure that feels oversized and out of place in our neighborhood, potentially blocking light, reducing privacy, and overwhelming the surrounding homes. I believe this proposal, if allowed, will set a negative precedent for future development in our community.

The developers description of this application as minimal and benign is inaccurate, self-serving, and deserves closer scrutiny.

V(b). Whether the benefit sought by the applicant can be achieved by some method other than an area variance⁴

Moreover, the benefit sought by the applicant can clearly be achieved by methods other than the granting of these variances. For example, the applicant could revise the project to comply with existing setbacks, reduce the overall footprint, or reconfigure the interior layout to meet functional needs without exceeding code limitations. These are reasonable design alternatives that would preserve both the usability of the property and the integrity of the zoning code. Variances are meant to be a last resort where no feasible alternatives exist — not a convenience for avoiding the hard choices that zoning compliance sometimes requires. Granting this variance would improperly relieve the applicant of that obligation and would set an inappropriate precedent for future applications.

V (c). Whether the requested area variance is substantial⁵

The requested area variance is substantial by any reasonable measure. The applicant seeks relief from multiple core zoning requirements, including a 26.7-foot front yard setback reduction (nearly 90% of what is required), side yard reductions, a 33% lot coverage where only 20% is permitted (a 65% variance) under controlling Code provisions, and a height increase beyond what is allowed. Taken individually and cumulatively, these variances are far from minimal or technical — they represent significant departures from the zoning framework. The sheer number of variances (seven in total), the degree of deviation, and the breadth of noncompliance all point to a proposal that is substantial in both scale and impact, weighing heavily against approval under established legal standards.

V(d). Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district⁶

The proposed variances will have a clear adverse effect on the physical and environmental conditions in the neighborhood. The significant reduction in setbacks and increased lot coverage will reduce open space, limit natural drainage, and concentrate built mass in a manner that alters

⁴ *Idem*

⁵ McKinney's Village Law § 7-712-b)[5].

⁶ *Idem*

airflow, sunlight, and sightlines for adjacent properties. The application fails to provide any detailed stormwater management plan — no drywell locations, no dimensions, and no engineering data — raising serious concerns about potential runoff and drainage impacts. This level of intensification on a lot already constrained by pre-existing nonconformities creates the real risk of environmental strain and physical disruption to the surrounding properties. The cumulative effect of these changes is inconsistent with the principles of sound planning and responsible land use.

V(e). Any Difficulty is Self-Inflicted⁷

- i. **The “Difficulty”.** The justification offered for the requested variances—which would significantly expand upon the property’s already substantial pre-existing non-conformities—is, at its core, the Developer’s desire to “accommodate a bedroom above,” to enlarge “a very small bathroom and a small sort of mudroom,” and to “replace the stairs.” While these may reflect personal preferences or conveniences, they do not rise to the level of a legally cognizable hardship under New York Town Law § 267-b(3).

Your Board is tasked with weighing these self-imposed design choices against the broader consequences of granting substantial relief from multiple zoning requirements. Specifically, the Board must consider whether allowing this expansion of an already non-compliant structure is consistent with the purposes of the zoning code, the preservation of neighborhood character, and the public interest. The burden is on the Applicant to demonstrate that the benefit sought cannot be achieved through a feasible alternative that does not require such significant variances. The developer failed that task.

- ii. **Any Difficulty Self Inflicted.** The applicant acquired the subject property on or about June 28, 2024, with actual or constructive knowledge of the substantial and longstanding non-conforming status of the structure. Given the property’s significant deviation from current zoning and regulatory standards at the time of acquisition, any alleged hardship arising from such non-conformity is self-imposed and any alleged difficulty self-inflicted and, as such, does not warrant the granting of relief.

VI. Missing Documentation and Visuals

The application is missing key documentation that is essential for a thorough and informed review, which creates significant uncertainty about what is actually being proposed. This confusion is evident in the questions raised by Board member Gordon, as noted in the minutes from the first hearing on this application (Zoning Board of Appeals Meeting, 03/18/2025, Page 7, No. 18, and beyond). However, the confusion is even more pronounced among the general public, who are typically less familiar with reading building plans and variance requests.

- **Unclear and missing information.** The application does not clearly provide the nature of the pre-existing non-compliant situation and does not provide the set-backs and level of non-conformity prior to the Developer’s planned expansion.

⁷ *Idem*

- **No overlays or side-by-side site plans and floorplans** are provided to show existing versus proposed conditions, making it virtually impossible to assess visual or dimensional impact. As a result, it not made clear if a fourth bedroom is created or one of three existing bedrooms enlarged.
- **No comparative surveys or elevations** are included, nor are **before-and-after roof plans**, despite substantial changes being proposed. This also prevents a proper runoff water analysis.
- **No proposed Roof Plan.** The Developer does not provide a detail aspect of the proposed roof plan; a larger roof replacing the multiple small roofs currently in existence change the water runoff drastically, on a property with very little pervious surface caused by its unusual small setbacks and concrete drive way on the sides of the house to absorb any such runoff water.
- **No details on stormwater handling** are included, aside from a vague statement “on-site drywells sufficient to retain and manage storm flows” in the unsigned EAS form. There are no plans showing drywell locations, whether they are proposed or existing, and how/where any installation and excavation will be performed, and any sizes, or any storm runoff water calculations — all of which are necessary for a complete variance application, and also required for a SEQRA analysis.
- The Applicant has also failed to provide any historic Building Permit applications, **(Pre-) Certificates of Occupancy** for existing structures, leaving unanswered whether the uses of the home and barn are currently legal or permitted, and whether they are connected to basic utilities such as water or electricity.

VII. Historical and Technical Demolition Concerns

In parts of the application, the property is vaguely referred to as “historic,”⁸ yet no supporting documentation is included to confirm this or explain if and how the project will preserve any historical features – it does not. If the home or barn is indeed historic, the ZBA should require clear evidence and preservation planning before moving forward. And some sense of historic continuity would be expected in the project.

Furthermore, based on the scope of work implied, the project may qualify as a **technical demolition**, which would trigger an entirely different process beginning with the Building Department, rendering this variance application inappropriate. Neither the Building Department nor the Developer addressed this critical issue, despite the fact that the necessary calculations should have been provided and included in the analysis of this development. Proceeding without clarifying this point risks undermining the integrity of the entire review process.

VIII. Lack of Precedent or Neighborhood Context

The Applicant also fails to provide any examples of similar relief being granted by the ZBA in **West Dublin** or the immediate neighborhood. Without that context, it is impossible to determine

⁸ See: ZBA Minutes 03/18/2025 P. 6 Line 8 and further.

whether the variances are consistent with prior decisions or represent an outlier that would alter the fabric of the area.

IX. Omission of Property History

The application fails to include any record of the property's prior **building permit application history, certificates of occupancy** or any prior **Planning Board or Zoning Board of Appeals activity**. The Developer does not address in any way why the property's setbacks are pre-existing or why they are currently non-conforming nor address the legality thereof. These omissions are significant. A full and transparent history of the history of the property, when it was built, and any previously submitted applications — whether granted, denied, or withdrawn — and any permits previously issued or expired is essential for understanding the context and legality of the current structures and use. The Board should not proceed without this background, as prior denials or conditions may bear directly on whether this application represents an attempt to circumvent earlier decisions.

For example, the Developers mention a detached barn structure. While it is unclear at this time whether the barn has been improved with electrical service, conditioning (Heating and HVAC), or is being used, or intended to be used, as habitable space, such information is material to the property's use and legal compliance.

If the barn has been converted, improved, or used in any way that constitutes occupiable or conditioned space, it is our understanding that a valid Certificate of Occupancy (C of O) would be required under applicable local building codes and zoning regulations.

At a minimum, the application and disclosures should have clearly indicated:

- Whether the barn has been outfitted with electrical or HVAC systems;
- Whether it is or has been used as living space or for any purpose beyond storage/agricultural use;
- Whether any such use or improvements are permitted and code-compliant.

Further, the Developer's application did not appear to address or evaluate the barn in any meaningful detail, despite the potential relevance of its use and condition — especially in light of the property having been built prior to 1971, and therefore subject to potential permitting or zoning constraints.

Accordingly, we respectfully request:

- Clarification as to the current and historical use of the detached barn;
- Disclosure of any permits, certificates, or approvals applicable to the barn, including any Certificate of Occupancy if applicable;
- An explanation as to why this structure's potential improvements and use were not clearly detailed in the application or inspection report.

We consider this information essential to evaluating the analysis for SEQRA and prior to the consideration of any variances, ensuring the property's Code compliance, and request a timely response to clarify the matter.

X. Conclusion and Request for Denial or Delay

Given the numerous gaps in the application —factual, legal and procedural— I respectfully request that the Board **not approve** this application in its current form. At a minimum, the ZBA should **delay any hearing or decision** until the Applicant:

1. Submits a complete set of plans, surveys, and overlays comparing existing and proposed conditions and answers all questions and issues raised in this letter.
2. Provides full and supported responses to each of the statutory area variance criteria;
3. Discloses whether the property has historic designation or status;
4. Clarifies whether the scope of work constitutes a technical demolition;
5. Supplies relevant permits and Certificates of Occupancy for all existing structures; and
6. Provides a full record of prior building department permits and any past Planning Board or ZBA applications or determinations.

Thank you for your time and for your continued dedication to fair and lawful planning in the Town of Greenport.

Sincerely,



Joan H. Bischoff van Heemskerck, Attorney at Law.

Jeanmarie Oddon

From: JEANNE COOPER <jnncooper@aol.com>
Sent: Sunday, April 6, 2025 4:56 PM
To: Candace Hall; Jeanmarie Oddon
Subject: Urgent: please forward below to ZBA Chair Saladino and cc Village attorney Brian Stollar regarding gross error in public notice

Follow Up Flag: Follow up
Flag Status: Completed

Chairman Saladino

This is Jeanne Cooper residing at 414 Clark St Greenport NY. I've served as Chair of Greenport Planning Board, I'm a previously elected Greenport Village Trustee and co-author of the current State approved LWRP.

I am sending this email to Village Staff to forward to you Mr Chairman because I was unable to obtain your Village email or Attorney Stollar

I received a notice of Public Hearing for property located at 417 Clark St , a few days ago , mailed out by the village April 1
Hearing set for April 15 th

The public notice sent out by the ZBA is grossly incorrect.

The notice states that the proposed lot coverage ,(# 7 on the list of variances requested) is 33% . It is Not. The proposed LOT COVERAGE is approximately 42%.

The current and proposed LOT COVERAGE zoning code(see attached for village code page 13) states that ALL structures MUST be calculated into lot coverage

The applicant expressly , in the application, discounted the large barn, approximately 410 + sq ft of additional lot coverage.

I suggest that this was done by the applicants representative and designed to mislead the public or , generously , by gross incompetence. I'm certain the Village Attorney will address the misleading application.

I suggest the public hearing be postponed; that the building department and ZBA and Village attorney carefully review the 417 submission. Determine why the gross error was not caught before the notice was sent to the public. Then correct the public hearing notice containing the true lot coverage so that the public has the correct information upon which to make comments.

Sincerely,
Jeanne Cooper
414 Clark St Greenport NY