

1 VILLAGE OF GREENPORT
2 COUNTY OF SUFFOLK : STATE OF NEW YORK
3 -----x
4 ZONING BOARD OF APPEALS
5 REGULAR SESSION
6 -----x
7 Station One Firehouse
8 3rd & South Streets
9 Greenport, NY, 11944
10
11 June 17, 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 - ZONING BOARD ATTORNEY
23 MICHAEL NOONE - CLERK TO THE BOARD
24
25

1 CHAIRMAN SALADINO: Good evening,
2 folks. This is the Village of
3 Greenport Zoning Board of Appeals
4 regular meeting. It's approximately
5 6:05.

6 Item Number 1 is a motion to
7 accept the minutes of the May 20, 2025
8 Zoning Board of Appeals meeting. So
9 moved.

10 MEMBER REARDON: 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, July 15, 2025 at 6:00
18 p.m. at Station One Firehouse, Third
19 and South Street, Greenport, New York
20 11944. So moved.

21 MEMBER GORDON: Second.

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

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

1 Item Number 3 is 432 First Street.
2 This will be a motion to accept the
3 findings and determinations for Brooke
4 Epperson on behalf of Magdalena
5 Paragas. The property is located in
6 the R-2 One and Two Family Residential
7 District and is also located in the
8 Historic District. The Suffolk County
9 Tax Map Number is 1001-4-7-2.1. The
10 Members have read the findings?

11 MEMBER GORDON: Yes.

12 CHAIRMAN SALADINO: So moved.

13 MEMBER GORDON: Second.

14 CHAIRMAN SALADINO: All in favor?

15 (Aye said in unison.)

16 CHAIRMAN SALADINO: And I'll vote
17 aye.

18 MEMBER NYCE: John, I'm going to
19 abstain on the next three because I was
20 not at the meetings, part of the
21 discussion, so the findings from the
22 last month's meeting I'm going to
23 abstain from.

24 CHAIRMAN SALADINO: So that's 3,
25 4, 5?

1 MEMBER NYCE: Yes.

2 CHAIRMAN SALADINO: So we have
3 four yeahs and one abstention.

4 Item Number 4 is 630 Third Street.
5 This is a motion to accept the findings
6 and determination of Jennifer Del
7 Vaglio, East End Pool King LLC on
8 behalf of Rebecca Sharon. This
9 property is located in the R-2 One and
10 Two Family Residential District and is
11 not located in the Historic District.
12 The Suffolk County Tax Map Number is
13 1001-2-5-3. Everyone has read the
14 findings?

15 MEMBER GORDON: Yes.

16 CHAIRMAN SALADINO: So moved.

17 MEMBER REARDON: Second.

18 CHAIRMAN SALADINO: All in favor?

19 MEMBER KAUFMAN: Aye.

20 CHAIRMAN SALADINO: Dinni?

21 MEMBER GORDON: Yes.

22 CHAIRMAN SALADINO: And I'll vote
23 aye, and David abstains. So four ayes
24 and one abstention.

25 Item Number 5 is 217 Sixth Street.

1 This will be a motion to accept the
2 findings and determinations for
3 Jennifer Del Vaglio, East End Pool King
4 LLC on behalf of Mark Carroll and Tara
5 Maitra. The property is located in the
6 R-2 One and Two Family Residential
7 District and is not located in the
8 Historic District. The Suffolk County
9 Tax Map Number is 1001-7-1-8. Again,
10 the members have read the findings?

11 MEMBER GORDON: Yes.

12 CHAIRMAN SALADINO: So moved.

13 MEMBER KAUFMAN: Second.

14 CHAIRMAN SALADINO: All in favor?

15 MEMBER REARDON: Aye.

16 MEMBER GORDON: Aye.

17 MEMBER KAUFMAN: Aye.

18 CHAIRMAN SALADINO: And I'll vote
19 aye. Four ayes and one abstention.

20 Item Number 6 is 114 North Street.
21 This will be a public hearing regarding
22 the application of Jennifer Del Vaglio,
23 East End Pool King LLC on behalf of
24 Lauren and Michael Nagin. The
25 applicant proposes the installation of

1 a 14 by 22 in-ground gunite pool,
2 swimming pool. This requires the
3 following variances, the relief is
4 listed on the agenda for the people
5 that are interested. This property is
6 located in the R-2 One and Two Family
7 Residential District and is not located
8 in the Historic District. The Suffolk
9 County Tax Map Number is 1001-2-6-28.
10 I'll ask Michael Noone, the clerk, this
11 was noticed in the newspaper?

12 CLERK NOONE: It was noticed
13 previously with the same variances
14 requested.

15 CHAIRMAN SALADINO: Okay. And for
16 the public, I have the mailings of the
17 neighbors that were notified. If
18 anybody wants me to, I'll read them.
19 If not, we'll give them to the
20 stenographer to be made part of the
21 record. Anybody? No. Okay.

22 *(Mailings: Haley Katsh-Williams &*
23 *Nicholas Brown, 150 Remsen Street,*
24 *Apartment 31, Brooklyn, New York 11217;*
25 *Keith Garrett, 1325 Parkview Lane,*

1 Orient, New York 11954; Stacey
2 Tesseyman & Florence Roth, 512 2nd
3 Street, Greenport, New York 11944;
4 Elizabeth & John Regan, 611 1st Street,
5 Greenport, New York 11944; Second
6 Aegberg LLC, 215 Thompson Street,
7 PMB245, New York, New York 10012; Floyd
8 Memorial Library, 539 1st Street,
9 Greenport, New York 11944; Anthony &
10 Robin Mortillo, 689 1st Street,
11 Greenport, New York 11944; Alexandra
12 Simmonds, 4066 Mansion Dr, NW,
13 Washington DC 20087; Willard Weathery,
14 29 Cliff Street, Apartment 21C, New
15 York, New York 10038.)

16 CHAIRMAN SALADINO: Is the
17 applicant here?

18 MS. DEL VAGLIO: We are. Hi.
19 Jennifer Del Vaglio, 4045 Bridge Lane,
20 Cutchogue, New York 11935 representing
21 the Nagin property and application.

22 We're here before you for the
23 second time and just prepared a little
24 something. I wanted to try to go at
25 this in a little bit of a different

1 direction than we've been going at in
2 the last couple of application
3 processes to see if we can create a
4 little bit more upfront dialogue in the
5 beginning so that when the hearing does
6 get closed, maybe we can have some sort
7 of concession on how we can move
8 forward instead of closing it and then
9 making that decision. So this is what
10 I prepared.

11 CHAIRMAN SALADINO: Wait, I'm
12 sorry. I apologize. You want us to
13 have a conversation about the
14 application before we vote, before we
15 close the public hearing?

16 MS. DEL VAGLIO: Correct. I think
17 it doesn't do justice for the community
18 members or the taxpayers that own these
19 properties for them to come up here,
20 put in applications, have the
21 applications accepted, and then we come
22 before you and say what we would like
23 but then you have a difficult task
24 before you to keep everything kind of
25 in line with the characteristics of the

1 community, and instead of having a
2 conversation, perhaps maybe if we
3 reduce the size of the swimming pool,
4 for example, if we could have that
5 dialogue, maybe the client would be
6 willing to reduce the impact in some
7 way, shape, or form, but when we don't
8 have that back and forth conversation
9 beforehand then we put out what we
10 would like, you close the hearing, and
11 then you all make your decisions. If
12 we could have a back and forth before
13 you close the hearing so that we know
14 what you're feeling and thinking, then
15 maybe the client would be willing to
16 concede somewhere to make it an easier
17 application to push forward.

18 CHAIRMAN SALADINO: The first
19 thing I'll say is it's a public hearing
20 and it's for the public to speak about
21 your application. The process is this
22 Board listens to the public. If
23 there's no one else from the public to
24 speak, we close the public hearing.
25 The Zoning Board then has a discussion

1 among themselves about the merits of
2 the application. In my tenure on the
3 Zoning Board, if in our discussion the
4 applicant had something else to say,
5 disputed what one of us have said, I
6 have never prevented them from
7 speaking.

8 MS. DEL VAGLIO: Before the closed
9 hearing.

10 CHAIRMAN SALADINO: No, before the
11 vote. I have never stopped anyone in
12 my recollection -- I'll ask the Members
13 because I'm an old kook and sometimes I
14 forget stuff. If during our -- the
15 Zoning Board's discussion after the
16 public hearing is closed, if an
17 applicant hears something, would like
18 to compromise, would like to add
19 something, subtract something, we have
20 always let them speak.

21 MS. DEL VAGLIO: Okay. My
22 understanding was that when it was a
23 closed hearing, that was for you guys
24 to have your conversation --

25 CHAIRMAN SALADINO: Well, it is,

1 it is. But again, I don't want to keep
2 repeating myself, but we've always
3 allowed if there was further input from
4 the applicant, not the public, and even
5 sometimes from the public. But from
6 the applicant, we've always allowed
7 that person to speak or the applicant's
8 representative, we've always allowed
9 them to speak. So --

10 MS. DEL VAGLIO: Okay. Going
11 forward.

12 CHAIRMAN SALADINO: Going forward.

13 MS. DEL VAGLIO: Thank you. So I
14 prepared something. So I thought I
15 would take a closer look on what
16 actually the Zoning Board of Appeals is
17 tasked with, and I understand that they
18 are tasked with a critical safeguard in
19 the community, balancing individual
20 property's rights with the overall
21 wellbeing of the neighborhood. They
22 interpret zoning regulations, handle
23 appeals related to zoning decisions and
24 grant variances, exceptions to zoning
25 laws when strict adherence would cause

1 undue hardship. Their primary duty is
2 to ensure fair and consistent
3 applications of zoning laws while
4 preserving community character and
5 promoting health, safety, and wellness
6 to the residents.

7 As I said, my intention here is to
8 find a way to work through these
9 applications through dialogue before
10 the hearing closes so that we have an
11 opportunity to make some concessions,
12 if need be, before there's no longer an
13 opportunity to do so.

14 I would like to touch base on the
15 purpose intent -- proposed -- purpose
16 intent of Zoning Board Chapter 150,
17 Item G, enhance the appearance of the
18 Village as a whole. If you take a
19 moment to think about that statement,
20 the beautification of the quaint
21 Village of Greenport is supported by
22 new neighbors moving in and enhancing
23 their homes and properties while
24 maintaining the general character of
25 the community. Pools are a great way

1 to keep open space from yard to yard,
2 which compliments the small town feel
3 that you aspire to keep. If people are
4 allowed 30 percent lot coverage,
5 wouldn't you prefer that that lot
6 coverage be a pool at grade rather than
7 a structure? Some claim that pools are
8 loud in the backyard, but in the
9 essence, a pool is fully utilized for
10 about two months in the summer when
11 kids are out of school, no more noisy
12 than a backyard barbecue, no different
13 than someone putting a bounce house or
14 a trampoline out for their kids. When
15 did listening to others, mainly kids,
16 having summer fun and families and
17 friends become a disturbance rather
18 than something that made you stop, and
19 think, and smile.

20 I'd like to touch on the proposed
21 intent of the Zoning Board Chapter 150,
22 Item P.

23 CHAIRMAN SALADINO: Could you --
24 150 is the Zoning Code. In what
25 chapter could you tell us, G or P or --

1 MS. DEL VAGLIO: Yeah, that one
2 was G.

3 CHAIRMAN SALADINO: Is it 150-1 or
4 150-2?

5 MS. DEL VAGLIO: It was just G, it
6 was the enhancement of the appearance
7 of the Village as a whole.

8 P, preservation of the unique
9 community character that supports
10 tourism, encourages entrepreneurial
11 business, and contributes to a higher
12 quality of life for its residents. If
13 the goal is preservation of the
14 community that supports tourism and
15 encourages business while contributing
16 to a higher quality of life, it is
17 important to reposition your opinion on
18 swimming pools in general. Swimming
19 pools are not the enemy, quite the
20 contrary. Swimming pools offer the
21 Village an opportunity to enhance the
22 Village, keeping buildings from
23 dominating small parcels in the
24 neighborhood. They encourage open air
25 space and restrict overbuilding lots.

1 They create jobs and sustain service
2 businesses that are typically -- that
3 typically give back to the community
4 through donations supporting schools,
5 scholarships, and nonprofit
6 organizations.

7 So now if we go to our
8 application, what we're proposing is a
9 swimming pool that is 14 by 22. We're
10 asking for relief of 1.7 feet on the
11 east side. We're asking for a 2 foot
12 variance on the west side and a 10 foot
13 variance from the rear yard. At this
14 time, I'll have Lauren come up and just
15 shed a little light on why we're
16 positioning the pool where we're
17 positioning the pool. I'd like to
18 remind the Board that we did take into
19 consideration your comments about not
20 putting the pool all the way to the
21 east side where we originally wanted to
22 -- the second time we wanted to put it,
23 and now we're putting it back into the
24 center of the property, which was your
25 recommendation and --

1 CHAIRMAN SALADINO: This Board
2 made that recommendation to you?

3 MS. DEL VAGLIO: Yeah, Dinni did.

4 MEMBER GORDON: We did talk about.
5 I made the objection that it was way
6 over on the side and that they had --
7 toward the boundary nearer the
8 neighbor, and that they had the option
9 to put it in the middle where it would
10 be less intrusive for the neighbors on
11 each side and we just --

12 CHAIRMAN SALADINO: That was
13 during a meeting? Is that part of the
14 record or that was --

15 MEMBER KAUFMAN: I believe it was
16 at the site visit.

17 MEMBER GORDON: I don't remember.

18 MEMBER KAUFMAN: I believe it was
19 mentioned at the site visit.

20 CHAIRMAN SALADINO: Okay.

21 MS. DEL VAGLIO: Okay. Come on
22 up.

23 MS. NAGIN: Hi, I'm Lauren Nagin,
24 114 North Street, Greenport 11944.
25 Nice to meet you. I think I met some

1 of you at the site visit. As you will
2 recall, this isn't necessarily our
3 personal ideal placement for the pool,
4 but we did take some of what you said
5 into consideration and returned to this
6 placement in the middle. And we really
7 are trying to be thoughtful about what
8 makes the most sense for our neighbors,
9 for the community, and for our family
10 and for the property. You know,
11 obviously it's very small relief we're
12 requesting on either side, and from the
13 back we really did think about that and
14 to move the pool any closer to our
15 house I actually think would make more
16 of an inconvenience for our neighbors
17 across the back fence. If we come in
18 closer to the house, we won't be left
19 with room for a table or furniture
20 close to house, which is where we grill
21 and congregate and eat and talk and
22 hang out. We would be forced to move
23 any of that furniture actually much
24 closer to the neighbors on the back
25 fence. I also have concerns about

1 moving the pool any closer to the house
2 just for safety. I don't want my small
3 kids walking out of the house just a
4 couple of feet from the pool, so I
5 think this placement is best for that
6 to allow us to keep all of our
7 socializing closer to our own home and
8 further away from the fence in the
9 back, and I hope is sort of the best
10 situation for everyone involved and
11 allows us to best utilize the property.
12 And I'm happy to answer any questions
13 or, you know, concerns or chat about
14 any of that if you have it now.

15 MEMBER GORDON: I have a question.
16 The rear area where you're asking for
17 relief of 10 feet?

18 MS. NAGIN: Yes.

19 MEMBER GORDON: Who is behind you,
20 what kind of terrain is behind your
21 house?

22 MS. NAGIN: It's a pool.

23 MEMBER GORDON: It's another pool?

24 MS. NAGIN: Directly behind that
25 fence our neighbors put in a pool, I

1 think, in 2019. So that's the back of
2 their property, their house actually
3 faces Second Street, and their house is
4 actually quite far from our yard, so
5 it's really -- it's their backyard
6 that's there, and it's their pool
7 taking up pretty much the entirety of
8 that space. And I will say we've had
9 no issues since they put in their pool,
10 it really hasn't been any louder. We
11 also have neighbors on another adjacent
12 property who put in a pool last summer.
13 We have been delighted to see them
14 enjoy that, and we haven't felt
15 inconvenienced by it at all. But yeah,
16 our pool, if we were granted one, would
17 really just be abutting their pool.

18 MEMBER GORDON: Thank you.

19 MS. NAGIN: Of course.

20 CHAIRMAN SALADINO: Do we have a
21 letter from --

22 MEMBER GORDON: We had a couple of
23 letters.

24 CHAIRMAN SALADINO: From -- Mike,
25 do we have a letter?

1 CLERK NOONE: We have several
2 letters.

3 CHAIRMAN SALADINO: We're going to
4 let her finish, Mike, but since she
5 referenced the neighbor to the rear,
6 we'll read that letter. And you said
7 somebody put a pool in last year, next
8 door neighbor?

9 MS. NAGIN: They're sort of caddy
10 corner, it's not next door, it's a
11 house on First Street, the corner of
12 their property abuts the corner of our
13 property.

14 CHAIRMAN SALADINO: I don't
15 remember that. It must have been as of
16 right. Okay. Thank you. Is there
17 anything else?

18 MS. NAGIN: No, nothing else from
19 me unless you had other questions.

20 MS. DEL VAGLIO: I just want to
21 say one thing. So the letter that
22 you're referencing and the property,
23 they put the pool in in 2019 and they
24 asked for variance relief, two sides.
25 They asked for variance relief on the

1 north and the south side, which does
2 abut up against the Nagin property, so
3 they asked for about five feet on both
4 the north and the south side. And
5 their property is much longer than the
6 Nagin property, their property is 155
7 feet long, so they have had the option
8 to do a longer swimming pool. The
9 Nagin property is only 109 feet long,
10 so if you could just keep that in mind.

11 CHAIRMAN SALADINO: And the pool
12 from last year, do you have that? You
13 said -- we heard your next door
14 neighbor, your diagonal neighbor put a
15 pool in last year?

16 MS. DEL VAGLIO: I don't have that
17 one.

18 CHAIRMAN SALADINO: I don't
19 remember that.

20 MEMBER KAUFMAN: I don't remember
21 it.

22 MS. DEL VAGLIO: I just have this
23 one and I have the records from when it
24 was voted in.

25 CHAIRMAN SALADINO: Okay.

1 MEMBER GORDON: There was a
2 letter, I'm not sure whether -- which
3 of your neighbors it was from, there
4 was a letter that supported the pool
5 but said that the owners of -- those
6 people had found that pools were
7 noisier than they thought and they
8 hoped that you would move the pool.

9 CHAIRMAN SALADINO: We're going to
10 let him read that.

11 MEMBER GORDON: Is that the one?
12 We have that.

13 CLERK NOONE: Is that Tesseyman?
14 There are two letters that were in the
15 file.

16 CHAIRMAN SALADINO: Did we put
17 those -- are those letters in the
18 public record?

19 CLERK NOONE: No, we can put those
20 in.

21 CHAIRMAN SALADINO: I'm sorry?

22 CLERK NOONE: We could put those
23 in.

24 CHAIRMAN SALADINO: No, no, did we
25 do that the last time they were here?

1 CLERK NOONE: No, we didn't open
2 the public hearing.

3 CHAIRMAN SALADINO: Oh, okay. Can
4 we read them?

5 CLERK NOONE: Sure. This is a
6 letter from Stacey Tesseyman and
7 Florence Patsy Roth, 512 Second Street,
8 Greenport, New York 11944 regarding 114
9 North Street, Greenport, New York
10 11944, pool application.

11 We received certified mail notice
12 of our neighbors' Nagin's application
13 for a swimming pool which requires your
14 approval for setback variances. A pool
15 would be a joy for the Nagin family,
16 particularly because they have young
17 children who would benefit from the
18 outdoor enjoyment of it.

19 We ourselves came before the
20 Zoning Board in 2019 to request
21 approval for a 12 by 24 pool, which was
22 granted. We were approved for a
23 variance of 5 feet on both the north
24 and south sides of the pool. None was
25 needed on the other two sides. Our

1 pool is located 15 feet from the rear
2 yard, which is our south side yard.

3 At the time of our application, we
4 were advised that a variance greater
5 than five feet would not be considered
6 because of the noisy nature of activity
7 at a pool. After having the pool for
8 several years now, we understand the
9 distance concern in a way we did not at
10 the time. Pool fun can be
11 unintentionally loud.

12 If there is a way for the pool in
13 this current application to be
14 moved/rotated to result in a five foot
15 variance from their backyard or south
16 side yard rather than the ten foot
17 variance listed on the application, we
18 would appreciate it. We do not want
19 our request to hinder the possibility
20 of getting a pool, so we'd ask that it
21 be considered without it being a
22 detriment to the project.

23 The Nagins have been lovely
24 neighbors, quiet and respectful, so our
25 request is not intended as a reflection

1 on them, but in light of any future
2 sale of their property whereby the new
3 owners might not be as considerate as
4 they.

5 Thank you for your time.

6 That's signed Stacey Tesseyman.

7 We do have one more letter, if you
8 want me to read it.

9 CHAIRMAN SALADINO: In for a
10 penny, in for a pound.

11 CLERK NOONE: This letter is from
12 Haley Katsh-Williams and Nick Brown,
13 110 North Street, Greenport, New York
14 11944.

15 Hi, Mr. Noone, my name is Haley
16 Katsh-Williams. I was given your name
17 by the Village front desk in regards to
18 the upcoming permit meeting on Tuesday,
19 May 20, 2025. My next door neighbor,
20 Michael and Lauren Nagin of 114 North
21 Street have a permit before the Board
22 for a proposed swimming pool project,
23 and my husband, Nick Brown and I have
24 no objection to their proposed project
25 and would like to voice our full and

1 enthusiastic support.

2 Thank you, Haley Katsh-Williams
3 and Nick Brown.

4 MS. DEL VAGLIO: So that letter is
5 from the person right directly to the
6 right of their property, and the first
7 one was from the people that are right
8 behind them.

9 Just, if you want, I have a survey
10 of that property that abuts up to their
11 property so you can see where the
12 proximity of the house is to the pool,
13 and if they're in their swimming pool
14 having fun and the Nagins are in their
15 swimming pool having fun, I think it
16 would just be a really fun time and not
17 a detriment or a noisy kind of
18 inconveniencing scenario. There's over
19 60 feet between the pool in the
20 neighboring yard to the house, so
21 they've got quite an expanse of spaces
22 to get away from the noise if need be.
23 That's all from me.

24 CHAIRMAN SALADINO: Thank you. Is
25 there anyone else from the public that

1 would like to speak on this
2 application? In the back? No?

3 Before we decide what we're going
4 to do with this public hearing, I just
5 want for the record that this was the
6 original -- this was the original -- in
7 case somebody is confused about two
8 locations for the pool, what's proposed
9 now is the original application for the
10 pool. What we got last month was a
11 revised application with a different
12 location for the pool. Because that
13 location and application was different
14 than the original application, we
15 needed a new public notice, a new
16 notice of disapproval. And we ended
17 the discussion, the application
18 acceptance portion process with the
19 applicant in my mind was to postpone
20 the hearing a month for a new notice
21 and a new notice of disapproval. There
22 was no discussion during the meeting
23 about going to the first application.
24 That's where we are today. The first
25 application that was submitted is the

1 one that this Board is going to
2 consider tonight. I can't imagine that
3 made any sense to anybody, but that's
4 what happened. So again, there was no
5 discussion with the Board about
6 changing the application, whether it
7 would be more acceptable to the Board,
8 but that's where we are now. If
9 there's no one else from the public
10 that would like to speak, I'll ask the
11 Members, what do you want to do with
12 this public hearing? We have two
13 options, we can keep it open or we can
14 close it.

15 MEMBER KAUFMAN: We should close
16 it.

17 MEMBER NYCE: Close it.

18 MEMBER GORDON: Yeah, I don't --
19 we've heard I think the argument that
20 the applicant wants to make and --

21 CHAIRMAN SALADINO: I agree. I
22 just thought I was being polite by
23 asking.

24 MEMBER GORDON: We don't have
25 many, many people who want to speak

1 about it.

2 CHAIRMAN SALADINO: Okay. All
3 right. I'm going to make a motion that
4 we close this public hearing. So
5 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.

11 Give me one second, folks, and
12 we'll move on.

13 Item Number 7 is 616 Main Street.
14 This will be a public hearing regarding
15 the application of Andrew McCulloch.
16 Applicant proposes renovation of the
17 home to configure apartments on each
18 floor. The relief is listed on the
19 agenda. The property is located in the
20 R-2 One and Two Family Residential
21 District, it's also located in the
22 Historic District. The Suffolk County
23 Tax Map Number is 1001-3-4-4. Mike, we
24 noticed this?

25 CLERK NOONE: It's been noticed,

1 yes, and you have the mailings.

2 CHAIRMAN SALADINO: For the
3 public, again, I have the mailings. If
4 there's anyone from the public that
5 would like me to read them, I will. If
6 not, the stenographer has them, they'll
7 be entered into the public record.

8 (Mailings: Patricia Hammes, 603
9 Main Street, Greenport, New York 11944;
10 Stirling Rentals LLC, 145 Schooner
11 Drive, Southold, New York 11971;
12 John/Catherine, 2 Bethune Street, New
13 York, New York 10014; David Angevine,
14 630 Carpenter Street, Greenport, New
15 York 11944; George Liakeas, 440 E 57th
16 Street, New York, New York 10022;
17 Cynthia Cannell, 634 Carpenter Street,
18 Greenport, New York 11944; 624 Main St
19 Greenport LLC, 770 Highland Road,
20 Cutchogue, New York 11935; 13405 Main
21 Road LLC, 625 Calves Road, Southold,
22 New York 11971.)

23 The applicant is here. Name and
24 address for the stenographer, please.

25 MR. McCULLOCH: Andrew McCulloch,

1 616 Main Street, Greenport, New York
2 11944.

3 Do you want me to describe the
4 project again? We're looking to
5 renovate the house, make it more --
6 have more curb appeal for the front. I
7 want to add a front porch with five and
8 a half foot offset from the curb to
9 match the neighbor's porch. Looking to
10 renovate the interior and add a landing
11 to the back second floor rear side.
12 That's all I have.

13 CHAIRMAN SALADINO: Okay. You --
14 obviously you know we were at the
15 property, the Zoning Board was at the
16 property for a site inspection. At the
17 time of the inspection, we noticed all
18 the relief that's on the notice of
19 disapproval. There was one that --
20 there's one item that is not listed on
21 the notice of disapproval. The house
22 is preexisting nonconforming, so aside
23 from the front porch, which we're going
24 to take into consideration tonight,
25 there's a rear porch, a rear second

1 floor porch that's being --

2 MR. McCULLOCH: See where it says
3 we're looking to extend the second
4 floor landing into a deck. So the
5 landing on the second floor for an
6 exit, and then I was going to extend
7 that landing, which is about five foot
8 behind the house into a full deck
9 across the back of the house.

10 CHAIRMAN SALADINO: Yeah. The
11 problem comes up and -- the problem
12 comes up that because the house is
13 preexisting and it's nonconforming,
14 aside from the front porch, north side
15 setback, south side setback is not an
16 issue. When you add to the
17 nonconformity, that has to be either
18 code compliant or you have to ask for
19 relief. The relief that you need for
20 that second floor deck is not listed on
21 the notice of disapproval. I had
22 thought that perhaps we could address
23 it here at the meeting. I spoke to our
24 attorney, we can handle the entire
25 application except the rear second

1 floor deck. That would have to be
2 noticed and that would -- there would
3 have to be a notice of disapproval
4 issued for that and it would have to be
5 noticed. You would have to come back
6 to the Zoning Board for that. We can
7 handle the entire application aside
8 from that tonight and then --

9 MR. McCULLOCH: I'll just strike
10 the deck from the plans. I don't want
11 to go through this process again. It
12 takes a long time, and it's been eight
13 months already.

14 CHAIRMAN SALADINO: Well, wait a
15 second, we only got this application
16 two weeks ago, so it's not been eight
17 months.

18 MR. McCULLOCH: No, it's not on
19 you, just the whole process for me.
20 I'm flexible on the front deck and the
21 rear deck. I'm trying to make the
22 house a lot nicer. The rear deck --

23 CHAIRMAN SALADINO: We agree with
24 you, the second floor deck in the back
25 would look really nice, but

1 unfortunately --

2 MR. McCULLOCH: I'm confused a
3 little bit, just for explanation for my
4 sake, I'm new to this. So it doesn't
5 change the footprint of the house so
6 how --

7 CHAIRMAN SALADINO: It does change
8 the footprint of the house.

9 MR. McCULLOCH: I'm thinking about
10 it from, like, a space, like a top
11 view.

12 CHAIRMAN SALADINO: The house is
13 the house, and you're going to add a 15
14 by 5 foot second floor deck that's not
15 there. So the house, anything you do
16 inside that footprint to the house
17 because it's preexisting nonconforming
18 -- can everybody hear me? Preexisting
19 nonconforming, we'll kind of go along
20 with that. But once you go outside
21 that, it has to either be code
22 compliant or you need relief for it.

23 MR. McCULLOCH: Okay. So then is
24 the option to get everything else
25 approved, can I start -- can I then get

1 a permit and start work, and then
2 during that time apply for the permit
3 for the deck, the second floor deck?

4 CHAIRMAN SALADINO: Absolutely.

5 MR. McCULLOCH: Okay. That sounds
6 good.

7 CLERK NOONE: That's what I was
8 going to suggest.

9 MR. McCULLOCH: I thought I had to
10 put the whole thing on pause for the
11 second floor.

12 MEMBER NYCE: No, no, we're cruel
13 but we're not evil.

14 MR. McCULLOCH: I wasn't sure.

15 CHAIRMAN SALADINO: Well, we can't
16 speak for Dinni. But so if -- just to
17 emphasize the point just to bring it
18 out, if it's not here, you can't do it,
19 you know, without relief. So if the
20 concession is that you're going to not
21 consider doing that, we'll --

22 MR. McCULLOCH: I mean, that's the
23 only concession --

24 CHAIRMAN SALADINO: Right now.

25 MR. McCULLOCH: No, I'll just

1 continue on. If I can get approval now
2 for everything else and start
3 construction and get a building permit,
4 and in that timeframe then, you know,
5 next, I'll submit a different
6 application for -- now, how do I do
7 just that one, do I submit the whole
8 plan again?

9 CHAIRMAN SALADINO: What you do is
10 you submit an application for a
11 building permit, and it will go to the
12 building inspector or the code
13 enforcement officer, whoever reviews
14 the permit, and he'll see that it's not
15 code compliant. He'll write a notice
16 of disapproval, you'll appeal it, and
17 you'll come back here. I know it's --

18 MEMBER GORDON: A nuisance.

19 MR. McCULLOCH: Is it because that
20 we need to give the public a chance to
21 go against it? What's the purpose of
22 -- I know we have to put in the notice
23 so that the public can see that it's
24 going to happen and give their opinion.

25 CHAIRMAN SALADINO: That's the

1 public hearing process and every
2 application needs a public hearing. We
3 can't speak for your neighbors who is
4 in favor of this and who is not,
5 obviously it doesn't seem like there's
6 anybody here, but we can't circumvent
7 the process.

8 MR. McCULLOCH: The administrative
9 process, I'm curious, so I submit the
10 entire building application again?

11 CHAIRMAN SALADINO: No, no, you
12 would submit -- for that particular
13 thing, you would submit an application
14 for a building permit.

15 MR. McCULLOCH: Oh, I see, so just
16 for the rear porch essentially.

17 CHAIRMAN SALADINO: After this is
18 adjudicated tonight and you still want
19 to build that second floor deck in the
20 rear, you would go to the Building
21 Department, you would submit an
22 application for a building permit.
23 Again, the building inspector would
24 look at it, he would see it's not code
25 compliant, he would give you a notice

1 of disapproval. I'm assuming you would
2 appeal it, and that would get you back
3 here. You can't get to the Zoning
4 Board without an appeal.

5 MR. McCULLOCH: That sounds good.

6 CLERK NOONE: I'll see that that's
7 expedited at the Building Department
8 level, and then the Village will waive
9 the fee for that one variance that you
10 need for the deck.

11 MR. McCULLOCH: Appreciate it.
12 Thank you.

13 MEMBER GORDON: He doesn't have to
14 submit new images, right, because --

15 CLERK NOONE: Just plans for the
16 deck.

17 MR. McCULLOCH: I was going to
18 plan on submitting the same, cross
19 everything else out, I guess.

20 CLERK NOONE: You can submit
21 whatever you have, whatever is easier
22 for you.

23 CHAIRMAN SALADINO: Yeah. I'm
24 just wondering, how come you don't have
25 to pay?

1 CLERK NOONE: Because obviously
2 there was a slip by the Village.

3 CHAIRMAN SALADINO: I'm only
4 kidding. We don't get a commission, so
5 we don't care.

6 CLERK NOONE: I get 20 percent.

7 CHAIRMAN SALADINO: So that's kind
8 of, like, where we are now. I just
9 wanted to bring that to your attention.
10 I know we kind of alluded to it when we
11 went to the site inspection. I kind of
12 thought we could fix it here, but we
13 have to --

14 MR. McCULLOCH: That's fine. Now
15 that I understand the process, I'm fine
16 doing that again.

17 CHAIRMAN SALADINO: Okay. Do you
18 have anything else for us?

19 MR. McCULLOCH: No. Thank you for
20 your time. Thank you for the site
21 visit too.

22 CHAIRMAN SALADINO: Okay. Thank
23 you. Is there anyone else from the
24 public that would like to speak on this
25 public hearing? No? Okay. I'm

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

4 MEMBER NYCE: Second.

5 CHAIRMAN SALADINO: All in favor?

6 (Aye said in unison.)

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

9 Item number 8 is 625 First Street.
10 This is a motion to accept an
11 application, schedule a public hearing,
12 and arrange a site visit regarding the
13 application of Patricia C. Moore on
14 behalf Beth and David Dahle. Applicant
15 proposes to construct a new accessory
16 structure. The relief is on the
17 agenda. This property is located in
18 the R-2 One and Two Family Residential
19 District and is also located in the
20 Historic District. The Suffolk County
21 Tax Map Number is 1001-2-6-35. Is the
22 applicant here?

23 MS. MOORE: Good evening.

24 Patricia Moore on behalf of Mr. and
25 Mrs. Dahle. I -- inadvertent, I

1 apologize profusely, I don't know if
2 your packet has it, but mine was
3 missing what is Exhibit B. It refers
4 to it, but somehow or another it may be
5 out of your packet. So it's a very
6 important letter that I was referring
7 to, Mr. Mazzaferro's letter that was
8 the basis of having to do all this
9 work, so the smoking gun.

10 MEMBER GORDON: I got it. I
11 remember that letter.

12 MS. MOORE: You did get it? I'm
13 not sure. It looks like this. I'm
14 going to give it to you again just in
15 case because my packet was missing
16 this, but it could have been missing
17 from my packet.

18 (Handing).

19 ATTORNEY STOLAR: Pat, it was
20 submitted as part of the application.

21 MS. MOORE: It was? Oh, thank
22 goodness. In my packet it wasn't, but
23 good, I'm glad.

24 MEMBER GORDON: It was a very
25 careful list of the problems.

1 MS. MOORE: Exactly, exactly. So
2 I know this is not the public hearing
3 process, this is to get us onto a
4 public hearing, so I don't know if you
5 want to hear my whole presentation
6 today because it makes no sense, we'll
7 probably do it as part of the public
8 hearing process, but I do have
9 Mr. Mazzaferro here, I have Mr. Murray.
10 We, as you know, this did get a
11 variance for the building. Just to
12 clarify, the original foundation is
13 still intact. The foundation was two
14 parts, it was the original foundation
15 under the taller portion and the
16 adjacent portion was just dirt, so
17 there was in the original application
18 the need for the foundation to be
19 poured to make the whole intact
20 foundation for the structure.

21 I've submitted pictures so you
22 could see what process we went through.
23 It was a very tedious, very difficult
24 construction process to raise the
25 building in order to put the

1 foundation -- I don't want to say put
2 the foundation, fix the foundation and
3 add to the foundation. And then while
4 the building was up, Mr. Mazzaferro
5 gave the opinion that this is going to
6 be a problem. The original application
7 was replacing the roof, replacing the
8 windows, replacing the siding.

9 CHAIRMAN SALADINO: Wait, wait,
10 wait, that was the application with the
11 HPC, not with this Board.

12 MS. MOORE: No, no, the original
13 application was the same. HPC looked
14 at you and HPC originally was the
15 variance -- oh, I stand corrected.
16 You're right. HPC looked at it, it was
17 not before you yet because the plans
18 hadn't yet been --

19 CHAIRMAN SALADINO: If I could
20 just interrupt, just to keep the record
21 straight. The only thing the Zoning
22 Board did with that accessory building
23 was affirm the preexisting
24 nonconforming --

25 MS. MOORE: Correct, yes, you

1 granted variances for the existing
2 structure and the setbacks of the
3 existing building, correct.

4 CHAIRMAN SALADINO: And there was
5 no mention of any type of
6 reconstruction. The only question that
7 came up with that building was -- and
8 it was as a matter of curiosity, like
9 one of the members of the public, what
10 are you going to store in the building?
11 And I believe the builder, David, said
12 the pool equipment. That was the only
13 conversation -- and I went back and I
14 checked the minutes. That was the only
15 conversation we had -- the Zoning Board
16 of Appeals had about that building.

17 MS. MOORE: Okay. I guess
18 ultimately Mr. Bolanos had the whole
19 plan, the construction drawings and he
20 reviewed everything, so what ended up
21 going to you was not a variance for
22 anything on the interior or anything or
23 even the amount of work that was going
24 to be done.

25 CHAIRMAN SALADINO: And we agree.

1 But just so we're clear, the only thing
2 we did with the building was affirm
3 that it was a preexisting nonconforming
4 accessory building with deficiencies in
5 setbacks. That's the only thing we
6 did.

7 MS. MOORE: I would respectfully
8 disagree because --

9 CHAIRMAN SALADINO: Well, we can
10 check the minutes.

11 MS. MOORE: No, no, but when you
12 grant a variance -- so the code and the
13 law is that you don't need to grant
14 variances for the preexisting
15 structure, your code already gives it
16 the ability to remain there and it
17 gives all its legal right to be there.
18 The only reason, and I've seen it over
19 and over in all your applications, is
20 even for preexisting structures you
21 grant variances for that preexisting
22 structure. That has more legal
23 significance than affirming that
24 there's a preexisting building. It's
25 granting a variance for the setbacks of

1 that preexisting building. Is it
2 necessary? Legally, I mean, legal
3 Counsel has given you advice always
4 grant a variance for preexisting. But
5 the existing structures that you're
6 granting variances for on a regular
7 basis are there, they're already --
8 they don't need variances.

9 CHAIRMAN SALADINO: You and I --
10 hard to believe, you and I agree.

11 MS. MOORE: I guess, what I don't
12 agree is saying it's an affirmative act
13 of acknowledging. I think it has more
14 legal significance.

15 CHAIRMAN SALADINO: I'm sure it
16 does. But -- and not to get into a big
17 debate --

18 MS. MOORE: This is a legal
19 Appellate Division argument, but yes.

20 CHAIRMAN SALADINO: But on many
21 occasions before the Board you have
22 argued that. It's, like, other
23 municipalities don't do this. We do.
24 And it's a policy thing, it's not in
25 the code, it's not in our code, it's a

1 policy thing. So when we say that we
2 granted variances for that building,
3 yeah, we did. But is it in the spirit
4 of what we were doing? Probably not.
5 But we did it.

6 MS. MOORE: Okay.

7 CHAIRMAN SALADINO: We did it for
8 that building.

9 MS. MOORE: Okay. We agree to
10 disagree. Yes, you did it for that
11 building, and the process and what I've
12 given you was Mr. Mazzaferro's opinion
13 that all efforts were made to preserve
14 that building, but, in fact, the amount
15 of wood that was being preserved was
16 not even sheathing, a couple of boards
17 of the framing because the roof was a
18 new roof, the windows were new windows,
19 the sheathing was going to be replaced,
20 the siding was being replaced all under
21 the first application that the Building
22 Department obviously did not feel the
23 extent of reconstruction required a
24 variance as if, I mean, sometimes you
25 can have it by definition demolition

1 reconstruction. The Village doesn't
2 really do that, the code doesn't say if
3 you demolish, you need to variance to
4 reconstruct a permitted -- an accessory
5 building permitted use just needs area
6 variances and that we got in the first
7 round. So --

8 CHAIRMAN SALADINO: But --

9 MS. MOORE: So we're not sure we
10 technically should have been here. I
11 think in the sense there was -- there
12 may have been some anger about the
13 process that it happened and we didn't
14 have -- the Village did not have a
15 building inspector at the time.
16 Mr. Bolanos unfortunately had reviewed
17 the plans, had sent it to HPC, so knew
18 exactly what was being done and he
19 respects -- respected and respects, I
20 think, Mr. Mazzaferro is very
21 well-respected, Mr. Murray also is very
22 well-respected, worked out here for
23 more than 20 years. I didn't ask Mr.
24 Mazzaferro how many years he's been,
25 but he and I are about -- I would say

1 at least 30, maybe 40. We don't want
2 to date ourselves, but it's been a long
3 time. So without -- even when you have
4 a building inspector, to have an
5 engineer on site is a way of monitoring
6 to make sure that all construction will
7 ultimately be conforming with the State
8 building code. So that happened here.
9 And I put in my written documents, it
10 was unfortunate that the work began,
11 but that's the way Mr. Bolanos and
12 Mr. Murray had worked together for the
13 last -- since Mr. Bolanos was building
14 inspector. I don't know Mr. Morris
15 operated the same way, but there was a
16 lot of respect between professionals
17 that, okay, I reviewed it, go ahead,
18 I'll catch up with the paperwork
19 afterwards. And there's a lot of
20 e-mails, texting going back and forth
21 that that's the method that the Village
22 operate with one building inspector,
23 now probably even worse with a
24 part-time building inspector, but
25 certainly with Mr. Bolanos, that's the

1 only way the Village was able to keep
2 the process moving. So that's a little
3 bit of the background. I'll answer,
4 I'll come and speak on any subject
5 regarding this application, but, you
6 know, we'll continue this at the
7 hearing. I ask that this be put on for
8 a hearing.

9 CHAIRMAN SALADINO: I can almost
10 guarantee you that it will. I
11 personally have a lot of questions. As
12 far as Mr. Mazzaferro, I don't take any
13 exception to anything that's in here.
14 I believe -- I believe everything that
15 he wrote here, but -- there's always a
16 but -- but a consulting engineer giving
17 his advice is not the same as a
18 building inspector -- or is not the
19 same as the Zoning Board of Appeals
20 saying, yeah, you can do that. So in
21 your narrative you say that, well, it's
22 okay that we rebuilt this building
23 because our engineer said it had to be
24 rebuilt and it was his advice to do
25 that. I'm not quite sure -- I don't

1 know if Nick is going to speak here
2 tonight, and I'm not quite sure if he
3 said those exact words to you, but if
4 he does speak, I'll ask him. But part
5 of our code does say that you really
6 can't build that building without it
7 being code compliant.

8 MS. MOORE: I would again disagree
9 because it's a permitted use with a
10 nonconforming setback. And the code
11 does allow reconstruction of that --

12 CHAIRMAN SALADINO: Second
13 sentence. You have to read the second
14 sentence after that. That if that
15 building loses 50 percent of its value,
16 it has to be built back to code
17 compliance.

18 MS. MOORE: But that would have
19 been the interpretation at phase one of
20 the construction, that's what I'm
21 saying.

22 CHAIRMAN SALADINO: But the
23 building was there.

24 MS. MOORE: But the amount of
25 reconstruction that was necessary prior

1 to the demolition -- prior to
2 Mr. Mazzaferro's opinion was that the
3 roof, the walls, the windows, all of
4 that needed to be reconstructed, so --

5 CHAIRMAN SALADINO: We never had
6 that.

7 MS. MOORE: The building inspector
8 at the time determined that that was
9 permissible, that was how much -- what
10 I'm saying to you is --

11 CHAIRMAN SALADINO: But the code
12 says that. The code says -- Chapter
13 150-21 says you can reconstruct the
14 building if you don't increase the
15 nonconformity.

16 MS. MOORE: Don't increase,
17 exactly. Don't increase the
18 nonconformity.

19 CHAIRMAN SALADINO: But --

20 MS. MOORE: We were not increasing
21 -- again, look at the language
22 specifically. We were not increasing
23 the nonconformity.

24 CHAIRMAN SALADINO: But if the
25 building loses 50 percent of its value

1 through damage or fire, it has to be
2 rebuilt as per the code.

3 MS. MOORE: Again --

4 CHAIRMAN SALADINO: We can't pick
5 and choose the words of the code that
6 we want to go by.

7 MS. MOORE: No, no, but generally,
8 the 50 percent has not been applied to
9 somebody who has a building permit
10 because the building --

11 CHAIRMAN SALADINO: Can you give
12 us examples?

13 MS. MOORE: Well, we wouldn't have
14 gotten the first building permit or we
15 wouldn't have gotten the first review
16 by the Building Department if that 50
17 percent rule was, in fact, in place.
18 So I believe the building inspector
19 takes the position, yes, fire, casualty
20 is not under -- is not something you
21 can control.

22 CHAIRMAN SALADINO: It says
23 damage.

24 How about we keep this for the --

25 MS. MOORE: We'll keep it for the

1 hearing, yeah.

2 CHAIRMAN SALADINO: So we create a
3 record for the hearing. I apologize,
4 Pat, are you done?

5 MS. MOORE: I'm sorry, I thought
6 you had more questions.

7 CHAIRMAN SALADINO: Maybe the
8 Board, but I don't have any.

9 MS. MOORE: Anybody have
10 additional questions?

11 MEMBER KAUFMAN: No.

12 MEMBER REARDON: I kind of have a
13 question. Like, in essence, you're
14 just rebuilding the whole structure,
15 right?

16 MS. MOORE: It's the identical
17 structure, yes, on the same foundation.

18 MEMBER REARDON: You're building
19 it from new?

20 MS. MOORE: Well, no, the
21 foundation is still the original
22 foundation, so we're building on top of
23 the foundation from the
24 first structure.

25 MEMBER REARDON: Except for the

1 new foundation.

2 MS. MOORE: Well, there's a
3 portion that was always to be replaced.

4 MEMBER REARDON: The taller
5 portion and the small portion.

6 MS. MOORE: Again, it was --
7 ultimately I think Mr. Mazzaferro
8 advised correctly. Follow the same
9 plans because HPC, there was a certain
10 look that had been approved of, and the
11 building that was a replica of what was
12 originally approved by HPC. So that's
13 what we had to rebuild there was the
14 replica. I can't change the facts.
15 They are what they are.

16 CHAIRMAN SALADINO: Folks,
17 anybody, any questions? Is there
18 anyone else from the public that would
19 like to speak?

20 MEMBER GORDON: This is not a
21 hearing.

22 CHAIRMAN SALADINO: Oh, I'm sorry.

23 MEMBER NYCE: Sure sounds like
24 one.

25 CHAIRMAN SALADINO: Well, we take

1 comments from the public on
2 applications, so I'll allow it if
3 there's anybody from the public that
4 would like to speak about this.

5 MS. MOORE: I think we're all
6 waiting for the public hearing.

7 CHAIRMAN SALADINO: Okay. Not a
8 problem.

9 What's the pleasure of the Board,
10 accept this application?

11 MEMBER KAUFMAN: Yes.

12 MEMBER GORDON: Yes.

13 CHAIRMAN SALADINO: Okay. All
14 right. I'm going to make a motion we
15 accept this application. So moved.

16 MEMBER NYCE: Second.

17 CHAIRMAN SALADINO: All in favor?
18 (Aye said in unison.)

19 CHAIRMAN SALADINO: And I'll vote
20 aye. We're going to set a public
21 hearing for July 15th, 6:00 p.m.

22 MEMBER GORDON: You're not setting
23 a site visit?

24 CHAIRMAN SALADINO: I'm going to
25 ask the Members if they want a site

1 visit. Do we need a site visit?

2 MEMBER KAUFMAN: Yes.

3 CHAIRMAN SALADINO: So we'll set
4 the site visit for 5:30 p.m. How about
5 a quarter after 5:00 this way we have a
6 few minutes to kick it around with the
7 builder and the engineer.

8 MS. MOORE: 5:15.

9 AUDIENCE MEMBER: Did you say kick
10 the builder around?

11 CHAIRMAN SALADINO: That comes
12 later.

13 MEMBER NYCE: That's at 5:30.

14 CHAIRMAN SALADINO: So we'll set
15 the site visit at 5:15 on the 15th, the
16 public hearing will be at 6:00. It
17 will be here. And the building is
18 there, so there's nothing to stake out.

19 MS. MOORE: Well, it's stopped, so
20 right now it's a shell. It's there,
21 you can see it.

22 AUDIENCE MEMBER: You're good.

23 CHAIRMAN SALADINO: There's
24 nothing to stake out. And you'll let
25 us know whatever we need to see.

1 MS. MOORE: Can I ask a real
2 stupid question? I apologize. I'm
3 just trying to figure out what the
4 building inspector uses. Where it says
5 the rear yard coverage of 30 percent is
6 required, applicant proposes 39.5, we
7 have no idea where that -- we're
8 assuming it's the -- the rear yard is
9 behind the covered porch to the rear.

10 CHAIRMAN SALADINO: No, the code
11 says the required yard. The required
12 rear yard. The required rear yard is
13 30 feet to the property line with the
14 width of the property. So the
15 accessory building is limited to -- any
16 accessory building is limited to 30
17 percent of the required rear yard.

18 MS. MOORE: Okay.

19 AUDIENCE MEMBER: I never heard
20 that.

21 MS. MOORE: No, I hadn't -- I
22 didn't read that required rear yard
23 because I looked up rear yard, and the
24 definition of rear yard is from the
25 house, the back of the house, which in

1 this case has a covered porch to the
2 rear property line.

3 CHAIRMAN SALADINO: If you read
4 the -- if you go to the portion
5 where --

6 MS. MOORE: On accessories.

7 CHAIRMAN SALADINO: On lot
8 coverage for accessory structures, it
9 will say it there. But I have your
10 application in front of me.

11 MS. MOORE: I included it.

12 CHAIRMAN SALADINO: You checked
13 variance. Do you want an
14 interpretation?

15 MS. MOORE: No, it's more like
16 tell me what it is because we couldn't
17 figure out how it was being --

18 CHAIRMAN SALADINO: I just did.

19 MS. MOORE: Okay. So the rear
20 yard is the -- in the back 30 feet.

21 CHAIRMAN SALADINO: The required
22 rear yard is 30 feet.

23 MS. MOORE: From the rear forward.

24 CHAIRMAN SALADINO: Property line.

25 MS. MOORE: Regardless of where

1 the house is, it just ends at 30 feet.

2 CHAIRMAN SALADINO: I'm telling
3 you what the code says. But you have
4 the option, you know, you checked
5 variance, you certainly know that
6 variance you accept the building
7 department's --

8 MS. MOORE: I just couldn't check
9 it because we had no idea how he came
10 up with --

11 CHAIRMAN SALADINO: And if you
12 want, I have the pen, we can check
13 interpretation. But that requires a
14 separate public hearing.

15 MS. MOORE: I don't want a
16 separate public hearing with the
17 calculations. It's good for us to
18 understand how it's done for the
19 future. Okay.

20 CHAIRMAN SALADINO: Okay.

21 MS. MOORE: Thank you.

22 CHAIRMAN SALADINO: See you guys
23 then.

24 Item Number 9 is 426 Clark Street.
25 This is a motion to accept the

1 application, schedule a public hearing,
2 and arrange a site visit regarding the
3 application of Marc Rishe. The
4 applicant proposes building a 254
5 square foot deck. He also requests the
6 existing six foot fence installed by a
7 prior owner remain on the front yard of
8 the property. The relief requested is
9 on the agenda. The property is located
10 in the R-2 One and Two Family
11 Residential District and is not located
12 in the Historic District. The Suffolk
13 County Tax Map Number is 1001-7-3-7.

14 Is the applicant here?

15 MR. RISHE: Marc Rishe, 315 Sutton
16 Place, Greenport. I know you guys are
17 excited for this one.

18 CHAIRMAN SALADINO: You can tell
19 your story. I'll look for it.

20 MR. RISHE: So the application is
21 for two non-mutually exclusive
22 requests. The first is the fence,
23 which just to recap, as the Board is
24 aware of is an existing fence not
25 preexisting but existing prior to my

1 purchase in September 2024. And from
2 my understanding and research, there's
3 been no complaints or violations on the
4 fence since its inception, whenever
5 that may have been. Obviously because
6 the house is on the corner of Clark
7 Street and Fifth Street, it creates the
8 two front yard condition. However, I
9 think what's unique about this
10 particular property is that unlike most
11 houses in the neighborhood where the
12 actual front of the house faces the
13 numbered street, this house, the front
14 of the house faces the cross street, so
15 it creates the condition where the back
16 of the property, the backyard of the
17 property is along Fifth Street where
18 most of the other properties on the
19 corner, their backyards are along one
20 of the cross streets not as highly
21 trafficked.

22 So at the last meeting, as you
23 know, I had to apply for preexisting
24 variances for my building permit. This
25 was not brought up on the initial

1 notice of disapproval, but after
2 discussion I agreed to reduce the fence
3 to the required four feet just in order
4 to move my application forward and
5 while reserving my right to come back
6 and request that I keep the six foot
7 fence, which is why I'm here today. So
8 that is the recap of the fence. I'll
9 save sort of my other merits for
10 potential public hearing.

11 Regarding the deck, similarly the
12 deck is situated primarily behind the
13 house. So the house -- the existing
14 house shields the proposed deck on both
15 Fifth Street side and on Clark Street
16 side, however, due to the size of the
17 lot, the required front yard on Fifth
18 Street is a 30 foot setback, which this
19 extends into that. So I don't really
20 have anything else. Happy to answer
21 any questions.

22 CHAIRMAN SALADINO: Again, I swear
23 I was listening, but I might have
24 missed it. At the last time you were
25 here, we had thought that we could

1 condition the four foot fence, and did
2 you just now say you agreed?

3 MR. RISHE: I agreed to condition
4 the prior approval on reducing the
5 fence to four foot. I stated in the
6 meeting and I asked the attorney so
7 long as I can reserve my right to come
8 back and request a variance for the
9 fence at a later date.

10 CHAIRMAN SALADINO: So again --
11 and I'm not trying to be obtuse. So
12 again, you agreed to a four foot fence,
13 but you want a six foot fence?

14 MR. RISHE: No, there's an
15 existing six foot fence that I'd like
16 to keep. I agreed to reduce the fence
17 to four feet in order to gain the
18 Board's approval previously so that I
19 could continue my permit process and
20 not have to go back through the
21 variance process and hold up the rest
22 of the construction. So now I've
23 gotten a permit and I'm actively
24 renovating the home on the condition
25 that I ultimately reduce the fence to

1 four feet. So now I'm asking for a
2 variance for a six foot fence in the
3 front yard.

4 CHAIRMAN SALADINO: I'm just not
5 sure, like, if -- I'm positive we
6 didn't condition it because we were
7 told we couldn't.

8 ATTORNEY STOLAR: I think the
9 applicant consented. He consented. We
10 did not condition it.

11 MR. RISHE: Sure.

12 CHAIRMAN SALADINO: So you kind
13 of, like, changed your mind?

14 MR. RISHE: No, I never changed my
15 mind. I consented to reduce -- you
16 like to play word games with everyone.
17 I consented to reduce the fence in
18 order for it not to be an issue with
19 the Board and get my application
20 approved previously.

21 CHAIRMAN SALADINO: Okay.

22 MR. RISHE: I'm not sure how
23 that's any different.

24 CHAIRMAN SALADINO: Okay. Just
25 one comment that I -- well, I got a

1 couple, but just about the fence, the
2 fence to be preexisting --

3 MR. RISHE: I didn't say it was
4 preexisting, I'm sorry, just to
5 clarify.

6 ATTORNEY STOLAR: It is
7 preexisting. There are two terms
8 there, preexisting applies to both. It
9 existed previously, preexisting, but it
10 doesn't have the benefit of preexisting
11 nonconforming structure because it was
12 not done at a time and put up there at
13 six feet at a time when the code
14 permitted six feet. So it's not
15 preexisting nonconforming, but it's
16 preexisting.

17 CHAIRMAN SALADINO: The only thing
18 that I was going to mention about the
19 fence was that it was never permitted,
20 so the fence was never permitted to be
21 put up.

22 MR. RISHE: I understand that, I'm
23 not arguing that.

24 CHAIRMAN SALADINO: So the fact
25 that, you know, it's mentioned that,

1 well, there's a six foot fence there
2 and, you know, I would like to keep it.
3 It should have never been there to
4 begin with, number one.

5 Number two, I don't have a problem
6 accepting this application, but just --
7 there's another issue also because it's
8 on the corner, the fence for 30 feet to
9 the north on Fifth Street and 30 feet
10 to the east on Clark Street, it can't
11 be higher than 30 inches, so four foot
12 is not --

13 MR. RISHE: The preexisting fence
14 is not within that 30 foot sight line
15 setback. I mean --

16 MEMBER REARDON: That's vegetation
17 at this point.

18 MR. RISHE: I had a question about
19 that after this, it's not part of this
20 application, so I'll ask that later.
21 But the vegetation, we had a
22 discussion, the vegetation needs to be
23 30 inches or lower in the 30 foot
24 corner sight view obstruction, but the
25 fence does not encroach upon that 30

1 foot.

2 CHAIRMAN SALADINO: Okay. I'll
3 take your word for it. I just can't
4 find your application. It must be in
5 that bag.

6 MR. RISHE: I'm sure somebody has
7 the site plan, I can also show you this
8 if you want to see it.

9 MEMBER GORDON: Do you want to use
10 mine?

11 CHAIRMAN SALADINO: It's not --

12 MR. RISHE: The 30 foot is marked
13 on the plan and the fence does not --

14 CHAIRMAN SALADINO: It's not a
15 problem. Okay. Do the Members have
16 any questions for Marc?

17 MEMBER REARDON: I have a couple
18 of questions. I don't have any plans
19 for the house, but how do you enter the
20 house from the backyard? The way that
21 you have this plan right here, you
22 know, you're familiar with what I'm
23 showing you, so you come from the
24 garage and you go up those steps in the
25 back, and then is there a door right

1 there?

2 MR. RISHE: That's correct.

3 There's two doors. That's the primary
4 door. There's a door right we'll call
5 it above where you see 14.9, there's a
6 separate door there, but that's not the
7 primary entrance, so that entrance is
8 that. So that would be -- that would
9 be there regardless of whether or not
10 the deck is approved because that's an
11 egress and that's --

12 MEMBER REARDON: So there could be
13 a stoop there. Here is what I'm
14 getting at. The portion that goes
15 toward Fifth Street is three feet wide.
16 I understand it's only three feet wide,
17 goes towards Fifth Street, but I'm
18 trying to figure out, okay, so we got a
19 little porch, deck there. What's going
20 to go there? Because it's already,
21 what is it, three feet above grade at
22 that point?

23 MR. RISHE: Yeah, so the intent of
24 the deck would be to be below 30 inches
25 off grade. We're attempting to keep it

1 at 24, but it may end up somewhere
2 between 24 and 30, but that would be
3 the height of it.

4 MEMBER REARDON: Okay. So let me
5 just finish my concern is that -- so
6 I'm thinking worst case scenario, what
7 could go in that spot? Somebody is
8 going to put a garbage can there, and
9 then it's easy, you open the door, put
10 it there, and then that's visible from
11 the street. So that's the concern I'm
12 looking at is in the aesthetic of that,
13 and believe it or not, like I would
14 support a fence at that point going
15 north to sort of obscure that whatever.

16 MR. RISHE: Sure. I guess, I
17 mean, I guess that's a valid concern
18 regardless, right, because someone
19 could put their garbage cans on the
20 Fifth Street side of house no matter
21 what. So I understand.

22 MEMBER REARDON: Okay.

23 MR. RISHE: I will say beyond the
24 steps, if you look at that entire
25 section of the house, it's about 14

1 feet, the steps are probably -- will be
2 five feet wide, so if you take half on
3 the other side, it's probably only two
4 feet, so, you know, ideally a nice
5 plant.

6 MEMBER REARDON: Or perhaps
7 nothing.

8 MR. RISHE: Or nothing.

9 CHAIRMAN SALADINO: You done,
10 Jack?

11 MEMBER REARDON: Yes.

12 CHAIRMAN SALADINO: Seth,
13 anything?

14 MEMBER KAUFMAN: No.

15 CHAIRMAN SALADINO: Diana?

16 MEMBER GORDON: No.

17 CHAIRMAN SALADINO: Thanks, Marc.
18 What's the pleasure here?

19 MR. RISHE: Can I ask my bush
20 question now or do you want me to wait?

21 CHAIRMAN SALADINO: You can ask
22 anything you want. It's your time.

23 MR. RISHE: So it's a
24 clarification on just the 30 foot
25 setbacks. So the vision obstruction

1 setback I'll call it, right, the 30
2 foot, is that -- I presume that's from
3 the lot line, or is that from the
4 street itself? Because the intent --

5 ATTORNEY STOLAR: Just a front
6 yard setback?

7 MR. RISHE: No, the vision
8 obstruction setback is a 30 foot
9 diagonal setback at the corner that --

10 ATTORNEY STOLAR: It depends on
11 how it's written. Unfortunately, we
12 don't have internet, I can't figure it
13 out, but it usually runs from the
14 intersection.

15 MR. RISHE: From the intersection,
16 not from the lot line?

17 ATTORNEY STOLAR: That's the way
18 it's usually written, but it may be
19 written differently.

20 MR. RISHE: I'll ask at the -- I
21 can ask at the next -- presuming you
22 allow me to have a public hearing.

23 CHAIRMAN SALADINO: Just one
24 question?

25 MR. RISHE: That was it.

1 CHAIRMAN SALADINO: Okay. I'm
2 going to make a motion we accept this
3 application. So moved.

4 MEMBER KAUFMAN: Second.

5 CHAIRMAN SALADINO: All in favor?

6 (Aye said in unison.)

7 CHAIRMAN SALADINO: And I'll vote
8 aye. I'm going to set the public
9 hearing for July 15th, it will be at
10 6:00, it will be here. Do we need a
11 site visit for this?

12 MEMBER REARDON: I don't.

13 MEMBER KAUFMAN: I don't. We were
14 there already.

15 CHAIRMAN SALADINO: No site visit.

16 MR. RISHE: I just trimmed all the
17 hedges, if you want to take a look.

18 CHAIRMAN SALADINO: We all live
19 over there.

20 MEMBER NYCE: I'm on this side of
21 the tracks.

22 CHAIRMAN SALADINO: Except David.
23 So we'll see it on the way home.

24 MR. RISHE: No site visit?

25 CHAIRMAN SALADINO: No site visit.

1 MEMBER GORDON: Does he have to
2 put up a sign?

3 CLERK NOONE: Yeah, it will be
4 fully noticed. It's a corner property,
5 so he'll get two placards.

6 MR. RISHE: I have to pay for two
7 placards.

8 CHAIRMAN SALADINO: Between you
9 and the Building Department.

10 CLERK NOONE: I get 20 percent.

11 CHAIRMAN SALADINO: Thanks, Marc.

12 Item Number 10 is 114 North
13 Street. This will be a discussion and
14 possible motion of the area variances
15 applied for by Jennifer Del Vaglio,
16 East End Pool King LLC on behalf of
17 Lauren and Michael Nagin for the
18 property located at 114 North Street,
19 Greenport, New York 11944. And the
20 Suffolk County Tax Map Number remains
21 the same at 1001-2-6-28. What are we
22 thinking here, folks?

23 MEMBER GORDON: Well, I think that
24 the applicant has made an effort to
25 minimize the setback problem on the two

1 sides. I am aware that their neighbor
2 on the north wishes there were more
3 than the 15 plus 5 -- 15 plus 10; is
4 that right?

5 MEMBER NYCE: They would prefer it
6 was closer to 15 feet.

7 MEMBER GORDON: But 5 feet is not
8 a lot, and this is -- what's near is
9 another pool. I confess, I'm
10 influenced by the fact that what they
11 have behind them is not a house with --
12 it's not a house looking out over the
13 pool. It's a pool, another pool. I
14 feel as though this is quite different
15 from the couple of pools that we
16 rejected last month because the pool is
17 smaller. For instance, the pool on
18 Sixth Street was 16 by 32 and this is
19 14 by 22, and it's a less -- it's not a
20 crowded piece of parcel as the Sixth
21 Street one was. So I'm supportive.

22 MEMBER KAUFMAN: I agree. I think
23 the rear lot setback is the biggest
24 ask, and it's less of a problem because
25 of what's behind. So it's just another

1 pool, and I think by putting it in the
2 middle of the lot, you're not asking
3 for an excessive relief on either side,
4 which is what the old plan -- whatever
5 it was, the other plan would have done.
6 So I would be supportive of this as
7 well.

8 MEMBER NYCE: My thought is that
9 you have the opportunity to move an
10 additional 5 feet by moving it closer
11 to the house. You have by my
12 calculation 16 and a half feet from the
13 wood deck to the pool existing. If you
14 take that 6 feet, you now have a 16
15 foot setback where 20 is required at
16 the back. Again, minimizing the ask.
17 I understand your concern about the
18 kids. There are fences for around
19 pools.

20 CHAIRMAN SALADINO: It's required.

21 MEMBER GORDON: Which you would
22 have to do anyway.

23 MEMBER NYCE: I also understand
24 that, you know, where this is situated
25 may change where you put your lawn

1 furniture, et cetera, et cetera, but
2 that's part of the choice in the whole
3 process. So I don't know. I
4 understand my compatriots at the other
5 end of the table feeling that it's not
6 that big an ask. My feeling is that in
7 a lot of these cases, it could be --
8 Dinni is throwing stuff at me. I was
9 trying to be polite. That, in general,
10 when possible, to get as close to what
11 the requirements are. I understand
12 that we have small lots in the Village,
13 which generally means that pools are
14 tougher to do, but I would like to see
15 the pool configured such that it's
16 closer to the compliance with the
17 numbers required in the code.

18 MEMBER REARDON: My turn?

19 CHAIRMAN SALADINO: If you want.

20 MEMBER REARDON: I think the
21 homeowner has done an admirable job in
22 negotiating moving the pool east/west.
23 I too would like to see more in the
24 backyard, but I get the whole thing.
25 And because we're not precedent

1 setting, the fact that there's a pool
2 behind you, pool to pool, sort of
3 softens the distance that we'd like to
4 see. And I also am very aware that 15
5 feet is too close for a pool to a house
6 regardless of what the code is because
7 I'm a linear person. So I'm going to
8 sort of reluctantly support this
9 project. I would like to see, of
10 course, brought further, but like Dave
11 said, we have small lots. Certain
12 things we all have to accommodate to
13 allow that, and in this case I'm going
14 to support the project and allow that
15 because I don't think it's a big
16 detriment to the community.

17 CHAIRMAN SALADINO: I'll be the
18 outlier. I disagree. I think that 10
19 feet is too big an ask regardless of
20 what's behind. We don't know if there
21 will be a pool there in two years
22 anyway, we don't know. The variance
23 runs with the land. Today, tomorrow,
24 somebody moves in in the back and they
25 decide they don't want a pool, they

1 fill it. So I personally think 10 feet
2 is -- especially since the applicant
3 has the opportunity to move the pool 5
4 feet.

5 I'll go back to the fact that we
6 just instituted -- I'm repeating myself
7 from the last public hearings, we
8 instituted a new code. The legislators
9 reaffirmed that they want code
10 compliance when it comes to pools or
11 else in the past, in 2019, when this
12 other person built their pool, this
13 Board didn't really know what the
14 legislators were thinking in 1971. Was
15 that moderately tailored relief? Maybe
16 yes, maybe no. We gave the applicants
17 the benefit of the doubt. Now we know
18 what the legislators are thinking. For
19 us to disregard that, I don't know if
20 this is -- in my mind, we're
21 legislating, we're saying that it
22 shouldn't be 20 feet. I know we have
23 that right to grant moderately tailored
24 relief, but when it's affirmed by the
25 legislators, I think who is charged

1 with the health, welfare, and benefit
2 of the Village, sometimes we just have
3 to admit that some properties aren't
4 conducive to having a pool, they
5 aren't -- I don't have on this site
6 plan how far exactly it is from the
7 other pool.

8 MS. DEL VAGLIO: 25 feet.

9 CHAIRMAN SALADINO: One neighbor
10 was in support, one neighbor was in
11 kind of support. I wouldn't be
12 inclined to support this relief. But
13 we'll -- also it's hard for me after
14 this previous month to just turn away
15 from -- I understand variances don't
16 have the weight of precedence, but they
17 should be consistent.

18 MEMBER KAUFMAN: I feel the same
19 way about that, but this is a smaller
20 pool, and they've made an effort to
21 actually fit it into the lot, which I
22 don't feel like the previous proposals
23 did a very good job of. And our role
24 is to provide a pressure relief valve
25 to provide that tailored relief for

1 these things, and that's why this is
2 different than those previous ones.

3 CHAIRMAN SALADINO: There's five
4 free thinkers on this Board and
5 everybody has an opinion. Everybody
6 has set in their mind what constitutes
7 reasonable relief. For Seth, it works
8 for him. For John, this particular
9 application doesn't.

10 MEMBER GORDON: May I ask you a
11 question?

12 CHAIRMAN SALADINO: You got to pay
13 a dollar.

14 MEMBER GORDON: If the pool were
15 moved south 5 feet to get the 20 foot
16 back setback, it would then have only 2
17 feet of setback relief on each side,
18 would that be enough to sway you?

19 CHAIRMAN SALADINO: I haven't
20 considered that. It's something that
21 we would ask, is there an alternative
22 that the applicant -- it's part of our
23 balancing test. We haven't discussed
24 that yet. Is there something the
25 applicant can do?

1 MEMBER GORDON: Well, the
2 applicant could make the pool 10 by 20
3 for instance.

4 CHAIRMAN SALADINO: Or the
5 applicant can build a pool on a
6 different piece of property. We're not
7 here to speculate.

8 MEMBER GORDON: But I'm asking you
9 about --

10 CHAIRMAN SALADINO: I thought I
11 answered. You know, if in our
12 discussion in the balancing test I'm
13 asked that question, 5 feet, perhaps --
14 but that's not what's in front of us.
15 Right now the ask is 10 feet. 10 feet
16 in my mind is too much. There's five
17 members. We'll do SEQRA.

18 MS. DEL VAGLIO: Can we interject?

19 ATTORNEY STOLAR: The hearing is
20 closed.

21 CHAIRMAN SALADINO: I'm going to
22 let her speak.

23 ATTORNEY STOLAR: To herself if
24 you happen to hear it.

25 MS. DEL VAGLIO: Do you want me to

1 go to the podium?

2 CHAIRMAN SALADINO: No, you can
3 speak from there.

4 MS. DEL VAGLIO: So what if we
5 reduced the pool to 20 feet, and then
6 that would give you 8 feet -- no, 12
7 feet from that back property, which
8 would be 27 feet from the water's edge
9 of the other pool. So we're still
10 giving you a little more space. I
11 mean, I understand that we're all
12 trying to, you know, be as code
13 compliant as possible, and I understand
14 that the lots are small, but there are
15 a lot of pools in the Village that do
16 have setbacks that are much, much
17 greater than what we're putting before
18 you, and I think that what we're
19 requesting is very moderate and modest
20 in scale. And we are trying to be
21 cognizant of everybody around us. And
22 they just want a swimming pool, and the
23 code does permit swimming pools. The
24 problem is that the lots are just
25 really small to put one in.

1 CHAIRMAN SALADINO: I don't want
2 to sound unsympathetic to what you're
3 saying, but, again, on the Board
4 there's five free thinkers. Some guys
5 think in the abstract, some think --
6 take an interpretive view of the code.
7 Unfortunately for this applicant, I
8 take a hard line when it comes to the
9 code. On every application, that's
10 just how I am. So for me, again,
11 what's in front of me now, I can't
12 support what's in front of us now. And
13 now to reduce the size of the pool and
14 give you 12 feet from the back fence, I
15 don't have -- and not to belabor the
16 point, but, again, in the past this
17 Board has granted many pools with
18 variances. There's many pools built
19 that are code compliant that don't have
20 to come before this Board. But again,
21 the code was written in 1971, I don't
22 have a clue what the legislators
23 thought was kind of okay. So we went
24 with our gut. We went, you know, is 5
25 feet good, well, depends how close it

1 is here, depends how far it is there,
2 you know, where is it, where is this,
3 where is that, is it near a church, is
4 it near a school. We took that into
5 consideration. Now, having just served
6 on the Code Committee for the last two
7 years, this came up. This was part of
8 the Code Committee's discussion. It
9 wasn't to the Village Board, the
10 Village Board decided that what's in
11 the code should remain there and it
12 should be 20 feet from the property
13 line. I think for us to -- again, I
14 think for us to change that is
15 borderline legislating.

16 MEMBER KAUFMAN: Just because you
17 were there when they legislated it,
18 does that really mean that there's no
19 leeway on this when there's leeway on
20 everything else? I'm just wondering
21 where the reaffirmed this is the will
22 of the people comes from. It wasn't
23 changed, it wasn't reduced, it's the
24 same setbacks.

25 CHAIRMAN SALADINO: Because two

1 Members of the legislative party were
2 at those Code Committee meetings and
3 they voiced their opinion about it.

4 MEMBER KAUFMAN: And was their --
5 I'm just asking, I'm not trying to
6 argue, what was the opinion? They said
7 that it really needs to be that and no
8 more?

9 CHAIRMAN SALADINO: No, they left
10 it that it should be code compliant,
11 that swimming pools should be code
12 compliant. And then there was a
13 unanimous vote by the Village Board to
14 keep it that way.

15 MEMBER KAUFMAN: But everything
16 should be code compliant, so that's why
17 I'm wondering.

18 MEMBER GORDON: And that 20 feet
19 was appropriate to be reenforced with
20 this new text.

21 MEMBER KAUFMAN: Okay.

22 CHAIRMAN SALADINO: That's my
23 thinking. I mean, is it -- do I speak
24 in ex cathedra, no, I don't. I don't.
25 But that's my thinking.

1 MEMBER GORDON: I obviously you
2 know what I think, but I also want to
3 make the point that I think we have
4 been consistent. We are not bound by
5 precedent, but we have been consistent
6 at least in the recent period looking
7 at, for instance, the two pools that we
8 rejected last month. They were more
9 crowded spaces with wider -- with
10 greater setback --

11 CHAIRMAN SALADINO: I disagree. I
12 don't think the setbacks were greater.

13 MEMBER GORDON: I went back and
14 looked at the numbers. This is
15 definitely the most minimal request for
16 setbacks at least for the side -- now I
17 don't remember about the back area, but
18 certainly for the sides, which is often
19 what you care about because your
20 neighbor is next to you, not
21 necessarily always behind you.

22 CHAIRMAN SALADINO: Dinni, that
23 opinion --

24 MEMBER GORDON: So I think -- my
25 point is that I think we have been

1 consistent in the recent past and that
2 that is something that influences me.

3 CHAIRMAN SALADINO: And Dinni,
4 that's fine. Your opinion can be
5 expressed in your vote. It's as simple
6 as that.

7 MEMBER GORDON: Yup, yup.

8 CHAIRMAN SALADINO: While we're
9 pondering this, I'm going to make a
10 motion that the Zoning Board of Appeals
11 declare itself lead agency for purposes
12 of SEQRA. So moved.

13 MEMBER NYCE: Second.

14 CHAIRMAN SALADINO: All in favor?
15 (Aye said in unison.)

16 CHAIRMAN SALADINO: And I'll vote
17 aye. This is a Type II action, so no
18 further environmental review is
19 necessary. We can go through these
20 questions, or we can have the
21 discussion as was suggested sometimes.
22 We could have the discussion, just take
23 the five questions of the balancing
24 test without -- and just express our
25 opinion about each one, or we could

1 just vote on it. What's the Board
2 comfortable with? I could list these
3 five questions.

4 MEMBER KAUFMAN: I would suggest
5 doing the questions.

6 CHAIRMAN SALADINO: Okay. We
7 would be doing the questions, we would
8 just have the discussion among us, you
9 know, about whether an undesirable
10 change, what do you think, undesirable
11 change?

12 MEMBER KAUFMAN: I do not think an
13 undesirable change will occur given the
14 preponderance of pools in the area.

15 CHAIRMAN SALADINO: Why don't I
16 read the questions and we'll vote on
17 each question and then we'll vote on
18 the variance, how is that?

19 MEMBER REARDON: Yes, I'm ready.

20 CHAIRMAN SALADINO: Jack is ready.
21 We did SEQRA. Am I forgetting?

22 MEMBER KAUFMAN: Yes.

23 CHAIRMAN SALADINO: Whether an
24 undesirable change will be produced in
25 the character of the neighborhood or a

1 detriment to nearby properties will be
2 created by the granting of the area
3 variance. Jack?

4 MEMBER REARDON: No.

5 CHAIRMAN SALADINO: David?

6 MEMBER NYCE: Yes.

7 CHAIRMAN SALADINO: I'm going to
8 vote yes. Dinni?

9 MEMBER GORDON: No.

10 CHAIRMAN SALADINO: Seth?

11 MEMBER KAUFMAN: No.

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

17 MEMBER REARDON: No.

18 CHAIRMAN SALADINO: David?

19 MEMBER NYCE: Yes.

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

22 MEMBER GORDON: No.

23 CHAIRMAN SALADINO: Seth?

24 MEMBER KAUFMAN: No.

25 CHAIRMAN SALADINO: Whether the

1 requested area variance is substantial.

2 Jack?

3 MEMBER REARDON: Yes.

4 CHAIRMAN SALADINO: David?

5 MEMBER NYCE: Yes.

6 CHAIRMAN SALADINO: I'm going to

7 vote yes. Dinni?

8 MEMBER GORDON: Yes.

9 MEMBER KAUFMAN: Yes.

10 CHAIRMAN SALADINO: Whether the
11 proposed variance will have an adverse
12 effect or impact on the physical or
13 environmental conditions in the
14 neighborhood or district. Jack?

15 MEMBER REARDON: No.

16 CHAIRMAN SALADINO: David?

17 MEMBER NYCE: Yes.

18 CHAIRMAN SALADINO: David Corwin
19 always used to say you could always say
20 I don't know.

21 MEMBER KAUFMAN: That's not what
22 you do, right?

23 CHAIRMAN SALADINO: I should have
24 an answer. I'm going to vote yes.

25 Dinni?

1 MEMBER GORDON: No.

2 CHAIRMAN SALADINO: Seth?

3 MEMBER KAUFMAN: No.

4 CHAIRMAN SALADINO: Whether the
5 alleged difficulty was self-created,
6 which consideration shall be relevant
7 to the decision of the Board of Appeals
8 but shall not necessarily preclude the
9 granting of an area variance. Jack?

10 MEMBER REARDON: Yes.

11 CHAIRMAN SALADINO: David?

12 MEMBER NYCE: Yes. I'm sorry,
13 read the question again.

14 CHAIRMAN SALADINO: Self-created
15 hardship.

16 MEMBER NYCE: Yes.

17 CHAIRMAN SALADINO: I'm going to
18 vote yes. Dinni?

19 MEMBER GORDON: Yes.

20 CHAIRMAN SALADINO: Seth?

21 MEMBER KAUFMAN: Yes.

22 CHAIRMAN SALADINO: All right. We
23 have mixed feelings about this
24 application. I'll call for a vote.
25 I'm going to make a motion that we

1 grant this area variance.

2 MEMBER NYCE: Second.

3 CHAIRMAN SALADINO: Jack?

4 MEMBER REARDON: Yes.

5 CHAIRMAN SALADINO: David?

6 MEMBER NYCE: No.

7 CHAIRMAN SALADINO: I'm going to
8 vote no. Dinni?

9 MEMBER GORDON: Yes.

10 MEMBER KAUFMAN: Yes.

11 CHAIRMAN SALADINO: Easy peasy.

12 You'll get the decision with whatever
13 time allocated. You can pick up the
14 decision at Village Hall within the
15 prescribed time limit, and at that time
16 you'll get your building permit. Thank
17 you.

18 MS. DEL VAGLIO: Thank you so
19 much.

20 CHAIRMAN SALADINO: Next is 616
21 Main Street.

22 MR. McCULLOCH: And then there was
23 one.

24 MEMBER KAUFMAN: I think we have a
25 new rule, everyone has to stay until

1 the end.

2 CHAIRMAN SALADINO: That's not
3 happening.

4 MR. McCULLOCH: Does this Board
5 have the authority to grant -- you guys
6 all saw what I'm trying to do. I'm
7 honestly just concerned about the
8 administrative side of things, about --
9 I guess, I'll let you do the vote, but
10 if the building inspector approves the
11 current plans, the plan has the deck in
12 there.

13 CHAIRMAN SALADINO: We're going to
14 condition it. So the Building
15 Department will make a note of the
16 condition, it will be in the findings.
17 You won't be able to get a building
18 permit until you get the official
19 decision.

20 CLERK NOONE: You get the decision
21 on the variances listed so he can start
22 work.

23 CHAIRMAN SALADINO: Yes, that's
24 what I'm saying.

25 CLERK NOONE: Perfect.

1 CHAIRMAN SALADINO: We'll
2 condition it that everything will be --
3 I'm overstepping my bounds. I'm
4 assuming everything will be approved
5 except the rear second floor deck, and
6 then the Building Department will know
7 about it, the building inspector will
8 know about it, and that will be -- if
9 you decide in the future to do that,
10 again, we explained the process.
11 You'll apply for a building permit, it
12 will be denied, you'll get a notice of
13 disapproval, and then you'll appeal it,
14 and then you'll come here.

15 Let me read this because my
16 attorney is looking at me that I'm
17 going outside of process.

18 CLERK NOONE: John, if I --

19 CHAIRMAN SALADINO: And now the
20 clerk is.

21 CLERK NOONE: What we'll probably
22 do is we'll go off the same building
23 permit and we'll write up another
24 notice of disapproval that was missed,
25 that portion of the notice of

1 disapproval, get a new notice of
2 disapproval.

3 CHAIRMAN SALADINO: Okay.

4 CLERK NOONE: He won't have to
5 submit a new building permit.

6 CHAIRMAN SALADINO: Okay.

7 MR. McCULLOCH: Thank you.

8 CLERK NOONE: We'll make it as
9 easy as possible.

10 MEMBER KAUFMAN: You're still
11 getting 20 percent.

12 CLERK NOONE: I'm still getting my
13 20 percent.

14 CHAIRMAN SALADINO: Let me read
15 this for the stenographer, please.

16 Item Number 11 is 616 Main Street.
17 This is a discussion and possible
18 motion on the area variances applied
19 for by Andrew McCulloch for the
20 property located at 616 Main Street,
21 Greenport, New York 11944. The Suffolk
22 County Tax Map Number is still the same
23 at 1001-3-4-4. We beat this horse to
24 death, guys, what are we thinking here?

25 MEMBER NYCE: I think with the

1 condition of having to come back for
2 the rear deck.

3 MEMBER GORDON: Me too.

4 MEMBER KAUFMAN: The only
5 significant --

6 MEMBER GORDON: Do we have to have
7 all the five questions for this?

8 CHAIRMAN SALADINO: No.

9 MEMBER GORDON: Thank you.

10 CHAIRMAN SALADINO: I was going to
11 say yes, the attorney said no. But --

12 MEMBER KAUFMAN: The only thing
13 significant is the front porch, which
14 is in keeping with what's around it.
15 And we've already talked about the rear
16 deck and going to deal with that,
17 that's an oversight by the Village, and
18 there's no problem with this that I can
19 see.

20 CHAIRMAN SALADINO: I'm not even
21 sure if it was -- I guess, it was an
22 oversight because he has to come back,
23 but, you know, it could happen to
24 anyone. We all make mistakes, right?
25 So I'm going to make a motion that the

1 Zoning Board of Appeals declares itself
2 lead agency for the purposes of SEQRA.
3 So moved.

4 MEMBER REARDON: Second.

5 CHAIRMAN SALADINO: All in favor?

6 (Aye said in unison.)

7 CHAIRMAN SALADINO: And I'll vote
8 aye. And we're going to take these
9 variances en masse. The only thing
10 that is pre -- and condition that we're
11 only voting on what's listed on the
12 notice of disapproval, right?

13 ATTORNEY STOLAR: Correct.

14 CHAIRMAN SALADINO: So there's
15 one, two, three, four, five variances
16 listed on the notice of disapproval.
17 Anything other than what's on the
18 notice of disapproval will have to make
19 application to the Building Department.
20 In other words, we're conditioning that
21 the rear deck not be included in
22 this --

23 MEMBER GORDON: Second floor deck.

24 MEMBER NYCE: Rear second floor
25 deck, yes.

1 CHAIRMAN SALADINO: Second floor
2 rear deck. Okay. All right. I make a
3 motion that we approve these five area
4 variances.

5 MEMBER NYCE: Second.

6 CHAIRMAN SALADINO: Jack?

7 MEMBER REARDON: Aye.

8 CHAIRMAN SALADINO: David?

9 MEMBER NYCE: Yes.

10 CHAIRMAN SALADINO: Dinni?

11 MEMBER GORDON: Yes.

12 CHAIRMAN SALADINO: Seth?

13 MEMBER KAUFMAN: Yes.

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

16 MR. McCULLOCH: Thank you.

17 CHAIRMAN SALADINO: The last thing
18 we have here is -- unless Jay has got a
19 question -- any -- Item Number 12 is
20 any other Zoning Board of Appeals
21 business that might properly come
22 before the Board. This was the time to
23 ask a question, but since you asked
24 them already.

25 MR. McCULLOCH: I'm good.

1 CHAIRMAN SALADINO: Item Number 13
2 is a motion to adjourn. So moved.

3 MEMBER NYCE: Second.

4 CHAIRMAN SALADINO: All in favor.

5 (Aye said in unison.)

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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 June 17, 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 26th day of JUNE, 2025.

16

17

18

AMY THOMAS

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