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VILLAGE OF GREENPORT

COUNTY OF SUFFOLK : STATE OF NEW YORK

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VILLAGE OF GREENPORT

ZONING BOARD OF APPEALS

REGULAR SESSION

- - - - -x

Greenport Firehouse

July 15, 2025

6:00 p.m.

B E F O R E:

JOHN SALADINO ~ CHAIRMAN

DINNI GORDON ~ MEMBER

SETH KAUFMAN ~ MEMBER (Not Present)

DAVID NYCE ~ MEMBER

JACK REARDON ~ MEMBER

BRIAN STOLAR, ESQ. ~ ZONING BOARD ATTORNEY

MICHAEL NOONE ~ CLERK TO THE BOARD

All other interested parties

CHAIRPERSON SALADINO: Okay,
folks. It's approximately 6:00,
as I've been informed by my
colleagues. This is the Village
of Greenport Zoning Board of
Appeals Regular Meeting.

I know Number 1 is a motion to
accept the minutes of the June --
oh, I'm sorry, Jay, did we start?
I apologize, folks. I got ahead
of myself.

This is a motion to accept the
minutes of the June 17, 2025
Zoning Board of Appeals Meeting.
So moved.

MEMBER REARDON: Second.

CHAIRPERSON SALADINO: All in
favor?

MEMBER REARDON: Aye.

MEMBER NYCE: Aye.

MEMBER GORDON: Aye.

CHAIRPERSON SALADINO: And
I'll vote aye.

Item Number 2 is a motion to

schedule the next Zoning Board of Appeals Meeting for August 19, 2025 at 6:00 p.m. at the Station One Firehouse at Third and South Street, Greenport, New York 11944. So moved.

MEMBER GORDON: Second.

MEMBER REARDON: Second.

CHAIRPERSON SALADINO: All in favor?

MEMBER REARDON: Aye.

MEMBER NYCE: Aye.

CHAIRMAN SALADINO: Aye.

MEMBER GORDON: Aye.

CHAIRPERSON SALADINO: And I'll vote aye.

Item Number 3 is 114 North Street. This is going to be a motion to accept the findings and determinations of Jennifer Del Vaglio, East End Pool King, LLC, on behalf of Lauren and Michael Nagin. The property is located in the R-2 One- and Two-Family

Residential District and is not located in the Historic District, Suffolk County Tax Map Number 1001-2-6-28.

The members have read the findings?

MEMBER GORDON: Yes.

CHAIRPERSON SALADINO: So moved.

MEMBER REARDON: Second.

MEMBER NYCE: Second.

CHAIRPERSON SALADINO: All in favor?

MEMBER REARDON: Aye.

MEMBER NYCE: Aye.

MEMBER GORDON: Aye.

CHAIRPERSON SALADINO: And I'll vote aye.

Item Number 4 is 616 Main Street. This will be a motion to accept the findings and determination for Andrew McCulloch. The property is located in the R-1 One- and

Two-Family Residential District
and is also located in the
Historic District. The Suffolk
County Tax Map number is
1001-3-4-4.

And as with the first one, the
members read the findings?

MEMBER GORDON: Yes.

CHAIRPERSON SALADINO: So
moved.

MEMBER REARDON: Second.

CHAIRPERSON SALADINO: All in
favor?

MEMBER REARDON: Aye.

MEMBER NYCE: Aye.

MEMBER GORDON: Aye.

CHAIRPERSON SALADINO: And
I'll vote aye.

Item Number 5e is 426 Clark
Street. It is a public hearing
regarding the application of Marc
Rishe. The applicant proposes
building a 254-square foot deck.
The applicant also requests an

existing six-foot fence installed by a prior owner to remain in the front yard of the property. This requires the following variances: The variances are listed on the agenda. If the public needs, I'll read them. If not, it's on your agenda. The property is located in the R-2 One- and Two-Family Residential District. It is not located in the Historic District. The Suffolk County Tax Map Number is 1001-7-3-7.

Mike, I'm going to ask you, this was noticed in the newspaper?

CLERK NOONE: Yes, it was.

CHAIRPERSON SALADINO: I have the findings -- I have the mailings. If the public needs me to, I'll read them. If not, the stenographer will have a copy. She'll enter them in the record. Anybody?

(No response.)

CHAIRPERSON SALADINO: So

we'll do that. Is the applicant here? Name and address for the stenographer.

MR. RISHE: Marc Rishe 315 Sutton Place, Greenport. Good evening.

CHAIRPERSON SALADINO: Hello, Marc. Do you want to give us your story?

MR. RISHE: Sure. So -- excuse me. So as we've discussed previously, this property is on the corner of Clark Street and 5th Street. It is a small, corner lot. In addition, it's a bit unique because the house actually faces Clark Street whereas most of the corner properties in the Village tend to face the number higher traffic streets with the side and rear yard on the side street. So it's a bit unique in that way that the backyard

relevant to the house is actually on 5th Street, which, as you know, is probably, second to 1st Street, the most highly trafficked, I'd say, residential street in the Village.

So the two -- there's two sort of separate requests here. The first, I believe, on the agenda is for the deck. We proposed a deck off the rear of the property, which is primarily behind the house on both on 5th Street and on Clark Street.

The section of the deck that extends closest to 5th Street is -- will essentially be there regardless because there's an egress door there, so we'll need a landing and steps anyway. So after that, most of the deck is behind, however, because of the small lot, they know it protrudes into the required front yard.

I'll stop there. Any questions on the deck or you want me to go through the whole thing first?

CHAIRPERSON SALADINO: It's your time. Whatever you want to tell us.

MR. RISHE: Sure. So that's the deck. I mean, it's self-explanatory. Regarding the fence, it's an existing fence, as you know. And I'm not suggesting that it's preexisting, but, you know, I will say for the record that there's no prior complaints or violations regarding the fence. So I have no real record of when it was installed prior to my ownership.

So the fence is existing. Again, it is -- while it is technically in the front yard, it does shield the backyard of the property from the highly trafficked 5th Street, as I said

before. So I think it serves a benefit to both the house, whereas their backyard gives them privacy from the lights coming down 5th Street back and forth, the pedestrians walking up and down the sidewalk, but also has a benefit to the public because, again, the highly trafficked 5th Street does not have to peer in the backyard of whatever the individual that will ultimately be using the property is doing back there. So I do think it's valuable to have.

I will say that it's currently shielded on 5th Street. I actually measured. There's only 13 feet of fence that's actually exposed to 5th Street. There's some evergreen trees and some privet shrubbing that blocks most of it, and then the other exposed area that's in the technical front

yard is along the driveway.

So, again, that's really where the car traffic would come and the lights would become a factor in the backyard of the property. So, yeah, that's -- I guess that's my story. I'm happy to answer any questions the Board may have.

MEMBER GORDON: What would be the --

CHAIRPERSON SALADINO: Sorry, I was looking in the wrong direction.

MEMBER GORDON: What would be the difference in terms of visibility from and to the street if it were four feet instead of six feet? Why does the two feet matter?

MR. RISHE: Well, I mean, on a very practical level, if the fence is reduced to four feet, A, we have to essentially buy a new fence and put up a new fence there

other than what's existing.

Secondly, the evergreens that I mentioned before have been there for some time. They're now grown up the six-foot fence, so that's reduced. The backside of those evergreens, wherever that fence is reduced or removed is essentially dead. So, you know, that will have to be remedied by removing completely and replacing them or some other thing that I have not explored yet. So, and, again, you know, walking past, you know, most pedestrian are not, you know, above six feet, however, everyone can see clearly over a four feet fence into the backyard. And similarly with the car traffic, the two feet does, in my opinion, give a significant difference for the sight lines because most people even sitting in cars can seat passed a four-foot fence

verses a six-foot.

MEMBER GORDON: Thank you.

CHAIRPERSON SALADINO: So,
Marc, we know in Greenport, which
is kind of like unique to most
municipalities that hedges aren't
considered fences. And you have a
privacy hedge already. You said
the evergreens are at least six
feet or more. So what can you say
to us, aside from that they may or
may not be dead because the fence
is behind them, that would --

MR. RISHE: Sure. That's one
section of the fence. As I said,
there's a 13 foot section on 5th
Street that has nothing there and
there's actually a gate off of 5th
Street into the backyard that
exists. And that's similarly
along the driveway in the back.
There's nothing there now and, you
know, it wouldn't be -- you
wouldn't be able -- you would

have to encroach on the already small backyard in order to do additional plantings, screening and plantings, back there. So while there's space on the 5th Street side there's no space on the -- if you think of it as the exterior side of the fence along the driveway -- to put anything. As of now, it would have to be on the inside of the fence, which, again, would have to, you know, encroach upon the backyard.

CHAIRPERSON SALADINO: So it's strictly in the practical -- it's strictly a privacy issue, give you some privacy for the deck? I'm going to ask --

MR. RISHE: No, no, not -- I'm sorry, not for the deck. I mean, they're not mutually exclusive, but in general, yes, for the backyard, regardless of

what happens with the deck, it gives privacy to the backyard, which exposed on 5th Street there.

CHAIRPERSON SALADINO: So four feet -- a four foot fence, which would be code compliant and a six-foot hedge, you don't -- and, again, taking the deck out of the equation, you don't think that would afford you privacy in the backyard?

MR. RISHE: Again, in the existing location, but there's two locations where there's no current -- there's no current hedges that are existing, so something would have to be added there.

CHAIRPERSON SALADINO: How many feet?

MR. RISHE: There's 13 feet on 5th Street, which, again, privacy hedges would be -- well, and then the section along the

back along the driveway to the north of the property is, you know, call it, 20 feet, give or take.

CHAIRPERSON SALADINO: I have a couple more questions. Do the members have a question? David, do you have a question? Jack?

MEMBER REARDON: Not yet. We're working towards something. On the driveway there's a six-foot gate -- I mean, a six-foot fence on the driveway?

MR. RISHE: It's been -- the post -- the fence panels have been temporarily removed since we're under construction. So there's nothing there now, so actually you'll get a good sense of how you could see directly in the backyard when you drive past the property, but, yes, there's two fence panels that are there.

CHAIRPERSON SALADINO: And

another question I might have for you is, if you reduce the size of the deck by, I don't have a calculator because it's points stuff. The width of the rear deck is 29.2 feet; am I reading that right?

MR. RISHE: Correct.

CHAIRPERSON SALADINO: So if you reduce the width of the deck on the west side by of three or four feet, you wouldn't need relief, right?

MR. RISHE: No. According to this, I need 21.7 feet of relief. It's the distance from -- the house --

CHAIRPERSON SALADINO: I apologize. I apologize. Well, if you made it ground level, you wouldn't need relief.

MR. RISHE: If I made it ground level?

MEMBER GORDON: Well, you

wouldn't have a deck.

MR. RISHE: It wouldn't be a deck.

CHAIRPERSON SALADINO: You would have a patio.

MEMBER NYCE: And three steps up into the door.

CHAIRPERSON SALADINO: Three steps up to the door?

MR. RISHE: Right. Again, as I said, where you sigh the steps, that landing is required to exist. So because of the height of the house, code requires a three-foot landing. So they're -- you're required to go out three feet. It can't just be steps down. So that landing will exist regardless of whether the deck. And that is not -- and the attorney can verify that the landing does not count towards a setback in a front yard. It's the fact that it attaches to a deck area.

MEMBER NYCE: Right.

CHAIRPERSON SALADINO: Okay,
thank you. Anybody else any
questions? Anybody over there? No.

MEMBER GORDON: No.

CHAIRPERSON SALADINO: Thanks.

Is there anyone else from the
public that would like to speak at
this public hearing?

MS. PHELAN: Hi, I'm Laurie.

CHAIRPERSON SALADINO: Name
and address for the stenographer.

MS. PHELAN: Laurie Phelan.

CHAIRPERSON SALADINO:
(Indicating) Name and address for
the stenographer.

MS. PHELAN: Oh, I have to go
all the way up there? Great. I
was at the schoolhouse last time.
Hello, I'm Laurie Phelan, owner at
203 5th Street. I am across from
the property on the corner of
Clark and I just want to attest to
the fact it is an awkward layout.

So my front door faces technically what is the rear garden of the home that Mr. Rishe is restoring.

And so even though it's technically considered frontage, it's really the back. So in my opinion, for myself and my family after 37 years, it's kind of been an asset to have the high fence so that we don't look into their backyard. And that's all I have to say. Thank you.

CHAIRPERSON SALADINO: Thank you. Is there anyone else from the public that would like to speak?

(No response.)

CHAIRPERSON SALADINO: No? Members, what are we thinking? You want to close this public hearing? Jack? David?

MEMBER REARDON: Yeah.

CHAIRPERSON SALADINO: Dinni?

MEMBER GORDON: Yes.

CHAIRPERSON SALADINO: I'm

going to make a motion that we
close the public hearing.

MEMBER NYCE: Second.

MEMBER GORDON: Second.

CHAIRPERSON SALADINO: All in
favor?

MEMBER REARDON: Aye.

MEMBER NYCE: Aye.

CHAIRPERSON SALADINO: Aye.

MEMBER GORDON: Aye.

CHAIRPERSON SALADINO: And
I'll vote aye.

Next up is -- next on our agenda
is -- we have a relatively simple
application to accept an
application. I'm going to take
the agenda out of order. I'm
going to take Item Number 7 if
that's okay with the members?

MEMBER NYCE: Makes sense.

MEMBER GORDON: Sure.

CHAIRPERSON SALADINO: Item
Number 7 is 616 Main Street. This
is a motion to accept the

application, schedule a public hearing, and arrange a site visit regarding the application of Andrew McCulloch.

The applicant proposes to remove and replace the exterior rear staircase leading to the second floor and construct a second floor deck. This requires the following variances -- well, it's one -- to permit a combined side yard setback of 16.5 feet where a minimum of 25 is required. The property is located in the R-2 One- and Two-Family Residential District. It's also located in the Historic District. The Suffolk County Tax Map Number is 1-001-3-4-4. Is the applicant here?

Name and address for the stenographer, please?

MR. MC CULLOCH: Andrew McCulloch, 616 Main Street,

Greenport, New York. So this is from a previous application, just need to get the rear deck on the second floor approved. There was a missed variance.

CHAIRPERSON SALADINO: And --

MR. MC CULLOCH: The rear staircase is existing and needs to be replaced because it's dilapidated and, I think, unsafe at this point. And then the -- there's a deck on the first floor. This second floor deck would pretty much be over the first floor deck.

CHAIRPERSON SALADINO: And nothing's changed since the last time?

MR. MC CULLOCH: Nothing. I submitted the same set of plans. I just highlighted, with a highlighter, the deck. You'll see that on the plans.

CHAIRPERSON SALADINO: Just

to explain to the public, there was an error by either this Board or the applicant or building, we're not going to cast blame here, that one of these variances, one of the requests for relief was left off of the notice of disapproval and that's the reason he's back here tonight.

So what are we thinking here, members? Are we going to accept this application?

MEMBER NYCE: Yeah.

MEMBER GORDON: Sure.

MEMBER REARDON: Yes, we've already covered it.

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

MEMBER NYCE: Second.

CHAIRPERSON SALADINO: All in favor?

MEMBER REARDON: Aye.

MEMBER NYCE: Aye.

MEMBER GORDON: Aye.

CHAIRPERSON SALADINO: And

I'll vote aye. We're going to set the public hearing for August 19th and it will be at 6:00. It'll be here unless --

MR. MC CULLOCH: If I can't make that date because of a preplanned vacation, could I postpone it to the following month? Because August 19th, I might not be able to make that date.

CHAIRPERSON SALADINO: We can certainly --

CLERK NOONE: We can -- do we need the applicant? You've visited the site.

MEMBER GORDON: Yes, we're not --

CHAIRPERSON SALADINO: I don't want to make you sound unimportant, but --

MR. MC CULLOCH: -- a second

time. I know I'm unimportant.

(Laughter.)

MEMBER NYCE: Enjoy your
vacation.

MEMBER GORDON: But we
wouldn't make a site visit when we
already made a site visit.

CHAIRPERSON SALADINO: No,
we're not going to --

CLERK NOONE: Do you even
need the applicant here for the
meeting?

CHAIRPERSON SALADINO: If you
have to go on vacation that month,
I'm sure the building department
will accommodate you. If you
choose to keep that date while
you're on vacation, I'm not seeing
a problem with you not being here.
You could send whoever you want or
you know...

MR. MC CULLOCH: Okay, great.
I'll keep that date then, August 19th.

CHAIRPERSON SALADINO: But we

have to go through the formality
of doing this anyway. We're going
to schedule a public hearing for
-- I lost the date.

MEMBER NYCE: August 19th.

MEMBER GORDON: The 19th.

CHAIRPERSON SALADINO: August
19th at 6:00. We set them all at
6:00 we don't need a site visit.

MR. MC CULLOCH: Okay. Thank
you very much.

CHAIRPERSON SALADINO: Okay.

Next up is Item Number 6, which
we took out of turn, is 625 1st
Street. This is a public hearing
regarding the application of
Patricia C. Moore on behalf of
Beth and David Dahle. Am I
getting that right?

The applicant proposes to
construct a new accessory
structure. The variance for the
requested relief are on the
agenda. This property is located

in the R-2 One- and Two-Family
Residential District. It's also
located in the Historic District.
The Suffolk County Tax Map number
is 10-- I'm sorry, 1-001-2-6-35.

Mike, I'm going to ask you
again, this was noticed?

CLERK NOONE: Yes, it was.

CHAIRPERSON SALADINO: And to
the public, again, I have the
mailings here. If anyone from the
public wants me to read these
mailings, I will. If not, they'll
be entered into the record.

(No response.)

CHAIRPERSON SALADINO: Last
chance.

(No response.)

CHAIRPERSON SALADINO: Okay.
Is the applicant here?

MS. MOORE: Yes, hiding
behind this very large lectern.

CHAIRPERSON SALADINO: State
your name.

MS. MOORE: Good evening.

Patricia Moore. And I have with me this evening, I have Beth Dahle who is the owner you met at the inspection. I have Mr. Murray, the builder, and Mary Bracken, his assistant. And I have the engineer, Mr. Mazzaferro, who was participating, drew the plans, is our design professional, and can address any specific issues that you might have that you need clarification.

I understand -- I understand that we have an application before you. We're going to get to the area variance standards, but just give me a moment to put on the record the timeline so it's very clear and understood that there was every effort to comply with the code.

So let me start with in 2023, 10/4/23, there was a notice of

disapproval issued for this property that included the alterations to the house, the proposed pool, and the existing structure -- preexisting structure. It went before the Board, November 21st of '23, again, dealing with lot coverage for all the existing structures that are currently on the property and that were proposed at the time. And thereafter, after the Zoning Board granted the approval, then the building department did issue building permit for the house alterations. That was done first.

In July of '24, July 1 of '24, a building permit application was filed with the building department. The building inspector reviewed those plans. At that point, the floor plans of the accessory building, the proposed pool, everything all that

had all not already been dealt with in the original building permit was reviewed by the building inspector.

It was about two weeks and then those plans were -- after the review by the building inspector, it was requested that the powder room that was originally proposed in the accessory building be removed from the plans to make it a straight forward non-habitable but usable pool house/flex space, no kitchen and no bathroom.

Those floor plans were ultimately sent to HPC for their review. They reviewed the exterior. At the time the plans showed new roof, new windows, new siding. Essentially -- well, including the fact that the foundation had to be bolstered, the original portion of --

CHAIRPERSON SALADINO: I

apologize. I just need the date.

I missed the date.

MS. MOORE: Oh, sure.

CHAIRPERSON SALADINO: The
date that the --

MS. MOORE: The HPC?

CHAIRPERSON SALADINO: No.

MS. MOORE: Which one?

CHAIRPERSON SALADINO: The
date that the original request for
the building permit was submitted.

MS. MOORE: Oh, sure. July 1
of 2024.

MEMBER NYCE: That's for the
barn or for the -- because the
house had already been done.

MS. MOORE: Oh, yes, the
house was done, exactly. So once
they were wrapped up --

CHAIRPERSON SALADINO: So
July 1, 2024?

MS. MOORE: July 1, 2024.

CHAIRPERSON SALADINO: And
those plans were sent back because

of the powder room?

MS. MOORE: Because of the powder room and resubmitted July 22, 2024. So a few days for Mr. Mazzaferro to make the modification. So at that point, HPC had it on the calendar for August of 2024. Unfortunately that calendar was cancelled, no -- just scheduling, whatever happened. So it got on HPC in September, 2024. And it was approved September 2024.

So based on the practice by the building department, for the time at least Mr. Balanos was the building inspector, as soon as HPC had completed and approved the application, the building permit would be issued. The manner in which Mr. Bolanos operated, a one man show, and he did it his own way, but everybody knew it and everybody worked with it, he would

text. Technically have you a temporary permit to start as a text and then he'd follow-up with a paper, when he was able to get back into the office.

Much to where we are here today is that the permit was in -- for all intents and purposes, had been reviewed, verbally approved, had been discussed. All while the house was being renovated, there was discussion about the pool house. So it was not something new. It was just paper trail for things that had already been reviewed and approved.

We don't know at what point because the record is unclear as far as the public is concerned, but Mr. Bolanos stopped returning texts, returning communications, and as far as we know, the building inspector -- there was a vacancy in the building

department. Whether he was an
medical leave, there was no
building inspector from
September 2024 until the part-time
building inspector was appointed,
I believe, December of 2025, who
was, I think, from Shelter Island.
He was working maybe two days a
week --

MEMBER GORDON: Wait.

MS. MOORE: -- and he was
trying to catch up.

CHAIRPERSON SALADINO: What?

MEMBER GORDON: December 2025
hasn't --

MS. MOORE: '25, December.
Pardon me?

CHAIRPERSON SALADINO: That
hasn't come yet.

MR. Murray: '24.

MS. MOORE: I'm sorry, '24.
Sorry, thank you.

MEMBER GORDON: We're talking
three months or four months, right?

MS. MOORE: Yeah, three or four months there was no building inspector, but Mr. Bolanos had already approved, verbally had reviewed everything, and this was the ministerial act of issuing the permit.

So with that in mind, the interior of the pool house was started, so that the first step was going to be to bolster the foundation. The original foundation, you saw from your inspection, that was bolstered. It was existing, but it needed additional rebar. Mr. Mazzaferro can detail for you how the foundation was improved.

Part of the foundation, I misspoke last time I was here, I misunderstood, there was a foundation in the other half of the accessory building. It was brick and it was stone, not

suitable material and that
would -- that was to be replaced
with the poured cement. So the
foundation was exactly and is
exactly where it was proposed in
your -- in the submission from way
back in when the Zoning Board
first looked at it, it was since
'23. The location of the
foundation is exactly in the same
place it's always been. That has
not changed.

So now we have to deal with the
reality, which is the building.
The framing of the building,
remember it was a new roof, new
windows, new siding. So
essentially, and I gave you
pictures for your record, the
building was raised in order to do
the work --

CHAIRPERSON SALADINO: You
submitted to the Zoning Board, new
roof, new siding, new windows?

MS. MOORE: No, the building department. The building department --

CHAIRPERSON SALADINO: But not to this Board?

MS. MOORE: Yeah, you have that.

CHAIRPERSON SALADINO: No, now.

MS. MOORE: Well, you have that now, but the building department did not send it to the Zoning Board. So HPC reviewed new windows, new siding, new framing -- or new exterior. The framing, they believed that could be sistered and retained. And that's why the expense and the effort of raising the building.

When the building was up and the exterior was exposed, Mr. Mazzaferro came and said, this is a problem. The structure is itself cannot support the roof and the existing

structure, so it would not have passed building code standards. At that point what was left of the original building had to be taken down and replaced and that's why we're here today. Because it's now -- it's the same foundation, but it's a new building in that the framing is new. It's always had the new roof, but yeah, go ahead.

MEMBER REARDON: Could you just give me a date when this, sort of, decision was being discussed and made?

MS. MOORE: Sure. Mr. Mazzaferro, the letter --

MEMBER NYCE: November 5th?

MS. MOORE: What was the remember date; do you remember? I have it here. I think it's in your -- actually it's in your packet. It's an exhibit. That was the letter that was submitted, that was presented by Mr. Mazzaferro

to the owners and would have gone
to the building inspector saying,
hey you can't --

MEMBER REARDON: This is the
beginning of the winter basically?

MS. MOORE: Yeah, in the
winter. Yeah, yeah. But it's in
your packet. It's an exhibit. I
actually think it's Exhibit B.
Thank you.

So at that point there was no
choice. There was really the --
unfortunately, the expenditure of
raising this structure and
preserving the existing structure
was essentially wasted money
because it couldn't -- it had to
be replaced.

At that point the new building
inspector came in, reviewed it,
and sent -- ultimately, issued a
notice of disapproval that is
before this Board today.

CHAIRPERSON SALADINO: Did he

issue a stop work order first?

MS. MOORE: Yes, they issued a stop work order, yes, and everything stopped. That's why when you were there, you saw everything as stopped.

MEMBER NYCE: When was the stop work order?

MR. MURRAY: December 17th.

MS. MOORE: December '17?
Thank you.

MR. MURRAY: Or 19th, around that time.

MS. MOORE: Okay. Nothing has been done since then.

CHAIRPERSON SALADINO: Wait. The new building inspector issued a stop work order December 19th, 17th?

MS. MOORE: 17th.

MR. MURRAY: I'm sorry, December 26th. Mary said --

MS. MOORE: Thank you, Mary. She has the records. I should

listen to him. Mary, what is the date? Mary?

MS. BRACKEN: It's December 26th.

MR. MURRAY: He came around the 19th.

MS. BRACKEN: Yes.

MS. MOORE: So just for the record, because he's not standing here and I know the transcript really is important to have. The building inspector came and inspected and then ultimately issued, in the end of December, the stop work order.

So now let's talk about the area variance criteria because I want to put on the record what is our neighbor -- what our neighbors look like when you're standing -- yeah, go ahead.

MEMBER GORDON: May I before you go to that?

MS. MOORE: Sure, yes.

MEMBER GORDON: I just want
to ask a question.

MS. MOORE: Sure.

MEMBER GORDON: Was it the
general practice of Mr. Bolanos to
-- you said he gave --

MS. MOORE: Text, yes.

MEMBER GORDON: -- a verbal
and text reassurance.

MS. MOORE: Yes.

MEMBER GORDON: But was this
--- I want to know was this a
general practice? Did he do it
uniquely for this property or was
that --

MS. MOORE: Yes, I can't
testify to that, but certainly
Mr. Murray can because he's been
-- I guess Mr. Bolanos was a
building inspector for how long?
How long did you work with him for?

MR. MURRAY: I don't know the
years that --

CHAIRPERSON SALADINO: Name

and address for the stenographer.

MR. MURRAY: I'm sorry. I'm David Mary, owner of Murray Design and Build at 449 Main Street, Greenport.

MS. MOORE: Mr. Morris was there before and then Mr. Bolanos.

MR. MURRAY: Correct; four or five years.

MS. MOORE: Four or five years was Mr. Bolanos?

MR. MURRAY: But I'm going to answer the question, Ms. Gordon. I also have another project at 518 1st Street that during the applications and going through the Historic Board, I did not receive the actual building permit because at the time there was a problem with the Village and the Town of Southold doing building permits. So he would handwrite them for a period of time. But there was also times that, like for

instance, we started the project in February. I didn't get my written permit until May, and he gave me full approval to do it.

And same with 518. I think it was three months after I started. He gave me approval to say, hey, you're good to go, you've got all the approvals.

MEMBER GORDON: He said, hey, you're good to go or did --

MR. MURRAY: I have it on text.

MEMBER GORDON: Are we talking about e-mails; are we talking about telephone calls? I mean --

MR. MURRAY: Texts, e-mails, conversations with Alex. Because Alex had many hats, as everybody knows.

MEMBER GORDON: Right.

MR. MURRAY: And there was a time where the -- he had to go to

the Town of Southold if I'm correct and get the building permits typed up.

MS. MOORE: Oh, Municipity. Yes, there was -- the computer system is Municipity system. The Village doesn't have it, so he'd have to go the Southold Building Department to input the information and have it go in through the Municipity system. So that created a lot of delay.

MEMBER GORDON: I'm trying to figure out whether this is reasonable reliance on an informal process that is not what we usually expect.

CHAIRPERSON SALADINO: And since the previous building inspector is not here anymore --

MS. MOORE: Well, you can put him -- you can swear him in. He will go on -- he's on the record. You can you swear him in. He

will -- I mean, there are, I think there were texts or something. We have texts.

CHAIRPERSON SALADINO: David can't swear to what's usual and customary. You know, your testimony was --

MS. MOORE: No, but his experience. What his experience is. I'd have to bring in other contractors to find out whether or not that was something that he did with other contractors.

Mr. Mazzaferro, you worked with Mr. Bolanos for the entire time. Can you provide any history? I don't know if you know. Let him finish and then Mr. Mazzaferro can provide additional history.

MR. MURRAY: So the building inspector, as everybody knows here, was overwhelmed. He couldn't do -- you know, he had so many tasks and it was common

practice with he and I. We had a very good relationship. Alex was at that project during the main house probably six or seven times during when we were taking the -- all the foundation walls, he had to come over multiple times and we chatted quite a bit how the pool house was going to get applied for.

I mean, he was knee deep in this project with us from get-go in February. It was a very big renovation in Greenport. There was much going on. I had foundation walls, we were supporting the house that was collapsing on us. Alex and Nick were that the project, I want to say, half a dozen times at least and many things were discussed.

And how we approached the pool house was also with the building permit. I did everything I was supposed to do. I got Historic

approval that's when Alex -- I would be putting my hand out, where's my building permit? How much do I owe you? That was -- so for him to say yes you're good to go happened quite a bit. It happened quite a bit.

CHAIRPERSON SALADINO: In all fairness to everyone here, the applicant, your attorney, yourself, and this Board, we're talking about a previous application and a previous building permit. We have to address the application that's in front of us now.

MS. MOORE: We'll get there.

MR. MURRAY: Correct.

However, I do want to say, Brian, you're the one who asked us to do a brand new permit. The Village asked me to do it this way. I didn't want to. Brian is the one who said, you can do a new application, so we decided to go

that route. And I hope you remember when you asked me to do that, Brian.

So, yes, we were talking about variances on the new building, but it needs to be on record how this -- you know, the ARB says I did this without a building permit. I went to through the procedure, guys. I did everything I was supposed to do in the Village, all right?

MS. MOORE: Had there been a building inspector in place, Mr. Mazzaferro would have presented that letter and that would have been, for any building inspector, would say, of course, you have to conform to the state building code.

CHAIRPERSON SALADINO: But there was no building inspector.

MS. MOORE: Precisely. Well --

MR. MURRAY: How am I

supposed to -- how are we supposed
-- I'm in the middle of a house
like this and this was an
application that all approved.
John. If this was your house,
what would you want to do?

CHAIRPERSON SALADINO: David
let me ask you --

MR. MURRAY: I'm just letting
you know --

CHAIRPERSON SALADINO: So you
and your attorney's contention is,
if it's necessary, it's legal? Is
that -

MS. MOORE: No. My contention
is that the building -- there is
an obligation of the New York
State Building Code to have a
building inspector. For this
Village to have a vacancy for that
period of time was not legally
appropriate, whether it was
negligent or not, I don't want to
-- you know, that's for someone

else to make that decision. But
if there was a vacancy and there
was nobody to address, so we,
fortunately with had Mr. Mazzaferro.

CHAIRPERSON SALADINO: But
sometimes -- well, Nick a good guy
and he know his business.

MS. MOORE: He has more years
than any building inspector.

CHAIRPERSON SALADINO: But he
doesn't have the authority to make
that decision for the
municipality. I respect his
opinion decision, but he doesn't
have the authority to make that
decision for the municipality.
The thing I was going to say is,
stuff stops all the time. Right
now in this Village there's a
sewer moratorium. Right now in
the Town of Southold there's some
other kind of moratorium --

AUDIENCE MEMBER: Hotel.

CHAIRPERSON SALADINO: -- hotel

moratorium.

MS. MOORE: There was no moratorium here.

CHAIRPERSON SALADINO: I understand that.

MS. MOORE: Okay.

CHAIRPERSON SALADINO: But the process, on occasion, regardless of the reason, stops. That doesn't mean because someone's in a hurry or they think because it's necessary, it's legal, the project goes forward.

MS. MOORE: Had there been an announcement that the building inspector either was on a medical leave or --

CHAIRPERSON SALADINO: We know that there wasn't --

MS. MOORE: We don't know the situation. We know that there was a review by the building inspector. There was a practice, a longstanding practice, at least

between the building inspector and Mr. Murray, that there was a review, there was approval, and there was going to be the issuance.

Remember in September HPC had approved it. It had already -- it didn't have to you, to the Zoning Board. The '23 ZBA approval was considered binding on the pool and the building and everything. So the fact that there's no building inspector and oh, the world should stop because there's nobody to issue a permit, remember, he had verbal okay to start.

CHAIRPERSON SALADINO: Well, what you're leaving out is a bug part of that equation that you're presenting is that if things had stayed the way they were, we wouldn't have needed the building inspector because the process was permitted by this Board to go forward and by HPC to go forward.

But things changed.

MS. MOORE: I'm not sure I understand your point.

CHAIRPERSON SALADINO: Well, you tore down a building and you built a new building that wasn't permitted and it wasn't code compliant. You don't think you need a building permit for that?

MS. MOORE: What I'm saying is the original building would have had a building permit. The framing, which was the only thing left from the original plan, was something that had to be addressed and it was already the building. And it was already -- the building was already lifted, the foundation was already in. So it would be like any other project where there's construction going on and something unexpected is discovered, whatever it might be. Typically, you bring in the

building inspector you bring in the architect, the engineer, they collaborate and say what's the best under the State Building Code, what should we do. That's the typical process.

CHAIRPERSON SALADINO: And you get a permit for an emergency demolition. We understand the process.

MS. MOORE: Okay.

CHAIRPERSON SALADINO: Would it be inappropriate if I asked my attorney a question?

BOARD COUNSEL STOLAR: Absolutely not.

CHAIRPERSON SALADINO: Would an applicant in this type of situation -- not this applicant, but an applicant in this type of situation where the building is found to be -- the preexisting, nonconforming building is found to be unsafe and there is no building

inspector to confer with the engineer, does an applicant have recourse? Can he go -- can his attorney go to, say, the Village Board or to the Village attorney or Mike Noone and ask for an emergency demolition permit to make the property safe? Am I overstepping here by asking you that?

BOARD COUNSEL STOLAR: No, no, no. So the point is, for there to be work to be authorized, a written permit is mandatory. Without a written permit, there is no work that can be authorized, whether it be a building permit, whether it be a demo permit, and I haven't heard any application here for a demo permit. Any of those require that a permit be signed off by the building inspector.

If a municipality does not have a building inspector, then it

falls on -- essentially it may
fall on the Department of State.
It would not fall any other way.
That's the process. That's what
would happen.

It's not something you can skip.
There were other applicants.
There were other buildings that
were getting building permits
signed and written permits, not by
text or by phone call. It's not
wait it works. Builders know
that, applicants know that, and
certainly anybody that has to deal
with the building department knows
that.

There was -- as far as we know,
there was no written building
permit issued here. There was no
written demo permit. There was no
authorization to move forward.
You had an HPC determination that
specifically identified the
building as remaining in place.

The applicant was present at that meeting.

The HPC said, you know that this is just for the work you're proposing and no demo and no other work. The applicants' representative acknowledged that. Your approval of the variances with respect to the building were conditional on the building remaining in place as shown on the plans. That was not done, so that variance that you granted is up again if the building inspector determines that and I think that's what you're considering today. So I don't know if that answers your question but...

MR. MURRAY: Not really.

MS. MOORE: No. Well, it answered one question.

BOARD COUNSEL STOLAR: You guys didn't have the question.

I'm asking Mr. Saladino.

CHAIRPERSON SALADINO: I was just saying -- I was asking if -- and you did kind of answer the question. Pat, he did kind of answer the question. If there is no building inspector, perhaps it goes to the DOS. I don't know how practical that would have been.

MS. MOORE: Right, yes.

CHAIRPERSON SALADINO: But --

MR. MURRAY: I took it upon myself to bring in Nick Mazzaferro, who is a very well respected engineer in this area to come in and determine.

CHAIRPERSON SALADINO: I don't have a problem.

MR. MURRAY: I know, I'm just saying why I did it.

CHAIRPERSON SALADINO: No, no, David, I understand that. And I would never in a million years question Nick's qualifications to do that or his CV to do that, but,

again, Nick don't work for the Village. Nick doesn't have the authority. I respect his opinion. If this Board could have made that decision and Nick said, yeah, you got to tear the building down, I would say tear the building down. But we don't have that authority either. So I mean, you're asking us to -- our job is to administer the code and give relief, reasonably tailored relief, from the code, but we can't ignore the black and white wording of the code.

MS. MOORE: So the reason I started was I wanted to give it context. We're here; we're before this Board and we're now asking for a variance for the reconstructed building in kind and in place that's what we're here for.

CHAIRPERSON SALADINO: That's what I thought.

MS. MOORE: Right? That's

what you wanted us to do and
that's why we're here. So looking
at the issues that you have to
consider, one of the first issues
is the character of the
neighborhood. You were at the
site and I'm glad you were there
because you saw for yourself --

CHAIRPERSON SALADINO: Wait,
wait, before we get into the
balancing test --

MS. MOORE: Oh, okay. Geez,
I thought that's what you wanted
me to go into. Okay.

CHAIRPERSON SALADINO: No, no.

MS. MOORE: Okay.

CHAIRPERSON SALADINO: Before
we get into the balancing test,
we're first going to have to
address -- we addressed how the
building came down without
permission or permit. Now we're
going to have to address how the
building went up without

permission or permit. Isn't that one of the requests for relief, a new building?

MS. MOORE: Well, it's the in kind, in place. Yes, it was construction under the -- it was the plan --

CHAIRPERSON SALADINO: There is no -- when you have a preexisting, nonconforming building and it comes down, there is no in kind and in place. The code says you have to rebuild that building so it's code compliant.

MS. MOORE: I think that we would be missing the point that the foundation was replaced when the building was up. So it was believed that that building was remaining, right? So the foundation was put in place. That's the same foundation that's there today.

CHAIRPERSON SALADINO: Part of it.

MS. MOORE: The entire foundation is --

MR. MURRAY: Half.

MS. MOORE: I'm sorry?

MR. MURRAY: Half.

MS. MOORE: Half the
foundation -- the poured portion.
The other was there. It was just
structurally inadequate. So it
was, right from the beginning,
intended to be replaced. That's
why the whole building was raised.
Because if it was just half the
building, only half the building
would have been raised. The
entire thing had to be raised
because the stone and the brick
had to be replaced with a poured
foundation. Right, poured?

MR. MURRAY: Footings.

MS. MOORE: Footings and a
poured foundations. And then the
original needed additional
footings, right?

MR. MURRAY: Right.

MS. MOORE: I'm not the
builder, so I just verify that.
So that's there. The -- we're
here for the new building now in
the condition it's in today and
that's why we're here. Why it was
done, why it wasn't done, that
is -- I've given you context of
why the building -- the work was
started. And at the time the
work -- the building was believed
could be replaced in kind because
this all was done before the
December stop work order. So
nothing continued after that date.

It's at that point the building
inspector, the new building
inspector, said no, you've got to
come back in. But prior to that
it was believed that the building
could be replaced in kind, in
place, based on the fact that it
was the identical --

CHAIRPERSON SALADINO: Why do

you make the contention it's a
given that the building could be
replaced in kind and in place?

MS. MOORE: Because it had
gotten -- go ahead. Go ahead.

MR. MAZZAFERRO: Nick
Mazzaferro, Post Office Box 57,
Greenport, New York. Maybe I can
shed some light on a couple of
things here.

First, I don't know if the Board
is aware of it, the Village of
Greenport hired me over the last
few years to do structural
evaluations on three structures
that were owned within the
Village. Weren't necessarily
owned, but they were in the
Village. Based on my structural
evaluation, all three of them had
been demolished and removed.
Okay, none of them, I don't think,
were issued permits. They were
demolish and removed based on my

instruction.

One of them was -- and I know this sounds weird -- I've been here for 72 and a half years, I have no idea what the street names are in this town. But one of them was two blocks behind Horton's Funeral Home. There was an old derelict house back there. I did a thorough investigation. It had a fire on it.

CHAIRPERSON SALADINO: Were they Village properties?

MR. MAZZAFERRO: They were private properties.

MS. MOORE: On state structures?

MEMBER NYCE: At the end of Webb Street?

MR. MAZZAFERRO: Yeah, Webb Street. They had a fire in the house. Unoccupied. There was people, I guess, camping out there or whatever. I went in and did an evaluation of the building. There

was no way it was going to remain there. There was no way it wasn't going to fall down in a storm or something. I wrote the report. The building was demolished.

The other one was Rue's (phonetic) house over on 3rd Street. Same thing, I went into that house, even though that how was standing, when you got down in the basement and saw the structural foundation and the structural support system, because I think they had a fire in there also, same thing; that building was torn down.

The third structure was the pier at end of 6th Street that was projecting into the bay. They were having a problem with the sand bar and an issue with the DEC. I evaluated that structure because the DEC didn't want the Village to remove it even though

it was creating a bad beachhead.

All three of those got taken down. I don't know if permits got issued, but I know what my role was in those was one. So just to give you background on that. The second issue is in -- what were we talking about -- the structure, it --

MS. MOORE: The reconstruction.

MR. MAZZAFERRO: I believe the code says that if you have a nonconforming structure, that if it's damaged by fire or other causes to the extent where a rehabilitation of the structure would change it's value by 50 percent, then you have to comply with the code. In this particular case, this is accessory structure on an apartment, rehabilitation of structure does not change the value of this property by 50 percent, and as far

as damaged by causes, this building was damaged by, I guess you could use the term deterioration from nature; it was damaged by wet rot; it was damaged by dry rot; it probably had termite infestation, and it wasn't anything somebody did to the building that caused it to be damaged.

So that's just giving you the engineer's opinion on this whole thing. And the structure that's standing there now, I do not believe would change the value of that property at the 50 percent threshold. So is there any -- I'll stay here if you have a question or two.

CHAIRPERSON SALADINO: I don't have a question. I'm going to, just for the record, so we're all on the same page exactly what the code says, I'll read that portion of the code and then the

public and the members can make
their own decision, you guys.
Maybe it'll enlighten you.

MS. MOORE: It's your meeting.

CHAIRPERSON SALADINO: Well,
maybe I'll enlighten you, maybe
you'll enlighten me, I don't know.
The portion of the code is Chapter
150-21 and it's nonconforming
buildings with conforming uses.
It doesn't say apartments or
houses. It says building.
Accessory structured are
considered buildings. Nothing in
this article shall be deemed to
prevent normal maintenance and
repair, structural alteration,
moving, reconstruction, or
enlargement of a nonconforming
building provided that such action
does not increase the degree or
create any new noncompliance with
regards to the regulations
pertaining to such buildings.

That's what everyone quotes.

Everyone forgets to read the
second sentence.

The second sentence is: A
nonconforming building -- not an
apartment, not a house --
containing a conforming use, which
has been damaged by fire or other
causes to the extent of more than
50 percent -- the building, not
the property.

MR. MAZZAFERRO: The value.

MS. MOORE: The value.

That's what he's been -- that's
what he's saying.

CHAIRPERSON SALADINO: Wait.
It says, the extent of more than
50 percent of a fair value.

MS. MOORE: That's right.

CHAIRPERSON SALADINO: The
building -- not the property --
the building shall not be repaired
or rebuilt unless such building is
made substantially to conform to

district bulk and parking regulations.

MS. MOORE: And that's what Mr. Mazzaferro just testified to. Slower so we can understand it because you were quick on that.

CHAIRPERSON SALADINO: Wait, wait. I kind of thought I did understand, but maybe --

MS. MOORE: He was very quick, so slower.

MR. MAZZAFERRO: No, so the building as it stands today is the same square footage, it's the same height, it's the same structure, in the same position, in the same shape. So as far as the value of the building goes in relation to like the sale price of the property or whole piece of the property, that building is not -- it's worth the same amount of money.

CHAIRPERSON SALADINO: Let me ask you, Nick, if the new building that you're comparing values for,

if the new building wasn't built without a permit or permission and the old building was torn down, as legitimate as some people might think that should have been, did the old building that we're talking about, the original preexisting, nonconforming building, lose 50 percent of its value by being torn down? That's what we're talking about.

MR. MAZZAFERRO: I don't understand your question. Did the building lose value by being torn down?

CHAIRPERSON SALADINO: Did it lose at least 50 percent --

MR. MAZZAFERRO: That's not what it's talking about. It's talking about whether or not this new structure would increase the value by 50 percent.

CHAIRPERSON SALADINO: No.

MR. MAZZAFERRO: Yeah, that's

what it says. It doesn't say --
if I tear down that building on
the piece of property is my
property worth less? Of course it
is. This says if I rebuild it, am
I increasing the value by
50 percent.

CHAIRPERSON SALADINO: I'll
read it again.

BOARD COUNSEL STOLAR: Read
it slower. Read it slower.

MS. MOORE: Read it slow.

CHAIRPERSON SALADINO: Slower
than I talk?

BOARD COUNSEL STOLAR: Yeah,
just read it slow.

CHAIRPERSON SALADINO: A
nonconforming building containing
a nonconforming use -- a
conforming use.

MS. MOORE: A conforming use.

CHAIRPERSON SALADINO: -- a
conforming use, which has been
damaged by fire or other causes to

the extend of more than 50 percent of its fair value shall not be repaired or rebuilt unless building it substantially to conform to district bulk and parking regulations. This is black and white.

If that building loses 50 percent of its value, it doesn't get rebuilt unless it conforms to the code. Here's the book. You can read it yourself.

MR. MAZZAFERRO: All right, no, okay. Got you.

CHAIRPERSON SALADINO: So that's where this Board is.

MR. MAZZAFERRO: But that's why -- that's why we're here.

CHAIRPERSON SALADINO: Oh, I don't disagree with that. I was just disagreeing with your interpretation of the code.

MR. MAZZAFERRO: Okay.

CHAIRPERSON SALADINO: We all

know why we're here.

MS. MOORE: All right.

MEMBER REARDON: Mr. Mazzaferro,
before you go, I have a question
that both you and Dave can
probably help with. So in the
timeline, basically you came
onboard in July to say the
structure is not valid anymore?

MR. MAZZAFERRO: Yeah, is
that the date on my -- I do so
much work, I get -- in my letter I
state what date I visited the
property.

MS. MOORE: The letter was --

AUDIENCE MEMBER: November.

MS. MOORE: November date.

That letter is --

MR. MAZZAFERRO: No, what's
it say? Yeah, I trust hearing --

MEMBER REARDON: But here's
my question really is, I've been
involved in some of these little
bit of structure raisings and at

some point you have to make the determination that, well, you know, what we're raising isn't going to support itself when it comes back down.

Patricia spoke about sistering beams. So there had been discussion about supporting the walls to support the roof. But at some point in this quagmire of people not being around and texts going, somebody made the decision that we're going to raise it, we're going to fix it, and the decision was made, we're going to go new.

MR. MAZZAFERRO: Correct.

MEMBER REARDON: So I'd like to know -- because you make the recommendation, the homeowner goes say okay. So I guess --

MR. MAZZAFERRO: Right. You want the story behind the process. So, yeah --

MEMBER REARDON: Like when
was the date?

MR. MAZZAFERRO: David
started the job. Again, I do so
much work that I don't remember
the exact date. It's in my
letter. I did write it down. But
my visits to the site were
frequent and when I went there, he
had it jacked up in the area, we
were starting to repair the
foundation that existed on the
side.

And I took a look at the
structure, because now it's
cleaned up, all the junk's out of
it and you got it jacked up. And
I basically said, well, you got a
shot. It's up in the air. I
said, if you get it back on the
ground before hurricane season,
then you might make it. And as we
advanced more and more and more
and started to look at the

structure, we had another conversation and we -- sometime between, like I guess it was probably July when I first there when we started looking at this structure?

MR. MURRAY: That's when we were looking at it, right.

MR. MAZZAFERRO: Yeah, so sometime between July and the time the foundation got finished and it went to go back down, you know, he looked at it, he had his foreman look at it, he called me up and he said, Nick, I don't think it's going go. I said, I didn't think so either.

MEMBER REARDON: And was there no building inspector available to meet --

MS. MOORE: Correct.

MEMBER REARDON: -- with you at that time?

MR. MAZZAFERRO: No.

MS. MOORE: That is correct.

MR. MAZZAFERRO: I mean, it's not that we didn't try to contact him or anything like that. I mean, everybody knows what happened. I don't want to go into that.

MEMBER REARDON: Right.

MR. MAZZAFERRO: That's been -- you know, and as far as my history with the building inspector goes, I mean, I did -- what's the suite in Moriches -- not the suite. Special Effects, did the barn in the back with the jack-up system that Ratsey did, I worked on that one. I did the big job on Central where they redid the whole house. I did the job -- the two -- the three jobs with the Village, okay? I got involved with this job here.

So I've been doing a lot of work in the Town and I have a decent feel for the structures, alright?

So this is -- you know, there's a process, there's a structure. There's the reality behind the structural stability of something, and then there's also the process behind who's where, who's doing what, and what's going on on the other side of the coin.

MEMBER REARDON: Yeah, I don't think anybody here is debating the structural integrity of that barn. It's the sequence that it happened in and, you know --

MR. MAZZAFERRO: But see, my concern -- and I had this conversation with David as he progressed into the fall and I had the same conversation with the lady from Special Effects because the barn -- we had a permit, the barn was jacked up, we're getting a foundation under there because that whole bottom of that structure had rotted out. And I

don't know whether to say it was a money issue or the contractor was dragging his feet, but I actually got to the point, I had to write her a letter and tell her that if you don't get that structure back on the ground by Labor Day, then there's going to be a risk, if a hurricane hits, it's going to go over. It was probably jacked up, but it wasn't jacked up for hurricane forces. So I tried to get her attention and she did get it finished. She got the foundation done and got the building back down.

CHAIRPERSON SALADINO: Thank you, but --

MR. MAZZAFERRO: You want to get back on topic?

CHAIRPERSON SALADINO: No, no. I'm thinking that we have a couple of letters and I'm sure Patricia is not done with her

stuff yet.

MS. MOORE: No. I haven't even gotten to it.

CHAIRPERSON SALADINO: But we want to let everybody have a chance.

MR. MURRAY: No, I'm answering his question.

CHAIRPERSON SALADINO: And we don't care about Special Effects.

MR. MAZZAFERRO: Yeah, okay. No, I'm just answering questions, that's all. If there's any more questions?

MEMBER REARDON: You answered my question.

MR. MAZZAFERRO: Okay. Anybody else? I'll be here all week.

MS. MOORE: Can we get to the character of the neighborhood or are we not there yet?

CHAIRPERSON SALADINO: Don't be a waitress. Like you just told me, it's your time.

MS. MOORE: Okay, thank you.

All right. So at the time, the recommendation was this should be new wood, just follow the HPC guidance. It had to look the same as it was going to look originally. So there was going to be no modification to anything. It had to be identical. So that's what the -- in the back of the behind was, alright, the framing won't work but we got to put the building, make it match what HPC had approved. So that was done.

When we're dealing with the character of the neighborhood, you can see -- you know the Village better than I do, which is there are lots of accessory structures in this Village. There are lots of old barns. There are lots of big large garages, small garages, they're all over the place.

Right next us we have, if you're

facing the property, to the left is the garage right on the property line. Right behind us, the closest neighbor, there's a garage right on the property line to the right. That building, I want to put on the record, is a very large art studio or I've been told it's an art studio.

But as far as my research, I put in a FOIL to the Village. I went and looked at the file. I could not find any paperwork in the Village records, the building department records. I'm sure they exist, but they weren't in the file, and it really surprised me that there was no reference to any Zoning Board approval for the building. And it's a two-story building about the size of my client's house. It runs along the entire back of the property.

And from what I could tell from,

again, because the Village records are very incomplete, I had to go to the county GIS. And when I pulled up a 2001 GIS, it showed a small garage there. And then after that, in 2007, it shows the building that is there currently. So I have a screenshot of the building. That is probably the most significant building as far as the character of the neighborhood.

Our pool house is a little, it's a little larger than a one-car garage and it's certainly, design wise, something that the HPC liked when it was originally looked at. And the neighbor directly adjacent to this and right, at least from this property, looks like it's right on the property line. I couldn't tell because, again, there's no records. It's a very large building, so the impact on

the immediate neighbors is not
existent.

In fact, this building is going
to be compliant with the New York
State building code. It's going
to be compliant with the energy
code. It will be compliant with a
hurricane standards. It certainly
is a better building than what the
original building -- and yes, it
is -- it was exactly in the same
location. And whether your
position, you, as a Board, have to
consider is based on the fact that
we have accessory structures on
three sides of this house that are
all almost to the property line,
whether this accessory structure
where it's currently proposed on
the same foundation, whether or
not that it is a reasonable
request given the property and how
it's been developed.

There were two issues that were

brought up that were not part of the original notice, the disapproval. It came as a surprise. But here we are, it's been included. The distance of the pool to the accessory building, it was always identified as about five, six feet. It has not changed, but during this review, it was noted that it should be ten feet between the pool and the accessory building.

There is some room at the site inspection. We put on the record and on the record here today, there is some room to either shift it so it's more conforming, either closer to the house, so it's ten feet from the house and ten feet from the accessory building or slightly adjusted in it's width and length. So it goes two feet over towards the left -- I'm sorry, north, south, east, west is

difficult to follow, but on the left-hand side there is room to move it two feet so that you increase it.

So that we'll leave to the Board. My client is amenable to whatever dimensional or setbacks the Board feels is reasonable in this case. Again, that has not changed since day one.

CHAIRPERSON SALADINO: Well, I'm looking at the survey.

MS. MOORE: The survey, yes.

CHAIRPERSON SALADINO: The survey that was submitted and there is no linear distance from the pool to the pool house.

MS. MOORE: The survey that was submitted shows five feet, right?

BOARD COUNSEL STOLAR: Are you referring to the 2023 application?

CHAIRPERSON SALADINO: No. I understand that and we have that.

MS. MOORE: Which application
are you talking about?

CHAIRPERSON SALADINO: I'm
talking about the survey that you
-- because you keep referring, the
original application, keep
referring to it. The original
application submitted a survey
there was no linear distance --

MS. MOORE: Correct. There
was no mention of that.

CHAIRPERSON SALADINO: So I
guess it's our oversight for not
seeing it.

MS. MOORE: It doesn't really
matter. Here we are. It could
have easily been adjusted, it just
wasn't noted by the building
inspector at the time. So, again,
it's five feet is not a -- it's
fine the way it is. It's up to
the Board, but my client is
certainly willing to adjust it if
that's what the Board would prefer.

The other variance that was added here that wasn't part of the original variance was a rear yard. The percentage over the rear yard, that left us all a little baffled because other municipalities have similar codes where their accessory structures belong in the rear yard. But the rear yard is typically measured from the back of the house to the back of the property. I understand from a prior conversation getting us here that the Board looks at only 30 feet of the rear yard. That doesn't really make sense to me because if you had a one-acre piece of property, you don't just look at the 30 feet for the area that is for accessory structures, but, again, it is what it is. That has not changed. It's just a variance that was noted. This time around that was not noted.

CHAIRPERSON SALADINO: And
just as an explanation for the
public, I'm sure you had the
conversation with the building
inspector, so you do understand
the Village's logic about the rear
yard. There's a definition for
required yard. The code says --

MS. MOORE: It says permitted
rear yard is the term that's used
in the Village, but I'm saying
that other municipalities
interpret permitted rear yard as
the defined rear yard as what is
behind the house to the back of
the property, because based on the
size of the property, that rear
yard can be quite different, it's
not just 30 feet.

CHAIRPERSON SALADINO:
Whatever logic the legislatures
used to come up with that portion
of the code --

MS. MOORE: I've never seen

it applied before, so I don't -- I understand what you said, which is the building inspector looks at 30 feet from the rear, that being the rear yard.

CHAIRPERSON SALADINO: Because the code says the required yard. The required yard is 30 feet from the property line.

MS. MOORE: It doesn't -- so if you had a one-acre property, how would you calculate the lot coverage?

CHAIRPERSON SALADINO: Is that the hill you want to die on?

MS. MOORE: I just don't understand how one can -- but, again, that's a matter of building department --we're not changing anything that wasn't -- that part of the code.

CHAIRPERSON SALADINO: And we're just reading the code. We're just reading the black and

white portion of the code.

MS. MOORE: I think it requires counsel to look at it a little carefully and decide whether or not --

CHAIRPERSON SALADINO: And perhaps with --

MS. MOORE: But it's not his turn now.

CHAIRPERSON SALADINO: -- with the next edition of the code change when the legislators take up another change of code, I'm sure the attorney, if somebody asks, will look at that.

MS. MOORE: Okay. Again, that lot coverage, the lot coverage that's proposed here today has not changed since the first application to this Board. I will step down now for a moment so that if you have any questions --

MEMBER NYCE: I have a question.

MS. MOORE: Of course, go ahead.

MEMBER NYCE: I'm sorry, yes.

I know we keep going to this
timeline.

MS. MOORE: Oh, sure.

MEMBER NYCE: I just want to
make sure I have my head around
this. The first notice of
disapproval was in '23?

MS. MOORE: Yes.

MEMBER NYCE: October of '23.

MS. MOORE: October 4, '23, yes.

MEMBER NYCE: Right, and then
before us that same one?

MS. MOORE: Yes.

MEMBER NYCE: And then it
didn't go to -- it didn't get the
voting permit until July of '24?

MS. MOORE: No, remember it
included the pool, the pool house,
and the house.

MEMBER NYCE: Right.

MS. MOORE: So the house went
first. The building permit for

the house was issued first.

MEMBER NYCE: And they went
to HPC for that as well?

MS. MOORE: Well, it went to
HPV for everything at once, right,
including the pool --

MR. MURRAY: HPC had approved --

CHAIRPERSON SALADINO: September.

MS. MOORE: -- pool house? HPC
was February 1, '24.

MEMBER NYCE: Okay, that's
what I'm missing because then I
see a secondary HPC AND that's for
when you went back for the barn?

MS. BRACKEN: If you'd like
the date of the submissions, I
can --

MEMBER NYCE: No, it's a -- I
wasn't understanding why the gap
was there. You know, you had a
whole year that nothing was --
that things were going on, but
nothing was going on, so I got it.

CHAIRPERSON SALADINO: And,

Pat, you said you were going to
pause for a second?

MS. MOORE: Yes, until I was
asked.

CHAIRPERSON SALADINO: No,
no, and I have -- and I'm going
stop you from pausing. I have two
questions.

MS. MOORE: Sure.

CHAIRPERSON SALADINO: You
said that you went to the Village
and you FOIL'd for --

MS. MOORE: Yes.

CHAIRPERSON SALADINO: -- for
variances for the property at 633?

MS. MOORE: Yeah, let me pull
it. It's based on the Tax Map
Number, so -- hold on. Oh, here
it is. Yeah, public access to
records, I submitted on July 1. I
submitted for ZBA decision
building permit for accessory
building and the Suffolk County
Tax Map was 1001-2-6 Lot 36, which

is the --

CHAIRPERSON SALADINO: 633

1st Street?

MS. MOORE: Well, I have Tax
Map Number. It's one property.

It's one property.

CHAIRPERSON SALADINO: Just
so we can agree --

MS. MOORE: Yes.

CHAIRPERSON SALADINO: I'll
ask, just so we can agree, it's
the big building that's --

MS. MOORE: Yes, yes. I had
to go back twice to double check
if I had the right tax map, yes.

CHAIRPERSON SALADINO: Okay.
So my question is, you asked for
Zoning Board variances for that
and there were none?

MS. MOORE: None that they found.

CHAIRPERSON SALADINO: And
there was no building permits?

MS. MOORE: None that was found.

CHAIRPERSON SALADINO: Okay.

MS. MOORE: What I found in the building department records was related to the house, a porch for the house, but I didn't see anything regarding accessory building or anything that might have -- there weren't that mean papers in the file, but nothing that I saw related to this building.

CHAIRPERSON SALADINO: Okay. Are we going to Pat sit? Let the public speak a little bit and then we can bring them back; is that okay?

MS. MOORE: I know my client would like speak for a moment, but we'll wait until the public. So before it ends.

CHAIRPERSON SALADINO: It's just you and David have been monopolizing the -- I'm only kidding.

MS. MOORE: David?

CHAIRPERSON SALADINO: I'm only kidding.

MS. MOORE: Oh, okay.

CHAIRPERSON SALADINO: We're going to ask the public. Is there anyone else from the public that would like to speak?

MS. ROWLAND: Yeah, me and her.

CHAIRPERSON SALADINO: Name and address for the stenographer.

MS. ROWLAND: I'm the next door neighbor. I'm to the south.

CHAIRPERSON SALADINO: Just name and addresses for the stenographer, please.

MS. ROWLAND: Jada Rowland, 621 1st Street, which is to the south. Sorry, I should take this off now, I'm up here. No germs up here. I have by the way photographs of --

CHAIRPERSON SALADINO: Did you give your name?

MS. ROWLAND: Am I on mic? Is it alright? I became intrigued when they were rebuilding the barn

and I have photographs that show the construction and the dates and times if you all would -- I can relay it to you all and then you can judge what you think of whatever was being done. I was just interested. So you see the roof going on, you see the raising of it. You see all of that stuff.

I'm only here because my house is on the property line and the variance that's asked for is a reduction from the five feet to the two and a half feet. I'm only concerned in the long-run because I have a little cottagey building that's very close to the barn.

And I can imagine that sometime in the future, my son might want to build something slightly bigger and will go to get a variance and suddenly find that he's too close now to the one that's next door because they've been given a

variance allowance.

So I just thought I would bring it up. I don't that we have any protest. We just want to make you aware that our house and our little things are all very close and I would like to make sure that that's considered when you're deciding about that southern variance.

The driveway, for example, of that house when I moved in was always there, but I couldn't do anything about it. I moved in at the turn of the century and, obviously, you know, it existed. It preexisted my existence, so I couldn't say, could you move your driveway a little bit farther away, so I didn't.

And now, however, that there's all this construction going on, I'm wondering if there could be some effort made to move the

driveway so that -- when those trucks came and went during the construction site, which was fascinating to watch and it was scary as hell.

Because I would stand there in my kitchen and see this truck coming this close to my house. And going you know, really? Why couldn't the driveway be a little closer to their house and not so close to my house?

So I have here -- oh, I meant to hand this out to you. I did make a printout so you could see. Here's my -- this is for everybody. That's my survey from my house so you can see how close we are. There. That's just in case, because you don't have images of my -- you know, you don't know my thing. So that's just so you know when you're making decisions you all like

something.

BOARD COUNSEL STOLAR: So the
copies that you're passing out
now, this is all the same document?

MS. ROWLAND: It's the same
exact document, yeah. You don't
need it.

THE REPORTER: No, thank you.

BOARD COUNSEL STOLAR: All
right, we're going to mark this as
Interested Parties Exhibit A
entitled --

MS. ROWLAND: I'm not making
any particular protest --

BOARD COUNSEL STOLAR: --
Rowland Survey, R-O-W-L-A-N-D.

MS. ROWLAND: I'm not making
a particular protest. I'm simply
asking for the consideration be
brought to bare with you all and
to tell you that I do have
photographs of the building part,
which you're all concerned with.
So if you wanted to see it, I can

relay it to you.

So the driveway is one thing and the only other thing is the fence. On the survey that you have, their survey, as far as I can tell, it's rather tiny, it claims there's a fence that run all along their property line and that is not the case currently. What happened was when I had to move my studio -- and it's not the studio you were just discussing, my studio is on the southern side -- I rebuilt it and during that building, going through all that process, I was told I had to move it away from the property line. It had previously been part of -- it was previously all part of the same house and it ran straight down.

And they said no, no. If I was going to rebuild it -- just like you're doing right now. Once you decide you're going to rebuild or

do fancy -- do enough changes,
that it was considered now a
rebuild, a new building. They
told me I had to move it five
feet, with would, in my now little
lot, was ridiculous for me to move
that far.

We finally got it down to three
feet and that's where it is now.
It's three feet away from the
property line, but as a result
when I moved it, the part that
didn't have a fence needed a fence
and so the lady who lived there at
the time said she would put in a
fence. So she put in a fence and
if you see the real thing you'll
see there's a jog.

So her fence is -- runs
alongside where my studio is and
it's on three-inches from their
property line on their side and my
fence, which is connected by a
little gate, is three inches from

the property line on my side. And I discussed this with Beth and the Dahle -- Dahle I think is how it's said, yeah -- the Dahle family, and they said they would like to -- we can replace my fence, because it was going to take a lot of damage from the construction going on for a year and a half to two years, and so that's fine.

I just wanted to reiterate it now in public as long as all of these things are being adjudicated. I don't want it to be forgotten about that that fence is going to be replaced. I think Beth would like to run a straight against so it would end you up being on her side.

But I did have a brief interchange with the fellow who did their survey and he said, oh, it doesn't really have to be three inches. And I went, wait a

minute, I thought that was a rule that there had to be six inches between the two fences, three inches on one side and three inches on the other. I don't know if that's still true, but I just wanted to make sure that we all knew this.

So I just wanted to, you know, that we all agree about this because I think they're planing to do a fence going all the way down on their property, which would be fine. And the only thing would be maybe, again, in the future, if they wanted to take that fence down, then I wouldn't have a fence.

So I wanted to make sure that somehow I had a guarantee of some kind of fence all the way down. And it's fine with me if they keep it over there and they make the same kind of fence that was there

before, it's beautiful, it's really nice and it works really well for both of us. But this is just my public confirmation of what we've talked about privately, that's all. And just so, you know, bare in mind that there is closeness on every side. We all have to kind of deal with it.

And I did have a problem with lights, which Dave Murray is familiar with me screaming and yelling about. Because there were spotlights put up on the second floor, which seemed entirely inappropriate and still does to me because it's not a warehouse yard. And so needing to see that far away, usually most people have it on their first floor and it aims towards their backyard. It seems to be under control now. It seems like it's not aiming at me, but it may be aiming more at people in

the rear, I don't know.

MR. MURRAY: We changed the
fixture.

MS. ROWLAND: Yeah, and the
other thing was I had spoken to
her about the light, the porch
lights, because there were never
porch lights on that side of the
building previously. And Beth
said she had a timer that would go
off by 11:00 at night, which is
fine.

So these are all -- I'm just
putting it all on record, all the
stuff that's going on. But I'm
very happy with them. I think
we're going to be great neighbors
and I hope they can resolve all
the issues. And as I said, I have
photographs of all this stuff
because I got fascinated. So if
you need to see when that roof
went up, I actually have -- you
can see the framing. You can see

the cement stuff that they put in down below and you can see what the barn looked like before they did anything. So if you all want it, I will give it to you.

CHAIRPERSON SALADINO: What we'll do is when the public hearing eventually closes and the Board has its discussion, if the members feel the need to, we can reach out and you can submit it.

AUDIENCE MEMBER: Okay.
Mike, don't -- you know --

CHAIRPERSON SALADINO: Or can you give copies to the building department and Mike will have them and if we need them, we won't have to bother you, we can bother him.

MS. ROWLAND: It's whatever. If it's of use to either, either the Dahle's or you all, they're here. I just, I got interested. I couldn't help it. It's right there. I was living in that

construction site. Anyway thank
you all for doing service and
thank you.

CHAIRPERSON SALADINO: Thank
you. Is there anyone else from
the public that would like to
speak? Name and address for the
stenographer, please.

MS. FATES: Yes, my name is
Decia Fates. I'm at 526 2nd Street.
My property abuts the very extreme
northwest corner of this property,
like maybe by a couple of inches.
I mean, it's not on the survey,
but what I'm concerned about here
is -- I mean, I feel for the
owners, the builder, for everybody
because this has been chaos. It's
just seems to have been a really
messy problem with stuff going on
at Village Hall and whatnot.

But I feel that it's very
disappointing that the public has
not been able to speak about the

variances that have been taken until after the fact. In other words, this is a situation which we're asking for forgiveness instead of permission. And, you know, I have no particular -- I have a concern about the height of the building, which seems unnecessary to me for a pool house. I don't know how much equipment you need for a pool. It's a pretty small pool, but that's a high building. It's a lot higher than it was. So that would be my concern on my part, but it's a done deal.

But I just wonder what happened to this process that in all this we didn't get a chance to speak about these variances until now. I mean, a building permit and a variance are completely different processes; are they not?

CHAIRPERSON SALADINO: Well,

you can't get building permit for
a noncompliant -- for something
that's not compliant without a
variance. The reason --

MS. FATES: And no variances
were put in for prior to this,
prior to right now for this pool
house, correct?

CHAIRPERSON SALADINO: The
applicant's attorney admitted that
the building was built without a
building permit; am I -- is that
reasonable to --

MS. MOORE: Without a written
building permit.

CHAIRPERSON SALADINO: Without
a legal building permit.

MS. FATES: And and without
variance for the height that
exists now.

CHAIRPERSON SALADINO: Well,
for whatever --

MS. FATES: And that framing
went up -- that framing went up

last winter.

CHAIRPERSON SALADINO: -- whatever relief is on the notice of disapproval is what's in front of the Board now.

MS. FATES: So this process could not have possibly have happened any sooner than today?

CHAIRPERSON SALADINO: We only got this -- this Board got this application on June -- on May 23rd, not even May 23rd.

MS. FATES: Right, but is there no obligation to...

CHAIRPERSON SALADINO: Um, I --

MS. FATES: Okay, I'm just confused. The process is very convoluted and I was just hoping that, you know, in the future when things like this happen, that, you know, we're in a situation where we can speak about things before they're built.

CHAIRPERSON SALADINO: Under

normal circumstances, that's how the process works.

MS. FATES: Yeah.

CHAIRPERSON SALADINO: Someone applies for a building permit, if it's compliant with the code, if they don't need relief, the building inspector issues a building permit. If not, he issues a notice of disapproval.

MS. FATES: Right.

CHAIRPERSON SALADINO: The applicant appeals that notice of disapproval and that's how they get front of this Board. No variance is every issued without a public hearing.

MS. FATES: Right. Shouldn't this have happened a long time ago?

CHAIRPERSON SALADINO: Yes.

MS. FATES: Yes?

CHAIRPERSON SALADINO: Yes.

MS. FATES: Yes, okay, and it didn't. So now we're in a

position where, you know, I'm not going to complain really about anything because it's fait accompli, but it's unfortunate that nobody had a chance to speak about it in advance.

CHAIRPERSON SALADINO: Well, the public has an opportunity -- this is a -- this is an as built building. The public -- and now the applicant is asking for relief for an as built building. The public has the opportunity, as it did six or eight or nine months ago when the process first started, to speak.

MS. FATES: I don't recall being asked, receiving any notices.

MS. MOORE: You're not adjacent, I think that's why.

MS. FATES: Well, I'm here. I got this notice.

MS. MOORE: Then you are

adjacent, pardon me. That's you.

CHAIRPERSON SALADINO: So,
again, what happened -- this is an
as built building. When the
application first came in front of
the Zoning Board, the relief is
entirely different than what's
requested now. That building went
the way of the buffalo. It was
torn down and it doesn't exist
anymore.

MS. FATES: Well, I watched
the whole process from my
backyard, so I'm familiar with it.

CHAIRPERSON SALADINO: The
new building was built without a
building permit.

MS. FATES: Right.

CHAIRPERSON SALADINO: Now,
because it's an as built building,
now the applicant is here asking
for relief.

MS. FATES: Relief, I understand
what they're asking for.

CHAIRPERSON SALADINO: So I'm
not sure I answered your question.

MS. FATES: No.

CHAIRPERSON SALADINO: Are
you saying like how did this happen?

MS. FATES: I'm saying the
process didn't work right.

MEMBER NYCE: But to be
clear --

CLERK NOONE: If I could just
interrupt?

MEMBER NYCE: -- when it came
through the first time, that barn
is the same size that it is now
and granted the --

MS. FATES: It's not the same
size. It's taller. It's keep
deeper.

MEMBER NYCE: When it came
before us the first time, right --
and if I'm out of line, let me
know, but that application we
approved because the structures on
the property existed as they were

and we granted them. Basically we accepted that those buildings existed where they were and they were allowed.

CHAIRPERSON SALADINO: For nonconforming setbacks.

MEMBER NYCE: They were allowed to move forward in the interim. So there was a public hearing for all of that. So that structure as it existed --

MS. FATES: And that was back in 2023.

MEMBER NYCE: That was back in 2023 --

MS. FATES: Right, and I was here for that.

MEMBER NYCE: -- in October of 2023. So then, move forward and then all of the rest of it occurs. There was no chance for us to have a public hearing on these variances until or unless they came through with this

application.

CLERK NOONE: And just for
the record, you're at 526 2nd?

MS. FATES: Yes.

CLERK NOONE: It's F-A-T-E-S?

AUDIENCE MEMBER: Yes.

CLERK NOONE: You were sent a
certified mail on letter on the
first round of variance on
November 9, 2023.

MS. FATES: And I attended
that first hearing, but there
wasn't any discussion of tearing
down the barn.

CHAIRPERSON SALADINO: No,
there wasn't.

MEMBER NYCE: There wasn't.

MR. MAZZAFERRO: That's why
we're here.

MS. FATES: Right, so I was
there, okay.

CHAIRPERSON SALADINO: Is
that it? Thank you.

MS. FATES: I guess that's

it. Thank you.

CHAIRPERSON SALADINO: Is there anyone else that would like to speak?

MS. CLAUDIO: Hi, I'm Janice Claudio at 624 1st Street. I am the neighbor directly opposite the driveway. I just want to talk about how it appeared as a neighbor, the process of the barn demolition. It was quite literally a surprise one day in going out on a walk to the library, seeing the barn gone, and then Monday -- that was a Friday and on -- in my recollection and on Monday, there's framers and wood and the beginning of a construction and it goes on until the stop work order. So it seemed very fast.

I see from the application process that there was no request by the HPC for -- to the HPC for a

demolition certificate, which would have allowed for a public hearing and the opportunity for the public to speak on a proposed demolition, consider a demolition.

It just seemed a situation of build it and ask for forgiveness. And I guess I'm concerned as a citizen of Greenport, that this kind of action just sets a really bad precedent. I know from working with the ZBA and the construction on my house and being in front of this Board in 2020, that height consideration was significant to me and that my original application was not allowed and also my variance for the side setback was not allowed for fire considerations, which I understood.

It just seems that there's a rule book and the rule book needs to be followed. That's what I

have to say.

CHAIRPERSON SALADINO: Thank you. Is there -- we have a letter from the public, but if there's anyone else from the public that would like speak. Patrick?

MR. BRENNAN: Good evening. My name is Patrick Brennan. I live at 620 1st Street in Greenport. I want to disclose to you all that I'm a trustee of the Village of Greenport and the Deputy Mayor. However, I'm not here before you all in my capacity as a Village official. I do not claim to speak on behalf of the Board, the Village, staff or its residents.

And I should also disclose that I'm a member of the Village of the Greenport Fire Department. However, I'm not here before you in my capacity as an officer or warden of the fire department. I do not

purport to speak on behalf of the
fire department.

Rather I'm here on my own
account to express my own personal
views on the application before
you and as a resident and
neighbor. So before I go any
further, is that abundantly clear
to this Board? Yes?

CHAIRPERSON SALADINO: I
think we figured it out, yeah?

MR. BRENNAN: Counsel?

BOARD COUNSEL STOLAR: Clear
to me.

CHAIRPERSON SALADINO: You
didn't ask Mike.

MR. BRENNAN: Sorry, Mike.
So thank you for the opportunity
to speak and thank you all for
doing what you do, for your
efforts as volunteers. I know
that you're working to address
unnecessary hardship when it's
proven by an applicant and, at the

same time, preserving and protecting the character of the neighbor and health, safety, and welfare of the community. I imagine at times that that's a challenging balance.

I have not yet had the opportunity to meet my new neighbors, Beth and David Dahle, but they are very welcomed to Greenport and I look forward to getting to know them as neighbors and I believe Beth is here?

MS. DAHLI: I did actually meet you one day.

MR. BRENNAN: Did we?

MS. DAHLI: Yeah, out front. You were you taking groceries in your house.

MR. BRENNAN: I want to talk a little bit about the applicant. So when I use the term applicant, I'm referring to Mr. and Mrs. Dahle's professional team,

principally their builder, Mr. Murray, but also the project engineer Mr. Mazzaferro, and counsel, Ms. Moore.

I'm going to give Mr. and Mrs. Dahli the benefit of the doubt that they may not be familiar with construction projects, permitting, zoning codes, and municipal processes. I don't know, but I'll assume that they are lay people and they are not design and construction professionals. I believe that they have been ill advised and misguided in this undertaking and for that I feel sorry for them.

My criticism is intended for those highly experienced professionals who should know better. I'm going to give you all the context. This is my view on the context of this project. In the matter of this application and

the project, in every instance that I have witnessed, Mr. Murray has shown contempt for the Village and, by extension, disdain for its residents.

It's a curious MO for a local business owner. I'm sure you're familiar with the old adage. I'm not going to say it, but you're probably familiar with it. Mr. Saladino can probably guess at it. The applicant is denying responsibility and attempting to lay blame on anyone and everyone, but themselves, when in reality, the applicant is entirely responsible for the situation they find themselves in.

Acting on their own authority alone, or perhaps in consultation with their client, the applicant took a big risk, willfully ignoring municipal codes, first by proceeding to begin work without

the requisite building permit, and then partway through, by demolishing the existing structure and replacing it in its entirety anew. The outcome of which has extended the project timeline, increased the project costs, and ultimately jeopardizes the Dahle's project goals, all while squandering precious Village resources.

You are all being pressured to make a decision that has been perversely framed where the Village is the perpetrator of a misdeed and the applicant is the victim. If you don't see it for what it is, I'm going to tell you. Mr. Murray is attempting to bully his way out of a problem of his own making. It is that clear and it's that simple.

Now I'm going to talk a little bit more about the specifics that

the application materials. You're tasked with focusing on what's before you today, what you can actually work with. You have the application and the supporting documentation and you have the notice of disapproval. And you're authorized by an obligated to New York State Village Law Chapter 64, Article 7 and Village of Greenport Chapter 150 Article 10.

Now whoever wrote this application must have been a good student, at least in their creative writing class. It's a nonsensical essaying exercised fraught with contradictions, inconsistencies, implausible timelines, inadequate documentation, and subtle untruths, and specious arguments. It's intended to distract, confuse and obfuscate. It offers very little in the way of a coherent argument.

I'll give you a couple of examples, and I'm sure you found this as you read through the application materials. The application states that the builder errored in commencing construction without a building permit, but proceeded nevertheless.

Then the application goes on to inform the public that licensed architects and engineers are permitted to make the required periodic inspections. That's true, but the application omits the facts that architects and engineers are not authorized to commence a project without a permit. The applicant is improperly or incorrectly implying that there's an alternative compliance method when there is no such thing. You may not start construction without a permit.

The application also states that construction started sometime in the fall of 2024. By November of 2024, the project engineer prepared a report, which is in your packet acknowledging structural deficiencies and potential hazards and recommending further change. That's November of 2024.

You all heard here today that the engineer and the builder had discussed and looked at this project all over the summer of 2024. It's not credible that the structural integrity of the building could not have been assessed before November of 2024. That was essentially a barn, mostly bare studs inside. It's pretty much what you see is what you get.

When you go in that building, an experience builder, a knowledgeable

engineer, can quickly make an assessment about the condition of that and the feasibility of restoring it. You also find in your packet that the engineer's plans for the building are dated February of 2025. The construction plans are dated three months after the engineer's record -- letter, report, and well after construction began. That all demonstrates that the work progressed well in advance of the required engineering documents and the appropriate permits.

Now it's curious to me that the concrete slab on the southern portion of the building remained in place. Now the slab is a thing that most accurately identifies the existing, nonconforming setbacks to the south property line and the west property line. Somehow the engineer and the

builder couldn't determine in advance that the building was structurally weak and perhaps not well suited to being renovated. But they determined that the foundation that was existing, which you can't see because the foundation is primarily underground, they determined that was adequate to support an entirely new building.

So they left the slab in place for the southern portion and then added, as you heard earlier, they added the foundation to the north. You may recall that that foundation was being built in November of 2024, three months before construction documents were submitted for the building department or three months before they were dated or created.

Now I'm going to talk about the notice of disapproval. On the south lot line, there's 2.6 feet

where 5 feet are required. So according to the agenda, that requires 2.4 feet of relief. But think about it this way, that's 48 percent relief.

So you have to -- I know you have to answer a couple questions. I think you can weigh them differently. I'm just going to touch on a few of these.

Is the relief requested a detriment to nearby properties? And the answer is yes. It's a fire hazard. So putting buildings in close proximity to other buildings or fences and other structures increases the chance of fire spread. It's also a maintenance hazard. It complicates maintenance because it's very difficult to maintain buildings that do not have adequate clearance. The property line, it's difficult to get a

ladder up, difficult to clean gutters and paint them. It also presents entrapment hazard for first responders who might be responding to a call on the property because it is difficult to maneuver in a narrowly confined space.

Could it be achieved by some other method? Of course, yes. The answer is yes, because you could have rebuilt the building and conformed to the required setback.

Is it substantial? Yes. I don't know what you all use for your working definition of substantial, but I'll give you a couple of examples. Would you consider 48 percent wage increase as a substantial raise? I sure would.

CHAIRPERSON SALADINO: I'll take it.

MR. BRENNAN: Would you

consider a 48 percent return on a
401(k) a substantial annual
return? I sure would. Or would
you consider 48 percent tax
increase as a substantial burden?
I would.

Does it have adverse effect?
Yes. For the reasons I mentioned
about fire, entrapment hazard, and
maintenance. The west lot line,
there's .5 feet where 5 feet are
required. That requires 90 percent
relief from the code. I'm not
going to go through all the
answers again, but, yes, it's a
detriment.

Could it be achieved by another
method? Yes. Is it substantial?
Yes. The height; 21 feet where 15
feet are required. That's 140
percent over the max allowable
height. Could it have been
achieved by some other method?
Yes. You can build a shorter

building, especially when you're building it all anew.

Lot coverage, 35.7 percent where 30 percent is required. That's 119 percent over the max allowable lot coverage.

Rear yard coverage, 44.5 percent where 30 percent is required. That's 148 percent over the max allowable.

Pool setback, 5 feet where 10 feet are required. That requires 50 percent relief.

You all know this, but I'll say it for the public's sake. When you're making your determination, the Board of Appeals shall take into consideration the benefit of the applicant if the variance is granted as weight against the detriment to the health, safety, and welfare of the community by such grant. Well, that's up for you guys to decide. I know you

all know your business. I have complete confidence in you. So thanks for considering my comments.

CHAIRPERSON SALADINO: Thank you, Patrick. Is there anyone else from the public that would like to speak?

MR. RISHE: I figure I'm here for the long haul. So I'm just --

CHAIRPERSON SALADINO: Don't get smart.

MR. RISHE: I just wanted to provide some context to Member Gordon's --

CHAIRPERSON SALADINO: Could you -- your name and address for the stenographer.

MR. RISHE: Sorry, Marc Rishe, 315 Sutton Place. I just wanted to provide some additional corroboration to Mr. Murray's, per your comments, and based upon Member Gordan's question about the standard procedures of the prior

building inspector.

On two prior renovations that I've done, I did get confirmation via text message from the prior building inspector that I was good to go and that the paperwork, you know, he would work on the permit paperwork and get it to me as soon as he could. And I'll read one of those for you now. He said, I quote, "You are good to start at any time over at 520 Madison while I generate your permit in placard." So I'm just giving some context to your question.

MEMBER GORDON: Thank you.

MS. MOORE: Thank you for that.

CHAIRPERSON SALADINO: Can we -- Nick, can we just get somebody who hasn't spoke and then you can talk.

MR. MAZZAFERRO: No, this is going to be quick. Because the

gentlemen who spoke, Pat, I'm
sorry, I don't know if he's got an
engineering degree, I don't know
if he's got a civil engineers
license, I don't know if he's a
professional engineer, but he
stood here and basically
questioned my judgment. And I'm
qualified to testify in any court
in the State of New York. I'm
qualified as a professional
engineer in New York. I've been
that way for 46 years. So if you
have that kind of credentials and
can make judgments, then good for
you. Otherwise, I take exception
to all of the statements he made
about the judgment and the reports
I've written, number one.

Number two, the statements about
whether or not we make bad calls,
that building was jacked up in the
air. That building was jacked up
four or five feet in the air to be

able to try and save it and create
a foundation under it and reuse
the building to the extent
possible that we discussed with
the HPC.

So a lot of what he was saying,
that didn't just make any sense.
The third thing is, I don't know
calculates percentages, but I
don't understand how a 6-foot
increase in height is 148 percent
of 15 feet and that's it.

CHAIRPERSON SALADINO: Is
there anyone else from the public
that would like to speak?

MS. ROWLAND: I just want
today reiterate what --

CHAIRPERSON SALADINO: Name
and address.

MS. ROWLAND: -- a good part
of this problem is what happened
early out. There was no
opportunity to speak. We were not
given what several people have

mentioned. There was never any sense of we were going to have another opportunity. The first meeting I did not receive the certified letter in a normal way.

And when I had Mr. Noone look it up, Secretary Noone, this morning, he found that it -- the receipt was signed, but it wasn't signed by me. Someone else had gotten it. So I didn't get a notice for that very first meeting that was talked about. The only reason I attended that meet something because I saw the sign out in front of the house saying there was a meeting.

But as a result, I had no survey, I had no, nothing. I had no information, nothing had been given to me. And based on my personal experience, that we would be getting -- the historic committee would be involved and

the planning and the zoning. And so I'd assumed there were going to be more meetings. And if you play the record back from that meeting when I stood up and talked, I said, oh, well, we're going to have a historic, you know, and there was kind of a vague nodding and there was nothing. That was it. That was the end.

All of a sudden the next thing I saw was things were being built. And as a result, I think there's a lot of frustration and a feeling like the ball was definitely dropped. And I'm just saying it's too bad because I think a lot of this problem that's existing now would not have happened had it all had been dealt with way back when.

CHAIRPERSON SALADINO: Just as an explanation and in defense of a lot of different people, what happened at that first Zoning

Board meeting with the original application -- and I've said this and I'm going to repeat it because it keeps coming up. What happened at that meeting has absolutely nothing to do with what's happening tonight.

That meeting was conducted can to reaffirm a preexisting, nonconforming setback on a building that no one was going to suggest that they would have to move. All we said was that building is there, it's always been there, and it's allowed to stay there.

What happened since then, the applicant and their builder illegally took down a building and built a new building. To correct that, that's why we're here tonight. But the first application has nothing to do with this.

MS. ROWLAND: I understand

that, but there have been multiple houses in that whole area and pretty much all of them, whenever you're dealing with an older house, a historical house, usually there were some other additional meetings that took place so that you had an option.

CHAIRPERSON SALADINO: There was. The application did go to the Historic Board.

MS. ROWLAND: Huh?

CHAIRPERSON SALADINO: The application did go to HPC.

MS. ROWLAND: Yes, but there was no announcement, no -- previously we were always, all of us in the neighborhood, every single other house that has had work done on it that was historical, everybody who lived there got notices to come to the historical meeting, and there was no notices sent out.

And so that's -- I'm just saying it dropped. The whole thing just sort of dropped and I don't know who's fault it is. I don't know why it happened. But it did end -- the end result was people felt they weren't getting any opportunity speak about anything. That's all. I just, you know, just...

CHAIRPERSON SALADINO: Thank you.

MS. ROWLAND: It's good to be able to talk about this stuff.

CHAIRPERSON SALADINO: If there's no one else from the public that would like to speak, we have one letter?

CLERK NOONE: One letter.

CHAIRPERSON SALADINO: One letter that we're going to read into the record and then I'm sure we're going to hear from the applicant.

MS. MOORE: We have one --

MS. DAHLE: I would like to

say something.

CHAIRPERSON SALADINO: Do you want to wait for the letter?

MS. DAHLE: You can read that letter, okay.

CLERK NOONE: This is a --

CHAIRPERSON SALADINO: Excuse me, one second, one second. It's a hard to hear in here so let him read the letter.

CLERK NOONE: Okay, this is a letter from Cynthia Brennan at 620 1st Street.

Dear Mr. Saladino and the Zoning Board, my comments are in response to the Zoning Board of Appeals application for 625 1st Street and the six variances requested for construction of an accessory building.

Having delved into the records available on the Village Hall -- the Village of Greenport website to understand the history and timeline of the project's

submitted materials, I have found them to be well short of clear and consistent in dimensions or calculations, and incomplete information for the relief requested.

The six area variances for setbacks, height and lot coverage are a substantial difference from the code requirements, and the submitted after construction was started, demonstrates a willful attempt to ignore the Village rules and codes. The well-known method of asking forgiveness, claiming hardship or other excuses, lacks credibility especially with Mr. Murray's many years of experience as a local builder and formally on the Board of Trustees. Combined with Ms. Moore, this is a seasoned team.

While the area variance may be granted, the specifics for this property and the track record of

the past nearly two years makes a very weak case.

Number one, the accessory structure was entirely demolished and, according to the application, did not have a full foundation or slab. The slab present now is new and the previous structure was demolished. The preexisting setbacks and height have no bearing on new construction.

Two, the ne structure was constructed without building permits nor even applications for a permit or variances.

Number three, the stop work order was met with a crude attempt to bully the Village.

Number four, rebuilding in kind would mean a five-tenths of a foot western setback and a 2.5-foot southern setback when 5 feet is required in a Village dense with wood structures to help ensure

fire safety, as is the setback for a pool edge of 10 feet to allow for fire department access.

Number Five, the lot coverage increase is due to the enlargement of the main house completed this year, not a preexisting condition. An enlarged house, a new accessory building and a pool can all be properly designed to fit the parameters prescribed by the Village Zoning Code.

Greenport has seen many historic buildings renovated, and new construction completed, and neighbors complied with the zoning requirement and the building department's process. There may be frustrations with the process, but that is no excuse or reason for this project to be an exception, particularly when it is a self-created condition and one that involves the health and

safety of the Village.

Respectfully, Cynthia Brennan,
620 1st Street.

CHAIRPERSON SALADINO: Thank
you, Mike. Is there anyone else
that would like to speak?

MS. DAHLI: I'd like to say
something.

CHAIRPERSON SALADINO: I'm sorry?

MS. DAHLI: Can I go up and
say something now?

CHAIRPERSON SALADINO: Yes.
Name and address for the
stenographer.

MS. DAHLI: Okay. I didn't
catch the address of the last
person who read that.

CHAIRPERSON SALADINO: This
--

MS. DAHLI: Oh, that's your
wife.

CLERK NOONE: This is 620 1st
Street.

MS. DAHLI: Okay, so my name

is Beth Dahli. I hope to be living at 625 1st Street. My husband, Dave, a different Dave, also as tall, and I actually fell in love with Greenport about four years ago. We vacationed here several times before we finally bought the house, hard to believe now, two years at 625 1st Street.

We loved the Village. We loved the architecture. We loved the location of the house. We loved that it had a barn and we liked the size of the lot. And we felt that there was enough room to put a small pool and then to renovate this barn to be a pool house.

We believed that a pool and a renovated pool house would add some value, significant or otherwise, to the property and this certainly was a considering when we paid above market value for the house, above market price

for the house. So for now this is a second home for us. We are here -- already we're here pretty often. I anticipate that we'll be here once a month and probably 12 to 16 weeks of the year. But we certainly can vision in the next couple years that Greenport would be our primary residence. My husband and I are both retired, my kids are grown, I'm going be a grandma next month, so we are very excited.

Already we've met a number of our neighbors, we've met a number of the other residents already in the Village and have started to become part of the community. We've supported the North Fork Art Center, several of the non-profits, and we really look forward to becoming part of the community.

In addition, I have a 29-year

old daughter who Janice met the day she got engaged. She got engaged here three weeks ago on the 67 Steps Beach right here Greenport. She lives in New York and anticipate that she will use the house on occasion as well.

What is really important that I want all of you to know is that we have no intention whatsoever of renting out the house. We expect to spend a significant amount of time here and we have zero interest in flipping it.

Pat, I'll defer to you to handle any additional details of our appeal, but I want to assure all of you, and I thank you for taking the time tonight to come out and see the property, that it was always our intent to execute on the plans and the architectural drawings that were previously submitted and approved for the

barn, including the new roof and the cedar siding and doors and the windows that Pat and Dave spoke about.

And as you hopefully saw from the site visit this evening, the barn is exactly the same. It is the exact same size. I'm sorry, ma'am, I didn't catch your full name, but it is exactly the same height as it was previously. It's not taller. It's the same footprint and it is on the exact same location on the property where it always has been since 1865.

My husband Dave and I thought that we were taking care of -- we've taken two years now since we bought this house to renovate it and extra time and certainly extra expense so that the barn would be structurally sound with an adequate foundation and up-to-code

framing, and we thought that this would be viewed as a positive.

So thank you for your consideration. I know this has been a long night for all of you and thank you especially for your comments.

CHAIRPERSON SALADINO: Thank you. Is there anyone else from the public that would like speak? I know, but I'm going to ask the Board if it's okay to give our stenographer a five-minute break --

MS. MOORE: Of course.

CHAIRPERSON SALADINO: -- to let the public relax for a couple of seconds and let the members perhaps use the latrine. No? Okay. Dave says no. We have to stay.

MS. MOORE: His bladder is stronger.

CHAIRPERSON SALADINO: Jay,

can we do that without disrupting
the telecast, take a five-minute --

THE VIDEOGRAPHER: Yeah, I'm
going to cut the mics and put a
five-minute recess.

CHAIRPERSON SALADINO:
Whatever you got to do. Do we
have to vote on that, Dave?

BOARD COUNSEL STOLAR: To
take a break?

CHAIRPERSON SALADINO: A
five-minute break.

BOARD COUNSEL STOLAR: No.

CHAIRPERSON SALADINO: Okay.
We're going to be adjourned for
approximately five minutes.
Thanks, folks.

(At this time a brief recess
was taken.)

CHAIRPERSON SALADINO: Folks,
we're back. Thank you for
indulging us. It was six minutes
instead of five minutes.

MEMBER NYCE: Sorry.

CHAIRPERSON SALADINO: Is there anyone else from the public that would like to speak?

MS. MOORE: Okay, thank you. I just want to have a couple of rebuttal comments regarding some of the things that were said just to get clarification. Mary is going to speak with respect to some of the things that Mr. Brennan mentioned, specifically about the plans. And it could have been my mistake as well in the record. So I stand by the person who knows their schedule better. So go ahead.

MS. BRACKEN: Mary Bracken. I work for David Murray at Murray Design and Build. Just to note a few things. I do believe there must have been a mistake on that paperwork, that December -- that February of '25 submission was not something that was ever accepted in the record. It was what

happened after we received the
stop work order in December.

CHAIRPERSON SALADINO: Just
refresh my memory.

MS. BRACKEN: Yes. Mr.
Brennan mentioned that after
Nick's letter in --

CHAIRPERSON SALADINO: November.

MS. BRACKEN: -- November of
'24. He said the dates don't make
sense because there's a reference
to a plan submitted in February of
'25. That plan, that's a date
that was just, I think, written in
error by Pat.

MS. MOORE: My mistake.

MS. BRACKEN: Yes. That's
something that we tried to bring
before anyone in the building
department that would look at it
to say, okay, what is our option?
How do we proceed to fix this
after the stop work order? So we
had prepared that packet. We

1 tried to bring it in and discuss
2
3 it. It was never submitted
4
5 because they told us at that point
6
7 in February that new code --
8
9 building code had gone into effect
10 that changed some of the
11 requirements for that. So that
12 was just in error.

13 We were always working off of
14 the original plan that was
15 submitted and accepted by
16 Mr. Bolanos and not brought before
17 the ZBA from July 2024. The later
18 submission is the only one that
19 ever that went on record. So that
20 was all brand new and came in in
21 March. So that's it. Unless have
22 you any other questions about the
23 timeline.

24 MEMBER REARDON: Mary, what
25 was included in the packet?

 MS. BRACKEN: That would be
 the entire submission that you
 have.

MR. MURRAY: Not in February.

MS. BRACKEN: No, no, no, the February one, it was never accepted. It was a new plan that had been expanded to show and label where the new half of the foundation was just to demonstrate that the framing had been redone and we attempted to bring it in and they said oh, we have just changed some of the building codes, please refer to it online.

And we went back, and that's why we had to start the process over that took those extra months because we needed to have the surveyor come back out to basically just write on the survey, you know, proposed foundation, proposed framing.

CHAIRPERSON SALADINO: So do you mean the building code or the zoning code?

MR. MURRAY: The building code.

MS. MOORE: The building code.

MS. BRACKEN: Because we tried to ask for advise. How do we proceed? Do we have to start over? Do we appeal the decision? It was kind of some back and forth and when we attempted to bring that paperwork into the Village in February, that mis-date, it was rejected because they said that the codes had been updated.

So we had to go back to the drawing board literary and have some pieces redrawn and have things resurveyed before we could resubmit the brand new package that is what is in question now that received the notice of disapproval.

MEMBER REARDON: And on that February date, the structure had already been redone?

MR. MURRAY: Yeah, that was like you saw today.

MS. BRACKEN: Yes. The rest of the timeline is correct, yeah.

MEMBER REARDON: Yeah, thank you.

CHAIRPERSON SALADINO: Thank you.

MS. BRACKEN: Okay.

CHAIRPERSON SALADINO: I'm just going to ask the building clerk, Mike Noone; is that your recollection? Do you have any recollection of what we just heard here?

CLERK NOONE: That this was a new building permit application?

CHAIRPERSON SALADINO: A submission in February of 2024 --

MR. MURRAY: '25.

CHAIRPERSON SALADINO: -- '25.

MS. MOORE: It was given to George.

MS. BRACKEN: We brought it in attempting to and it was rejected. It was never submitted.

We made all the copies and brought them in and he said, you're going to have to redo this no matter what because the new code has taken effect.

CHAIRPERSON SALADINO: I don't doubt it. I was just asking if he had any recollection. You don't? Okay.

CLERK NOONE: I honestly, I'm not sure if I was there at that -- I mean, I was there, but I'm not sure if I was at that meeting with but if you had submitted an application for me, that would have been one thing.

Mr. Murray came a couple of times different -- with appeals to ZBA, which were also reviewed by the Village attorney. I'm not the decision maker when this plan got off target.

CHAIRPERSON SALADINO: I'm just asking your recollection.

You know, just so it's clear in my mind. I got a million dates here and I'm just trying to get them in order, that's all.

CLERK NOONE: Right. I wasn't in the process of keeping a lime line unfortunately.

CHAIRPERSON SALADINO: Okay.

BOARD COUNSEL STOLAR: I do have a question though. What codes? Do you have any idea what codes were referenced?

CHAIRPERSON SALADINO: I don't remember a revision to the building code. Are you talking about New York State?

MS. BRACKEN: No, they changed --

MR. MURRAY: The whole application. When you guys appeared with the new application.

MS. MOORE: The building permit application.

MR. MURRAY: The building

permit application.

BOARD COUNSEL STOLAR: Oh,
maybe just the form that the
building department --

MS. BRACKEN: They asked for
new requirements that we had never
submitted before.

CLERK NOONE: Okay. So after
Mr. Bolanos -- I think I
understand what -- Mary?

MS. BRACKEN: Yes.

CLERK NOONE: -- what Mary is
saying. Mr. Bolanos was a little
lose with the requirements for
building permit applications and
when the new building inspector
came on Board, he strictly adhered
to what the code required for
building permits.

So whatever was on that list, he
adhered to. So where Alex would
say, ah, you don't really need
that, the new building inspector
said, well, it says it right here;

you need it, you need it. So he
would just adhere strictly to it.

CHAIRPERSON SALADINO: And
just off the top of your head, do
you remember when George was
hired, the new building inspector,
the date he was hired? Do you
kind of know a ballpark?

MR. MAZZAFERRO: I think
December.

MR. MURRAY: December 10th.

CHAIRPERSON SALADINO: I
don't want to guess because we're
on television.

CLERK NOONE: It would be a
guess. It would be a guess.

MS. MOORE: Early December,
right?

CLERK NOONE: I don't --

MS. MOORE: I can't.

CLERK NOONE: I was getting
over my own health situation at
that time, so I was --

MS. MOORE: Okay.

CHAIRPERSON SALADINO: Do you
remember?

MEMBER NYCE: I don't.

MS. BRACKEN: Yeah, I just
wanted to say that it was the
physical application was different
than what appeared online. On the
Village website it had been
changed and updated. So perhaps
it wasn't that, you know, Alex
didn't abide by the same standards.

CLERK NOONE: Yeah, no dig at
Alex.

MR. MURRAY: It's a
completely different one.

MS. BRACKEN: It's brand new
compared to the one we've been
using for the last few years. So
that's what happened, yeah. I'm
just trying to explain why the gap
in this timeline where we're
saying why did it take so long to
get these things done? Why wasn't
there more -- why didn't this

hearing happen sooner? There was a lot of administrative things like that that took place.

CHAIRPERSON SALADINO: Thank you.

MS. MOORE: I don't want to rehash the presentation. So this is not -- I don't want to go over all of the standards all over again. I would disagree with Mr. Brennan's conclusions on the findings and your deliberations. I think you've sat on the Board long enough. You know what you have to do.

I think we've presented sufficient information to support our application and hopefully to grant the variances that we need so that we can move forward. So I thank you for your time.

CHAIRPERSON SALADINO: Do you -- thank you. Do --

MEMBER GORDON: Are we ready to close the hearing?

CHAIRPERSON SALADINO: I'm not sure. Well, I'm going to ask you guys. I made some notes here about a big part of Ms. Moore's narrative was about a particular building next door that no one knows if that building is code compliant. No one knows if that building was built with permits, without permits.

You know to be used as an example, I might want to ask the building department to maybe take a second peak and see if there is, in fact, a building permit; if there is, in fact, a ZBA variance for that building to be there. It would help me, on that particular question, see things maybe in a different light. But I'll ask my colleagues, what do you guys think? Do we want to close this public hearing? Do we want to give some other folks a chance to

1
2 speak, you know, next month? What
3 are we thinking.

4 MEMBER REARDON: Have we
5 addressed the pool yet? I know
6 this is for the structure, but
7 we're looking at a pool that's
8 within, you know, the -- that's
9 too close.

10 CHAIRPERSON SALADINO: I
11 don't remember talking about -- we
12 haven't talked about a pool. I
13 thought in the totality of this
14 application, the pool, I thought
15 they agreed to move it is what I
16 heard.

17 MS. MOORE: Yes, we -- I just
18 want to make it clear. We don't
19 want to prolong the appeal
20 process. We would like to keep
21 everything the way it is, but if
22 the Board says, well, you can make
23 it conform by moving it a little
24 bit, we are flexible --

25 MEMBER REARDON: Okay.

MS. MOORE: -- and we can make it 10 feet, which ultimately would push 5 feet towards the house. If that's something that the Board, addressing the variances -- it's really lot coverage. Lot coverage was already dealt with early on and that was part of the '23 application. That has not changed. Really it's a variance between the pool and the building. So if that needs to change, we're amenable.

MEMBER REARDON: Thank you.

MS. MOORE: Yeah, of course.

BOARD COUNSEL STOLAR: Just clarification on something. I'm looking back at some things. I think George started sometime around October or maybe just a bit earlier than that it looks like.

CHAIRPERSON SALADINO: Of?

BOARD COUNSEL STOLAR: October

of 2024.

MR. MURRAY: It wasn't.

MS. MOORE: If he was hired,
then he wasn't making contact with
anybody, so...

CHAIRPERSON SALADINO: We're
not going to comment on the
day-to-day activity of the
building inspector, the same way
we shouldn't be making comment
about the previous building
inspector.

So what happened with them and
what their mindset was or it's
been suggested that some people
had different systems, I don't
know. If he was here, we could
ask. But he's not here, so we
can't ask.

Right now the question is, do we
want to keep this open another
month, let some of the other --
I'm sure, in my experience from
what happened here tonight, which

is not controversial, not over the top, but other people see it and it raises questions in their mind.

So I don't have a preference if we keep it open. These things that were brought up I would like to know the answer to. If I don't have the answer, I have to assume since an attorney did do a search, the Village did do a search, I would have to assume they're not there. So there was never a variance and there was never a building permit. So the Village doesn't keep the best records, but it does keep records, you know, and this is not that long ago.

What was it, 2000 --

MEMBER NYCE: 2004, 2005, right?

CHAIRPERSON SALADINO: 2004, 2005.

MEMBER REARDON: I think he completed the building 2007.

MS. MOORE: Yeah, I only knew

from the aerials, so it was there
by 2007.

CHAIRPERSON SALADINO: And
that's another thing, an aerial
thing is like what? I don't even
know what I'm looking at. It's a
picture of a garage roof or, you
know? The decision we make here
could have repercussions and I
don't want to have to rely on
Google Maps to decide.

So what do you think, Diana? Do
you want to keep this open maybe
another month?

MEMBER GORDON: I'm in favor
of closing the hearing.

CHAIRPERSON SALADINO: Okay.
David, what do you think?

MEMBER NYCE: I'm trying not
to. Sorry, a little levity. I
take your point on finding out
next door, but I also agree if a
search was done and nothing was
turned up, I'm not sure we're

going to turn up anything between
a now and next month. I don't
know if holding it open another
month gains us anything.

CHAIRPERSON SALADINO: I just
wanted to gave the applicant a
fair share.

MS. MOORE: It's logistic, so --

MEMBER NYCE: So you're happy
for us to close it and deliberate
over it tonight as a opposed to --

MS. MOORE: Yes. I wanted
you to see what the property has
as surrounding properties. They
exist. That is the character of
the neighborhood. Those are the
standards you're reviewing. We're
not trying to beat up on our
neighbor. We don't care if he has
a permit or doesn't or whether he
has a variance or doesn't. It's
done of our business. The
building is there, you know?

CHAIRPERSON SALADINO: But to

use it -- I don't want to belabor this, but to use it in an argument, it should at least be clear to this Board that it's legal. If it's not legal and it's there at the whim of a neighbor and you're saying, well, he has it. Look at what he has and we -- you know, but --

MS. MOORE: No, but --

CHAIRPERSON SALADINO: -- perhaps he shouldn't have it is what I'm saying?

MS. MOORE: The point for -- when you are looking at the character of the neighborhood or the impact to the neighbor -- neighboring properties, when you have a building that runs along -- is two story and runs along the entire length of the back yard, it's there.

CHAIRPERSON SALADINO: No, I understand the process.

MS. MOORE: The Village doesn't keep very good records and I don't know if it got a variance or not. Again, the FOIL provided no information. It's not my judgment and at this point in 2007 it's been there now for how many years, almost 20 years, right?

CHAIRPERSON SALADINO: Yeah, but we all know to be grandfathered, it has to be legal to begin with.

MS. MOORE: Or not acting upon by the Village for 20 years. I mean, in fairness I think at a certain point --

CHAIRPERSON SALADINO: What you think there's a statute of limitations?

MS. MOORE: No, there's no latches or statute of limitations against the Village. I know legally that's not the case, however fairness does count, so.

CHAIRPERSON SALADINO: I'm

just, in my mind -- if you knew what was in my behind, you wouldn't be arguing for it because I'm just looking to give you guys a fair shake, to say, you know, well, it was there and they have proof that it was there.

And if it wasn't allowed to be there, it would have an entirely different argument. It would be that that building doesn't have the right to be there, so we can't count it towards the character of the neighborhood because it should have never been built to begin with. It's like the oil well in the backyard.

MS. MOORE: I can only report on the permits that I was able to find in the FOIL.

CHAIRPERSON SALADINO: This wasn't a question directed at you. It was a question directed to them.

MS. MOORE: Yeah, it's up to the Board if they want to consider it a preexisting or a nonconforming or illegal structure. The fact is it's there and it's going to remain there, at least I would imagine it would, so.

CHAIRPERSON SALADINO: Jack, what are you thinking?

MEMBER REARDON: I would close it now.

CHAIRPERSON SALADINO: Okay.

MEMBER REARDON: I think we've heard from everybody that we're going to hear from.

CHAIRPERSON SALADINO: Okay.

BOARD COUNSEL STOLAR: If it seems that's where the Board is going to be going, closing it, there's one point that I just want to note because we touched on it, but I want to make sure it's clear and that has to do with the HPC determination. There was

discussion during that hearing
where the applicant said that
we're not -- I think it was
Mr. Murray -- we're not taking the
barn down, I don't want you to
think we are. And then the HPC
chair stated they're only voting
on the work described in your July
1, 2024 application, which as
we've spoken about, just shows the
building renovations. Any other
changes or new projects that you
wish to make, you'll have to come
back in front of the HPC. I hope
that's clear, to which the
applicant responded, yes, it is.

MEMBER GORDON: And the
Certificate of Appropriateness,
which was issued --

BOARD COUNSEL STOLAR: Specifically
said --

MEMBER GORDON: -- was
specifically for that?

BOARD COUNSEL STOLAR: Right.

Similar to your decision, which was conditioned on compliance with the plans.

MEMBER GORDON: Yes. Thank you.

CHAIRPERSON SALADINO: Okay.

MEMBER REARDON: Ms. Moore, are those your words?

MS. MOORE: What? I'm sorry.

BOARD COUNSEL STOLAR: No, I think they were Mr. Murray's.

MS. MOORE: No, I wasn't present. Mr. Murray was there.

MEMBER REARDON: That was you, Dave?

MR. MURRAY: Yeah. At the time we were -- like, we tried to hold it up. That was our contention. So if I was intending to demolish it, I would have redesigned it because it's not that pretty of a building. I would have taken it and I --

CHAIRPERSON SALADINO: The

applicant is behind you making
faces at you.

(Whereupon, there was
crosstalk.)

MR. MURRAY: No, they would
agree with me. We would have
redesigned it if we thought we
were talking it --

MS. DAHLI: Yeah, like I
said, we thought we were taking a
lot of extra time and care and
expense to preserve the integrity
of that building. You know, what
it looks liked and the integrity
of the neighborhood.

CHAIRPERSON SALADINO: Could
I ask you a question and you can
answer or not, you know? Were you
aware of what, in total, what was
going on here this entire time?

MS. DAHLI: Yeah, I felt like
I was aware. I don't -- I think I
forget if you called me -- I'm not
a design architect or whatever

I'm supposed to be.

CHAIRPERSON SALADINO: Could you just talk to the Board?

MS. DAHLI: Yeah. I forget -- like I'm not staying like you said that negatively. I'm not an architect. I'm not an engineer. I'm not -- like we were aware --

CHAIRPERSON SALADINO: I'm not asking you about design process or what color you were going to paint the building.

MS. DAHLI: Oh, yeah.

CHAIRPERSON SALADINO: Were you aware of the problems your builder and your agent was having with the Village and the process involved with the previous building inspector and this building inspector and the no permit and --

MS. DAHLI: We just knew that there was an extended period of time where there was nobody in the

Village office. You know, and we -- I met George. I don't know if I understood it to the extent that you all have talked about it this evening, but I would say we were fairly informed. I guess I don't think we, on purpose, did anything wrong.

CHAIRPERSON SALADINO: Am I allowed to ask David a question?

MR. MURRAY: You can ask me anything you want, John.

CHAIRPERSON SALADINO: Under normal circumstances, if we were in an Andy's, I would agree with you. But here, for the television camera and for the official record and God know what happens next, I thought I would ask if -- did you let your client know that you were going to build that building without a building permit?

MR. MURRAY: Yes.

CHAIRPERSON SALADINO: Okay.

MR. MURRAY: Yes. I told them. Yeah, I told them that we were in line for the building permit. We should have had the building permit; we've gone through the whole process to get one, and there isn't -- there's nobody in the Village that can even look at a plan. There was nobody in the building department. So, yes, they knew.

CHAIRPERSON SALADINO: Well --

MR. MURRAY: They knew.

CHAIRPERSON SALADINO: In defense of the Village --

MR. MURRAY: John, you were the one that was yelling at the Board about this back in the time.

CHAIRPERSON SALADINO: Well, David, you know me for 25 years, that's what I do. I yell.

MR. MURRAY: But don't give in defense of the Village because you know it was what was going on

in the Village.

MEMBER GORDON: This is not
productive.

MR. MURRAY: I know. I
apologize.

CHAIRPERSON SALADINO: In
defense of the Village, there were
other people looking at plans and
-- yes, there was. There was two
consulting firms that the Village
had hired.

MR. MURRAY: I tried. I
tried meeting with them.

CHAIRPERSON SALADINO:
Anyway, we're going to close this
meeting. We all agree we're going
to close this meeting. I'm going
to make a motion that we close
this public hearing. So moved.

MEMBER GORDON: Second.

CHAIRPERSON SALADINO: All in
favor?

MEMBER REARDON: Aye.

MEMBER NYCE: Aye.

MEMBER GORDON: Aye.

CHAIRPERSON SALADINO: And
I'll vote aye.

Who would have thought? I'll
look at this agenda.

MEMBER NYCE: Mr. Chair, we
have in the past, as we
deliberate, can we reserve the
right to ask the applicant
questions during our deliberations?

CHAIRPERSON SALADINO:
Absolutely. Absolutely. If they
choose to answer.

MEMBER NYCE: If they choose
to answer, yes.

CHAIRPERSON SALADINO: What's
next? Marc Rishe is here.

MS. MOORE: Thank you, Marc.

CHAIRPERSON SALADINO: Item
Number 8 is a discussion and
possible motion on the area
variances applied for by Marc
Rishe for the property located at
426 Clark Street, Greenport, New

York 11944. The Suffolk County
Tax Map Number remains the same
and 1001-7-3-7. What are we
thinking about this, guys?

(No response.)

CHAIRPERSON SALADINO: Okay,
I'll talk. Marc, I apologize, I
have a problem with a six-foot
fence. You have an alternative.
You know, we're going to let you
put up hedges. I'd be willing to
compromise a little bit, perhaps
to maybe with the back fence. As
far as the deck, I think everybody
should have a deck.

MEMBER NYCE: Well, and I
think honestly in this situation,
he's required to have a landing
because it's over two steps. So I
mean, to make him lop off the two
feet to the one side --

CHAIRPERSON SALADINO: Well,
I'm just talking out of my head
anyway because I just failed to

re-notice that this has to be
30 feet.

MEMBER NYCE: Right.

CHAIRPERSON SALADINO: So he
would have to cut off a lot more
than --

MEMBER NYCE: Yeah.

CHAIRPERSON SALADINO: --
than three feet. Jack, what are
you thinking?

MEMBER REARDON: I think he's
good.

(Laughter.)

MEMBER NYCE: Marc, can I ask
you? Is it a substantial hardship
for you to use hedges, as opposed
to fencing at least on the 5th
Street side?

MR. RISHE: I would say I
could, in theory, add hedging on
the 5th Street side, but
considering there's existing, I
guess two different existing
hedging, I think that may make it

desk less desirable from a visual standpoint. You know, if you have to put new hedges with fully grown hedges. I get it that over time they'll grow in theory.

But, you know, yes, hedges could be installed on 5th Street. That would grow to a height, but you know, it would, you know, in the wintertime leaves fall off, privet, of course. And, you know, I hope that answers your question.

CHAIRPERSON SALADINO: Well --

MR. RISHE: And, again, there's an existing gate there, an existing gate there. So to maintain the gate, you wouldn't be able to put hedges in that gate area.

MEMBER NYCE: Understood --

CHAIRPERSON SALADINO: Why not?

MEMBER NYCE: -- but you could do a four foot fence --

CHAIRPERSON SALADINO: Why not?

MEMBER NYCE: -- with hedges

that are taller than the four foot fence and retain the gate and a gap in the hedge.

MR. RISHE: Right, but you'd have four-foot gate that you would see over.

CHAIRPERSON SALADINO: Which we see all the time.

MR. RISHE: No, understood. But, again, as I stated, this is the backyard of the property.

CHAIRPERSON SALADINO: Well, we have to consider if there's going to be an undesirable change in the neighborhood, you know, or the area or the nearby properties. I don't -- are there six foot hedges on a good many properties in Greenport? Absolutely. Are there six-foot fences in the front yard? Have we ever granted a variance for a six-foot fence in a front yard? I can't remember.

MR. RISHE: May I state I

know for a fact there are six-foot
fences in front yards in the Village?

CHAIRPERSON SALADINO: We're
not the zoning police. We don't
-- there might be, and if --

MR. RISHE: I'm just
correcting. You said there were
not, so I'm just --

CHAIRPERSON SALADINO: I just
said I don't know of any. That's
what I said. If you know of some
and you don't like them, the
building department is here. You
can make a complaint. And then
there wouldn't be a six-foot fence
in the front yard unless they
appeal to the Zoning Board and get
relief. So that's -- what are you
guys thinking? You think it's a
change in the neighborhood?

MEMBER GORDON: No. I think
it's perpetuating what exists in
the neighborhood. But I --

CHAIRPERSON SALADINO: Wait

wait, wait. There's other fences in the neighborhood that are six-feet tall?

MEMBER GORDON: No, no. I meant in that situation. I think the privacy considerations are fairly substantial. I live really around the corner and I've walked by and kind of looked at it and I also think I was slightly influenced by the resident who's not here now who said she lives directly across and that she's always regarded it as a benefit. That in this strange position of the house, there was the protection of the fence and it just -- it doesn't seem to be worth the change in the visual appearance to reduce it by two feet. I realize you could have the six-foot hedges, we talked about that. I'm not crazy about hedges anyway.

So I feel comfortable about the proposal. And as for the deck, that seems to me quite minor and understandable. Dave made the point about, as Marc did too, about the necessary landing. So I'm fine with both of these things.

CHAIRPERSON SALADINO: David, what are you thinking?

MEMBER NYCE: I have two problems with it. And I understand the situation as it exists. My first problem with it is that there's a six-foot fence that was put in improperly initially and then we're looking at that now as existing and precedent setting and I think that's problematic. I also think that there is an alternative available to realize the same privacy without having a six-foot fence where one is not allowed.

I don't have the same problem a

six-foot fence back along the driveway, realizing that that may be counterproductive to my own argument, but I don't see that the same as in the backyard as along 5th Street.

CHAIRPERSON SALADINO: That's reasonable.

MEMBER NYCE: But that, you know, that's my feeling on it. I just, I don't like the idea of something that wasn't permitted to be there -- and I understand that's what we're here to do is to grant relief from, but there's clearly ongoing, other than hedges or greenery, taller than four feet in people's front yards. The Village has pretty clearly stated that they don't want that. And I think you can realize that in a different manner. So that's sort of my feeling on it.

CHAIRPERSON SALADINO: Jack?

MEMBER NYCE: He already gave
the two thumbs up, man.

MEMBER REARDON: I want to
refine my thumbs up. I think
between the driveway and the
beginning of the gate, what's --
the six-foot deal would be
probably visually blocking and
could be acceptable. I am a hedge
person, so believe it or not, a
four-foot fence and ten-foot hedge
would be perfectly acceptable to
me on the house side of the
backyard gate.

However, that's not the
situation now. What do you got, a
six-foot fence there now and you
want to keep it, and you got that
ugly hedge and you want to keep
that too? Okay, that's your choice.

MR. RISHE: I can take it
down if you want.

CHAIRPERSON SALADINO: I kind
of agree with David. I honestly

don't have a problem with the deck. I don't think the deck is that big a deal. We're going to go through these questions, just in our discussion. We're not going to vote on these five questions yes or no. We're just going to talk about them a little bit and then vote at the end after we talk about this.

And the fact that Reeves put that fence up illegally, to me, you guys know that I kind of look at the code as it was written. You know, to just say, well, I'm putting a fence up and I don't care if it's in the front yard or six-foot. And then for the next guy to say well, the other guy put it up. I don't have to take it down. It's going to cost me money, I'm sure the price of new fence or cutting the old fence is nothing compared to the price of

the house and renovation. So to
me that really doesn't hold water.

So I wouldn't be inclined to --
I'm willing to compromise with the
six-foot fence next to the
driveway because the fence is
what, like three inches wide? And
if you put the fence facing east
and west, somebody doesn't even
see that fence. So I would be
willing to compromise with that.
But along the side of the house,
along 5th Street, I don't think
so. I would be only skinning ya
if I said I was.

MR. RISHE: Can I ask a
question? Stand up?

CHAIRMAN SALADINO: You can
ask. You don't have to get up.

MR. RISHE: So not to stir
the pot and I know that this is a
question for the attorney, I'm
sure the burden of proof is on the
applicant, but unfortunately she's

not here, but the neighbor that spoke before said she's been looking at the same view for 37 years. So who specific -- so that would indicate to me that that fence or perhaps something like it has been that way for perhaps longer than we've discussed and there wasn't really any discussion about preexisting nonconforming before we just all assumed it was installed recently prior to my purchase. So I'm just curious who's burden of proof is it to confirm that that's not preexisting?

CHAIRPERSON SALADINO: I'm going to answer. The attorney doesn't have to answer this. I'm going to answer. If we use a mathematical equation, she said 37 years. The code has been in effect since 1971. And also from my own personal experience that I

live very, very close, I kind of
know when that fence went up.

MR. RISHE: I understand --

CHAIRPERSON SALADINO: So if
you want to make than an issue --

MR. RISHE: No, I'm just
asking --

CHAIRPERSON SALADINO: Or if
you want to stir the pot a little
more, we can certainly do that.

MR. RISHE: I'm actually just
-- I'm just trying to clarify
because, you know, I understand
the math doesn't work out, but she
said she's lived there for 37
years. So who's to say the prior
owner didn't live there for
50 years and witness it. I can't
speak to it because I wasn't there.

MEMBER NYCE: I see your point.

CHAIRPERSON SALADINO: Also making a
visual observation of the fence.
We know that fence is not 60 years
old just from looking at it.

MR. RISHE: Perhaps it was replaced in kind at some point more recently.

CHAIRPERSON SALADINO: Okay.

MEMBER NYCE: It wasn't.

CHAIRPERSON SALADINO: We know. So now we're going to decide whether the benefit sought by this applicant can be achieved by some other method. I think we've all decided that it probably could be, you know? Right?

MEMBER GORDON: I guess so.

CHAIRPERSON SALADINO: Well, I mean, you could always build a shorter fence; cut the fence that's there.

MEMBER GORDON: We're now discussing only that one of the variances, not the deck. I just want to be sure we keep things --

CHAIRPERSON SALADINO: Yeah, you could interject anything you want. You can say anything you

want.

MEMBER GORDON: No, I just want to -- we're adopting a sort of new piece of the process, which is not to use the yes/no, approach to the questions. And it seems to me that we have two different variance requests and that we should be separating our little analysis of the questions for the two variances.

CHAIRPERSON SALADINO: I think depending on the variance, some variances require more discussion than others. So depending on the variance, whether it looks like one variance -- like in this case, there's two variances. One variance might be a little controversial among the members of the Board, there might be a slight difference of opinion between the members of the Board, and the other variance, it seems,

isn't.

So the second variance doesn't deserve the same kind of discussion or scrutiny than the first one because I'm sure the applicant wouldn't be upset by the decision of the second -- this Board's decision with the second variance. So if you want to get into the weeds about it --

MEMBER GORDON: No, I don't want to get into the weeds. I just want to say do them one at a time and it sounds like we will have 30 seconds on the deck question.

BOARD COUNSEL STOLAR: If I might, just your discussion already, your deliberation, already went through the criteria. You've already considered the factors. So you don't need to necessarily break them up and go through it the way you're thinking about doing it now. And it sounds

to me, like with respect to the deck, you have at least three members who are in favor of approving that.

With respect to the fence, it seems that nobody's on the fence. You're at two/two, which means you can't render a decision on that tonight. So my recommendation would be that, at this point, unless you think that the vote would be different with respect to the fence, just vote on the deck and continue deliberations next month, allow Seth to jump in.

MEMBER GORDON: May I ask you a question?

BOARD COUNSEL STOLAR: Sure.

MEMBER GORDON: It's always a nuisance when there are four and there's the possibility of a tie. It's hard on the applicant. It's sort of hard on us. Is it not -- if we have a potential tie and one

person decides it's not worth it
to --

BOARD COUNSEL STOLAR: You
need three votes no matter what.

MEMBER GORDON: Okay, but I'm
wondering if it is risky thinking
of, you know, some -- maybe not in
this case, but in general, is it
risky to make a change from an
apparent tie to a three-to-one
vote that pushes the thing through?

BOARD COUNSEL STOLAR: If the
sense during your discussions
results in three people being, you
know -- I mean, you can vote now.
There's been enough said. You can
vote now on the fence too. And if
it turns out that it's a two/two
tie, we'll just wait until next
month until we get a fifth member
so we can break the tie.

MEMBER NYCE: Can I vote twice?

(Laughter.)

CHAIRPERSON SALADINO: Just let it go.

Whatever the outcome is, the outcome is. There's no compromise.

MEMBER GORDON: Well, you know, I don't feel very strongly about this and I think moving forward is important. So if there were to be a two/two tie, if I voted for the variance and two other people voted against it, and I don't know about third person, I would not uncomfortable in changing my vote. I want to make sure that that doesn't -- you know, that doing that doesn't risk any future challenge by New York State Courts.

CHAIRPERSON SALADINO: I don't -- I could say with a reasonable amount of certainty, I never made an even money bet in my life, but I'll bet that there's no one in this room right now going to challenge the decision for this application.

MEMBER GORDON: I'm sure
that's right.

CHAIRPERSON SALADINO: I'm
almost positive.

MEMBER GORDON: I am sure
that's right.

CHAIRPERSON SALADINO: But I also --

MEMBER GORDON: But you're
talking about precedent setting
and we're --

CHAIRPERSON SALADINO: You
also forget -- well, you're taken
if two members vote, three members
vote, two members vote --

MEMBER GORDON: But maybe we
don't have that situation anyway.
Yeah. Yes, yes, a strong vote.
And find out, maybe we don't have
a two-to-two situation.

CHAIRPERSON SALADINO: I just
don't see the problem if there is.
There's going to be another member
next month. We'll hold the vote
again and it will be impossible to

have a tie.

MEMBER GORDON: Well, I'm
thinking --

CHAIRPERSON SALADINO: That's
the process.

MEMBER GORDON: I'm thinking
about the interests of the
applicant in moving forward in how
much time it takes to do all this
stuff.

CHAIRPERSON SALADINO: I'm
going to make a motion that the
Zoning Board of Appeals declares
itself lead agency for the
purposes of SEQRA. So moved.

MEMBER NYCE: Second.

CHAIRPERSON SALADINO: All in
favor?

MEMBER REARDON: Aye.

MEMBER NYCE: Aye.

CHAIRPERSON SALADINO: Aye.

MEMBER GORDON: Aye.

CHAIRPERSON SALADINO: And
I'll vote aye. This is a Type II

action, so there's no further action necessary. I think we should just vote. We should just vote. We should vote on the approval of the deck or the disapproval of the deck, and the approval of a six-foot fence in the front yard --

MEMBER GORDON: Together?

CHAIRPERSON SALADINO: We'll do it separately. If that's what makes you happy, we'll do it separately.

MEMBER GORDON: I'd like to do is separately.

CHAIRPERSON SALADINO: Then that's not a problem.

All right, I'm going to make a motion -- I have to put my glasses on for this. I'm going to make a motion that the application for 426 Clark Street, to approve -- wait, where's the --

BOARD COUNSEL STOLAR: The

setback for the deck? Is that the motion?

CHAIRPERSON SALADINO: Yeah, but where is the --

BOARD COUNSEL STOLAR: Front yard setback of 8 -- it will be 8.3 where 30 feet is required.

CHAIRPERSON SALADINO: That this Board approve the proposed front yard setback of 8.3 feet where 30 feet is required. Therefore, we're going to grant a 21.7-foot variance. Is that right, 21.7-foot variance? So moved.

MEMBER NYCE: Second.

CHAIRPERSON SALADINO: Jack?

MEMBER REARDON: Yep.

CHAIRPERSON SALADINO: Yep?

MEMBER REARDON: (Indicating.)

CHAIRPERSON SALADINO: Thumbs up. David?

MEMBER NYCE: Yes.

CHAIRPERSON SALADINO: Dinni?

MEMBER GORDON: Yes.

CHAIRPERSON SALADINO: And
I'll vote yes.

The next thing we're going to
vote on is that no fence or wall
on the required front yard shall
have a height greater than four
feet. The code provision is
150-13(F)(1). I'm going to make a
motion that we grant --

MEMBER GORDON: The applicant --

CHAIRPERSON SALADINO: That
we grant a -- well, he didn't word it.

MEMBER GORDON: The applicant's
request?

CHAIRPERSON SALADINO: Well,
I -- and I apologize, folks. I
know I'm dragging this out. I
know how I'm going to vote and we
have a new system here where if
the vote is going to be in the
negative, I phrase it in a
negative. But I don't want to
phrase it in a negative to make it

sound like -- I'm going to make it
that --

I'm going to make a motion that
the Zoning Board of Appeals deny
the request for a six-foot fence
in the front yard of 426 Clark
Street. So moved.

MEMBER NYCE: Second.

CHAIRPERSON SALADINO: Jack?

MEMBER REARDON: I'm going to
vote no on the motion, which is a
yes on the existing fence and bushes.

CHAIRPERSON SALADINO: Okay.
David?

MEMBER NYCE: I'm going to
vote yes.

CHAIRPERSON SALADINO: Dinni?

MEMBER GORDON: (No response.)

CHAIRPERSON SALADINO: I'm
going to vote yes. Dinni?

MEMBER GORDON: (No response.)

CHAIRPERSON SALADINO: You
could always say I don't know.

MEMBER GORDON: No, I can't.

No, I can't. I'm going to vote yes.

CHAIRPERSON SALADINO: Okay,
your information will be at
Village Hall. The decision will
be at Village Hall in whatever the
time described is, 5 days, 10
days, 20 days, whatever it is.
Moving on.

MEMBER NYCE: Take care, Marc.

CHAIRPERSON SALADINO: Item
Number 9, 625 1st Street, is a
discussion and possible motion on
the area variance as applied for
Patricia C. Moore on behalf of
Beth and David Dahle for the
property located at 625 1st
Street, Greenport, New York 11944.
And, again, the Suffolk Tax Map
Number is 1001-2-6-35.

I have to be honest with the
applicant, I think we're going to
have a little more of a discussion
than the last application. I
can't promise that we're going to

vote on this tonight, but we'll have a discussion here and then the members will decide if we're going to vote on or not.

For the public, we have 62 days to make a decision. It's never taken us 62 days, but maybe tonight might not be the night to vote. What are you thinking, Diana?

MEMBER GORDON: Well, I feel very strongly that the building permit is very important. It's mandatory, but it's mandatory not only for the immediate benefit of the applicant, it's important as a kind of statement about a fundamental area of the order of land use in this Village.

And so for me, the fact that the building permit -- that work began without a building permit, even though it had to be put off for a few months, I mean, I don't see why putting it off for a few

months justifies the movement to start doing the work anyhow.

I mean, I really feel very strongly about the -- about reinforcing -- and it's partly also because I have heard from two other people in the last six months that, oh, well, we waited and we waited and we didn't get our building permit, so we -- in one case, we built the fence anyway; in another case we're doing our little mud room thing. And, you know, I just feel that the building permit is our sort of fundamental public land use statement about what we value.

And so I feel -- I sort of feel as though I don't even need to get to the variances. I feel so strongly that we must be -- we must take a real stand about getting building permits, however inconvenient, is my view.

CHAIRPERSON SALADINO: David,
what are you thinking?

MEMBER NYCE: My thoughts are
not fully formed yet. There's a
lot in this, right? And having
worked on both sides of this
issue, I understand both sides of
it. While I understand -- Diana,
I understand your point, there's
also a responsibility for the
municipality to supply those
permits in a timely manner.

MEMBER GORDON: Sure.

MEMBER NYCE: And to have
people available to -- this is not
directed at you, Mike. There's a
period of time where we only had
only a part-time building
inspector and, at some point, you
know, anecdotally, none at all.
And I'm saying this not knowing
all the inner workings, so these
are just my thoughts off the top
of my head.

Okay, in no way am I throwing the Village under the bus, but there is some culpability there. If you know that you're going to have an absence of a position of that importance, there are methods to have coverage. I will tell you when I worked across the street, we had a -- in Southold Town, to have a building inspector step in if needed.

MEMBER GORDON: From the town?

MEMBER NYCE: Yes. It's still state building code. It's the zoning that's different. The building codes are essentially the same. We never actually did, but the arrangement was there. And, again, I'm not -- none of my comments should be taken as I know what the situation was. I'm just sort of projecting a little bit.

The other thing that's concerning to me though is that

there was clearly preliminary work being done over the course of the summer leading up to the autumn. So to not know what was coming -- and, again, I don't know how responsive the building department was. I just don't, I don't see -- there's no real clear -- I don't have a clear thought at this point. I think there's -- it's wrong on a lot of levels.

CHAIRPERSON SALADINO: Well, we have a lot of time to ponder it. You know, I said it, I'll say it again, we really don't have to make a decision about this tonight. We can kick it around and then ponder it some more. I know the folks over there don't like that answer, but, I mean, to be fair, to give it the consideration it deserves, I --

MEMBER GORDON: But is it an alternative avenue to just be, you

know, getting reassurances from the contractor, oh, it's going to happen? Is that an alternative avenue to the building permit? I don't think so.

CHAIRPERSON SALADINO: Oh, I agree with you 100 percent.

MEMBER NYCE: No.

CHAIRPERSON SALADINO: I don't think there's any question in anybody's mind here, except the applicants, that the process was usurped. You know, the applicant, the builder, the attorney have a different opinion than I think most people that have watched this, most people that have participated.

You just can't, you just can't do it. You just can't say, well, I had to do it and I did it, and so be it. I am totally opposed to that. Now the question comes up, what do we do about it? I don't

know. You know, this balancing test, we talk about these questions in the balancing test. The easiest one was, was it self created? Was the hardship self created? In my mind absolutely.

Is the requested area variance substantial? I mean, some people questioned the speaker's math. I didn't need the math to tell me. I know what's in my mind about what's reasonably tailored relief, and a lot of this stuff -- if this applicant on a vacant piece of property behind their home came to this Zoning Board to build this building, I seriously doubt that this relief requested would be granted. I seriously doubt that.

If it was a new house on a new lot and the applicant wanted a different guy to build a barn for them and these are the dimensions and where they wanted to build it

and obviously it would be denied by the building department and it came here on appeal, I can't see myself voting for this.

But then you say well, John, you know, it was there. Yeah, but now it's -- then it wasn't there. We read the code three times. Some people have a different opinion of what those words mean. I don't. In my mind they're clear as of now.

MEMBER GORDON: And we're getting the application for something called the new barn and it's asking with a setback of 5-foot, 5 feet on the west lot line to reduce that amount by 90 percent.

CHAIRPERSON SALADINO: So that would go to another question in our balancing test, do you think that's substantial? Do you think that variance is, in your mind, substantial.

MEMBER GORDON: Of course.

CHAIRPERSON SALADINO: I know
if my mind it is. What about you
guys? What do you think?

MEMBER REARDON: It's a very
relative kind of thing. I feel
like I'm pulled into this black
whole, this chasm, that's been
created by two sides, one that was
very active, one that was
inactive, and the chasm got bigger
and now we're looking at that as
the result.

And, you know, I heard a lot of
people talk today. Not a single
person proposed a solution.
Obviously I know what your guys
solution is, just finish it. But
you're listening to what we on the
committee have to uphold and to
have -- let me say that nothing
that I say is personal. This is
my interpretation of the
professionalism, of my

professionalism and yours, but
there was a lot of time that went
back and discussion that went by
that a team of your capacity --
and I wish I had your team on my
side -- I would like to say could
a have forged through and found
some open ear at Village Hall.

And then I reached this chasm
where, oh, there's maybe nobody
there sometimes or most of the
time. So I don't have the answer
right now unless somebody's -- I
mean, I got two potential answers:
Tear it down or do something else
to make it fit right, you know?

In our minds that's kind of a
relative thing, make it fit right.
It could be a financial fit right,
it could be something else. And,
you know, I look at it you, if you
got to tear it down, you probably
invested 50 or 60 thousands at
this point. That's a nut. And

nobody wants to see anybody in the Village have that kind of hardship. Certainly I don't because everybody's there at some point.

So let me just pose a sort of theoretical question to you guys, to you five. Let's just say the question is okay you can't finish it. So what's the remedy in your eyes?

MS. DAHLI: I don't know. I would want to talk to my husband about that.

MEMBER REARDON: Nobody is going to hold you. I just want to hear some ideas.

MS. DAHLI: I don't know. We talked about reconfiguring the pool if that makes you more comfortable.

MEMBER REARDON: The pool has nothing to do with this.

MS. DAHLI: I will tell you,

we haven't really thought about what we would do with the barn. Because if you told us we had to stop and do nothing, then, you know -- you're not going to make me tear it down tomorrow.

CHAIRPERSON SALADINO: We don't have the right, if I understand our role and our authority, we don't have the right to tell you tear it down. This Board doesn't have the right to tell you that. All this Board has the right to do is rule on these variances.

MS. DAHLI: Okay.

CHAIRMAN SALADINO: If they're approved, the building gets finished and stays up and --

MS. DAHLI: Okay.

CHAIRPERSON SALADINO: -- gets painted whatever color.

MS. DAHLI: Okay.

MEMBER REARDON: Let me say,

I didn't tear it down. I meant to --

MS. DAHLI: But no what's if
I don't get approved, then what?
We keep the ugly blue wrapped barn?

CHAIRPERSON SALADINO: No. I
don't -- I can't speak --

MS. MOORE: Can I --

CHAIRPERSON SALADINO: Wait.
Just if I could finish. I can't
speak for the Village on that
issue.

MS. DAHLI: Okay.

CHAIRPERSON SALADINO: But
I've been around long enough to
know that when it goes to a code
enforcement officer, when this
decision goes to the Village and,
for argument's sake, it's in the
negative and it goes to the
Village, he looks at it now and
says, well, that building doesn't
have the right to be there.

MS. DAHLI: Okay.

CHAIRPERSON SALADINO: So he

has the right to tell you to tear
it down.

MS. DAHLI: Okay. So what I
would say is I don't know enough
right now to answer your question.

CHAIRPERSON SALADINO: I
don't remember asking a question.

MS. DAHLI: I answered a
question --

MEMBER REARDON: I would like
to take one step back. Tear down
was not --

MS. DAHLI: You asked me. I
would tell you I don't know enough
right now.

MEMBER REARDON: I didn't
mean tear sown from top. I mean,
well, okay, so you're two and a
half feet short here. Okay, so
you're going to move -- you're not
going to move the building.
You're going to rebuild a wall
within the required setback and
you're going to rebuild another

wall within the required setback.

In essence, changing two sides of the structure significantly, which could possibly lead to a tear down.

MR. MURRAY: That would be a tear down.

MS. MOORE: Okay. Now, the engineer --

MR. MAZZAFERRO: I would make a comment in general. The one thing that got said and this goes to what Dinni was saying and what John was saying, the process of obtaining a permit was not like usurped in its entirety. It did get filed. What was the date, Mary, that we filed it?

MS. BRACKEN: Um...

MR. MAZZAFERRO: I don't remember the date.

MS. MOORE: July I think.

MR. MAZZAFERRO: But it did get filed and it did get bounced to HPC and it did get approved

with HPC, so we did start the process. And if I'm not mistaken --

CHAIRMAN SALADINO: For a different application.

MR. MAZZAFERRO: What's that?

CHAIRPERSON SALADINO: For a different application.

MS. MOORE: No, no.

MR. MAZZAFERRO: -- let's put myself in that timeframe for a second. Let's stay in two thousand -- what year?

MS. BRACKEN: July of '24.

MR. MAZZAFERRO: Okay. So now in July 2024, we file this; Dave and Mary go to historic, they get it approved. And if I'm not mistaken, the Village permit form that got filled out that lead this to go to historical, on the bottom of form it says, please be advised that it could take four to six weeks to get a response from the building department.

The new form, I just checked it, no longer says that. But I know for a fact that the original building department form gives the applicant an expectation that somewhere between one month and two months they'll get a response from the building department. So we got one. We went to HPC and got cleared and we came back. No response.

Let's just say, hypothetically, that we did get a response right away and the building department said, oh, wait a minute, even though you got this cleared, this building is in violation of the setback distances. If they had told us initially right away and we had come here on day one with an HPC approval and asked you to replace a historic building in a historic manner in a historic spot, would the end result be

different?

Like are we really talking about -- like we're not changing this into a skyscraper. We're not changing this into any kind of different building than it already was. The interior is nicer, it's in the exact same spot, it is the exact same size. So what are we really talk -- are we really talking here about a process or are we talking about building a structurally sound building?

What are we really talking about? What are we granting, a process or the fact that the structure is there? Right? I mean, it's not like we're adding like anything different to the building that wasn't there before.

CHAIRPERSON SALADINO: So you're defense of what happened is oh, it's no big deal?

MR. MAZZAFERRO: No, not at

all, John. Not at all. My defense was -- but both parties have a responsibility, right? The Village publishes a thing on the bottom of the application that says, you'll get a notice within four to six weeks and then you never hear anything, even if you continue the process and it wasn't usurped. We tried to --

CHAIRPERSON SALADINO: Well, what's the recourse to that? Just push ahead? Just push ahead?

MR. MAZZAFERRO: No, we put content --

CHAIRPERSON SALADINO: You have an attorney. The attorney request can think of 27 different responses to that. The attorney, any attorney, could petition any -- we have a mayor that's available to anyone who involves himself in the process. I'm sure -- I'm sure --

MR. MAZZAFERRO: We kept
calling and got no answer.

CHAIRPERSON SALADINO: Let me
just finish. I'm sure --

MR. MAZZAFERRO: Look, I know
situations where the owner did
zero, okay? And I've been in
situations where people have asked
me -- my wife has a joke. She
bought me a thing called fixer.
Because I do so many of these
Southold Towns and here's how they
start out, legalize, attempt to
legalize, trying to legalize, all
the zoning.

And Pat sees me in there, right?
I don't get the clean ones. I get
the ones, oh, yeah, I finished my
garage, I finished my basement, I
did this, I did that, I did this.
I get them all the time. And
these people did absolutely
nothing to do all construction.

In this case I've been involved

with this project, what, going on two and a half years now? And we did try. It's not like we didn't do anything. It's not like we just said the hell with it, we're not doing anything. We kept going, trying and trying and trying.

CHAIRPERSON SALADINO: But you can't -- you can't --

MR. MAZZAFERRO: I'm saying there's a responsibility on both side and you can't just sit there and say you got to have permit before you do anything if you're not getting any responses from the building department. There's culpability on both sides.

BOARD COUNSEL STOLAR: If I might.

MR. MAZZAFERRO: That's all I'm saying.

BOARD COUNSEL STOLAR: If I might. We've gone way far afield.

The Board is not the enforcing agency.

CHAIRMAN SALADINO: I said that.

BOARD COUNSEL STOLAR: Yeah,
for a permit, for any
consideration, it was brought up
as a process as things were going
by the applicant, responded to by
the Board. In making your
determination, that is not what
you were going to consider, other
then to the extent that it could
effect whether they are entitled
to certain relief because they had
had a variance before or if
they're entitled to certain
nonconforming determinations, but
in and of itself, the lack of a
permit, not getting a permit, or
getting a permit or thinking they
got a permit, should not reflect
on your final decision as you move
this forward, except, again, as I
point out, as it relates to those
other factors.

CHAIRPERSON SALADINO: And I agree with you with that. The only reason a permit even comes into my mind is that the example that I used, the metaphor that I used, if this was a brand new build on a brand new piece of property and it went to the building -- someone went to the building inspector with those building plans in that particular area on that particular property, first of all, it would be denied. There would be a notice of disapproval.

It would come to this Board, and from my experience on this Board and from past practice of this Board -- I can't speak for -- I'm on the Zoning Board ten years. I can't speak to what happened on Zoning Boards prior to those ten years, how they voted, prior building inspectors. I don't know

anything -- I do know a lot about that, but I'm not going to comment about it.

I would look at this -- regardless if there was an application for a building permit or not, I would look at this strictly at the variances and with a new build, probably not look at them in the best light. That's where my head is at when it comes to was there a building permit or not a building permit.

As far as the builder's attitude, you know, that's -- or the applicant's attitude towards getting a building permit or going forward without a building permit, that's for a discussion for a different day. I'm going to make a suggestion to the members. I think we have a lot more to talk about. I'm going to suggest maybe we vote on this next month. We

have a little more thought, think about it, and vote on it next month. Like I said we have 62 days to make a decision.

MEMBER NYCE: I don't have a problem with that. I would like to state though, I take your point and I take that the rules are there and should be followed. The fact of the matter is, in this case, the building did exist and I understand it was taken down improperly, but...

CHAIRPERSON SALADINO: I don't have a problem them taking it down without a permit. If it was going to fall down, I would rather see them pay a fine or get yelled at or get smacked around for taking the building down if it was going to fall on somebody. I don't have a problem with that at all. I have a problem with moving forward and saying, ah, we'll just

build it again. You know, I'll make some excuse that it's on the same property, it's the same thing, the same building, we'll make it look just like it, and we're going to put it there. I have a problem with that.

MR. MURRAY: We had the huge foundation done already, John.

CHAIRPERSON SALADINO: Foundation means nothing, David. You know that. When it comes to a new building --

MR. MURRAY: It was \$30,000.

CHAIRPERSON SALADINO: What?

MR. MURRAY: It was \$30,000.

CHAIRPERSON SALADINO: And this Board should take that into consideration?

MR. MURRAY: To get that foundation corrected, it was \$30,000.

MR. MAZZAFERRO: Including the jacking the building?

MR. MURRAY: Yeah, including
the jacking the building.

CHAIRPERSON SALADINO: And
what does that have to do with --

MR. MURRAY: I'm just saying,
it's not -- we did all of this
foundation work before we took it
down. So to move that foundation
now, to say, oh -- that's why we
continued. We did it -- we wanted
to do it exactly as historic --

CHAIRPERSON SALADINO: Well,
since you brought up a dollar
figure, to move the -- to take two
feet off of one -- two and a half
feet off of one side and five feet
off the other side and build a
code-compliant building that's
15 feet tall, how much would that
have cost?

MR. MURRAY: Well, I'd have
to remove all the edges of the
footings. I might as well take
the whole foundation down.

CHAIRPERSON SALADINO: Why is that? It's a slab. Listen, I don't want to get --

MR. MURRAY: I'm just saying you would have to remove all the foundation to cut it because that's where your footings are.

CHAIRPERSON SALADINO: I'm just telling you how --

MR. MURRAY: I get it. I understand. I just wanted to let you know when you're at the foundation stage, you're at a major stage of the project. When you have the rest of the building up --

CHAIRPERSON SALADINO: I thought the building was on a slab.

MR. MURRAY: (Nodding.)

CHAIRPERSON SALADINO: No? The building is not on a slab?

MR. MURRAY: It was little --

MR. MAZZAFERRO: There was a slab and there was a brick foundation around the perimeter.

So the slab remained and then we jacked the building up. The bricks were like -- there was a brick footing -- that all came out and we put a concrete one back in. We have the picture if you want to see it.

CHAIRPERSON SALADINO: David, you're okay. Jack, what do you think about maybe putting this off for a month?

MEMBER REARDON: I think that's a good idea. I'd love to go to sleep for another month.

MEMBER GORDON: I'd like to ask Brian just to repeat, maybe it's repeating or explaining, you are saying that because this is a new application, the consideration of the failure to get a building permit prior, in chronological terms to this application, is irrelevant in the decision we make? That the only thing that's

relevant then is what has -- what is being proposed that is a set of variances determined, as appropriate for application, after you finally did get -- they finally did get a permit; is that what you're saying.

BOARD COUNSEL STOLAR: You have to look at it -- once you get to the variance part of it, you have to look at it from the criteria, the five factor test, balancing benefit versus detriment.

MEMBER GORDON: Right.

BOARD COUNSEL STOLAR: To the extent that somebody did the work in advance, that can't be supported for -- you know, you can't provide support for their position, but it's not something that, by itself, should result in your reaching a conclusion that it should be denied, for instance.

CHAIRPERSON SALADINO: Well,
it goes towards the fifth
question, you know?

BOARD COUNSEL STOLAR: Yeah.

CHAIRPERSON SALADINO: It
goes towards one of the questions
in the balancing act, the
balancing test. You know,
normally on area variances, we
kind of overlook that, but
occasionally it comes up that that
turns out to be an important
question. But I'm going to
officially tell you guys we're
going to put this -- put a pin in
this. We're going to talk about
it, not before the public hearing,
not before next month, not among
ourselves, we don't want to do.

MS. MOORE: You're going to
come back and talk about it on the
record, correct?

CHAIRPERSON SALADINO: Absolutely.

MS. MOORE: Yeah, that's how

I'm understanding.

CHAIRPERSON SALADINO:

Absolutely. We don't want you to think we're going to do anything secret at Andy's, you know? So having said that, that after telling my wife I'd be home at 8:00 for dinner, Item Number 10 is any other Zoning Board of Appeals business that might properly come before this Board? Anybody got a question?

(No response.)

CHAIRPERSON SALADINO: No?

Thank goodness. And item number 11 is a motion to adjourned. So moved.

MEMBER NYCE: Second.

CHAIRPERSON SALADINO: All in favor?

MEMBER REARDON: Aye.

MEMBER NYCE: Aye.

MEMBER GORDON: Aye.

CHAIRPERSON SALADINO: And

2 I'll vote aye.

3 (Whereupon, the Zoning Board
4 of Appeals meeting was adjourned
5 at 9:30 p.m.)

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my
hand this 28th day of July, 2025.



REBECCA WOOD