

1 VILLAGE OF GREENPORT
2 COUNTY OF SUFFOLK : STATE OF NEW YORK
3 -----x
4 ZONING BOARD OF APPEALS
5 REGULAR SESSION
6 -----x
7 Station One Firehouse
8 3rd & South Streets
9 Greenport, NY, 11944
10
11 August 19, 2025
12 6:00 p.m.
13
14 B E F O R E:
15 JOHN SALADINO - CHAIRMAN
16 DINNI GORDON - MEMBER
17 SETH KAUFMAN - MEMBER
18 DAVID NYCE - MEMBER
19 JACK REARDON - MEMBER
20 *****
21 ALSO IN ATTENDANCE:
22 BRIAN STOLAR - ZONING BOARD ATTORNEY
23 MICHAEL NOONE - CLERK TO THE BOARD
24
25

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

5 Item Number 1 on our agenda
6 tonight is a motion to accept the
7 minutes of the July 15, 2025 Zoning
8 Board of Appeals meeting. So moved.

9 MEMBER GORDON: I want to speak
10 about that. They're not on the
11 website.

12 CHAIRMAN SALADINO: What's that?

13 MEMBER GORDON: The minutes of the
14 July 15th meeting are not on the
15 website. And, in fact, I wanted to
16 check something. So does this mean --
17 nobody else is concerned about it? I
18 mean, I'm willing to accept them if
19 everybody else has read them and feels
20 comfortable.

21 CHAIRMAN SALADINO: You could
22 always say no, if you want.

23 MEMBER GORDON: I just want to
24 note for the record, I have not read
25 the minutes. I wanted to read the

1 minutes and they're not on the website.

2 CLERK NOONE: I sent them out.

3 Did I not send them --

4 AUDIENCE MEMBER: As a resident, I
5 wanted to read the minutes and they
6 weren't on the website.

7 CHAIRMAN SALADINO: I'll apologize
8 for the Building Department for not
9 sending the minutes out on the website.
10 I reviewed the videotape, so I was
11 content with what happened at that
12 meeting. I didn't give it much
13 thought, but as far as this agenda item
14 is concerned, we could vote no, not to
15 accept them.

16 ATTORNEY STOLAR: Well, it
17 wouldn't be not to accept, but not to
18 take any action today if you want until
19 they're up on the website, that's fine.
20 Were they circulated?

21 CLERK NOONE: They were circulated
22 to all the members, the members got
23 them electronically.

24 ATTORNEY STOLAR: If you haven't
25 had a chance to read them or if you

1 expected to find them on the website
2 and review them from there, that's
3 fine, we could do it next time.

4 CLERK NOONE: Often they're not
5 posted on the website because they're
6 not approved, so.

7 MEMBER GORDON: They're usually
8 for the next meeting. I'm sorry, I
9 didn't mean to make this an issue, but
10 I thought if everyone else has read the
11 minutes, comfortable with it, I'm
12 perfectly fine with accepting the
13 minutes.

14 CLERK NOONE: I feel okay --
15 comfortable not posting them
16 considering that there is a video feed
17 of the entire meeting.

18 MEMBER GORDON: Okay, fine.

19 CLERK NOONE: But in the future,
20 I'd be happy to post the meeting.

21 CHAIRMAN SALADINO: Okay. I'm
22 content putting a pin in this agenda
23 item until the minutes are posted on
24 the website. I've read -- I watched
25 the videotape, so I'm content in

1 knowing what happened at the last
2 meeting. But I'll make a motion that
3 -- I'll make a motion to accept the
4 minutes of the July 15, 2025 Zoning
5 Board of Appeals meeting. If we want
6 to --

7 MEMBER GORDON: So you made a
8 motion, second, I second.

9 CHAIRMAN SALADINO: Well, that
10 would mean that we're accepting them.
11 If we want to make an amendment to
12 that, say wait to accept this until
13 next month or until the minutes are
14 posted on the website, we can do that.
15 We can do anything we want as far as
16 this agenda item. What would -- what's
17 the consensus of the Board?

18 MEMBER NYCE: I scanned the
19 minutes, they seem fine.

20 MEMBER REARDON: I would say don't
21 second the agenda item and move onto
22 Item 2.

23 CHAIRMAN SALADINO: Seth, what do
24 you think?

25 MEMBER KAUFMAN: We should accept

1 them.

2 CHAIRMAN SALADINO: Accept them?

3 MEMBER KAUFMAN: Yes.

4 CHAIRMAN SALADINO: Well, now
5 there's a conflict. Now we have to
6 call a vote.

7 ATTORNEY STOLAR: You need a
8 second, if you're going to call a vote.

9 MEMBER GORDON: I did second.

10 CHAIRMAN SALADINO: She did
11 second. All in favor?

12 MEMBER NYCE: Aye.

13 CHAIRMAN SALADINO: Jack?

14 MEMBER REARDON: Aye.

15 MEMBER GORDON: Aye.

16 MEMBER KAUFMAN: Aye.

17 MEMBER GORDON: Sorry, folks.

18 CHAIRMAN SALADINO: And I'll vote
19 aye. That was an elaborate solution to
20 an almost nonexistent problem.

21 Item Number 2, motion to schedule
22 the next Zoning Board of Appeals
23 meeting for September 16, 2025 at 6:00
24 p.m. at the Station One Firehouse,
25 Third and South Street, Greenport, New

1 York 11944. So moved.

2 MEMBER KAUFMAN: Second.

3 CHAIRMAN SALADINO: All in favor?

4 (Aye said in unison.)

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

7 Item Number 3 is 426 Clark Street.
8 This is a motion to accept the findings
9 and determinations for Marc Rishe. The
10 property is located in the R-2 One and
11 Two Family Residential District and is
12 not located in the Historic District.
13 The Suffolk County Tax Map Number is
14 1001-7-3-7. Members have read the
15 findings? So moved.

16 MEMBER NYCE: Second.

17 CHAIRMAN SALADINO: All in favor?

18 (Aye said in unison.)

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

21 Item Number 4 is 616 Main Street.
22 This is a public hearing regarding the
23 application of Andrew McCulloch. The
24 applicant proposes to remove and
25 replace the exterior rear staircase

1 leading to the second floor and
2 construct a second floor deck. This
3 requires the following variances: To
4 permit a combined side yard setback of
5 16.5 feet where minimum of 25 is
6 required. The property is located in
7 the R-2 One and Two Family Residential
8 District and is also located in the
9 Historic District. The Suffolk County
10 Tax Map Number is 1001-3-4-4.

11 I'm going to ask the clerk, Mike,
12 was this posted in the newspaper?

13 CLERK NOONE: Yes.

14 CHAIRMAN SALADINO: I have -- for
15 the public, I have the mailings, this
16 is for 616?

17 CLERK NOONE: Yes.

18 CHAIRMAN SALADINO: I have the
19 mailings. If anyone from the public is
20 interested, I'll read them. If not,
21 the stenographer will have them, she'll
22 enter them into the record. Last
23 chance. Okay.

24 (*Mailings: John/Catherine, 2*
25 *Bethune Street, New York, New York*

1 10014; David Angevine, 630 Carpenter
2 Street, Greenport, New York 11944;
3 George Liakeas, 440 E 57th Street, New
4 York, New York 10022; 624 Main Street
5 Greenport LLC, 770 Highland Road,
6 Cutchogue, New York 11935; Cynthia
7 Cannell, 634 Carpenter Street,
8 Greenport, New York 11944; 13405 Main
9 Road LLC, 625 Calves Road, Southold,
10 New York 11971; Stirling Rentals LLC,
11 145 Schooner Drive, Southold, New York
12 11971; Patricia Hammes, 603 Main
13 Street, Greenport, New York 11944.)

14 CHAIRMAN SALADINO: Is the
15 applicant here?

16 CLERK NOONE: He wasn't expected
17 here.

18 CHAIRMAN SALADINO: Did we -- we
19 spoke to the applicant about he had a
20 trip scheduled?

21 CLERK NOONE: Yes.

22 CHAIRMAN SALADINO: Okay. For the
23 public, we're familiar with this
24 application, he was in front of this --
25 this property was in front of us last

1 month and the previous month. We
2 discussed the variances that were
3 required. The Board was content to let
4 the guy go on vacation this week. We
5 didn't want to hold him up another
6 month, so we decided to have the public
7 hearing. I'm not sure --

8 MEMBER GORDON: We paid a site
9 visit.

10 CHAIRMAN SALADINO: We made a site
11 visit last month.

12 MEMBER KAUFMAN: Two months ago.

13 THE COURT: Two months ago. We
14 made a site visit two months ago. I'm
15 going to ask the Board, what's the
16 pleasure of the Board, close this
17 public hearing?

18 MEMBER NYCE: Is there anyone from
19 the public?

20 CHAIRMAN SALADINO: I'm
21 overstepping my bounds here, but I'm
22 guessing no, but I'll ask. Is there
23 anyone from the public that would like
24 to speak at this public hearing? No.
25 What do we think?

1 MEMBER NYCE: Vote to close the
2 public hearing.

3 CHAIRMAN SALADINO: Seth, Dinni?

4 MEMBER KAUFMAN: Yes.

5 MEMBER GORDON: Fine.

6 CHAIRMAN SALADINO: Make a motion
7 to close the public hearing.

8 MEMBER REARDON: Second.

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

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

13 Moving on is 518 First Street.

14 This is a motion to accept the
15 application, schedule a public hearing,
16 and arrange a site visit regarding the
17 application of David Murray on behalf
18 of Donald Wiss. The applicant proposes
19 to construct a new accessory structure.
20 This requires the following variances:
21 To permit a south side setback of 1.6
22 feet where a minimum of 5 feet is
23 required. The property is located in
24 the R-2 One and Two Family Residential
25 District, it is also located in the

1 Historic District. The Suffolk County
2 Tax Map Number is 1001-4-3-6.

3 David, before you -- before we get
4 into it -- before you go into your
5 spiel --

6 MR. MURRAY: I don't have much for
7 the spiel, John. I just introduce
8 myself and we can talk.

9 CHAIRMAN SALADINO: Okay.

10 MR. MURRAY: I'm David Murray,
11 owner of Murray Design & Build at 449
12 Main Street here representing Donald
13 Wiss, 518 First Street. Go ahead,
14 John, I'm sorry.

15 CHAIRMAN SALADINO: I'm looking at
16 the application and I might need our
17 attorney for this. The NOD --

18 MR. MURRAY: I'm sorry, can you
19 say that again?

20 CHAIRMAN SALADINO: The notice of
21 disapproval is for an accessory
22 structure foundation. The application
23 is for an accessory structure. It goes
24 on to explain that it's a historic barn
25 rebuild, it gives the dimensions, we

1 have elevations. To get in front of
2 the Zoning Board, we need an NOD for
3 what's happening there.

4 MR. MURRAY: It's for a side yard
5 setback.

6 CHAIRMAN SALADINO: My notice of
7 disapproval reads the building permit
8 application for an accessory structure
9 foundation at the above mentioned
10 premises. The application I have is
11 for an accessory structure with
12 dimensions, with elevations. The
13 narrative doesn't mention a foundation,
14 it mentions the structure. I'm --

15 MR. MURRAY: Do you want me to
16 explain what went on?

17 CHAIRMAN SALADINO: I'm pretty
18 sure everybody kind of knows what went
19 on. I'm just talking about the process
20 here, and I'm going to ask Brian
21 about -- I'm going to ask Brian about
22 the process here. The application
23 doesn't reflect the notice of
24 disapproval.

25 ATTORNEY STOLAR: At the end of

1 the day, what you need to be sure of is
2 when the legal notice is printed for
3 the hearing, that that correctly
4 identified what it is that's being
5 sought. So while the NOD at the moment
6 references the foundation, all the
7 application documents reference the
8 entirety of the structure. I think the
9 reason the NOD references the
10 foundation is because that is the
11 permit that was being applied for, a
12 foundation permit. The applicant
13 should be able to clarify that they are
14 seeking the entirety of the relief with
15 respect to the foundation and the
16 structure above grade. That's fine.
17 You're at the stage now where you are
18 just accepting the application. You
19 can accept it subject to that
20 clarification and documentation for
21 that being completed in time for the
22 notice to go out properly.

23 CHAIRMAN SALADINO: Well, right
24 now, according to that, the application
25 with one or two other things that I'm

1 going to mention is incomplete and
2 incorrect. I'm not sure -- I'm not
3 sure -- I'm not sure we have the -- and
4 I'll defer to you, I'm not sure we have
5 the latitude -- if it's incomplete and
6 incorrect, we have the latitude to
7 accept it.

8 ATTORNEY STOLAR: If you can
9 identify the issue now, there should be
10 nothing that should preclude you from
11 allowing it to move forward if, in
12 fact, everything is resolved in advance
13 of the legal notice being published,
14 posted, and mailed.

15 CHAIRMAN SALADINO: Do you
16 understand that?

17 MR. MURRAY: No, I don't, I'm
18 sorry.

19 CHAIRMAN SALADINO: Me neither.

20 MR. MURRAY: I think you need to
21 look at -- you know what I'm trying to
22 get, I'm trying to get the side yard
23 setback on a new constructed garage
24 that was --

25 CHAIRMAN SALADINO: We understand.

1 MR. MURRAY: I'm looking for the
2 side yard setback.

3 CHAIRMAN SALADINO: David, we
4 certainly understand what you're trying
5 to do.

6 The other question I would have
7 about the application, maybe you can
8 clear it up, I look at the original
9 survey that you submitted, and then I
10 look at the updated survey. The
11 original survey has the accessory
12 structure 4.9 inches from the rear
13 property line.

14 MR. MURRAY: 4.9 feet.

15 MEMBER GORDON: Feet.

16 CHAIRMAN SALADINO: 4.9 feet, I'm
17 sorry. 4.9 feet, right, but less than
18 5 feet from the rear property line.
19 The new survey has it 5 feet from the
20 rear property line. The notation on
21 the survey is FND, and from what I know
22 about surveys is that that means a
23 found marker, a found witness. So my
24 question would be from the old survey
25 from 2021 to the new survey in 2025,

1 was the witness moved, was the marker
2 moved?

3 MR. MURRAY: It must --

4 AUDIENCE MEMBER: No, the same
5 surveyor put the markers in because I
6 paid him to put markers in.

7 CHAIRMAN SALADINO: If the
8 applicant is going to speak, you're
9 going to have to tell us that. But we
10 have the survey that was submitted from
11 2021 and we have this survey from 2025,
12 and the distances to the rear property
13 line are different. And it makes a
14 difference because it would be added
15 relief that you would need. If we went
16 by the old survey, you would need
17 relief from the rear property line.

18 MR. MURRAY: Right. But the new
19 survey was done for this application,
20 so we should be going by the new survey
21 because that is the stamped engineered
22 survey. From the foundation that is
23 new. So if we moved 3, 4 inches.

24 CHAIRMAN SALADINO: Well, my
25 question is is if he's using a -- FND

1 indicates he's using a witness, he's
2 using a marker. If the marker was
3 there in 2021 and now there's a
4 different measurement from that marker
5 in 2025 --

6 MR. MURRAY: John, the foundation
7 was done new, so if it moved a few
8 inches, it did from 2021. This survey
9 was done after the foundation was
10 poured. So this is the newest and most
11 accurate survey.

12 CHAIRMAN SALADINO: Okay.

13 MR. MURRAY: 2021 had a really
14 cockeyed building on it, I think it was
15 probably hard for them to survey
16 properly. It was really bad.

17 CHAIRMAN SALADINO: Well, the
18 survey indicates they used a witness,
19 they used a marker that was there, a
20 found marker. So I'm just -- you know.
21 And usually a found marker doesn't mean
22 the building, it means the witness, it
23 means a point that's there. So that's
24 what made me question it.

25 MR. MURRAY: I understand. This

1 is the latest and greatest.

2 CHAIRMAN SALADINO: I'm -- I'm
3 going to be quiet for a second. Does
4 anybody have any --

5 MEMBER GORDON: I have a question.
6 So did you -- the fact that there is
7 only a notice of disapproval for the
8 foundation suggests that you discussed
9 with the Building Department the plan
10 for the whole, and I've seen your plan
11 here, and that that was accepted by the
12 Building Department.

13 MR. MURRAY: That was accepted by
14 the Building Department. It also got
15 moved to Historic, which also got
16 approved through Historic.

17 CHAIRMAN SALADINO: Wait, wait,
18 what got approved through Historic?

19 MR. MURRAY: In July last summer
20 we did a building permit application
21 for this garage renovation, which then
22 got moved through --

23 MEMBER GORDON: And that was for
24 the construction of the building, not
25 just for the foundation.

1 CHAIRMAN SALADINO: No.

2 MR. MURRAY: The foundation was
3 part of it. We were trying to save
4 part of it, but it was in disrepair.
5 So we did the foundation, lifted up the
6 foundation, and we took the rest down.
7 Then --

8 MEMBER GORDON: Okay. All right.

9 MR. MURRAY: Okay.

10 MEMBER KAUFMAN: So you poured a
11 foundation but you didn't have a permit
12 for it; am I missing something?

13 MR. MURRAY: No, this is back when
14 we had no building inspector. This
15 project started back in a year and a
16 half ago, and the garage is very
17 imperative to finishing the job because
18 that's where our heating and
19 air-conditioning condensing units are
20 going, right next to the wall. So this
21 project is on hold until this garage is
22 figured out. The -- Greenport did not
23 have -- this is the same time as 625 --
24 did not have a Building Department, so
25 I had to move on this.

1 MEMBER KAUFMAN: So you did it
2 without a permit basically?

3 MR. MURRAY: No, but I had
4 everything --

5 MEMBER KAUFMAN: Yes or no?

6 MR. MURRAY: No, I did not. And I
7 had everything approved through the
8 Historic Board and then they did not
9 have a building inspector for four to
10 five months.

11 CHAIRMAN SALADINO: Just for the
12 record --

13 (Whereupon, there was simultaneous
14 crosstalk.)

15 CHAIRMAN SALADINO: Just for the
16 record, when you say it was approved by
17 Historic, you got a certificate of
18 appropriateness for a reconstruction in
19 kind as is for the garage.

20 MR. MURRAY: Correct.

21 CHAIRMAN SALADINO: Historic
22 didn't give you permission to build a
23 new building.

24 MR. MURRAY: No, they didn't, but
25 the building permit went to that point.

1 All right. And you guys need to know,
2 the building permit went to that point,
3 which means after appropriateness
4 that's when a building contractor is
5 waiting in hand for where is my
6 building permit? All right. Everybody
7 knows that on this Board. The
8 administration did not have the
9 Building Department for months. And
10 I'm knee deep in these projects. So
11 this one required his garage to be
12 built for his -- he can't move into his
13 house until the HVAC systems go in,
14 which are in this L-shaped garage,
15 that's where they're going. I can't
16 put those in until those walls are up
17 and finished. So if I'm going to wait
18 for the Village administration to get a
19 Building Department in the middle of a
20 project for an accessory building, so I
21 did that.

22 ATTORNEY STOLAR: I think the
23 answer is yes, he built it without a
24 building permit.

25 MEMBER KAUFMAN: I'm just coming

1 at this brand new, I read these
2 documents. I just was trying to, on
3 the record, square the fact that this
4 is dated June 27, 2025 and you're
5 talking about 2024.

6 MR. MURRAY: I'm talking about
7 '24, yeah, that's when the original
8 application was sent in.

9 MEMBER KAUFMAN: That's all I was
10 asking. I'm not going anywhere else
11 with that right now.

12 CHAIRMAN SALADINO: I got a couple
13 more questions. Did anybody -- David?

14 MEMBER NYCE: Go ahead.

15 CHAIRMAN SALADINO: But this is --

16 MR. MURRAY: Basically this
17 project is looking for a side yard
18 setback. That's what we're asking for.

19 CHAIRMAN SALADINO: What you're
20 asking us to do is ignore the fact that
21 -- what you're asking us to do is
22 ignore the fact that you poured a
23 concrete foundation without a building
24 permit within the 5 foot setback of the
25 property next door. That's what you're

1 asking us to do. You're asking us to
2 approve or give you relief for -- just
3 so we're straight for the record.
4 You're asking us to give you relief for
5 an illegally poured concrete foundation
6 that falls within the setback that
7 shouldn't be there. We know what you
8 would like us to think you're asking
9 for, but the reality is that's what
10 you're asking us to do, approve an
11 as-built already poured concrete
12 foundation.

13 But moving on, I just have a
14 couple of questions about the EAF. We
15 know this is a Type II action and the
16 EAF doesn't hold that big of -- but
17 this property is in the Historic, you
18 answered on the EAF that it's not, so
19 maybe we're going to have to correct
20 that.

21 MR. MURRAY: I did not mean to do
22 that. I knew it was in Historic.

23 CHAIRMAN SALADINO: You can
24 correct that. And I have a question
25 about number 17, it says will it create

1 storm water discharge? I mean, it's a
2 300, 350 square feet --

3 MR. MURRAY: Yeah, something like
4 that.

5 CHAIRMAN SALADINO: It's going to
6 have 350 square foot of roof. You
7 know, will the proposed action create a
8 storm water discharge either from a
9 point or non-point surface. You
10 answered no. Where are you going to
11 put the storm water? You know, it's
12 one and a half feet from the south side
13 property line. We can't discharge our
14 storm water, so maybe you're going to
15 let us know where the storm water is
16 going to go. The storm water discharge
17 is redirected to established drain
18 system, runoff storm drain. If yes,
19 describe. You didn't answer those.
20 Maybe next one you will because I'm
21 going to ask you.

22 MR. MURRAY: I can do that, yeah.
23 So let me ask you, would you like a dry
24 well, which is fine.

25 CHAIRMAN SALADINO: We can't --

1 MR. MURRAY: I get it.

2 CHAIRMAN SALADINO: -- design your
3 project. You're the builder, you kind
4 of know --

5 MR. MURRAY: So if I put a dry
6 well, you'd --

7 CHAIRMAN SALADINO: Absolutely.

8 MR. MURRAY: That can be achieved.

9 MEMBER GORDON: There's also the
10 questions 10 and 11, will the proposed
11 action connect to an existing
12 public/private water supply and you
13 wrote no, and I assume that was because
14 you were just talking about the
15 foundation, but the action is, as you
16 just said, the construction of the
17 building. Is it still accurate to say
18 no?

19 MR. MURRAY: You say hooking up to
20 public water?

21 MEMBER GORDON: It says will the
22 proposed action, which I think now I
23 understand is constructing the
24 building, connect to an existing
25 public/private water supply?

1 MR. MURRAY: No.

2 MEMBER GORDON: And will the
3 proposed action connect to existing
4 wastewater utilities?

5 MR. MURRAY: No, this is just a
6 garage. There's no -- electricity is
7 going to go in it, that's it. We're
8 not doing any plumbing, there's no
9 sink. It's really storage for my
10 customer's sailboat and bikes. There's
11 no car going into it. This is not
12 somebody trying to put a sink in a pool
13 house.

14 MEMBER GORDON: Yeah.

15 MR. MURRAY: I'm just kidding.

16 And this is going -- we're
17 building it just like Historic
18 approved.

19 MEMBER KAUFMAN: There's going to
20 be HVAC in it, you said, right?

21 MR. MURRAY: No. We're putting
22 the condensers for his house by the
23 garage, it's not going into the garage
24 itself. The condenser units are going
25 that far away for the main house, not

1 for the garage. The garage is not
2 getting any HVAC.

3 MEMBER KAUFMAN: So then what did
4 the HVAC have to do with the --

5 MR. MURRAY: With the finishing of
6 the house?

7 MEMBER KAUFMAN: You said you had
8 to move on it because of --

9 MR. MURRAY: There's a little
10 L-shaped on the garage. That's where
11 the condensers for his main house are
12 going to go. And yes, they're piped
13 that far away, but we specked out
14 special heat pumps that can be that far
15 away from the house. So in that L,
16 that's where his house condensers are
17 going.

18 MEMBER KAUFMAN: Okay.

19 MR. MURRAY: But there's nothing
20 for the garage. No insulation. Really
21 nothing inside is -- I think he wants
22 security though. Do you want security?

23 CHAIRMAN SALADINO: I'm sorry?

24 MR. MURRAY: Might run security in
25 there, but that's electric.

1 CHAIRMAN SALADINO: We don't care
2 about electric. We just don't want you
3 to live in it.

4 David, again, I would have to ask
5 Brian, ask our attorney again, Brian,
6 I'm having a hard time getting my head
7 around this because the next time this
8 applicant comes in front of us, the
9 notice of disapproval is not going to
10 reflect what he's asking to do. I'm
11 just not getting it. Me personally, I
12 would think there would be -- right now
13 we have a notice of disapproval for an
14 accessory structure foundation, not an
15 accessory structure. Assuming that the
16 applicant builds the accessory
17 structure on that foundation, aren't we
18 going to need a notice of disapproval
19 for the accessory structure?

20 ATTORNEY STOLAR: Yes, that's what
21 I was saying. If that all gets
22 corrected in advance of the legal
23 notice being prepared, mailed,
24 circulated, then it's okay. But if you
25 want to wait for that process to be

1 complete so that you can determine that
2 it's complete at that point rather than
3 subject to, you can do that as well.

4 CHAIRMAN SALADINO: But he's
5 not -- the ask is -- the foundation is
6 only part of the ask. The whole ask is
7 we want to build this structure, and
8 for us to accept this application now
9 is saying this application is complete
10 and correct when it --

11 MR. MURRAY: I think the notice of
12 disapproval is incorrect then.

13 CHAIRMAN SALADINO: Okay. I'll go
14 with that too.

15 MR. MURRAY: We can correct it by
16 next meeting. One of these is
17 incorrect, if you think so. I get that
18 he mentioned the foundation, but it
19 should be the whole building.

20 ATTORNEY STOLAR: The way it
21 reads, the NOD is that there was an
22 application solely for a foundation.
23 That permit application is what was
24 decided upon, what you see the NOD
25 written for. So what he's asking for

1 now is -- and I think we all realize
2 this -- is entirety of the building.
3 So the only question is you can
4 determine today that it's either
5 incomplete and have the whole
6 process -- the applicant work with the
7 Building Department to get an NOD that
8 makes the correct statement, whatever
9 else you think is necessary, including
10 identification of the variations you
11 noted in the setback. And at your next
12 meeting, at your September meeting,
13 make a determination as to whether that
14 application is complete. That's one
15 option.

16 Your other option is to determine
17 that upon submission of certain
18 documentation, that he's seeking the
19 correct -- that he's seeking relief
20 with respect to the building, and the
21 setbacks are as they say they are, and
22 the EAF is corrected as you suggested,
23 if that is done by the time that the
24 notice of -- by the legal notice being
25 published and posted, you can do that

1 as well. So it's either say come back
2 in September to complete your
3 application or we'll accept it subject
4 to completion of these specific items.

5 CHAIRMAN SALADINO: My question --
6 the problem I have is -- being a
7 nitpicker the way everybody knows that
8 I am -- is how does an application --
9 if we don't have -- how does an
10 application get in front of a zoning
11 board, any zoning board without a
12 notice of disapproval. If we don't
13 have a notice of disapproval for the
14 structure, how does that application
15 get in front of us?

16 ATTORNEY STOLAR: It doesn't.
17 That's what I'm saying. If you do it
18 contingent on that being done, then you
19 can move forward and have the hearing
20 in September. If you instead want to
21 make sure that all of the paperwork is
22 complete and proper before you know
23 it's going to be scheduled for the next
24 meeting, you can do that. I would
25 point out also that it is the

1 responsibility of the Board to schedule
2 a hearing when the Board chooses to
3 schedule a hearing. So what you can
4 also do is when the -- as part of
5 option 2 is when the modified documents
6 come in, look at it. If it's okay,
7 notify the Building Department that
8 this is exactly what I asked for and it
9 gets scheduled for the September date
10 based on your contingent approval as to
11 its completeness subject to at today's
12 meeting.

13 CHAIRMAN SALADINO: I'm not trying
14 to be obtuse.

15 ATTORNEY STOLAR: If you're
16 concerned about process --

17 CHAIRMAN SALADINO: I'm just
18 trying to understand. So you're
19 suggesting that we have the option to
20 accept this incomplete application
21 tonight, wait for the building
22 inspector to write another notice of
23 disapproval, get it somehow to us, and
24 then we would schedule that notice of
25 disapproval -- wouldn't that notice of

1 disapproval need its own public
2 hearing?

3 ATTORNEY STOLAR: That's the
4 public hearing notice that is going to
5 be used here. It's not going to be a
6 legal notice based on the foundation.
7 It will be a legal notice based on the
8 accessory structure.

9 MEMBER NYCE: I think what he's
10 suggesting is that everything for next
11 month can be contingent upon all the
12 information being in properly prior to
13 it being noticed. We could set the
14 public hearing for next month with the
15 contingency that the notice of
16 disapproval and any other corrections
17 in the paperwork be fixed by then. Or
18 alternatively, we don't accept it
19 tonight and they can move the complete
20 package next month.

21 MEMBER GORDON: Either way, it's
22 September that we're going to make
23 significant decisions.

24 CHAIRMAN SALADINO: September --
25 regardless what happens tonight, what

1 we decide, it was always September.

2 MEMBER NYCE: It's whether it's a
3 public hearing or whether we're
4 accepting the application.

5 CHAIRMAN SALADINO: Wouldn't --
6 and David, I'm sorry for belaboring
7 this.

8 MR. MURRAY: I get it.

9 CHAIRMAN SALADINO: We know each
10 other a long time, you know --

11 MR. MURRAY: I know, nitpick this
12 stuff to death.

13 CHAIRMAN SALADINO: I apologize
14 and I apologize to the public. But
15 wouldn't -- if we accept this
16 application tonight, isn't what we're
17 accepting for the foundation alone?

18 ATTORNEY STOLAR: No, what I'm
19 saying is you're not accepting the
20 application, you're accepting it
21 contingent upon these items being taken
22 care of in a timely fashion. If
23 they're not taken care of in a timely
24 fashion, your contingent acceptance is
25 a nonacceptance. It's nothing.

1 There's no approval to move it forward.

2 CHAIRMAN SALADINO: And next
3 month, we show up, it's not taken care
4 of, we just --

5 ATTORNEY STOLAR: There's no
6 hearing.

7 CHAIRMAN SALADINO: Take two and
8 hit the right.

9 ATTORNEY STOLAR: That's not the
10 way I play anymore.

11 MR. MURRAY: I think what Brian is
12 saying is if I don't have this stuff
13 and if the Building Department doesn't
14 rewrite the disapproval to what I file
15 in the next -- we could probably do it
16 by next week. If he rewrites it, if
17 you want him to rewrite this
18 disapproval for --

19 CHAIRMAN SALADINO: I want the
20 notice of disapproval to reflect the
21 application.

22 MR. MURRAY: I get it. So if he
23 writes that, then the application is
24 correct, correct?

25 CHAIRMAN SALADINO: Well, aside

1 from the petty stuff that I mentioned.

2 MR. MURRAY: Yeah, but it's really
3 the disapproval letter that we need to
4 get tweaked.

5 CHAIRMAN SALADINO: Yes. In all
6 honesty, I'm uncomfortable with that,
7 but I'm only one voice here. I'm going
8 to put it to the members. If they --
9 I'm going to vote no. If they vote
10 yes, then that's what we'll do.

11 MR. MURRAY: Because I would hope
12 that you would give me an opportunity
13 to get this paperwork done to your
14 satisfaction for what is it, it needs a
15 week or -- so that I could get the
16 public hearing notice out correctly.
17 If I don't make it to your approval,
18 then it won't go to the next month.

19 CHAIRMAN SALADINO: I just said
20 what my opinion is and that's kind of
21 going to be reflected in my vote. I'm
22 going to put it to the members.
23 There's four other free thinkers on
24 this Board. They're going to vote. If
25 it's yes, it's yes. If it's no, we

1 wait until next month.

2 MR. MURRAY: I think it's an easy
3 thing to fix in the next couple of
4 days, John, I really do. I think it
5 should be based on contingency of
6 correcting a couple of things that the
7 Building Department did.

8 CHAIRMAN SALADINO: You and I
9 disagree on that.

10 MR. MURRAY: It's not the first
11 time.

12 CHAIRMAN SALADINO: And it
13 probably won't be the last. But I'm a
14 black and white guy. If the
15 application is complete and correct, I
16 have no problem.

17 MR. MURRAY: I just wish the
18 notice of disapproval was done
19 correctly.

20 CHAIRMAN SALADINO: So I'm going
21 to -- what am I going to do? I'm going
22 to make a motion -- does the Board have
23 any other questions of Dave Murray?

24 MEMBER KAUFMAN: No.

25 MEMBER GORDON: No, I just want to

1 be sure I understand that the
2 possibility of accepting it now would
3 be contingent on a list of things that
4 is very specific, the first one being
5 the correct notice of disapproval and
6 notice of disapproval that reflects the
7 action as described. That's the word
8 you used. And the correction of the
9 EAF. Those are the two things, right?

10 CHAIRMAN SALADINO: The EAF is
11 minutiae. The notice of disapproval --

12 MEMBER GORDON: Is there anything
13 else besides the notice of disapproval
14 and the EAF, was there anything else
15 you were concerned about?

16 CHAIRMAN SALADINO: Well, I had a
17 concern about the survey, but I think
18 he explained it. I'll accept his word
19 that they moved the foundation over
20 that four inches or so. I'm okay with
21 that.

22 ATTORNEY STOLAR: Before you do
23 anything, I'm just trying to understand
24 what happened at the Building
25 Department, so I have a question for

1 Mr. Murray. Do you know -- you got the
2 -- you received the notice of
3 disapproval for the foundation based on
4 the wording being for a building permit
5 application. Do you know whether the
6 application was for a building permit
7 for the structure, or did you submit a
8 separate application for the foundation
9 only?

10 MR. MURRAY: No, it was a building
11 application for the whole structure.

12 ATTORNEY STOLAR: Okay. So the
13 advice I gave you before still applies.
14 You can go either way.

15 CHAIRMAN SALADINO: How about you,
16 you got something to say?

17 CLERK NOONE: I don't.

18 CHAIRMAN SALADINO: All right.

19 MEMBER NYCE: What I would be
20 comfortable with in that situation is
21 upon confirmation of the fact that a
22 full building permit has been applied
23 for, I wouldn't have a problem with
24 them correcting the notice of
25 disapproval, correcting the EAF in a

1 timely manner so that we could notice
2 it and have a public hearing next
3 month.

4 CHAIRMAN SALADINO: Well, now
5 we're involving, like, a fourth party.
6 Now we're going to have to get
7 testimony or a letter or affidavit from
8 the building inspector because I'm not
9 sure if Mike has that information. The
10 only one that had the total information
11 is the building inspector. What was
12 the application for the building permit
13 for, the foundation or the building?
14 So now we're going to ask -- what
15 you're saying is what we're going to
16 ask for is for the building inspector
17 to say his recollection was this or his
18 recollection was that or provide the
19 paperwork. If we're going to just punt
20 this until next month, let's just do
21 that. I'm uncomfortable doing that.

22 MR. MURRAY: I think you guys have
23 the whole building permit application
24 there, don't you?

25 CHAIRMAN SALADINO: No, we have an

1 application --

2 MR. MURRAY: You have the whole
3 plans. I copied six sets of the plans.

4 CHAIRMAN SALADINO: David, we have
5 an application for an area variance,
6 that's what we have.

7 MR. MURRAY: How about the plans?

8 CHAIRMAN SALADINO: We don't get
9 the application for the building
10 permit.

11 CLERK NOONE: That stays with the
12 Building Department and they generate
13 the notice of disapproval.

14 CHAIRMAN SALADINO: We don't know
15 what that is. For us to know what
16 David Nyce asking was what was
17 submitted, or Brian had asked what was
18 submitted.

19 MR. MURRAY: And you have a set of
20 plans that were submitted.

21 CHAIRMAN SALADINO: We do, we have
22 the big plans right here. But again,
23 not to belabor this, but again, it
24 doesn't reflect -- what I have here
25 doesn't reflect the notice of

1 disapproval, so.

2 MR. MURRAY: So do you guys ever
3 review plans?

4 CHAIRMAN SALADINO: If you just
5 wait a few seconds, I think you're
6 going to do okay. I think, if I had to
7 guess, I think you're going to do okay.

8 MR. MURRAY: I hear you. Okay.
9 Good.

10 CHAIRMAN SALADINO: So I'm going
11 to make a motion -- if there's no one
12 else that has any questions, no one
13 wants to speak? No, nobody. I'm going
14 to make a motion that we accept this
15 application. So moved.

16 MEMBER REARDON: Second.

17 MEMBER GORDON: Aren't you going
18 to say the conditions?

19 CHAIRMAN SALADINO: I wasn't going
20 to.

21 MEMBER KAUFMAN: You should.

22 CHAIRMAN SALADINO: I thought it
23 was spelled out what would have to be
24 done. Since I had planned on voting
25 no, I didn't give it much thought. So

1 we'll accept the application -- we'll
2 accept the application on the
3 conditions that we hear from the
4 Building Department what was in the
5 original application for the building
6 permit; we'll hear from the Building
7 Department about the notice of
8 disapproval that reflects what's on the
9 application; and we'll hear from the
10 applicant about a corrected EAF. Am I
11 leaving something out?

12 MEMBER GORDON: No.

13 MEMBER KAUFMAN: That's complete.

14 ATTORNEY STOLAR: Timing. You
15 should really address timing as to when
16 it is that these items should be
17 submitted by.

18 MEMBER NYCE: How much time do
19 they need for the public --

20 CLERK NOONE: To notice this
21 public hearing, it would have to be by
22 next Friday at the absolute latest.
23 This is Labor Day weekend coming up.

24 MEMBER NYCE: So do you want to
25 say by end of day Thursday of next

1 week?

2 CHAIRMAN SALADINO: Give me a
3 date, Mike.

4 CLERK NOONE: Basically the
5 earliest, the better. But August 27th.
6 The thing is that you would have to get
7 the Building Department -- you would
8 have to get the building inspector --

9 CHAIRMAN SALADINO: Just give me
10 the date.

11 CLERK NOONE: August -- Wednesday,
12 August 27th.

13 CHAIRMAN SALADINO: In addition to
14 the above conditions that I mentioned,
15 that the information from the builder,
16 from the applicant is provided to the
17 Building Department by August 27th.

18 CLERK NOONE: Also, do you need
19 just a new notice of disapproval, or do
20 you need a memo from the building
21 inspector?

22 CHAIRMAN SALADINO: We need a memo
23 from the building inspector saying --
24 reflecting what the original building
25 permit asked for, and we need a new

1 notice of disapproval reflecting what's
2 being appealed in the application.

3 Are you good with that?

4 MR. MURRAY: I'm good with that.

5 CHAIRMAN SALADINO: Jay, are you
6 good with that? Okay. Guys?

7 MR. MURRAY: So that's -- I'm
8 sorry, so that's the building
9 inspector's -- I need to get that done.
10 So what do you need on my end, other
11 than the storm water?

12 CHAIRMAN SALADINO: Whatever --

13 MR. MURRAY: Do I need to redo my
14 application to the new disapproval
15 letter, or is mine sufficient?

16 ATTORNEY STOLAR: So you need a
17 couple of things: Number one, you need
18 the corrected EAF as we've discussed;
19 number two, with respect to the
20 application, I think it's sufficient if
21 the NOD states that it's for the
22 accessory structure that you just
23 submit correspondence signed by you to
24 the Building Department stating that
25 you are seeking relief with respect to

1 the new NOD.

2 MR. MURRAY: Got you.

3 CHAIRMAN SALADINO: We would be
4 good with an NOD -- I'm not sure Brian
5 -- I would be good with an NOD that
6 reflects the application. This NOD in
7 my mind doesn't reflect this
8 application. So having said all that,
9 we have the list of what Mr. Murray
10 needs.

11 MEMBER NYCE: I will second your
12 motion.

13 CHAIRMAN SALADINO: Okay. All in
14 favor?

15 MEMBER REARDON: With conditions.
16 Second the motion with conditions.

17 Aye.

18 MEMBER NYCE: Aye.

19 MEMBER GORDON: Aye.

20 MEMBER KAUFMAN: Aye.

21 CHAIRMAN SALADINO: And I'll vote
22 aye. Do we need a site inspection?

23 MEMBER REARDON: I do.

24 MEMBER KAUFMAN: Yes.

25 CHAIRMAN SALADINO: So we're going

1 to do a site inspection. Obviously you
2 don't have to stake anything out
3 because the foundation is there.

4 MR. MURRAY: Paint it orange on
5 the corners.

6 CHAIRMAN SALADINO: We'll be there
7 at -- what time are we going to be
8 there? 5:30, is that good, 5:30? So
9 we'll be there at 5:30. The public
10 hearing is going to be on --

11 CLERK NOONE: 16th of September.

12 CHAIRMAN SALADINO: September 16th
13 at 6:00. You know, we set them all at
14 6:00. And that's that. See you then.

15 MR. MURRAY: Thank you.

16 CHAIRMAN SALADINO: Item Number 6
17 is 616 Main Street. This is a
18 discussion and possible motion on the
19 area variances applied for by Andrew
20 McCulloch for the property located at
21 616 Main Street, Greenport, New York
22 11944. The Suffolk County Tax Map
23 Number remains the same at 1001-3-4-4.

24 Folks, what are we thinking? This
25 is for the staircase.

1 MEMBER NYCE: I don't have any
2 problems with this.

3 MEMBER REARDON: We've been
4 through this.

5 MEMBER KAUFMAN: This is on the
6 same line as the house, the existing
7 house, and it's an improvement to a
8 dilapidated structure. It's fine.

9 MEMBER GORDON: I agree.

10 CHAIRMAN SALADINO: That's it?
11 You don't want to expand on it.

12 MEMBER GORDON: Well, some of this
13 is preexisting, right?

14 CHAIRMAN SALADINO: No.

15 MEMBER GORDON: None of it is
16 preexisting?

17 CHAIRMAN SALADINO: I don't
18 believe so. I think the rear deck on
19 the back of the house on the second
20 floor is all new.

21 MEMBER KAUFMAN: It is.

22 CHAIRMAN SALADINO: The only thing
23 that might be preexisting, which is a
24 little bit ambiguous in the plans and
25 stuff, is the staircase.

1 MEMBER KAUFMAN: The staircase.
2 But I remember the staircase goes up to
3 a landing and goes into the apartment.
4 He needs to replace the staircase
5 because it's dilapidated, and he thinks
6 it will be an improvement -- and I
7 agree with him -- to bring that landing
8 over to the edge of the house so that
9 there's over the porch. So that porch
10 is new, but it doesn't really change
11 much in terms of side yard. And it's
12 just an improvement and the staircase
13 has to come down.

14 CHAIRMAN SALADINO: Okay.

15 MEMBER GORDON: I felt comfortable
16 about it when we looked at it. It's
17 been a while. That's fine.

18 CHAIRMAN SALADINO: Okay. All
19 right. I'm going to make a motion that
20 the Zoning Board of Appeals declare
21 itself lead agency for the purposes of
22 SEQRA. So moved.

23 MEMBER NYCE: Second.

24 CHAIRMAN SALADINO: All in favor?

25 (Aye said in unison.)

1 CHAIRMAN SALADINO: And I'll vote
2 aye.

3 This is a Type II action, no
4 further necessary. I'm going to make a
5 motion that we grant the area variance
6 for the combined yard setback -- for
7 the 8.5 foot area variance for the
8 combined yard setback for 616 Main
9 Street. So moved.

10 MEMBER NYCE: Second.

11 CHAIRMAN SALADINO: Jack?

12 MEMBER REARDON: Aye.

13 CHAIRMAN SALADINO: David?

14 MEMBER NYCE: Aye.

15 MEMBER GORDON: Yes.

16 MEMBER KAUFMAN: Yes.

17 CHAIRMAN SALADINO: And I'll vote
18 yes. Easy peasy.

19 The applicant, the decision will
20 be at Village Hall, whatever time is
21 prescribed by law.

22 Moving on, Item Number 7 is 625
23 Main Street. This is -- First Street,
24 I'm sorry. Item Number 7 is 625 First
25 Street. There's a request to reopen

1 the public hearing. The applicant has
2 made a request to reopen the public
3 hearing. In addition to the applicant,
4 we have a letter from a neighbor making
5 the same request. I'll put it to the
6 Board. My feeling is -- for the
7 public, to reopen a public hearing, the
8 vote has to be unanimous. Also, the
9 members have learned from different
10 training seminars, usually to reopen a
11 public hearing, at the first public
12 hearing there had to be procedural
13 errors, or information not provided, or
14 unheard testimony, or a significant
15 change to the application. Me
16 personally, I haven't seen that. But
17 I'll open it up to the Board, what are
18 we thinking here? I'm kind of -- I
19 think the first public hearing covered
20 all the points that I just mentioned.
21 I think it was well attended. I think
22 nothing new has been submitted. Unless
23 you guys can change my mind, I'm not
24 prepared to reopen the public hearing.

25 MEMBER REARDON: If the public

1 hearing were reopened, how long would
2 it be open?

3 CHAIRMAN SALADINO: I don't know.
4 I don't know.

5 MEMBER REARDON: Just this
6 session?

7 CHAIRMAN SALADINO: Who is to say?
8 I mean, you know, we're going on a
9 letter from the applicant and the
10 letter from a neighbor. Who is to say
11 if we reopen the public hearing that
12 next month we don't get another letter,
13 and then we decide to do it then. I
14 think the topic was well covered, I
15 think this Board has enough information
16 to make an impartial and informed
17 decision, but I'm anxious to hear what
18 you guys have to say. Seth?

19 MEMBER KAUFMAN: I wasn't here,
20 but I did read the minutes, I did read
21 the letters, and I don't see what new
22 information would be gleaned from
23 reopening, so I would not be inclined
24 to do that either.

25 CHAIRMAN SALADINO: Diana, what do

1 you think?

2 MEMBER GORDON: I am not in favor
3 of reopening. I think we did our job
4 and we don't have new information.

5 CHAIRMAN SALADINO: Jack?

6 MEMBER REARDON: I'm always
7 willing to listen to what the public
8 has to say, so if somebody feels
9 strongly enough that they wrote and
10 noticed us that they want to speak,
11 then I'm willing to give it a shot.
12 And I know that opens a bit of a
13 Pandora's box, but that's kind of what
14 we're here for to listen to what people
15 have to say.

16 CHAIRMAN SALADINO: What are you
17 thinking, Dave?

18 MEMBER NYCE: If it's based solely
19 on the letter that was submitted, I
20 don't see any significant changes to
21 what was already testified or discussed
22 at the public hearing. I do agree with
23 Jack that I think every attempt should
24 be made to hear all sides. I don't
25 know that -- not to use a double

1 negative -- I don't know that that was
2 not done in this case. I think that
3 everyone had an opportunity to be
4 heard. I would likely not be in favor
5 of reopening the public hearing.

6 CHAIRMAN SALADINO: Just as an
7 explanation, the two letters that the
8 Zoning Board received, one was from the
9 applicant and one was from a neighbor.
10 That neighbor had submitted a letter
11 and it was read into the record last
12 month at the public hearing before the
13 public hearing was closed. Having
14 listened to that letter and reading the
15 new letter, I don't see anything that
16 would motivate me to reopen the public
17 hearing. Also, that public hearing --
18 I don't know by whose standards we
19 should go by, in my opinion, was well
20 attended. The public who chose to
21 speak spoke. The other letter was from
22 the applicant explaining that mostly it
23 would be a financial hardship if -- and
24 also, they offered a small compromise
25 that could have been offered at the

1 first public hearing and wasn't. So
2 folks that know me and watch 150 of
3 these public hearings that I've
4 chaired, I let everybody talk as much
5 as they want. But I just -- I just
6 don't see the need to reopen this
7 public hearing. So I'm going to call a
8 vote.

9 ATTORNEY STOLAR: Because it's
10 discretionary, if there's one or more
11 members who clearly are against it, you
12 don't need a formal vote.

13 CHAIRMAN SALADINO: So just voice
14 your opinion?

15 ATTORNEY STOLAR: That's what
16 you've done. Unless you think that the
17 vote will sway your position, it sounds
18 to me that no vote is necessary at this
19 time.

20 CHAIRMAN SALADINO: Okay. Are we
21 putting ourselves at risk for judicial
22 review later on?

23 ATTORNEY STOLAR: Every time we
24 open our mouth.

25 CHAIRMAN SALADINO: Every time I

1 open my mouth.

2 ATTORNEY STOLAR: I said we. It's
3 a general statement.

4 CHAIRMAN SALADINO: Okay. So the
5 second part of that -- I think it's
6 fairly clear to the public --

7 MEMBER GORDON: I just want to
8 ask, if we voted, it would have to be
9 unanimous, you said, right?

10 ATTORNEY STOLAR: It would have to
11 be unanimous to reopen, correct. If
12 any one person, whichever way you
13 decide to vote, there could be a motion
14 not to reopen, then assuming one person
15 says yes --

16 MEMBER GORDON: Then we don't have
17 to vote.

18 ATTORNEY STOLAR: Correct.

19 CHAIRMAN SALADINO: All right.
20 The second part of the agenda item is a
21 discussion about the application. I
22 have a lot to say about this
23 application, so if it's okay with the
24 Board, I took some notes, which is
25 uncharacteristic but I kind of wanted

1 to remember. We're required to do a
2 balancing test with some questions, and
3 one of the questions that we have to
4 consider is if an -- is an undesirable
5 change in the character of the
6 neighborhood. Accessory structures of
7 that size, square footage, and height
8 and where sited on a piece of property
9 haven't been permitted since the code
10 was adopted. The applicant
11 mentioned -- the applicant's attorney
12 mentioned that a structure next door is
13 comparable to the structure that's
14 being proposed.

15 I should mention that we have to
16 look at this as if it's an application
17 for this structure as opposed to what
18 we all know is that the structure has
19 already been built without permit or
20 permission.

21 So the applicant uses as a comp,
22 as a comparable a building to the north
23 that's -- I haven't been to that
24 property, but just looking at it is
25 comparable probably in size and

1 proximity to side yards. But this
2 Board has no way of knowing if that
3 building is even legal. The attorney
4 for the applicant told us that she
5 filed for Building Department records
6 and no records exist at Village Hall
7 for any building permits or variances
8 for that building. So we can assume
9 that it's legal or we can assume that
10 it's not. The FOIL was on July 1st of
11 this year. I know the municipality,
12 the Village, sometimes the records
13 aren't the best, but I just have to go
14 on premise that there are no permits
15 and there are no variances.

16 The next thing we're asked to
17 consider is can the benefit be achieved
18 by some method, other than a variance?
19 In this case, the builder started from
20 scratch. He could have built a
21 building anywhere on that property. He
22 chose to build it or site it there.
23 From reading through the file, we have
24 a letter from the professional engineer
25 saying that the building was in

1 disrepair and his recommendations was
2 that it be taken down. I don't have a
3 problem with his recommendation, but
4 the foundation was poured after that
5 recommendation was made. At that
6 point, when the building -- when the
7 engineer told them they had to take the
8 building down, they could have sited it
9 anyplace.

10 The next thing we're asked to
11 consider is whether the requested
12 variances are substantial. The height,
13 size, lot coverage, proximity to
14 property lines in my opinion are.
15 Also, the totality of the variances and
16 the cumulative request of the request,
17 the deviations from the zoning code are
18 in my opinion excessive and too large.

19 The next thing we're asked to
20 consider is whether the proposed
21 variance has an adverse effect on the
22 neighborhood or the district. A
23 building that size on the property
24 lines I think does. It deprives the
25 neighbors to the west, the neighbors to

1 the south light, open space, a fire
2 hazard, possible storm water runoff
3 intrusion.

4 The last thing we're asked to
5 consider is whether the difficulty was
6 self-created. I think it's obvious.
7 The fact that the builder chose not to
8 wait for a building permit and an
9 almost certain NOD is not a valid
10 reason to proceed regardless what kind
11 of vacuum there might have been in the
12 Building Department. I just don't
13 think we can just ignore the rules.

14 I asked the applicant if she was
15 aware that they didn't have a building
16 permit, she said yes. I asked the
17 builder if he had informed the
18 applicant that they didn't have a
19 building permit, and he said yes. They
20 both agreed to proceed without it. I
21 personally don't believe that if this
22 application came in front of this
23 Zoning Board with the relief that was
24 needed, this Zoning Board would have
25 granted that relief for height,

1 proximity to neighbors.

2 I also don't believe that we
3 should hold the -- that the now built
4 building, illegal existence of this
5 structure should not shift the burden
6 onto the ZBA to justify a denial. I
7 just don't see -- I read some case law
8 on this. Courts have said that
9 applicants should not gain an advantage
10 for prematurely undertaking the
11 construction. Courts have also
12 affirmed that the ZBA can appropriately
13 consider the illegal nature of the
14 construction and the applicant's
15 disregard of the zoning process. I'm
16 having -- I have to be honest with you,
17 I'm having a tough time thinking we
18 should grant this -- these -- this
19 relief. That's kind of my opinion.
20 And unless my colleagues say something
21 that can change my mind, that opinion
22 will probably be expressed in my vote.

23 Guys, anybody?

24 MEMBER KAUFMAN: I agree with you.

25 CHAIRMAN SALADINO: Jack,

1 something to say?

2 MEMBER REARDON: Nothing new.

3 CHAIRMAN SALADINO: David, you
4 look like you've got something to say.

5 MEMBER NYCE: I do --

6 MR. MURRAY: John, can we rebut
7 anything that you said? I know it's
8 closed.

9 ATTORNEY STOLAR: I didn't hear.

10 MEMBER KAUFMAN: Can he rebut
11 anything --

12 ATTORNEY STOLAR: The hearing is
13 closed.

14 MEMBER NYCE: In our
15 deliberations, are we allowed to ask a
16 specific question of the property owner
17 or applicant?

18 ATTORNEY STOLAR: Hearing has been
19 closed. So if the applicant happens to
20 yell out out of turn and you hear it.
21 If not, hearing has been closed and you
22 can't consider anything that's added
23 now.

24 MEMBER NYCE: I got it. I have
25 some difficulty with the entire thing.

1 I take John's point to be very black
2 and white about it, yes, we must take
3 this as a brand new application because
4 of the circumstances. I have a tough
5 time eliminating all of the
6 circumstances, as I mentioned at last
7 month's meeting. I still think the
8 Village does have some culpability here
9 that to have a position vacant for a
10 period of time does not excuse the
11 applicant or the builder and the
12 property owner from moving ahead, but
13 the foundation was poured prior to the
14 engineer doing his inspection.

15 MS. MOORE: Yes. Thank you.
16 Because you had it wrong.

17 MEMBER NYCE: In his letter, he
18 said he inspects the new foundation and
19 the work that's existing and realizes
20 that there's going to need to be more
21 work done. Regardless, that doesn't
22 excuse --

23 CHAIRMAN SALADINO: No, no, no,
24 no, I'm just having a hard time
25 following that logic. How do you pour

1 a new foundation without raising the
2 building first?

3 AUDIENCE MEMBER: I'm the
4 engineer.

5 MEMBER NYCE: They had secured the
6 building, cut away the rot underneath,
7 and poured a foundation underneath,
8 which is fairly typical to do if you --
9 so you support everything that needs
10 supporting, you redo your foundation
11 underneath of that, and then you build
12 back up to the existing --

13 CHAIRMAN SALADINO: And build a
14 five foot crawl space? It says five
15 feet.

16 MR. MURRAY: Yeah, we could do
17 that. It was all lifted up and the
18 foundation was done.

19 MEMBER NYCE: Again, my problem on
20 the other side of it is at that point,
21 at the point where you realized there
22 was that much work to be done, was
23 there an attempt made to go back to
24 Historic Preservation because their
25 permit or their certificate of

1 appropriateness clearly states that
2 should anything change, the property
3 owner must come back to address it.
4 And it doesn't appear as if that step
5 was taken. Had that step been taken
6 and the Building Department still not
7 being available to provide the permit
8 after that step was taken, you know,
9 that leans more into my feeling that
10 the Village has some culpability. It's
11 not a good situation in any way, shape,
12 or form, and I absolutely feel for the
13 applicant but I also -- I understand
14 the law is the law and it's difficult
15 to -- it's difficult to find a middle
16 spot here.

17 CHAIRMAN SALADINO: I'm just
18 thinking -- I'm just thinking, there's
19 a lot of things that we're required to
20 do before we're actually allowed to do
21 them. I have a pistol permit. I
22 waited seven months to get it. If I
23 got tired of waiting after four months
24 and strapped on six shooter and went to
25 Andy's, you know where I'd be right

1 now. I'd be in prison. Same thing
2 with a driver's license. Well, I got
3 to get to work. My appointment is next
4 month, but I got to get to work today,
5 so you drive a car. I just can't --
6 and we hear, like, well, I had to do it
7 because I just had to do it and there
8 was nobody there to approve it. I'm
9 not sure that's entirely the truth or
10 the case. I won't say the truth
11 because that implies somebody is not
12 telling the truth. I'm not sure if
13 that's entirely the case. There's
14 always a process that somebody can go
15 through, whether it's legal, whether
16 it's hiring an attorney, sue the
17 Village, or petition somebody to get
18 this done. The fact that there was one
19 building inspector out sick and the new
20 one hasn't -- wasn't quite up to speed,
21 we're talking about -- we're not
22 talking about somebody's house. We're
23 not talking about we live in a
24 cardboard box unless you let me build
25 this house. We're talking about a

1 barn, an accessory structure. And if
2 it took an extra month or two months, I
3 just -- I don't think we should be
4 allowed -- anyone should be allowed,
5 myself, David, David, anyone should be
6 allowed to just say, I got to do it. I
7 don't believe in the premise that if
8 it's necessary, it's legal.

9 Is that guy yelling at me?

10 I know this is a big deal, and I
11 don't take this position lightly.
12 Somebody had mentioned a dollar figure,
13 I think it might have been in one of
14 the letters. I think Jack had talked
15 to the applicant and we threw some
16 numbers around, some dollar figures.
17 Personally, I don't care about that.
18 That's between the applicant and the
19 builder. That's a civil thing. That
20 has nothing to do with what we're
21 talking about now. So I'm going to
22 discount that. I just -- and also the
23 other thing is there comes a time --
24 there comes a time where when you do
25 something wrong, you have to pay the

1 piper. And it's just as simple as
2 that. We're talking about should this
3 Board set an example for what happens
4 when -- when you disregard the law.

5 I'm on the Zoning Board 10 years
6 as chairman, 11 years. Diana, the same
7 tenure. My colleagues a few years
8 less. I have never seen in this
9 municipality this kind of disregard for
10 the code, just, yeah, I'm doing it. I
11 spoke to a colleague, I spoke to a
12 colleague on the Southold Town Board,
13 the chairman of the Southold Town
14 Zoning Board, and we didn't discuss the
15 application, but she had a hard time
16 remembering an as-built structure of
17 this size on that size of piece of
18 property in her memory. So that's what
19 I have to say about this. I think -- I
20 think the sizes -- and in my mind,
21 again, I would have never voted -- if
22 this application came in front of this
23 Board as a brand new build, showed up
24 on the property line, two feet from the
25 property line, 20 something feet tall,

1 lot coverage, I would have never voted
2 yes to grant relief for that. The fact
3 that the building is already built I
4 don't think should -- it doesn't
5 influence how I feel.

6 Anybody back me up here?

7 MEMBER NYCE: I appreciate that,
8 John, I do. And I appreciate that we
9 need to hold to the letter of the law.
10 The shame of it is, had this
11 application followed the process, we
12 likely would have granted relief for
13 the building as it was where it was
14 and --

15 CHAIRMAN SALADINO: I disagree. I
16 just said no.

17 MEMBER NYCE: I understand, but
18 you said as a new build. If it had
19 come through as a -- I mean, we
20 recognize that the building was what it
21 was when it was there, and we granted
22 the -- basically the as it was
23 situation. Had it just been
24 repaired --

25 CHAIRMAN SALADINO: It would have

1 never been -- we wouldn't be having
2 this conversation.

3 MEMBER NYCE: To me, that's the
4 shame of it is that, you know,
5 unfortunately we're now having to take
6 this as a new build. And to that
7 point, yes, I think you're right. Had
8 somebody come in with a piece of
9 property, nothing on it, and wanted to
10 put something this large on that piece
11 of property, it likely would not have
12 been granted. I take that point. I
13 just reiterate, it is a shame that
14 we're in the situation that we are in.

15 CHAIRMAN SALADINO: What do we do?

16 MEMBER GORDON: I feel a concern
17 about the violation of the process and
18 what this says to people about the
19 future of working on this kind of
20 project. Because we will have other
21 situations in which accessory
22 structures are an important part of
23 maybe the development of another kind
24 of housing program. So I think the
25 lapses from the process are important

1 for that reason.

2 I'm also concerned about the size
3 of it and the amount of the -- the
4 amount of the variances. For instance,
5 the 90 percent request for a variance
6 for the west lot line. And the pool,
7 we've had a bunch of pool house
8 requests, and we have been quite
9 rigorous about saying 10 feet, the
10 setback of 10 feet is important. And
11 this asks us for a variance of half of
12 that space. So I'm a little effected
13 by the dimensions of the request.

14 CHAIRMAN SALADINO: In all
15 fairness to the applicant, I think that
16 the last public hearing they agreed to
17 move the pool. So in my mind, the pool
18 wasn't even part of my deliberation in
19 this because I thought they agreed --

20 MEMBER GORDON: Well, we don't
21 have a different notice of disapproval.
22 Was that a condition of -- a possible
23 condition that we might consider,
24 changing the setback for the pool?

25 CHAIRMAN SALADINO: I didn't think

1 the meat of this request was about the
2 pool.

3 MEMBER GORDON: No, I don't think
4 so either.

5 CHAIRMAN SALADINO: I think that
6 if -- I think that if this building
7 wasn't there, they could put the pool
8 wherever they want. I don't think --
9 in my mind, the pool is not an issue.
10 If it is part of the NOD and how we
11 vote --

12 MEMBER GORDON: My point is not as
13 much about the pool per se as about the
14 dimensions of the variances. The size
15 of -- you put all the variances
16 together and we're talking
17 about something very substantial.

18 CHAIRMAN SALADINO: I think the
19 variances are substantial.

20 MEMBER GORDON: Yeah.

21 MEMBER KAUFMAN: It's significant,
22 it was done without a permit, and if we
23 legitimize things that are done outside
24 the building process, the building code
25 process, then why do we even bother to

1 review applications? That's my
2 feeling.

3 CHAIRMAN SALADINO: Do we want to
4 vote? Do you want to talk about it a
5 little more, give these guys a few more
6 minutes?

7 MEMBER REARDON: I don't need to
8 talk about it anymore.

9 CHAIRMAN SALADINO: David?

10 MEMBER NYCE: No.

11 MEMBER GORDON: No.

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

16 MEMBER NYCE: Second.

17 CHAIRMAN SALADINO: All in favor?

18 (Aye said in unison.)

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

21 This is a Type II action, no
22 further discussion. How are we going
23 the vote on these, 1, 2, 3, 4, 5, are
24 we going to leave the pool in here, are
25 we going to break the pool out? Vote

1 on everything?

2 MEMBER NYCE: Take it as one.

3 CHAIRMAN SALADINO: Take it as
4 one. Are we going to do it
5 individually, are we going to do it
6 as -- I mean, I don't see any reason
7 not to take them all at once.

8 MEMBER GORDON: I agree.

9 CHAIRMAN SALADINO: All right.
10 I'm going to make a motion that we --
11 we're going to make two motions because
12 depending on how the vote goes, our
13 attorney, if there's a no vote, he
14 likes us to phrase the motion in the
15 negative, so I'm going to make a motion
16 first for file number 25-001, this
17 application for a new barn at the above
18 mentioned premises, 1, 2, 3, 4, 5, 6
19 variances that we approve the variances
20 listed on the notice of disapproval.
21 So moved.

22 MEMBER GORDON: So we're not doing
23 the questions?

24 CHAIRMAN SALADINO: I thought we
25 made the discussion about the

1 questions. Are we -- let me ask our
2 attorney, do you think the discussion
3 here that we made about the five
4 questions in the balancing test -- I
5 do, I'm going to ask for your
6 professional opinion -- would sustain
7 judicial review if we didn't vote on --

8 ATTORNEY STOLAR: You've already
9 discussed the various criteria. The
10 yes, no vote that you had historically
11 done doesn't add any factual support to
12 that determination and your
13 consideration of the criteria. It's
14 your actual deliberations reflecting
15 what you view and what you say as
16 substantive considerations with respect
17 to the various criteria that counts.
18 You've done that. So there's no reason
19 to do the yes, no on the five factors,
20 it would serve no purpose and may not
21 help.

22 CHAIRMAN SALADINO: I agree.

23 MEMBER NYCE: Can I ask why if
24 John clearly would like to offer the
25 motion to deny the variances, why

1 wouldn't we do it that way rather than
2 --

3 CHAIRMAN SALADINO: I was going to
4 do both. I was going to do both ways.
5 We've always traditionally voted to
6 approve and the response, if we
7 approved it, was yes. And if we
8 didn't, the answer was no. In years
9 ago when we had a different
10 application, it would have been Hayden,
11 we phrased it -- because it was an
12 important application, we phrased it in
13 the negative to deny the application.
14 Our attorney had given us that advice
15 then. But since then, we've done it
16 this way. I was going to do it both
17 ways, just make two motions.

18 ATTORNEY STOLAR: In reality, you
19 need not do both, you can do one or the
20 other. If your intention is to approve
21 it, you can vote to approve. If you
22 get three ayes, it's approved. If you
23 vote to deny, you get three ayes in
24 favor of denial, it's denied.

25 MEMBER NYCE: I'm a simpleton,

1 John. If you start doing -- is it a
2 double negative? Are we doing the --

3 CHAIRMAN SALADINO: I just -- we
4 just want to be fair to everyone. We
5 want to be fair to the applicant so
6 there's a complete record and a
7 complete and concise record in case
8 down the road they think they might
9 want to challenge or -- and we want to
10 be fair to the municipality for the
11 same reason, if they have to defend a
12 challenge, we just want it to be as
13 clear as possible what this Board's
14 intention is. So I could make the
15 motion either way, whichever way this
16 Board is more comfortable making the
17 motion, I'll do it that way.

18 ATTORNEY STOLAR: Before you do
19 that, there was one point -- and I know
20 I discussed this generally with the
21 Board -- and that is with respect to
22 a -- the authority, the grandfathering
23 essentially. You have a provision in
24 your code that provides that a
25 nonconforming building can be repaired

1 if it's no longer -- maintenance and
2 repair. It can be moved,
3 reconstructed, enlarged as long as your
4 enlargement and your changes do not
5 make the variances any greater than
6 they were based on the preexisting
7 nonconforming building.

8 There's a second provision, and I
9 think this is what the Chair was
10 alluding to when he was talking about
11 the comments from the engineer, that
12 provides that -- and this was part of
13 the discussion during the hearing --
14 that provides that where a building is
15 damaged by fire or is damaged by other
16 causes to the extent of greater than 50
17 percent of the fair value of the
18 building, then you are not entitled to
19 that same benefit of the grandfather.
20 So as you're deliberating, I just want
21 to make sure that your discussion
22 before when you spoke about the
23 engineer's points with respect to the
24 clear disrepair and condition of the
25 building are such that the -- those

1 conditions were essentially damage to
2 the building that would not support if
3 you're going to be denying it or you're
4 not going to be -- if you're going to
5 be denying the application on those
6 grounds that you are comfortable that
7 that damage is as provided in the
8 second section, which is damage by
9 other causes.

10 CHAIRMAN SALADINO: As an
11 explanation, I mentioned the engineer's
12 report because perhaps I was confused
13 about the timeline. I thought they
14 raised the building and then poured the
15 foundation. And that really doesn't
16 have really any effect in my comments
17 about the five questions in the
18 balancing test.

19 Also, to respond to what you just
20 said, it's hard to deny that if a
21 building is standing and then it's not
22 standing anymore and there is no
23 building there anymore, it has
24 certainly lost 50 percent of its value
25 at least in my mind. So I'm

1 comfortable with that, that 150-21
2 doesn't come into play here.

3 But I lost my place. Did we --
4 I'm asking, do you still have a
5 question?

6 MEMBER KAUFMAN: No.

7 CHAIRMAN SALADINO: My question
8 was how do we want to --

9 MEMBER REARDON: Phrase the
10 motion.

11 CHAIRMAN SALADINO: Phrase the
12 motion to be fair to everyone to make
13 it entirely clear to -- what do you
14 think?

15 MEMBER GORDON: I think it's going
16 to be entirely clear whichever way you
17 choose. I'm comfortable with whichever
18 way you choose.

19 CHAIRMAN SALADINO: Seth, what do
20 you think?

21 MEMBER KAUFMAN: I would do it in
22 the negative, make it clear.

23 CHAIRMAN SALADINO: Jack? Phrase
24 it as a deny or phrase it as approve?

25 MEMBER REARDON: Well, we usually

1 phrase it as approve.

2 CHAIRMAN SALADINO: We usually do.

3 MEMBER REARDON: So that's what
4 I'm comfortable with, but you're the
5 Chair, you phrase it however you wish.
6 I can understand whichever way it's
7 phrased.

8 CHAIRMAN SALADINO: I'm the Chair,
9 I'm not a king.

10 MEMBER GORDON: But you are our
11 leader.

12 CHAIRMAN SALADINO: David, what do
13 you say?

14 MEMBER NYCE: I will adapt.

15 CHAIRMAN SALADINO: We did SEQRA?

16 ATTORNEY STOLAR: Yes.

17 MEMBER KAUFMAN: I thought being
18 decisive would actually move this
19 along, but clearly.

20 CHAIRMAN SALADINO: Well, Seth, in
21 all fairness, again, to the applicant
22 and to the municipality, it's an
23 important decision, it's one of the
24 more important ones that we've made in
25 the last couple of years, and it

1 deserves a few minutes in
2 consideration. So did I make the
3 motion?

4 MEMBER REARDON: Not yet.

5 CHAIRMAN SALADINO: I'm going to
6 make a motion that --

7 ATTORNEY STOLAR: Well, you made a
8 motion to approve the variances with
9 respect to the barn. Are you
10 withdrawing that motion? You made a
11 motion to approve the six variances.

12 CHAIRMAN SALADINO: So moved.

13 ATTORNEY STOLAR: You made that
14 motion before. If you want to move to
15 deny instead, you can withdraw that
16 motion.

17 CHAIRMAN SALADINO: Well, the
18 members are kind of comfortable with
19 that motion.

20 ATTORNEY STOLAR: Whatever you
21 want to do.

22 CHAIRMAN SALADINO: So moved.

23 MEMBER REARDON: Second.

24 CHAIRMAN SALADINO: Jack?

25 MEMBER REARDON: No.

1 CHAIRMAN SALADINO: David?

2 MEMBER NYCE: Unfortunately, no.

3 CHAIRMAN SALADINO: Diana?

4 MEMBER GORDON: No.

5 MEMBER KAUFMAN: No.

6 CHAIRMAN SALADINO: And I'm going
7 to vote no. The answer will be -- your
8 official answer will be in the Clerk's
9 Office.

10 ATTORNEY STOLAR: You still need
11 -- if you're going to deny, you still
12 need -- right now there's no denial,
13 it's a motion to approve, which failed.
14 So that means -- it doesn't mean that
15 you've denied the application unless
16 you formally deny the application.

17 CHAIRMAN SALADINO: Didn't I
18 explain that in the beginning, I'm
19 going to make two motions?

20 ATTORNEY STOLAR: That's why I
21 said, you're better off doing one
22 rather than the second. Figure out
23 which way you want to go, approve or
24 deny, and go in that direction.

25 CHAIRMAN SALADINO: We'll make the

1 second motion. I'm going to make a
2 motion that the Zoning Board of Appeals
3 denies file number 25-001, six
4 variances on the notice of disapproval.
5 So moved.

6 MEMBER REARDON: Second.

7 CHAIRMAN SALADINO: Jack?

8 MEMBER REARDON: Aye.

9 CHAIRMAN SALADINO: David?

10 MEMBER NYCE: Unfortunately, aye.

11 CHAIRMAN SALADINO: Dinni?

12 MEMBER GORDON: Aye.

13 MEMBER KAUFMAN: Aye.

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

16 Brian, that's it?

17 ATTORNEY STOLAR: On this
18 application, yes.

19 CHAIRMAN SALADINO: Okay. The
20 decision will be in the Clerk's Office
21 in whatever the time is prescribed.
22 You'll get your official decision
23 later, you got your decision now.

24 Item Number 8 is any other Zoning
25 Board of Appeals business that might

1 properly come before this Board.

2 Anybody? No.

3 Item Number 9 is a motion to
4 adjourn. So moved.

5 MEMBER NYCE: Second.

6 CHAIRMAN SALADINO: All in favor?

7 (Aye said in unison.)

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

2

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

6 THAT the above and foregoing contains a
7 true and correct transcription of the
8 proceedings held on August 19, 2025, and were
9 reported by me.

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

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand this 21st day of AUGUST, 2025.

16

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AMY THOMAS

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