

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 September 16, 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 \*\*\*\*\*  
20 ALSO IN ATTENDANCE:  
21 BRIAN STOLAR - ZONING BOARD ATTORNEY  
22 MICHAEL NOONE - CLERK TO THE BOARD  
23  
24  
25

1           CHAIRMAN SALADINO: Good evening,  
2           folks. This is the Village of  
3           Greenport Zoning Board of Appeals  
4           regular meeting. It's approximately  
5           6:08, I guess.

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

10          MEMBER GORDON: Second.

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

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

15          And also, just for the public's  
16          information, we have one member  
17          missing. He had a conflict, so there  
18          will only be four of us this evening.

19          Item Number 2 is a motion to  
20          accept the minutes of the August 19,  
21          2025 Zoning Board of Appeals meeting.  
22          So moved.

23          MEMBER KAUFMAN: Second.

24          CHAIRMAN SALADINO: All in favor?  
25          (Aye said in unison.)

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

3 Item Number 3 is a motion to  
4 schedule the next Zoning Board of  
5 Appeals meeting for October 21, 2025 at  
6 6:00 p.m. at the Station One Firehouse,  
7 Third and South Street, Greenport, New  
8 York 11944. So moved.

9 MEMBER NYCE: Second.

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

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

14 Item Number 4 is 616 Main Street.  
15 This is a motion to accept the findings  
16 and determinations of Andrew McCulloch.  
17 The property is located in the R-2 One  
18 and Two Family Residential District and  
19 is also located in the Historic  
20 District. The Suffolk County Tax Map  
21 Number is 1001-3-4-4. Members have  
22 read the findings?

23 MEMBER NYCE: Yes.

24 MEMBER GORDON: Yes.

25 CHAIRMAN SALADINO: You're

1 prepared to vote?

2 MEMBER NYCE: Yes.

3 CHAIRMAN SALADINO: So moved.

4 MEMBER NYCE: Second.

5 CHAIRMAN SALADINO: All in favor?

6 (Aye said in unison.)

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

9 Item Number 5 is 625 First Street.  
10 This is a motion to accept the findings  
11 and determinations for Patricia C.  
12 Moore on behalf of Beth and David  
13 Dahle. The property is located in the  
14 R-2 One and Two Family Residential  
15 District and is also located in the  
16 Historic District. The Suffolk County  
17 Tax Map Number is 1001-2-6-35.

18 Again, the members have read the  
19 findings?

20 MEMBER NYCE: Yes.

21 MEMBER GORDON: Yes.

22 CHAIRMAN SALADINO: 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 Item Number 6 is 518 First Street.  
4 This is a public hearing regarding the  
5 application of David Murray on behalf  
6 of Donald Wiss. Applicant proposes to  
7 construct a new accessory structure.  
8 This requires the following variance:  
9 To permit a south side setback of 1.6  
10 feet where a minimum of 5 feet is  
11 required. The property is located in  
12 the R-2 One and Two Family Residential  
13 District and is also located in the  
14 Historic District. The Suffolk County  
15 Tax Map Number is 1001-4-3-6.

16 Mike, this was posted in the  
17 newspaper, properly noticed?

18 CLERK NOONE: Properly noticed.

19 CHAIRMAN SALADINO: To the public,  
20 I have the mailings of the neighbors  
21 that were notified. If there's anybody  
22 from the public that would like me to  
23 read them, I will. If not, the  
24 stenographer has them, she'll enter  
25 them into the record.

1 MR. WISS: Only if they wrote in.

2 CHAIRMAN SALADINO: I'm sorry?

3 MR. WISS: Only if some of them  
4 wrote in responses.

5 MEMBER NYCE: No, he's saying --

6 CLERK NOONE: These are just the  
7 mailings.

8 CHAIRMAN SALADINO: We'll get to  
9 that.

10 MEMBER NYCE: The mailings are  
11 available to you, otherwise they'll  
12 just be part of the record, the  
13 mailings out from the Village.

14 CHAIRMAN SALADINO: So the  
15 stenographer has them, I won't read  
16 them. Six of seven of them.

17 *(Mailings: Carol Ann Lane, 180*  
18 *East End Avenue, Apartment 15C, New*  
19 *York, New York 10128; Janine Monsell,*  
20 *514 First Street, Greenport, New York*  
21 *11944; Stanley Boyd, P.O. Box 97,*  
22 *Greenport, New York 11944; 513 Main*  
23 *Street Greenport, Inc., P.O. Box 591,*  
24 *Shelter Island Heights, New York 11965;*  
25 *Tumavick Nancy M. Trust c/o Frank*

1           Polistea, P.O. Box 667, Mattituck, New  
2           York 11957; Roselle Borrelli, 519 First  
3           Street, Greenport, New York 11944;  
4           John/Carol Schott, P.O. Box 325,  
5           Greenport, New York 11944.)

6           CHAIRMAN SALADINO: Is the  
7           applicant here?

8           MR. WISS: Yes.

9           MR. MURRAY: Go ahead, Don.

10          MR. WISS: Don Wiss, owner of 518  
11          First Street. First, I knew that Dave  
12          Murray was planning to replicate the  
13          shed under a repair permit. I knew  
14          this prior to our HPC meeting. It was  
15          stressed that to be considered repair,  
16          it had to be an exact replica inside  
17          and out. I knew this and I wanted an  
18          exact replica. The old shed was  
19          clearly unsuitable for storage. No  
20          engineer report needed. The shed was  
21          leaning. There are two 2 by 4 posts in  
22          the middle holding up the ceiling  
23          joists.

24          Back when I started this house  
25          project, I was telling people I cared

1 more about what the house outside  
2 looked like than the inside. Thousands  
3 will see the outside, relatively few  
4 will see the inside. The house is even  
5 on the bus route. Lisa Murray found  
6 that the house had a simultaneously  
7 built near twin, the Kapell house on  
8 Sixth Street. Having a design goal is  
9 much more rewarding than going through  
10 a catalog and choosing which porch post  
11 is best. The 1977 photo shows the twin  
12 before it was altered. I'm a stickler  
13 for historical accuracy, as David can  
14 attest. I also believe to be truly  
15 historical, building envelopes should  
16 not be increased from their historical  
17 size.

18 The main part of the shed is  
19 assumed to have been built when Jacob  
20 Markell bought the house in 1901 and  
21 when he converted the house to shingle  
22 style. The side shed was added during  
23 the 60 years that John Sherwood owned  
24 the house. He stored his car in the  
25 main shed and needed the side shed for

1 other things. Later, plywood was put  
2 over the dirt floor in the main shed.

3 The plan approved by the HPC has  
4 the shed front looking exactly as it  
5 was before, even using interior doors  
6 as exterior doors on the side shed, but  
7 now it will all be cedar. My caring  
8 what is seen by the community extends  
9 to the view they see looking up my  
10 driveway. There will be no fence  
11 blocking the view of the shed. The  
12 shed had a lot of charm, the new will  
13 aquiline.

14 Previously the view of the  
15 driveway led directly to the main shed.  
16 The end of the driveway is 1.7 feet  
17 from the property line, the front of  
18 the foundation is 1.6 feet from the  
19 property line. So it's a perfect line,  
20 they align perfectly. To shift the  
21 shed over three and a half feet will  
22 shift the shed out of the direct view,  
23 and people will see a 5.7 foot gap as  
24 Janine Monsell's fence is .7 feet on  
25 her property. Placing the shed close

1 to the property line is consistent with  
2 other similar structures in the older  
3 part of the Village. The Midas of the  
4 shed remains storage, though the shed  
5 will get electricity and security. The  
6 main shed will store a 12-foot sailboat  
7 on a dolly with a bicycle hitch. The  
8 side shed will store my bicycles. I  
9 own no car to block the view of the  
10 shed.

11 The making of concrete has a high  
12 environmental cost. Moving the shed  
13 three and a half feet would require a  
14 lot of concrete. Applicant does not  
15 want to use any more concrete than has  
16 already been used to pour the  
17 foundation.

18 A further complication is a shed  
19 now 4.4 feet from a large eastern  
20 cedar. Moving the shed would put the  
21 shed too close to the tree and require  
22 the tree's removal. Applicant does not  
23 like cutting down native trees.

24 That's it. Questions?

25 CHAIRMAN SALADINO: Does any

1 member have any questions for the  
2 applicant?

3 MEMBER GORDON: I have a question.  
4 At some point in the application, I  
5 think it's in Dave Murray's  
6 handwriting, he describes it as an old  
7 barn. Was it ever a barn?

8 MR. WISS: No, it was --

9 MEMBER GORDON: You described it  
10 as just a garage.

11 MR. WISS: My guess is it's a slip  
12 up because he was thinking of the barn  
13 up the next block because 625 is  
14 clearly a barn.

15 MEMBER GORDON: Yes, of course.

16 MR. WISS: It was a barn, it had a  
17 door with hay coming out originally.  
18 And this would have been, as I said,  
19 according to Janine, John Sherwood kept  
20 his car in. And there's ruts in the  
21 grass where he drove over the grass  
22 with his car. And so he built a side  
23 shed to put everything else in.

24 MEMBER GORDON: I was asking about  
25 the original structure. You think it

1 was -- the original structure was as a  
2 garage?

3 MR. WISS: Or a shed and became a  
4 garage, yeah. In 1901 it may not have  
5 been a garage when it was built. John  
6 Sherwood had it from 1917 to 1977, so  
7 he had 60 years of owning that house.

8 MEMBER GORDON: Thank you.

9 CHAIRMAN SALADINO: David? I have  
10 one or two questions.

11 MR. WISS: Uh-huh.

12 CHAIRMAN SALADINO: I don't know  
13 if Dave is going to talk, but on your  
14 EAF --

15 MR. MURRAY: The gutter?

16 CHAIRMAN SALADINO: The what?

17 MR. MURRAY: The gutter, is that  
18 what you're talking about?

19 CHAIRMAN SALADINO: No. On the  
20 EAF, one of the questions, question 12  
21 is you answered no, and is it -- you  
22 know, your application says it's in the  
23 Historic District and you answered no  
24 to that, so maybe we could change that.

25 Does the project site contain or

1           contiguous to district, national  
2           historic. It's in the Historic  
3           District.

4           MR. MURRAY: I must have -- sorry.

5           CHAIRMAN SALADINO: So we'll take  
6           care of that.

7           And also another question was  
8           about storm water discharge being a  
9           foot and a half from the property line  
10          and 300 a square foot roof.

11          MR. MURRAY: I answered that.

12          CLERK NOONE: There was a new EAF  
13          that was sent to all the members and  
14          Dave also submitted a storm water  
15          management.

16          CHAIRMAN SALADINO: I apologize.

17          MR. MURRAY: I'll tell you what  
18          we're going to do. Sorry. Dave  
19          Murray, owner of Murray Design & Build  
20          at 449 Main Street. That question,  
21          John, I answered. We sent in a  
22          diagram. We're going to put a gutter  
23          on the side and we're going to do a dry  
24          well in front of the garage.

25          MEMBER NYCE: It's gabled, so it

1 would run off --

2 CLERK NOONE: And there was an EAF  
3 that was distributed to the Board.

4 MEMBER NYCE: I recall you saying  
5 that last month when you were here as  
6 well.

7 MR. WISS: It did not have a  
8 gutter before, now we'll have a  
9 gutter --

10 (Whereupon, there was simultaneous  
11 crosstalk.)

12 CHAIRMAN SALADINO: I apologize.  
13 I did read the e-mail and I -- I  
14 forgot, I'm sorry. I'm reading from  
15 the EAF that I have in front of me, but  
16 you did submit --

17 CLERK NOONE: He submitted an EAF.

18 MR. MURRAY: Actually just to let  
19 you know, Don wanted to do, like, a  
20 bigger dry well and catch some of the  
21 gutters from his main house into that,  
22 so it's going to actually take care of  
23 some of the main house as well.

24 MR. WISS: My argument is water is  
25 fungible. So if I take care of the

1 main house in part to dump the shed  
2 into the ground because --

3 MR. MURRAY: Instead of doing a  
4 smaller dry well --

5 MR. WISS: A lot more roof on the  
6 main house.

7 MEMBER GORDON: He still should be  
8 answering yes, the proposed action will  
9 connect -- well, no, because you're not  
10 going to have water in the shed. Okay.

11 MR. MURRAY: Only electricity and  
12 security.

13 CHAIRMAN SALADINO: No sanitation.

14 MR. MURRAY: No sanitation.

15 CHAIRMAN SALADINO: I'm going to  
16 ask a ticklish question here. David,  
17 did you make the applicant -- you don't  
18 have to answer. Did you make the  
19 applicant aware that you didn't have a  
20 building permit to put down the  
21 foundation?

22 MR. MURRAY: Yes, I did. And I  
23 also want to let the -- you guys know  
24 that I'm the one who let the Village  
25 know that I did the foundation when

1           they finally had a Building Department  
2           and we stopped basically ourselves. So  
3           they didn't come to me and put a stop  
4           work order. We were talking about 625  
5           and I said we've got an issue at 518.

6           CHAIRMAN SALADINO: Well, there's  
7           some of us that kind of knew that, but  
8           we're not the zoning police, we're just  
9           the Board, so we don't make complaints.

10          MR. MURRAY: Don was aware because  
11          his project was being held up because I  
12          can't put in his -- like you guys were  
13          talking about, I can't put his heat  
14          pumps in until the walls of the garage  
15          are complete because they're going  
16          right next to the garage.

17          CHAIRMAN SALADINO: And I was  
18          going to ask the applicant while he was  
19          up there, if he was aware that the  
20          foundation went in without a permit?

21          MR. WISS: He kept me informed.  
22          No secrets from me.

23          CHAIRMAN SALADINO: Okay. And the  
24          other question I would have is we saw  
25          the professional engineer's report,

1           Mr. Mazzaferro. He saw that -- he  
2           advised that the building had to come  
3           down. There's no doubt in my mind that  
4           it probably did. How soon after you  
5           took the building down did you pour the  
6           foundation?

7           MR. MURRAY: Two weeks.

8           CHAIRMAN SALADINO: Maybe longer?

9           AUDIENCE MEMBER: Maybe a month.

10          CHAIRMAN SALADINO: Okay. That's  
11          all I have. Thank you, David. Is  
12          there --

13          MR. WISS: Well, Janine is going  
14          to speak.

15          CHAIRMAN SALADINO: I've been  
16          doing this a long time. The next  
17          question out of my mouth was is there  
18          anyone else from the public that would  
19          like to speak?

20          Name and address for the  
21          stenographer.

22          MS. MONSELL: Janine Monsell at  
23          514 First Street, neighbor of Ben's. I  
24          just want to know why you have to move  
25          that over. I've been living in my

1 house for 60-something years and it's  
2 always been where it is now. I don't  
3 understand why it has to be moved over.

4 CHAIRMAN SALADINO: Well, first of  
5 all, we're not sure it does, number  
6 one. Number two, because we don't --  
7 because since 1971 there's been a  
8 zoning code in the Village of  
9 Greenport. We don't live on a prairie  
10 anymore, you know, where we can kind of  
11 do what we want. In that code, it says  
12 certain things are allowed and certain  
13 things aren't. Anything that's been  
14 there for 60 years --

15 MS. MONSELL: Over 60.

16 CHAIRMAN SALADINO: 70 years, or  
17 80 years, or 100 years, no one is going  
18 to make anybody move it, or change it,  
19 or tear it down. But, there's a  
20 second -- there's always a but. But  
21 the second part of that equation is  
22 that if the building does come down, to  
23 make things in conformity with the rest  
24 of the Village and in conformity with  
25 the code, it has to be built back

1 according to code.

2 MS. MONSELL: Oh, boy.

3 CHAIRMAN SALADINO: So that's the  
4 dilemma that this Board faces. That  
5 we'll debate.

6 MS. MONSELL: Yeah, because right  
7 now the way it is it lines up with that  
8 driveway right out to the road. You're  
9 going to move it over, it's going to go  
10 on an angle.

11 CHAIRMAN SALADINO: We should also  
12 note that we didn't write the code.

13 MS. MONSELL: I know that.

14 CHAIRMAN SALADINO: We're only  
15 here to kind of administer -- listen to  
16 people that need relief. So having  
17 said that, that's the reasoning for  
18 this notice of disapproval.

19 MS. MONSELL: Okay.

20 CHAIRMAN SALADINO: Thank you.

21 Is there anyone else from the  
22 public that would like to speak?

23 MR. WISS: Were there any written  
24 comments that were sent in?

25 CHAIRMAN SALADINO: If you're

1 going to ask questions, if you're going  
2 to talk, you got to do it at the podium  
3 for the stenographer.

4 MR. WISS: Donald Wiss, owner of  
5 518 First.

6 CHAIRMAN SALADINO: Do we have any  
7 written comments? I don't believe we  
8 have any written.

9 CLERK NOONE: We have no written  
10 comments.

11 MR. WISS: I asked some of the  
12 neighbors to write in, but I guess they  
13 didn't.

14 CLERK NOONE: None.

15 MR. WISS: Most important one is  
16 the closest.

17 CHAIRMAN SALADINO: Okay. What's  
18 the pleasure of the Board?

19 ATTORNEY STOLAR: Before you do,  
20 can I just get clarity on the  
21 application? Your application form,  
22 Dave, this is a question for you, your  
23 application form as Mr. Wiss pointed  
24 out says historic barn rebuild, which  
25 is obviously a different property. It

1           says historic barn rebuild, which is a  
2           different property. So that same page  
3           references the height of the structure  
4           and the dimensions of the structure. I  
5           just want to make sure that the height  
6           as shown as 11 feet, 7 inches is what  
7           is proposed?

8           MR. MURRAY: It's exactly.

9           ATTORNEY STOLAR: And then the  
10          dimensions seem to be based on taking  
11          the building as if it's a full square  
12          or rectangle. It says 29 by 21.5,  
13          which wouldn't be entirely accurate.  
14          Do you know the square footage of the  
15          building with the two parts?

16          CHAIRMAN SALADINO: Don't we have  
17          that?

18          ATTORNEY STOLAR: I didn't see the  
19          actual number. It's dimensioned but  
20          it's not --

21          CHAIRMAN SALADINO: 352.

22          CLERK NOONE: 352?

23          MR. MURRAY: That sounds correct.

24          ATTORNEY STOLAR: Okay. That's  
25          fine.

1           MR. MURRAY: My handwriting is  
2           terrible. You'd think I was a doctor.

3           CHAIRMAN SALADINO: That's because  
4           you used to be a doctor, but it didn't  
5           pay enough.

6           ATTORNEY STOLAR: I'm good. Thank  
7           you.

8           CHAIRMAN SALADINO: I think I  
9           asked, what's the pleasure? Are we  
10          going to close this public hearing?

11          MEMBER GORDON: Close it.

12          MEMBER KAUFMAN: Yeah, close it.

13          CHAIRMAN SALADINO: All right.  
14          I'm going to make a motion we close the  
15          public hearing.

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          All right. Item Number 7 is 412  
22          West Street. This is a motion to  
23          accept the application, schedule a  
24          public hearing, and arrange a site  
25          visit regarding the application of

1 Francisco Azama Lopez.

2 AUDIENCE MEMBER: Yes.

3 CHAIRMAN SALADINO: Applicant  
4 proposes a second story addition with a  
5 two-story rear addition. This requires  
6 the following variances: Permit a rear  
7 yard setback -- I'm not sure I'm  
8 understanding this. It says permit a  
9 rear yard setback of 7.7 feet where a  
10 minimum of 13 is required. Is this  
11 side yard?

12 MR. MURRAY: It should be side  
13 yard.

14 CHAIRMAN SALADINO: We're going to  
15 change that.

16 MEMBER NYCE: I think it's correct  
17 in the notice of disapproval, it's just  
18 not correct on the agenda, Mr.  
19 Chairman.

20 CHAIRMAN SALADINO: The property  
21 is located in the R-2 One and Two  
22 Family Residential District, it's not  
23 located in the Historic District. The  
24 Suffolk County Tax Map Number is  
25 1001-4-1-26.

1 Is the applicant here?

2 MR. AZAMA LOPEZ: Yes.

3 CHAIRMAN SALADINO: Do you have  
4 anything to tell us?

5 MR. MURRAY: Do you want me to go  
6 for you?

7 CLERK NOONE: Go ahead.

8 MR. AZAMA LOPEZ: The thing is --

9 MR. MURRAY: You need to talk in  
10 front of the microphone.

11 CHAIRMAN SALADINO: Your name and  
12 address for the stenographer.

13 MR. AZAMA LOPEZ: My name is  
14 Francisco Azama Lopez. It's a first  
15 time in my life I have a house in this  
16 country, so I don't know how this work  
17 here in this area to have a permit  
18 to -- we're going to do with under law.  
19 We don't want to do something, and so  
20 that's why we require the permit to  
21 extend the house. But I don't know  
22 what to say. My English is not good,  
23 but I have my son, he know that he's  
24 doing, he know what we want to do over  
25 there with my wife and my family.

1           Maybe he can help me too.

2           CHAIRMAN SALADINO:   If he's  
3           willing to, sure.

4           MR. AZAMA LOPEZ:   Because I don't  
5           know what you want to hear about us.

6           MEMBER GORDON:   Well, it's not  
7           about you but about the project.  You  
8           know, the second -- for instance, you  
9           could tell us about the second story  
10          addition.  We have the site plan, but  
11          you could tell us more about it.

12          CHAIRMAN SALADINO:   Basically tell  
13          us about --

14          MR. MURRAY:   How many bedrooms  
15          that you're going to have, if you're  
16          extending it out, how many bedrooms  
17          you're going to have for your family.

18          CHAIRMAN SALADINO:   All we would  
19          kind of, like, ask you to tell us is  
20          the reason that you need the relief.  
21          The relief that you need is -- what is  
22          it, 13 feet from a side yard.  So you  
23          really don't have to tell us about the  
24          interior of the house, you don't have  
25          to -- you just have to tell us about --

1           and you don't even have to. I mean,  
2           you can tell us whatever you want. The  
3           reason that you're in front of this  
4           Board. The reason you're in front of  
5           this Board is because, again, like I  
6           explained to the other lady, the  
7           Village has certain codes and setbacks.  
8           You have to be so many feet from here,  
9           so many feet from there. Your project  
10          isn't. So for us to say, yeah, okay,  
11          you can do it or yes, okay, you can do  
12          that, we have to get a reasonable idea  
13          of why you want to do it and what your  
14          motivation is for doing it. So if you  
15          could kind of just give us --

16                 MEMBER GORDON: You have said that  
17                 you need to be closer to the west edge  
18                 of the property, right?

19                 MR. AZAMA LOPEZ: Yeah.

20                 MEMBER GORDON: And the zoning  
21                 code wants you to be 13 feet from the  
22                 western edge, but you want to be 7.7  
23                 feet. So the question is why is it  
24                 important to be 5.3 feet closer to the  
25                 western edge of the property?

1           MR. AZAMA: Kevin Azama. I guess  
2           to answer your question, when my dad  
3           bought the house, that's already how it  
4           was. We haven't changed anything, so  
5           we just want to --

6           MEMBER GORDON: In that case, is  
7           this a legitimizing? This will just  
8           legitimize; is that right?

9           MEMBER NYCE: They're not changing  
10          the footprint of the house.

11          MR. AZAMA: Yes, exactly.

12          MR. MURRAY: They are.

13          ATTORNEY STOLAR: What I think we  
14          see is that --

15          (Whereupon, there was simultaneous  
16          crosstalk.)

17          ATTORNEY STOLAR: So I think  
18          they're building over in part and then  
19          extending to the back using the same  
20          building line running along the same  
21          line that exists to the current house.

22          CHAIRMAN SALADINO: My  
23          understanding was that the extension to  
24          the back was new construction.

25          ATTORNEY STOLAR: Is new

1 correction, correct.

2 CHAIRMAN SALADINO: So that's the  
3 reason for the relief.

4 MEMBER NYCE: Yes.

5 CHAIRMAN SALADINO: So it's not --

6 MEMBER NYCE: Keep in line with  
7 the existing house, so they're --

8 (Whereupon, there was simultaneous  
9 crosstalk.)

10 MR. MURRAY: I wanted to help out.  
11 My name is David Murray, I happen to be  
12 neighbors of this family, and I've  
13 looked at the plans quite a bit of what  
14 they're doing. I'm just trying to help  
15 them out a little bit. Like you said,  
16 John, their existing house was 7 feet  
17 and it's a cape, and they want to  
18 extend the back of it out, so they have  
19 to keep the same line going straight  
20 back. That's why.

21 CHAIRMAN SALADINO: And you  
22 understand this and will try to explain  
23 to them so they understand it, the  
24 reason for being here is building a  
25 house, anything you want to do to the

1 house because the house is preexisting  
2 and nonconforming, anything you want to  
3 do in that footprint would have been  
4 allowed. But if you add onto it, if  
5 you increase the nonconformity, that's  
6 what you need the relief for the  
7 setback. That's why we're here now.

8 MR. MURRAY: Yeah, and the  
9 existing house for their family,  
10 they've lived here for over 10 years,  
11 right?

12 MR. AZAMA LOPEZ: Yeah.

13 MR. MURRAY: Yeah, they've been  
14 wonderful neighbors.

15 CHAIRMAN SALADINO: In that house?

16 MR. MURRAY: Yeah, they've owned  
17 the house for 19 years. I'm sorry,  
18 that's not -- that's my fault.  
19 Terrible neighbor. But their family is  
20 extending and they're adding bedrooms,  
21 but it's still staying a one family  
22 house. I think that's one of the  
23 questions that they're going to ask  
24 you. And it's a nice plan. I've  
25 looked at it and I think it conforms

1 with the neighborhood nicely, and I'm  
2 giving it my support as you can tell.

3 CHAIRMAN SALADINO: That's good.  
4 Any help we can get, we appreciate. So  
5 maybe you could help with the EAF.

6 MR. MURRAY: Okay.

7 CHAIRMAN SALADINO: Since the  
8 Village collects an EAF, and since I'm  
9 a nitpicker, I read it. If the Village  
10 didn't collect an EAF, I wouldn't read  
11 it.

12 CLERK NOONE: I distributed an  
13 EAF.

14 CHAIRMAN SALADINO: I have it. I  
15 have some questions on it. If we  
16 didn't have this here, I wouldn't have  
17 these questions, but I do. A couple  
18 of -- I'm sure it's just  
19 misunderstanding, whoever filled it out  
20 I'm sure probably just misunderstood  
21 the process here. Under the proposed  
22 action, require permit, it's local  
23 construction permit, you know, it  
24 should be relief from the Zoning Board  
25 of Appeals, if anybody cares about

1           that. And then does the proposed  
2           action meet or exceed energy state  
3           requirements -- energy code  
4           requirements. It says no. I was  
5           always under the impression that new  
6           builds had to be.

7           MR. MURRAY: I think the new build  
8           will -- to get a building permit,  
9           you're going to have to apply to the --  
10          or the state codes are going to have to  
11          be intact, whoever builds. I think  
12          that was probably just a  
13          misunderstanding.

14          CHAIRMAN SALADINO: And then storm  
15          water discharge, it says no, but then  
16          it goes on to say it's going to be  
17          managed through the proper drainage  
18          wells. I'm guessing that means dry  
19          wells, I'm guessing.

20          MR. MURRAY: On a property in  
21          Greenport, do you need it? I'm asking  
22          for them.

23          CHAIRMAN SALADINO: Well, even  
24          property in Greenport, the storm water  
25          can't run off onto your neighbor's

1 property, and I'm not sure how the new  
2 roof or the addition will effect --

3 MR. MURRAY: The roof lines are --

4 CHAIRMAN SALADINO: All we have to  
5 do is maybe answer no instead of yes  
6 because they answered yes.

7 MR. MURRAY: Couple of yeses and  
8 nos on that form are -- and the one  
9 before I messed up too so.

10 CHAIRMAN SALADINO: Whoever filled  
11 this out, we're obviously not going --  
12 I'm guessing obviously we're not going  
13 to hold this application up, but maybe  
14 for next month we can correct whatever  
15 is wrong with this.

16 MEMBER GORDON: I have a question.  
17 Is there a contractor or -- yet or an  
18 architect to represent you? It's  
19 wonderful that Dave is --

20 MR. MURRAY: I understand his  
21 cousin is the architect, am I saying  
22 cousin or uncle? And I think in his  
23 experience he might be contracting it  
24 himself. Who is the builder?

25 MR. AZAMA LOPEZ: We have a

1 contractor.

2 CHAIRMAN SALADINO: Who was it?

3 MR. MURRAY: Shelter Island, David  
4 Rosa. Okay. So they have chosen a  
5 contractor, so I think there's some  
6 forms that the contractor might need to  
7 fill out. But he's going to be the  
8 applicant; is that okay?

9 CHAIRMAN SALADINO: Absolutely.  
10 And it might be -- so we don't have to  
11 surmise or guess, maybe somebody,  
12 Zachary Nicholson, or the contractor  
13 might show up.

14 MR. MURRAY: Have the builder come  
15 next.

16 MEMBER GORDON: Usually we have an  
17 authorized person who has signed it as  
18 authorized to speak for the applicant,  
19 and maybe it would be you, but maybe it  
20 would be the contractor or architect.  
21 I mean, that's usually part of the  
22 application. So that can just be  
23 added, right?

24 CHAIRMAN SALADINO: If he's not  
25 representing -- if he's just here to

1           give information for the applicant, we  
2           don't need a notarized statement from  
3           the contractor or the architect.

4           MEMBER GORDON: We don't need  
5           someone authorized to speak for --

6           CHAIRMAN SALADINO: No.

7           MEMBER GORDON: -- the applicant?

8           CLERK NOONE: Will you be  
9           attending the public hearing in  
10          October?

11          MR. AZAMA LOPEZ: Yes.

12          CLERK NOONE: So the resident will  
13          be there October, so if he brings  
14          somebody else to help represent him, it  
15          wouldn't be a problem.

16          CHAIRMAN SALADINO: Not for me.

17          MEMBER NYCE: No, he's here as the  
18          applicant. He has somebody else that  
19          can answer questions for him.

20          CHAIRMAN SALADINO: Not a problem.

21          MEMBER NYCE: Absolutely.

22          MR. MURRAY: Let me ask you, I  
23          just asked them if it would be okay if  
24          I helped him out with that as a  
25          neighbor.

1 CHAIRMAN SALADINO: It's okay with  
2 us. I'm speaking for myself. It's  
3 okay with me.

4 MEMBER GORDON: Sure.

5 CHAIRMAN SALADINO: We're not  
6 opposed to anybody helping anybody.

7 MR. MURRAY: Okay.

8 CHAIRMAN SALADINO: So that's  
9 good. So that's it. If nobody has  
10 anything else to add, we'll schedule  
11 the public hearing and site visit and  
12 we'll do that.

13 MEMBER NYCE: We're going to  
14 accept it as is or subject to the  
15 adjusted EAF or --

16 CHAIRMAN SALADINO: I think we  
17 just accept the application and ask  
18 them to bring a corrected EAF to the  
19 next meeting. Can we get away with  
20 that, Brian?

21 ATTORNEY STOLAR: It's a Type II,  
22 you don't even need it.

23 CHAIRMAN SALADINO: I've been  
24 saying that for years.

25 All right. What's the pleasure of

1 the Board? Are we going to accept this  
2 application?

3 MEMBER KAUFMAN: Yes.

4 CHAIRMAN SALADINO: I make a  
5 motion we accept this application.

6 MEMBER GORDON: Second.

7 CHAIRMAN SALADINO: All in favor?

8 (Aye said in unison.)

9 CHAIRMAN SALADINO: We're going to  
10 schedule a public hearing for our next  
11 meeting. It will be October 21st. It  
12 will be here at 6:00 p.m. Does the --  
13 do the Members feel we need a site  
14 visit?

15 MEMBER NYCE: Yeah, I'd like to.

16 CHAIRMAN SALADINO: We would like  
17 to come to the property, look at what  
18 you plan on doing. If you could just  
19 stake out, you know, where the new  
20 construction is going to be. We don't  
21 really -- we're not that concerned  
22 about the old construction, just the  
23 new construction, and we'll schedule  
24 that site visit for -- I always look at  
25 Seth, he's our time guy.

1 MEMBER KAUFMAN: 5:30.

2 CHAIRMAN SALADINO: 5:30. We'll  
3 schedule a site visit for 5:30. So the  
4 public hearing will be here on October  
5 21st at 6:00 p.m., and the site visit  
6 will be at your property at 412 West  
7 Street at 5:30.

8 MR. MURRAY: You have to have a  
9 big barbecue.

10 (Laughter.)

11 CHAIRMAN SALADINO: Okay. Moving  
12 on. Item Number 8 is 518 First Street.  
13 This is a discussion and possible  
14 motion on the area variances applied  
15 for by David Murray on behalf of Donald  
16 Wiss. The property is located in the  
17 R-2 One and Two Family Residential  
18 District, it is also located in the  
19 Historic District. The Suffolk County  
20 Tax Map Number remains the same at  
21 1001-4-3-6.

22 What are we thinking here, folks?  
23 Anybody want to start?

24 MEMBER GORDON: It's not a  
25 question, it's a comment. I mean, I

1 don't like it that the slab was poured  
2 before he got the permit, but I also  
3 think this is not like 625. It's --  
4 the variance is not so substantial.  
5 The building size is not likely to have  
6 this -- the structure is not likely to  
7 have an effect on the neighborhood. I  
8 think I don't see problems with it.

9 CHAIRMAN SALADINO: Okay.

10 MEMBER GORDON: That's it. That's  
11 my view.

12 CHAIRMAN SALADINO: Okay. Seth?

13 MEMBER KAUFMAN: I agree with your  
14 logic, but I also have a problem with  
15 the fact that it was poured before the  
16 building permit. It's a huge problem.  
17 We didn't have the opportunity to  
18 really, you know, review that.

19 CHAIRMAN SALADINO: I don't think  
20 it's a secret that I kind of feel the  
21 same way. You know, especially since  
22 he tore the building down, and he  
23 didn't pour the concrete until a month  
24 later. I think if we went through this  
25 five question balancing test that a lot

1 of the answers would be supportive of a  
2 previous decision, I think. I don't  
3 think we can qualify the fact that --  
4 well, it's smaller and I think that's  
5 the only argument I heard. Well, it's  
6 smaller. You know, I don't know.

7 David, what do you think?

8 MEMBER NYCE: I'm thinking. I  
9 agree with the comments made. I would  
10 say that contrary to the other project  
11 that you're referencing, had this come  
12 to us as a new application, it's less  
13 burdensome on us to approve it than the  
14 other one was. The bulk of the  
15 structure itself, its relation to the  
16 property lines, its relation to other  
17 things on the property. So I still, as  
18 I stated again last month, I still have  
19 an issue that I think the Village does  
20 have some culpability. I realize that  
21 the Building Department being in  
22 disarray, but I think it's part of the  
23 Village's responsibility to make sure  
24 its functions are there. So I don't  
25 know, in the balance of this I'm more

1           likely to be willing to grant the  
2           relief in this situation, even though I  
3           understand the process that was  
4           followed was flawed.

5           MEMBER GORDON: I want to add  
6           something to what I said before, which  
7           is I remember that at our last meeting  
8           I think it was John said he had been  
9           reading some case law which suggested  
10          that there could be -- that the  
11          applicant could suffer from having not  
12          followed the process, even though  
13          perhaps the answers to the questions  
14          would favor the applicant. But I  
15          think -- and I'm sort of -- I sort of  
16          understand this and I feel there was  
17          a -- I mean, this is -- the applicant  
18          is a very knowledgeable Greenport  
19          resident and would have known that this  
20          was going to create a problem even  
21          though the Building Department was in  
22          disarray. But I also think there's a  
23          sort of limit on that essentially, I  
24          think punishment is probably too strong  
25          a word, that disability, and it is a

1 relatively small change and it is going  
2 to be -- that structure is going to be  
3 a handsome addition to the principal  
4 building. So I can't imagine how we  
5 could say that it was going to be a  
6 detriment to the neighborhood.

7 CHAIRMAN SALADINO: One of the  
8 things that I considered was we're not  
9 talking about the principal building.  
10 So David has concerns and Diana has  
11 concerns -- I'm sorry -- have concerns  
12 about the Building Department being in  
13 disarray. I think we use that as the  
14 accepted term that we use. But we're  
15 not talking about the principal  
16 building, we're talking about an  
17 accessory structure. So what would the  
18 true hardship be, aside that there  
19 would be no air-conditioning in the  
20 principal building.

21 MR. MURRAY: Heat too.

22 MEMBER NYCE: In this case, it's  
23 heat and air-conditioning.

24 MR. MURRAY: That's the number  
25 one.

1           CHAIRMAN SALADINO: Well, in  
2           response to that -- in response to  
3           that, I don't know the dimensions of  
4           the mechanical plan that he plans on  
5           putting in that building, 5 by 5, 10 by  
6           10. If it was a true problem, the  
7           contractor could have built an  
8           accessory structure, bought a temporary  
9           -- built an accessory structure to  
10          house those things until this was  
11          adjudicated. I just don't think -- I  
12          don't subscribe to if it's necessary,  
13          it's legal. I just don't do that. So  
14          I'm -- I honestly don't know if this  
15          came in front of this Board as it is  
16          now, as it should be now, as a new  
17          application, if the logical question  
18          wouldn't be why can't you just move it  
19          over five feet? The whole discussion  
20          here, if we're going to be honest, the  
21          whole discussion here is because the  
22          foundation is already poured. I mean,  
23          if the foundation wasn't poured, I'm  
24          not sure -- first of all, if the  
25          foundation wasn't poured, I'm not sure

1           if this application would be in front  
2           of the Zoning Board because it would  
3           just be let's move the building over  
4           three and a half feet. I don't accept  
5           the fact that it would be a detriment  
6           to the property if looking from the  
7           street the building was offset three  
8           and a half feet and not directly in  
9           line with the driveway.

10           MR. MURRAY: I know the public  
11           hearing is over. Can I speak on this a  
12           little?

13           CHAIRMAN SALADINO: The public  
14           hearing is over, David, but if you let  
15           me get my thoughts out and it's okay  
16           with the Members, I don't have a  
17           problem.

18           MR. MURRAY: Okay.

19           CHAIRMAN SALADINO: But again, so  
20           I think from looking at the -- from the  
21           street and looking down the driveway to  
22           discern that three and a half feet, I  
23           don't think that should be a deal -- I  
24           don't think having the building over  
25           three and a half feet is, like, the

1 deal and it's going to ruin the  
2 historical integrity of the  
3 neighborhood. I kind of think that's  
4 hokum.

5 You know, was the hardship  
6 self-created? Obviously. Would it  
7 have adverse impact on the physical  
8 environmental conditions in the  
9 neighborhood? Probably not. Could the  
10 benefit be sought by the applicant by  
11 another means? Absolutely. Move the  
12 building over. Is it expensive?  
13 Probably.

14 MEMBER KAUFMAN: Well, now it is.

15 CHAIRMAN SALADINO: Now it is.

16 MEMBER KAUFMAN: Just to interrupt  
17 here for a minute, I think that if this  
18 came before us before the foundation  
19 was poured we would have -- or at least  
20 I would have, speaking for myself, I  
21 would have suggested that it be moved  
22 five feet. I agree with our Chairman,  
23 I think that that argument that it's  
24 off center is not sufficient to, you  
25 know, require relief. Just it's not a

1 big deal to move it, at least I haven't  
2 heard anything that convinces me it  
3 would be a big deal to move it. It's a  
4 big deal now because it's already been  
5 poured, but that's unfortunate.

6 CHAIRMAN SALADINO: And the other  
7 concern was the tree. I don't know if  
8 people agree with me, but trees are one  
9 of the few things on this planet that's  
10 renewable, so if we cut down that pine  
11 tree, I don't see that as being -- in  
12 my mind anyway. That shouldn't be a  
13 deciding factor. It's not a deciding  
14 factor in my mind that that tree may or  
15 may not have to go. I'm not sure it  
16 would have to go because the tree is  
17 further than three and a half feet from  
18 the building.

19 So the public hearing is closed.  
20 This is normally our time to discuss.  
21 David asked if he could give comment.  
22 Do we have a problem with that?

23 MEMBER KAUFMAN: I don't have a  
24 problem.

25 MEMBER GORDON: No.

1 MEMBER NYCE: No.

2 ATTORNEY STOLAR: As long as you  
3 don't consider what he says.

4 MR. MURRAY: I think if I brought  
5 this to your attention before I got  
6 Historic Board approval, before I went  
7 through the permitting stage, I know  
8 everybody is saying you didn't do it  
9 with a permit, but don't forget I went  
10 through the stages. The Building  
11 Department disappeared. This project  
12 is being held up from the heat pumps.  
13 So if I did bring this project to your  
14 attention prior, I would have noted the  
15 other buildings right on the property  
16 line as neighbors. And I would have  
17 said this driveway goes right into his  
18 driveway. I mean, right into the  
19 garage. And it is historic  
20 significance that it is in that area.  
21 And if you move it over three feet, it  
22 is cockeyed. So there's a lot of  
23 things I would have brought to the  
24 attention to get your approval before  
25 the foundation.

1           CHAIRMAN SALADINO: But it never  
2 came to the Zoning Board.

3           MR. MURRAY: No, it didn't.

4           CHAIRMAN SALADINO: We can't  
5 assume --

6           MR. MURRAY: I know that. John, I  
7 know that, and I'm not arguing the  
8 fact. I'm just saying, if it did, I  
9 would have said, listen, look at all  
10 the neighbors that have buildings on  
11 the property line. It's not that I'm  
12 asking for three and a half feet. I'm  
13 off the property line farther than most  
14 buildings in that area. I'm just  
15 bringing that to your attention. So  
16 there should be some relief on this.

17          CHAIRMAN SALADINO: In response to  
18 that --

19          MR. MURRAY: And I don't like the  
20 fact that you think that -- not you,  
21 John, but, yes, the building permit,  
22 but the project was on hold until I got  
23 it, so I had to get -- I have to get a  
24 wall up to get heat in the house. So  
25 the Building Department being inactive

1 the way it was, that's why the building  
2 is not finished. That's why we're  
3 sitting like this. So to bash me for  
4 -- the permit was applied for, it went  
5 all the way to Historic to get  
6 approved. Yes, I took the thing down,  
7 and it wasn't a month, I think it was  
8 10 days. I started looking at  
9 pictures.

10 CHAIRMAN SALADINO: I disagree. I  
11 disagree because I drive up First  
12 Street everyday, and like I said, we're  
13 the Zoning Board of Appeals, we're not  
14 the zoning police.

15 MR. MURRAY: You and I can chat  
16 about this later, but I just think that  
17 there was a good case to get this three  
18 and a half yard setback prior. I don't  
19 think you would have -- I think the --  
20 I mean, the setback is so common to the  
21 neighborhood. That's just what I want  
22 to say. There's multiple properties  
23 that are on the property line for  
24 accessory buildings.

25 CHAIRMAN SALADINO: We

1           certainly -- thank you, David. In  
2           response to that, we certainly  
3           understand that. We're on the Zoning  
4           Board of Appeals, we see it at every  
5           single meeting we hold, we see that,  
6           preexisting nonconforming buildings on  
7           the property line. But having what I  
8           said previously is that Article 2 of  
9           the code says it's our job to gradually  
10          eliminate nonconforming uses. To  
11          promulgate it, to keep paying it  
12          forward to say, well, it's been there  
13          for 60 years, I tore it down, I want to  
14          put it back in the exact same spot.  
15          There was a neighbor that was all in  
16          favor, but we also know that the  
17          variance runs with the land. Today,  
18          tomorrow there's a new neighbor, and  
19          that might be an intrusion. We have to  
20          look down the road.

21                I'm just uncomfortable with this.  
22                I was going to make a suggestion to the  
23                Board. I understand this project --  
24                David, I understand this project has  
25                been on hold.

1 MR. MURRAY: Forever.

2 CHAIRMAN SALADINO: Close to  
3 forever. A long time. Close to  
4 forever. But I'm willing to take a  
5 vote tonight. I don't know what the  
6 outcome will be. I would rather have  
7 the fifth member here so there can be  
8 no confusion about the outcome of the  
9 vote. I hate to tie you over for  
10 another month.

11 MR. MURRAY: That's fine.

12 CHAIRMAN SALADINO: We might not  
13 because it's up to the Board, you know,  
14 I'm only one vote here. You know,  
15 that's kind of, like, my logic. I'm  
16 kind of reading the room a little bit,  
17 and I have an opinion, another member  
18 has an opinion, other members have an  
19 opinion. I just -- I don't want to  
20 see -- I don't want to see a tie vote  
21 and then have a revote next month. I  
22 would like the fifth member to be here  
23 this way there can be no question. How  
24 do we feel about that?

25 MEMBER GORDON: It's okay with me.

1 CHAIRMAN SALADINO: Give me an  
2 opinion about it.

3 MEMBER GORDON: I think a tie vote  
4 is uncomfortable for everybody and  
5 doesn't give you a definitive answer.  
6 So if you think there's a risk,  
7 significant risk of a tie vote.

8 CHAIRMAN SALADINO: Only from the  
9 conversation, only from our discussion.

10 MEMBER GORDON: You're a good  
11 listener.

12 CHAIRMAN SALADINO: What do you  
13 think, David?

14 MEMBER NYCE: If it's not -- if  
15 the applicant is okay with it being for  
16 another month, I'm fine with it too.

17 MEMBER KAUFMAN: I think it's --  
18 I'm not going to say it's up to the  
19 applicant, but I would be interested --  
20 if you could wait a month, I think it's  
21 probably in your interest to wait a  
22 month.

23 MR. MURRAY: I think it's in my  
24 interest to wait a month the way I'm  
25 reading it, I need to wait a month. I

1 mean --

2 MEMBER KAUFMAN: I think it's in  
3 your interest to wait a month.

4 MR. MURRAY: Yeah, I'll wait a  
5 month.

6 CHAIRMAN SALADINO: Well, in the  
7 interest of full disclosure because I  
8 see my attorney getting antsy over  
9 there, in the interest of full  
10 disclosure, if we do vote tonight and  
11 it is a tie vote, we would probably  
12 vote again next month, you know, if --

13 MR. MURRAY: I'm going to be here  
14 next month for my friends.

15 CHAIRMAN SALADINO: If the fifth  
16 member comes. If not, then it's  
17 carried over another month. So the  
18 extra month, in my mind -- am I getting  
19 that right?

20 ATTORNEY STOLAR: Yeah, 2-2 vote  
21 is a non-vote. You have to vote again.

22 MR. MURRAY: I get it.

23 CHAIRMAN SALADINO: It gives the  
24 four members here, you know, an extra  
25 30 days to reconsider.

1 MR. MURRAY: I totally get it.

2 I'm fine with it.

3 CHAIRMAN SALADINO: I'm going to  
4 make a motion that we -- is that okay  
5 with the Board?

6 MEMBER KAUFMAN: Fine with me.

7 CHAIRMAN SALADINO: We'll hold it  
8 over until next month. We don't even  
9 have to make a motion to do that,  
10 right?

11 ATTORNEY STOLAR: No, you do not.

12 CHAIRMAN SALADINO: All right. So  
13 we're going to consider this further.  
14 We have 62 days to make a decision,  
15 obviously we're going to make a  
16 decision next month, and we'll hold  
17 this over until next month. Further  
18 decision until next month. What's the  
19 matter?

20 MR. MURRAY: Definitely have a  
21 barbecue at their house.

22 CHAIRMAN SALADINO: Well, any way  
23 you can get the vote. Clubhouse  
24 politics, that's how things work,  
25 right?

1           So moving on to Item Number 9 is  
2           any other Zoning Board of Appeals  
3           business that may properly come before  
4           this Board. This is your chance,  
5           folks, anybody got a question? Hearing  
6           none.

7           Item Number 10 is a motion to  
8           adjourn. So moved.

9           MEMBER NYCE: Second.

10          CHAIRMAN SALADINO: All in favor?

11          (Aye said in unison.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

## 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 September 16, 2025, and  
9 were 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 23rd day of SEPTEMBER, 2025.

16

17

18

-----  
AMY THOMAS

19

20

21

22

23

24

25