

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 October 21, 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 MICHAEL NOONE - CLERK TO THE BOARD
22
23
24
25

1 CHAIRMAN SALADINO: Good evening,
2 folks. That was the approximately 6:00
3 whistle. This is the Village of
4 Greenport Zoning Board of Appeals
5 regular meeting.

6 Item Number 1 on our agenda
7 tonight is a motion to accept the
8 minutes of the September 16, 2025
9 Zoning Board of Appeals meeting. So
10 moved.

11 MEMBER NYCE: Second.

12 CHAIRMAN SALADINO: All in favor?

13 (Aye said in unison.)

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

16 Folks, in the interest of -- for
17 the public and for full disclosure, our
18 attorney is not going to be here
19 tonight, and we have one member missing
20 tonight. So we're going to try to
21 muddle through without the attorney and
22 with four members of the Zoning Board.

23 Item Number 2 is a motion to
24 schedule the next Zoning Board of
25 Appeals meeting for November 18, 2025

1 at 6:00 p.m. at Station One Firehouse,
2 Third and South Street, Greenport, New
3 York 11944. So moved.

4 MEMBER GORDON: Second.

5 CHAIRMAN SALADINO: All in favor?

6 (Aye said in unison.)

7 THE COURT: And I'll vote aye.

8 Item Number 3 is 412 West Street.
9 This will be a public hearing regarding
10 the application of Francisco Azama
11 Lopez, am I getting that right?

12 MR. AZAMA LOPEZ: Azama, yes.

13 CHAIRMAN SALADINO: Applicant
14 proposes a second story addition and a
15 two-story rear addition. The relief
16 requested is on the agenda. The
17 property is located at the -- in the
18 R-2 One and Two Family Residential
19 District and is not located in the
20 Historic District. The Suffolk County
21 Tax Map Number is 1001-4-1-26.

22 I'm going to ask the Clerk of the
23 Boards, this was properly noticed?

24 CLERK NOONE: It was properly
25 noticed.

1 CHAIRMAN SALADINO: I have the
2 mailings. If anyone from the public
3 wants me to read them, I will. If not,
4 the stenographer has them, she'll enter
5 them into the official record.

6 (Mailings: Charles/Earline
7 Hepburn, 331 Fourth Avenue, Greenport,
8 New York 11944; Paul/Gabrielle
9 Mysliborski, 408 West Street,
10 Greenport, New York 11944; Stacy
11 Crocker, 415 West Street, Greenport,
12 New York 11944; Greenport 412 Kaplan
13 Ave LLC, P.O. Box 591, Shelter Island
14 Heights, New York 11965; Cheryl Vogel,
15 416 West Street, Greenport, New York
16 11944; Ralph Mims, P.O. Box 6,
17 Greenport, New York 11944.)

18 Is the applicant here? Name and
19 address for the stenographer.

20 MR. MURRAY: I want to introduce
21 myself, I'm Dave Murray with -- at 332
22 Fifth Avenue. I'm neighbors of the
23 applicant. I'm not here as a
24 contractor or anything, I'm just here
25 as a neighbor helping any questions

1 that you might have, to help explain
2 the questions to them and those things.
3 But if you would come up and give your
4 name and address.

5 MR. AZAMA LOPEZ: Yeah, my name is
6 Francisco Azama Lopez, and I live at
7 412 West Street, Greenport.

8 CHAIRMAN SALADINO: Okay. Do you
9 want to -- we understand that there
10 might be a small communication problem.
11 Does anybody want to just give us
12 what's going on?

13 MR. MURRAY: I'll do it. So the
14 applicant is asking for an extension on
15 the back of their house. And they're
16 asking for relief of a side yard
17 setback with this. And as the -- as
18 everybody saw, he staked it out to
19 where the back extension is coming,
20 it's really just going off both the
21 right side and left side lines of the
22 house going out, I think, a total of 14
23 feet. He's adding a second story. I
24 think they're continuing with three
25 bedrooms on the house, just adding more

1 space for his family.

2 The applicants have been residents
3 of the area for 19, 20 years and --

4 MR. AZAMA LOPEZ: From 2006.

5 MR. MURRAY: 2006, so 19 years.
6 So they're looking for relief on the
7 side yard setback.

8 CHAIRMAN SALADINO: Okay. Last
9 month we kind of asked about some stuff
10 we thought that -- was anything --

11 CLERK NOONE: Well, the
12 environmental assessment form, the
13 Village Attorney -- we decided that the
14 environmental assessment form wasn't
15 going to be used anymore for any
16 further applicants, so that was
17 dismissed.

18 CHAIRMAN SALADINO: We decided
19 that going forward.

20 CLERK NOONE: You decided that
21 going forward, yes.

22 CHAIRMAN SALADINO: So we don't
23 care about that.

24 CLERK NOONE: We don't care about
25 that.

1 CHAIRMAN SALADINO: And again, for
2 whoever is listening in the public, if
3 an applicant doesn't have to supply a
4 short EAF, me, personally, I'm fine
5 with that. For a Type II action, you
6 don't have to supply it. But if you do
7 supply it, I read it. So if it's here,
8 and we read it, we're going to ask
9 questions about it. So I thought going
10 forward we just wouldn't see this
11 anymore, but I kind of have this.

12 CLERK NOONE: You have it because
13 it was part of the original
14 application. So I wasn't going to take
15 it away from you.

16 MEMBER NYCE: To that part of what
17 was on there, I think we discussed
18 because the back half of the house now
19 is going to have pitched roofs going to
20 two side yards, that's going to be
21 guttered, down spouted, and going to a
22 dry well to catch that runoff; is that
23 correct?

24 MR. MURRAY: I don't think that's
25 on the plan for the dry wells.

1 CHAIRMAN SALADINO: I don't see a
2 dry well on the plan. That was the
3 reason I asked. I mean, there was two
4 questions about a local permit. We
5 don't really care about that. And
6 these two things are, honestly,
7 Building Department issues, but since
8 we have it in front of us, we'll make a
9 note to the Clerk that he can bring it
10 to the Building Department.

11 One of the questions, does the
12 proposed action meet or exceed state
13 energy code requirements, they answered
14 no. I don't even know if that's legal,
15 you know, to not build to state energy
16 requirements.

17 MR. MURRAY: Well, when you do an
18 addition, I think -- I'm actually
19 curious about that too, John, but I
20 think an addition because they're not
21 touching the front side of their house,
22 I think it's just the addition. So I
23 think overall you won't need that, but
24 on the new part you would. Does that
25 make sense?

1 CHAIRMAN SALADINO: Yeah, it does.
2 And we're only addressing the new part,
3 we don't care about the old part.

4 MR. MURRAY: So that I think
5 that's --

6 CHAIRMAN SALADINO: You don't have
7 to answer now. We thought maybe they
8 would bring their builder or their
9 architect, but they didn't. So we're
10 going to make a note for the building
11 inspector --

12 CLERK NOONE: Well, I'm not sure
13 if the building inspector is going to
14 actually require that. He's only going
15 to care about what he requires.

16 CHAIRMAN SALADINO: We're only
17 inquiring about what's on here and
18 if -- we're only pointing it out to
19 him. That's all we're doing. It's not
20 going to effect the application.

21 And the other thing is about the
22 storm water discharge, that we are kind
23 of interested in.

24 MEMBER NYCE: I would suggest that
25 it be directed away from the neighbor's

1 property particularly on the side where
2 they're looking for relief. You know,
3 a smaller amount of space on the west
4 side of the property.

5 MEMBER GORDON: West side.

6 MEMBER NYCE: So if those down
7 spouts come down, if you have some sort
8 of leader that leads back to your
9 property and not to the neighbor's
10 property.

11 CHAIRMAN SALADINO: We have -- a
12 portion of our code -- excuse me, a
13 portion of our code says you have to
14 contain your storm water. It can't
15 migrate to other people's properties
16 and stuff. Normally the way the
17 builders handle it is they put a dry
18 well, and it goes into the dry well.
19 This is a Building Department --
20 building inspector issue. In the past,
21 we addressed it because we had the
22 short EAF. All we're saying is we're
23 going to give the building inspector a
24 heads up to this. What he does after
25 that is up to him.

1 Does any member have a question
2 for the applicant?

3 MEMBER GORDON: I don't have any
4 questions. I do think that you just
5 need to fill in for the record the --
6 it says here is basement or lowest
7 floor being constructed? And the
8 answer -- neither yes nor no, at least
9 in my copy, is checked.

10 MR. MURRAY: What part of that
11 application, I'm sorry?

12 MEMBER GORDON: It's the section
13 on new construction areas, and it asks
14 is basement or lowest floor area be
15 constructed? And in my copy, neither
16 yes nor no is checked, so.

17 MEMBER NYCE: So there will be --

18 MEMBER GORDON: I guess, I would
19 like to know the answer.

20 MEMBER NYCE: It's asking if the
21 basement or lowest floor is being
22 constructed. So are you putting a
23 foundation underneath the new section?
24 The answer is yes, so.

25 MR. MURRAY: That's going to be a

1 crawl space on the new section.

2 MEMBER GORDON: It's very clear on
3 the site plan.

4 MEMBER NYCE: If you're putting in
5 foundation, you need to just have --

6 MEMBER GORDON: Yes.

7 MR. AZAMA LOPEZ: Yes.

8 MEMBER GORDON: And my arithmetic
9 suggests that it's -- the coverage,
10 percentage of coverage is 15.3 percent
11 rather than 14. It's not important, I
12 realize, but because you have lots of
13 room on the lot coverage. Other than
14 that, I have no questions.

15 CHAIRMAN SALADINO: Dave?

16 MEMBER NYCE: No.

17 CHAIRMAN SALADINO: Seth,
18 anything?

19 MEMBER KAUFMAN: Nope.

20 CHAIRMAN SALADINO: Thank you.

21 I'm going to ask the public, if there's
22 anybody from the public that would like
23 to speak? No. Okay.

24 What's the pleasure of the Board?
25 Are we going to close this public

1 hearing?

2 MEMBER NYCE: I'm fine with that.

3 MEMBER GORDON: Yes.

4 MEMBER KAUFMAN: Yes. Aye.

5 CHAIRMAN SALADINO: I'm going to
6 make a motion that we close the public
7 hearing. So moved.

8 MEMBER KAUFMAN: Second.

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

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

13 Item Number 4, oh, look at this,
14 412 West Street. Item Number 4 on our
15 agenda is 412 West Street. This is a
16 discussion and possible motion on the
17 area variances applied for by Francisco
18 Azama Lopez for the property located at
19 412 West Street, Greenport, New York
20 11944. The Suffolk County Tax Map
21 Number remains the same at 1001-4-1-26.

22 What are we thinking here, folks?
23 We're talking about -- just for the
24 record, we're talking about a side yard
25 setback from a two story rear addition

1 of 7.7 feet where a minimum of 10 feet
2 is required. And to permit an
3 aggregate side yard setback of 19.7
4 feet where the minimum of 25 feet is
5 required. 150-21 says to permit an
6 enlargement of a nonconforming building
7 in a manner that increases the degree
8 of nonconformity. So the applicant is
9 looking for three phases of relief.
10 None of them seem overwhelming. What
11 are we -- anybody have any comments
12 about this?

13 MEMBER NYCE: No.

14 MEMBER GORDON: Well, the west
15 side yard setback is going to be the
16 same as it has been always for the
17 house, the 7.7 feet. I mean, it is
18 increasing the degree of nonconformity
19 just for those, whatever it is, 14 and
20 a half feet.

21 CHAIRMAN SALADINO: For the
22 addition, whatever the addition is.

23 MEMBER GORDON: For the addition,
24 yeah, 14 and a half feet. And I
25 sometimes have doubts about this

1 standard for not increasing the degree
2 of nonconformity because as people
3 become more settled and more affluent,
4 they want bigger houses, and I don't
5 think we should have huge houses, but I
6 understand people want bigger kitchens
7 because our lives have changed about
8 cooking and people have more guests.
9 So it seems to me sometimes that
10 adhering to that standard is sort of
11 unreasonable, and I would say this is
12 one of those cases. And that the
13 increase in the degree of nonconformity
14 is really not very great. It makes the
15 downstairs area a little bigger and it
16 adds a bedroom.

17 CHAIRMAN SALADINO: Okay. Okay.

18 MEMBER GORDON: But surely, it is
19 the third -- this third element of
20 increasing the degree of nonconformity.
21 I mean, if Arthur Tasker were here, he
22 would say no, no, no.

23 CHAIRMAN SALADINO: If Arthur
24 Tasker was here, he would have to
25 recuse himself because the original

1 interpretation was for Arthur Tasker's
2 house on Sandy Beach. So he would have
3 to recuse himself.

4 But as an explanation to what my
5 colleague said, the Zoning Board of
6 Appeals had made an interpretation in
7 -- Dinni and I were both on the Zoning
8 Board at the time, that a house on
9 Sandy Beach without increasing the
10 footprint decided to go up, and the
11 Zoning Board at that time decided that
12 it was permitted. It was -- it didn't
13 increase the nonconformity.

14 After that, a couple or three
15 years after that, there was a house on
16 Main Street, 506 or 508, I don't
17 remember, and the same issue came up.
18 And at that time, our attorney at that
19 time, different attorney at that time,
20 it was for a second floor deck over a
21 first floor kitchen. And the Zoning
22 Board reaffirmed -- at that time it
23 reaffirmed its interpretation of
24 150-21.

25 Apparently now, without somebody

1 asking for a new interpretation, the
2 Village has decided that this, in fact,
3 requires relief. If -- in this
4 particular instance, it's really a
5 nonissue. I mean, it's not something
6 that's going to make a big difference
7 in how this Board votes tonight, I'm
8 guessing, how it affects the property
9 or the property owner, but in the
10 future, it could make a difference. So
11 the Zoning Board has -- we all know
12 that interpretations have carried the
13 weight of precedence. The Zoning Board
14 has an interpretation on this. Like it
15 or not, it is the law of the land. But
16 now, someone else is interpreting this
17 and they decide that relief is
18 required. Again, I don't think it's
19 going to make a difference tonight, but
20 down the road, it very well may.

21 So in response to what my
22 colleague said, that's kind of, like,
23 my response to that.

24 MEMBER GORDON: Which is, I think,
25 in a way an argument for revisiting

1 this standard and making it more
2 nuanced for situations, and then you
3 wouldn't have to be dealing with this
4 kind of trivial matter.

5 CHAIRMAN SALADINO: Well, unlike
6 other municipalities, and you know
7 this, unlike other municipalities, an
8 outside Board is required to ask for an
9 interpretation from the Zoning Board.
10 In this municipality, in their infinite
11 wisdom, which I totally agree with, we
12 can ask ourselves for an
13 interpretation.

14 So me personally, I'm okay with
15 the interpretation that the Zoning
16 Board made in 2015 and 2018, that they
17 reaffirmed it in 2018. If someone here
18 tonight or in the future wants to
19 request an interpretation, I don't have
20 a problem with it.

21 MEMBER GORDON: I'm not talking
22 about a different interpretation, I'm
23 talking about thinking about changing
24 that section, but we're not going to do
25 it now obviously.

1 CHAIRMAN SALADINO: I'm not sure I
2 understand. Change what section?
3 Change that portion of the code?

4 MEMBER GORDON: Yes.

5 CHAIRMAN SALADINO: We already did
6 with our interpretation. The
7 interpretation becomes the law, not
8 that portion of the code.

9 MEMBER GORDON: All right. I'm
10 thinking about a future text, but let's
11 not. I meant just to say that I think
12 we can move easily with this, me, we
13 can move easily on this question
14 because we're comfortable with allowing
15 this applicant to increase the degree
16 of nonconformity.

17 CHAIRMAN SALADINO: Okay. There's
18 so much more I could say, but I don't
19 want to belabor it, so we're just going
20 to move on, if that's okay with the
21 folks here.

22 I lost my place. Where were we
23 with this?

24 MEMBER KAUFMAN: You were asking
25 the other Board Members how they felt

1 about it. I think we might have done
2 that.

3 CHAIRMAN SALADINO: How do we feel
4 about it?

5 MEMBER KAUFMAN: I think it's a
6 reasonable request and it's a minor
7 impact.

8 MEMBER NYCE: I concur.

9 CHAIRMAN SALADINO: I agree.

10 MEMBER KAUFMAN: How do you feel?

11 CHAIRMAN SALADINO: I agree also.

12 That was an elaborate solution to
13 a nonexistent problem. I apologize.
14 Sometimes the less said, the better.

15 I know we have to do SEQRA.

16 I'm going to make a motion that
17 the Zoning Board of Appeals declares
18 itself lead agency for the purposes of
19 SEQRA. So moved.

20 MEMBER NYCE: Second.

21 CHAIRMAN SALADINO: All in favor?

22 (Aye said in unison.)

23 CHAIRMAN SALADINO: And I'll vote
24 aye. This is a Type II action, so no
25 further -- there's no impact on the

1 environment.

2 We can read these five questions
3 or we can just discuss them a little
4 bit.

5 MEMBER KAUFMAN: We don't need the
6 five questions.

7 CHAIRMAN SALADINO: We don't read
8 the five questions if we discuss them
9 in our discussion.

10 MEMBER NYCE: Which I think we
11 have.

12 MEMBER KAUFMAN: We have.

13 CHAIRMAN SALADINO: I think we
14 have.

15 So the next thing would be I'll
16 make a motion that the Zoning Board of
17 Appeals approves the listed -- the
18 three listed requests for relief, so
19 basically approve the application. So
20 moved.

21 MEMBER NYCE: Second.

22 CHAIRMAN SALADINO: All in favor?

23 (Aye said in unison.)

24 CHAIRMAN SALADINO: Should we take
25 a roll call? We're all in agreement.

1 I'll take a roll call. David?

2 MEMBER NYCE: Aye.

3 CHAIRMAN SALADINO: Dinni?

4 MEMBER GORDON: Yes.

5 CHAIRMAN SALADINO: Seth?

6 MEMBER KAUFMAN: Yes.

7 CHAIRMAN SALADINO: And I'll vote

8 yes. Easy peasy. Thank you. The --

9 I'm not entirely sure of the process.

10 The decision will be with the Clerk

11 within five days. The Building

12 Department will get that decision

13 and --

14 CLERK NOONE: I'll let the

15 Building Department know that the

16 variances have been granted.

17 CHAIRMAN SALADINO: And then a

18 building permit will be -- when he gets

19 a chance, he'll issue a building

20 permit. Thank you.

21 MEMBER GORDON: And I'll be

22 interested as I walk by your house to

23 watch it change.

24 MR. MURRAY: Me too.

25 CHAIRMAN SALADINO: David has the

1 best view.

2 Moving on. Item Number 5 is 518
3 First Street. This is a continued
4 discussion and possible motion on the
5 area variance applied for David Murray
6 on behalf of Donald Wiss for the
7 property located at 518 First Street,
8 Greenport, New York 11944. The Suffolk
9 County Tax Map Number is 1001-4-3-6.

10 Members, we've had a month to
11 ponder this. David, I have to
12 apologize to you, we thought we were
13 going to have --

14 MR. MURRAY: I understand. John,
15 I get it.

16 CHAIRMAN SALADINO: We thought we
17 would have five members.

18 MR. MURRAY: Proceed, right.

19 CHAIRMAN SALADINO: I kind of have
20 some stuff to say that may or may not
21 be okay with you, but the Members, if
22 you want, I'll go. If not, somebody
23 else have -- no.

24 Again, I took notes because --
25 because I'm getting old and I got to

1 take notes.

2 I went through the five questions,
3 which I used to decide -- which all
4 Zoning Board Members use to decide if
5 the detriment to the Village is greater
6 than the benefit to the applicant. So
7 by law, we are required to ponder these
8 five questions and use the results that
9 you come to to control your vote. So
10 you know, one of the questions, whether
11 an undesirable change would be produced
12 in the character of the neighborhood.
13 From my experience on the Zoning Board,
14 first of all, the Zoning Board's
15 mandate, you know, Article 2 of the
16 Zoning Board mandate is the elimination
17 of nonconforming uses. So to pay a
18 nonconforming use forward, to me, is
19 contrary to what our mandate is. We
20 all understand about preexisting
21 nonconforming. Nobody is going to
22 change that, nobody is going to make
23 you move a house that's been there a
24 hundred years. But once that house is
25 not there anymore, then it has to abide

1 by the rules.

2 So in this case, a neighbor was
3 kind of okay with the detriment to her
4 property. But we know that the
5 variance runs with the land, so the
6 next neighbor might not be okay.

7 Whether the benefit sought by the
8 applicant can be achieved by some
9 method, other than an area variance.
10 Obviously yes, they just move the
11 building over. The elephant in the
12 room is that there's a foundation. I'm
13 kind of willing to compromise about
14 this foundation, but can we move the
15 building over three and a half feet or
16 five feet? Yes.

17 Is the requested area variance
18 substantial? In relation to what's
19 required and what's provided, I believe
20 it is. It's three times the amount
21 needed for the required setback.

22 Whether proposed variance will
23 have an adverse impact on the physical
24 environment, conditions in neighborhood
25 or district. This Board has -- I

1 believe this, this Board many, many
2 times has heard about fire safety,
3 about the reason for setbacks. We take
4 into consideration that and also the
5 neighbor's right to open space and to
6 the perception of light and stuff. So
7 to build something on a neighbor's
8 property line, in my mind, deprives the
9 neighbor of that.

10 The last question we're asked to
11 consider is is the difficulty
12 self-created. I mean, obviously.

13 And having -- in reference to
14 that, I kind of reject the mindset that
15 the municipality might bear some fault
16 in this. I don't subscribe to that. I
17 don't think the municipality should be
18 held responsible for this overt act. I
19 mean, sometimes we have to wait. Right
20 now there's -- is the government still
21 shut down right now? I think the
22 government is still shut down. So
23 people are waiting, I mean, people are
24 waiting for paychecks, and thank God
25 not Social Security checks. But you

1 can't just decide that I'm tired of
2 waiting. I heard last month that this
3 is not a big deal because the scope is
4 smaller from a previous application
5 that we had for this same thing. I
6 disagree with that too. I don't have a
7 square footage that I have in my mind
8 that makes it okay. One project is 600
9 feet, this is 300 feet. I don't have
10 that. I think the act is what we have
11 to -- I don't think we should pay bad
12 behavior forward. I don't think -- I
13 think the builder and the applicant
14 both admitted that they knew that they
15 were doing this without a permit. I
16 don't subscribe to the old Greenport
17 paradigm that just ask for forgiveness
18 as opposed to permission.

19 So unless my colleagues say
20 something that is radically different
21 than what I just said, that opinion is
22 going to be expressed in my vote.
23 That's all I have.

24 Anyone? Or not. We'll just take
25 a vote.

1 MEMBER KAUFMAN: I have nothing to
2 add. I agree with what you said.

3 MEMBER GORDON: My position is
4 pretty much the same as last month.
5 I'm -- I wish the applicant had gotten
6 the -- I mean, I feel, as Seth does,
7 that it's very important, that just to
8 get the building permit -- to apply for
9 a building permit is sort of --

10 MR. MURRAY: It was applied for,
11 Dinni. It was all -- Historic approved
12 everything.

13 CHAIRMAN SALADINO: David, you
14 can't --

15 MR. MURRAY: You said --

16 (Whereupon, there was simultaneous
17 crosstalk.)

18 MEMBER GORDON: I misspoke.

19 MR. MURRAY: Let's get this
20 straight.

21 MEMBER GORDON: I should have
22 said, I'm sorry it was not acquired.
23 I'm sorry it didn't happen, the
24 building permit.

25 MR. MURRAY: Okay. But applied

1 for is something --

2 MEMBER GORDON: Okay. You're not
3 -- we're the ones who are supposed to
4 be talking now.

5 MR. MURRAY: I know. Well --

6 MEMBER GORDON: I also think that
7 the variance is not so substantial. I
8 think it would be kind of awkward to
9 move the building, it will not align
10 with the driveway. I think the
11 building size is not likely to have an
12 effect on the neighborhood to use part
13 of the questions we ask. And the
14 neighbor was not just okay with it, she
15 was -- she saw the problems and I think
16 she -- of course, there might be
17 another neighbor, but I doubt very much
18 that another neighbor is going to be
19 concerned.

20 So although I'm hesitant about
21 the -- about the relationship with the
22 Building Department, I guess, I have
23 put that aside and I'm comfortable with
24 this variance request.

25 CHAIRMAN SALADINO: David?

1 MEMBER NYCE: Yeah, I expressed my
2 opinions last month. I still -- I
3 agree with Dinni in this instance that
4 I don't see -- I don't necessarily have
5 a problem with granting the variance in
6 this case.

7 CHAIRMAN SALADINO: Okay. Just
8 because we heard something from someone
9 in the audience in the back there. We
10 don't care what happened at HPC, HPC
11 has nothing to do with us. And HPC
12 doesn't have the right to grant
13 variances or grant relief. So whatever
14 happened at HPC doesn't effect anything
15 that happens here.

16 Dinni had mentioned about the
17 driveway. I had planned on saying
18 something like that. I think the fact
19 that the building -- the applicant
20 would like the building to line up with
21 his perception of where the driveway
22 should be, I kind of think that's
23 hokum, I think, you know, to move it
24 over three feet, the building is going
25 to be a hundred feet from the front of

1 the property. I don't know anybody
2 that's going to notice that. But that
3 was an argument that the applicant made
4 in favor of us granting this relief.

5 I'm not sure if -- did we do
6 SEQRA, did we do SEQRA?

7 CLERK NOONE: I don't believe we
8 did yet.

9 MEMBER KAUFMAN: We haven't. I'll
10 just add, I think that, you know -- I
11 don't -- if they want -- if they feel
12 it lines up better, and I guess you do
13 too, that's one thing. My problem is
14 really that we were never given the
15 opportunity to actually comment on that
16 positioning and that variance because
17 it was just built without a permit.
18 That's the problem I have with this
19 entire affair is that the process
20 wasn't followed, and we never had an
21 opportunity to actually have input into
22 that. It was just put into the ground
23 and now here it is. And that's the
24 real conundrum for me. It's not a
25 matter of is it a major variance or is

1 it going to be a detriment to the
2 neighborhood. I don't think it is. I
3 don't think moving it over a few feet
4 is going to ruin the neighborhood or
5 anything. But it's just that we don't
6 have a choice. It's there and how do
7 we legitimize that? That's the problem
8 I have.

9 CHAIRMAN SALADINO: Let me ask,
10 and maybe David will respond after I
11 say this. I'm willing to kind of
12 compromise half way. We know in our
13 code the definition of a building is
14 the same as a structure and a
15 foundation is a building. It is a
16 structure. And it carries the weight
17 of being a building.

18 So right now, there's an in ground
19 foundation there, and because of that
20 foundation, this building has to -- the
21 building that's proposed to go on top
22 of that foundation needs this relief.
23 I don't know if it's possible. I know
24 it might be expensive, but I don't know
25 if it's possible to just ignore, like,

1 three and a half feet of that
2 foundation and build the building over
3 with a five foot setback that it's
4 supposed to have without having to --

5 MR. MURRAY: Destroy the
6 foundation.

7 CHAIRMAN SALADINO: Just let me
8 finish. If the relief is not
9 granted -- if the relief is not
10 granted, the building and the
11 foundation would have to be code
12 compliant. If we compromise, we can
13 make the building code compliant and
14 the foundation remain in place. I
15 don't know if that's -- I'm not.

16 MEMBER NYCE: You're talking about
17 adding foundation to the west side?

18 CHAIRMAN SALADINO: It would be
19 the north side.

20 MEMBER NYCE: Sorry, the north
21 side, right, and abandoning the equal
22 number of feet on the south side, and
23 move the building over. So add to the
24 foundation, move the building over.

25 CHAIRMAN SALADINO: Or not. I

1 don't believe the building is on a
2 foundation to begin with.

3 MR. MURRAY: I was just trying to
4 show to Dave that the footings are on
5 the edge. I'm just pondering.

6 CHAIRMAN SALADINO: Or we could
7 just vote. I mean, you know, we're
8 allowed to offer compromises. I don't
9 know -- I don't even know if this is a
10 reasonable -- in my mind it is, but I'm
11 kind of, like, a dope. In my mind,
12 this a reasonable compromise.

13 MR. MURRAY: We thought of that at
14 one time, we did.

15 MEMBER KAUFMAN: Why wouldn't that
16 be a reasonable compromise?

17 CHAIRMAN SALADINO: I don't have a
18 problem saying I don't know.

19 MEMBER KAUFMAN: The lawyer is not
20 here tonight, but I don't see why that
21 would be an issue and at least then
22 you're not wasting an entire foundation
23 and all of the effort and --

24 CHAIRMAN SALADINO: Expense.

25 MEMBER KAUFMAN: Expense and

1 carbon emissions and everything else
2 that goes with that.

3 MEMBER NYCE: It may come down to
4 the fact that the fix causes as much
5 work as the tearing it out and redoing.

6 MEMBER KAUFMAN: But this is not a
7 deep foundation, it's not piles I don't
8 think.

9 MR. MURRAY: No, it's not. It's a
10 monolithic pour, which is not -- you
11 know, should I come up?

12 CHAIRMAN SALADINO: The public
13 hearing is closed, but the lawyer is
14 not here, sure, come up. Name and
15 address for the stenographer.

16 MR. MURRAY: I could move over one
17 foot easier than three.

18 CHAIRMAN SALADINO: Now we're,
19 like, negotiating.

20 MR. MURRAY: I'm not negotiating,
21 I'm just, like, seeing where the
22 footing is. My footings are on the
23 ends of this. I'm just trying to --
24 like, I could cut off a certain point
25 and add new footings to make it a

1 little --

2 CHAIRMAN SALADINO: David, we have
3 a small amount of latitude. Listen,
4 you kind of know about what goes on
5 here. We have a small amount of
6 latitude here. And allowing the --
7 that three and a half feet of
8 foundation to remain, I think, is
9 within our authority here. I'm not
10 entirely sure. But I think it's within
11 our authority.

12 The other side of that coin is, if
13 the relief is not granted, it's got to
14 come out. The building inspector I
15 don't think has the option to say, the
16 heck with it, leave it. I think his
17 responsibility would be to say make it
18 code compliant. It's a building, the
19 foundation is a building. If we
20 condition it that -- and again, I'm not
21 sure -- I told our attorney to stay
22 home, relax tonight, there would be no
23 heady topics to be discussed, but I
24 think it is well within our authority
25 to allow that foundation to remain and

1 have the building itself be code
2 compliant. Move it over the three and
3 a half feet, the five feet from where
4 you want it. I'm not prepared to give
5 you both. I'm not prepared to give you
6 that building. Two of my colleagues
7 already expressed their opinion. I'm
8 not prepared to give you that building
9 on that property line. So we can take
10 a vote and cast our fate to the wind
11 and let the building inspector decide
12 what happens. Or maybe -- we can take
13 a vote is what we can do.

14 MEMBER KAUFMAN: On what, though,
15 exactly? On a compromise?

16 CHAIRMAN SALADINO: No, on this.

17 MEMBER GORDON: What's before us.

18 CHAIRMAN SALADINO: On granting
19 the 3.4 feet on a side yard.

20 MR. MURRAY: I'm sorry, does it
21 mean anything about the other buildings
22 being on the property line around the
23 area?

24 CHAIRMAN SALADINO: Again, I kind
25 of addressed that in my narrative.

1 Maybe I wasn't clear enough. We're not
2 going to make a preexisting building, a
3 preexisting nonconforming building
4 move. The code was written in 1971.
5 That's what we address. What happened
6 back when Greenport was on a prairie,
7 you know, and people were building
8 wherever they wanted to build, we have
9 no control over that.

10 Also, part of our mandate, 150-2
11 tells us it's our responsibility to
12 eliminate nonconforming uses. So when
13 somebody knocks down a preexisting
14 nonconforming building and wants to
15 build a new building on the exact same
16 footprint, I'm not inclined to say
17 that's okay. Especially when you're
18 not restrained on the other side.
19 You're not -- you could put the
20 building wherever you want on the
21 property. Again, the property is the
22 elephant in the room. There's a
23 foundation that was poured without
24 permission or permit. I think if
25 that -- and I'm speculating, and I'm

1 just guessing now, if that foundation
2 wasn't there, this building would be
3 code compliant without any doubt in my
4 mind. Without any doubt in my mind.
5 The applicant would come in front of
6 us, we would express our opinion, he
7 would give us the reasoning that he
8 thinks the building should be 1.5 feet
9 from the property line, he would tell
10 us about his driveway, and I don't
11 think -- again, if that foundation
12 wasn't there, I don't think this Board
13 would grant that relief. I don't think
14 it would have come in front of the
15 Zoning Board. I think this would have
16 been squared away at the Building
17 Department. Move the building over
18 five feet, you don't have to go to the
19 done Zoning Board. 99.9 percent of the
20 applicants that make application to the
21 Zoning Board would take that deal, I
22 think. But that's my opinion.

23 I'm going to make a motion that
24 the Zoning Board of Appeals declares
25 itself lead agency for the purpose of

1 SEQRA. So moved.

2 MEMBER NYCE: Second.

3 CHAIRMAN SALADINO: All in favor?

4 (Aye said in unison.)

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

7 Are we prepared to vote on the
8 notice of disapproval on the request,
9 or do we want to discuss any options?
10 I'm prepared to vote either way.

11 MEMBER GORDON: I am too.

12 MEMBER KAUFMAN: Me too.

13 CHAIRMAN SALADINO: All right.

14 I'll make a motion that -- if our
15 attorney was here, he likes me to
16 phrase these in the negative. I don't
17 like doing that. We can make two
18 motions, but I'll make a motion that
19 the Zoning Board of Appeals grants the
20 variance for the requested relief.

21 MEMBER GORDON: Second.

22 CHAIRMAN SALADINO: So moved.

23 MEMBER KAUFMAN: Second.

24 CHAIRMAN SALADINO: David?

25 MEMBER NYCE: So your motion is to

1 grant the variance as requested?

2 CHAIRMAN SALADINO: Right. We
3 know that Brian likes us to phrase it
4 in the negative to say deny, but I
5 think it works either way.

6 MEMBER NYCE: It does.

7 CHAIRMAN SALADINO: So I made the
8 motion, Dinni seconded. We'll take a
9 roll call vote. David?

10 MEMBER NYCE: Aye.

11 CHAIRMAN SALADINO: Dinni?

12 MEMBER GORDON: Aye.

13 CHAIRMAN SALADINO: Seth?

14 MEMBER KAUFMAN: Aye.

15 CHAIRMAN SALADINO: And I'll vote
16 no. All that for nothing.

17 MR. MURRAY: You guys are killing
18 me. Thank you.

19 CHAIRMAN SALADINO: You'll get the
20 notice. You'll have the decision
21 within five days in the Clerk's Office,
22 and you know the deal. They'll do the
23 building permit.

24 Moving on, Item Number 6, any
25 other Zoning Board of Appeals business

1 that might properly come before this
2 Board. Anybody, anybody in the back?
3 No? No questions.

4 Item Number 7 is a motion to
5 adjourn. So moved.

6 MEMBER NYCE: Second.

7 CHAIRMAN SALADINO: All in favor?

8 (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 October 21, 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 31st day of OCTOBER, 2025.

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AMY THOMAS

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