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2 VILLAGE OF GREENPORT

3 COUNTY OF SUFFOLK : STATE OF NEW YORK

4 -

5 VILLAGE OF GREENPORT

6 ZONING BOARD OF APPEALS

7 REGULAR SESSION

8 - x

9 Greenport Firehouse

10 December 16, 2025

11 6:00 p.m.

12

13 B E F O R E:

14

15 JOHN SALADINO ~ CHAIRMAN

16 DINNI GORDON ~ MEMBER

17 SETH KAUFMAN ~ MEMBER

18 DAVID NYCE ~ MEMBER

19 JACK REARDON ~ MEMBER

20

21 BRIAN STOLAR, ESQ. ~ ZONING BOARD ATTORNEY

22 MICHAEL NOONE ~ CLERK TO THE BOARD

23

24 All other interested parties

25

2 CHAIRPERSON SALADINO: It's
3 approximately 6:05. This is the
4 Village of Greenport Zoning Board of
5 Appeals Regular Meeting.

6 Item number 1 is a motion to accept
7 the minutes of the November 18, 2025,
8 Zoning Board of Appeals Meeting. So
9 moved.

10 MEMBER NYCE: Second.

11 CHAIRPERSON SALADINO: All in
12 favor?

13 MEMBER REARDON: Aye.

14 MEMBER NYCE: Aye.

15 MEMBER GORDON: Aye.

16 MEMBER KAUFMAN: Aye.

17 CHAIRPERSON SALADINO: And I'll
18 vote aye.

19 Item Number 2 is a motion to
20 schedule the next Zoning Board of
21 Appeals meeting for January 20, 2026
22 at 6:00 p.m. at Station One Firehouse,
23 Third and South Street, Greenport, New
24 York 11944. So moved.

25 MEMBER GORDON: Second.

2 CHAIRPERSON SALADINO: All in
3 favor?

4 MEMBER REARDON: Aye.

5 MEMBER NYCE: Aye.

6 MEMBER GORDON: Aye.

7 MEMBER KAUFMAN: Aye.

8 CHAIRPERSON SALADINO: And I'll
9 vote aye.

10 Item Number 3 is a public hearing
11 for 229 Sixth Street. This is
12 regarding an application of Jessica
13 Zarzychi --

14 MS. ZARYCHI: Zarzychi.

15 CHAIRPERSON SALADINO: -- Zarzychi
16 and Scott D. Buschman. Applicants
17 propose to construct a 200-square foot
18 addition square foot addition to an
19 existing house. This requires the
20 following variance. The variance is
21 listed on the agenda.

22 I'm going to ask the clerk, this was
23 noticed? Mike, this was noticed in
24 the --

25 CLERK NOONE: Yes, it was and you

2 have the mailings.

3 CHAIRPERSON SALADINO: And the
4 mailing is are here. If the public
5 wants, I'll read the mailings. If
6 not, the stenographer has them.

7 She'll enter them into the public
8 record.

9 (No response.)

10 CHAIRPERSON SALADINO: Nobody
11 cares. Okay. Is the applicant here?

12 MR. BUSCHMAN: I'm here. Want me
13 to go up? Okay.

14 CHAIRPERSON SALADINO: Name and
15 address for the stenographer.

16 MR. BUSCHMAN: Hi, guys, sorry.
17 We saw you earlier, obviously. Scott
18 D. Buschman, 229 Sixth Street.
19 Application has been in.

20 CHAIRPERSON SALADINO: This is a
21 public hearing. You can tell us and
22 the public anything you want. If
23 not --

24 MR. BUSCHMAN: We want a mudroom.
25 (Laughter.)

2 MR. BUSCHMAN: And an extension to
3 the stairs. That's what we're asking.

4 CHAIRPERSON SALADINO: Okay. Kind
5 of makes it easy. Do any of the
6 members have any questions?

7 (No response.)

8 MEMBER KAUFMAN: Not really.
9 Seems straight forward.

10 CHAIRPERSON SALADINO: Do any
11 members of the public have any
12 questions?

13 (No response.)

14 MEMBER GORDON: Maybe for the
15 benefit of the public you should
16 describe your -- the area of your
17 mudroom, just so people know.

18 MEMBER KAUFMAN: The placement and
19 size of it.

20 CHAIRPERSON SALADINO: He choose
21 not to.

22 MEMBER GORDON: You choose not to?

23 MR. BUSCHMAN: I'm sorry, what?

24 MEMBER KAUFMAN: We were
25 suggesting that you might want to

2 describe the project for the benefit
3 of the public in case anyone has any
4 comment on it in terms of size,
5 placement, what you're trying to --

6 MR. BUSCHMAN: Yeah. We're going
7 out ten feet from the back of the
8 house where there's a really little
9 mudroom and extending the stairs where
10 there's currently an outdoor shower.

11 That's -- I mean, we haven't figured
12 out what type of closets we're going
13 to use in the mudroom yet. I don't
14 know. Big Saturday project.

15 MEMBER KAUFMAN: So in terms of --

16 CHAIRPERSON SALADINO: Thank you.

17 MEMBER KAUFMAN: That's fine. No,
18 it's nothing.

19 CHAIRPERSON SALADINO: Jack,
20 anything?

21 MEMBER REARDON: No, I don't.

22 CHAIRPERSON SALADINO: David?

23 MEMBER NYCE: No.

24 CHAIRPERSON SALADINO: Thank you.
25 What's the pleasure of the Board?

2 Close the public hearing?

3 MEMBER GORDON: I don't see people
4 dying to testify, so...

5 CHAIRPERSON SALADINO: I don't
6 know.

7 MR. BUSCHMAN: This group seems be
8 pretty pro-mudroom.

9 CHAIRPERSON SALADINO: Alright,
10 I'm going to make a motion to close
11 the public hearing.

12 MEMBER NYCE: I'll second that
13 motion.

14 CHAIRPERSON SALADINO: All in
15 favor?

16 MEMBER REARDON: Aye.

17 MEMBER NYCE: Aye.

18 MEMBER GORDON: Aye.

19 MEMBER KAUFMAN: Aye.

20 CHAIRPERSON SALADINO: Item Number
21 4 is --

22 MR. BUSCHMAN: Oh, we're done.

23 Thank you, guys. Bye.

24 CHAIRPERSON SALADINO: Just as
25 like a little FYI, your application is

2 coming up on the jukebox in, you know,
3 a couple of minutes. I don't know if
4 you're interested or not.

5 MEMBER NYCE: The actual approval.
6 That's just closing the public
7 hearing.

8 CHAIRPERSON SALADINO: They'll be
9 a discussion and then they'll be a
10 vote of the Board. If you're fairly
11 confident that this Board is going to
12 vote in --

13 MR. BUSCHMAN: Is there anybody in
14 here anti-mudroom?

15 CHAIRPERSON SALADINO: It's not up
16 to them.

17 CLERK NOONE: I'll let you know
18 tomorrow, Dave.

19 MR. BUSCHMAN: Do I need to --

20 CHAIRPERSON SALADINO: You don't
21 need to stay.

22 MEMBER GORDON: No, no, no, you
23 don't need to.

24 CHAIRPERSON SALADINO: Listen, you
25 don't need to stay.

2 MR. BUSCHMAN: Alright, go ahead.

3 CHAIRPERSON SALADINO: Just so
4 everybody knows, in case things or do
5 or don't go your way, down the road
6 sometimes, applicants say, well, I was
7 never informed.

8 MR. BUSCHMAN: I appreciate it.

9 CHAIRPERSON SALADINO: So we're
10 not telling that you have to stay.

11 MEMBER NYCE: And I was
12 pro-application until I saw the QDR
13 sweatshirt.

14 MR. BUSCHMAN: Is that problem?
15 Go Rangers.

16 MEMBER REARDON: That may be a
17 problem.

18 CHAIRPERSON SALADINO: Just so --

19 CLERK NOONE: I'll let you know
20 tomorrow, Dave.

21 MR. BUSCHMAN: Thank you, Michael.
22 Thanks guys, appreciate it.

23 MEMBER GORDON: It's a good season
24 to put in a mudroom.

25 CHAIRPERSON SALADINO: I guess

2 he's got someplace to go.

3 Item Number 4 is 140 Main Street.

4 Before we get to this item, I have

5 something to say. I -- this

6 application had a lot of attention

7 from the Village Board, from certain

8 members of the Village Board. And a

9 lot of it, in my opinion,

10 inappropriate conversation about how

11 this process should go forward.

12 And I thought that those people in

13 authority on the legislative board

14 should have never involved themselves

15 in this process. So I kind of have a

16 feeling about that.

17 Also, last month, the applicant

18 actually said that this Board, and

19 myself personally, have

20 deliberately -- and I'm quoting from

21 the minutes -- held up this

22 application for three months. That's,

23 in fact, not true.

24 Myself and this Board, we pointed

25 out to the Village Board, to the

2 Village attorney, to the Building
3 Department a deficiency in the code
4 that actually would have prevented
5 this application from coming in front
6 of the Zoning Board with a simple area
7 variance.

8 So, did it take an extra three months? That
9 wasn't this Board's fault. The code
10 was corrected. It went to the
11 attorney for a new draft. It went to
12 the Village Board for a new vote. It
13 was voted on. It went to the
14 Department of State who --

15 BOARD COUNSEL STOLAR: Any law is
16 filed with the Department of State.

17 CHAIRPERSON SALADINO: Whatever.
18 Whoever it went to after the Village
19 Board voted to approve it, and that's
20 the reason for the three months. It
21 would have been inappropriate for
22 anyone on this Board to know that this
23 law was wrong and not bring it to
24 someone's attention.

25 So to accuse the Board, or worse

2 yet, according to the applicant's
3 statement, myself, of intentionally
4 holding this up for three months is
5 not true.

6 So we've learned -- this Board has
7 learned from numerous training
8 sessions and stuff, the perception of
9 bias is as bad as actual bias. The
10 perception of conflict is as bad as
11 actual conflict. So having said that,
12 I'm going to recuse myself from this
13 public hearing, the discussion, and
14 the vote for 140 Main Street.

21 MEMBER GORDON: Yes.

22 CHAIRPERSON SALADINO: I'm going
23 to sit over there. They'll decide.
24 And for the sake of Item Number 4 and
25 Item Number 7, I'm going to recuse

2 myself. After those things are
3 adjudicated, I'll resume my position
4 as chairman.

5 MEMBER GORDON: I would like to
6 know why -- and maybe I need to speak
7 to the lawyer, but I don't think so,
8 why would you recuse yourself from the
9 discussion? I understand your sense
10 about the importance of the vote and
11 of not participating in the vote, but
12 we're all people who can evaluate. I
13 mean, why wouldn't you participate in
14 the discussion.

15 CHAIRPERSON SALADINO: Because I
16 think once you recuse yourself, you're
17 absolved.

18 MEMBER GORDON: Just for the vote?

19 BOARD COUNSEL STOLAR: No. What
20 the Chair is doing is recusing himself
21 from participation in this application
22 in all respects.

23 MEMBER GORDON: Complete, in all
24 respects.

25 BOARD COUNSEL STOLAR: Complete.

2 He does not need to set forth the
3 reason or the rationale. He feels
4 uncomfortable. For whatever reason,
5 he feels that it's appropriate to
6 recuse himself, so he's recusing
7 himself. That's all that's necessary.

8 CHAIRPERSON SALADINO: Just for
9 the public also. It was always my
10 impression, once you recuse yourself,
11 you recuse yourself from everything
12 involved in the application. David
13 knows that. The attorney knows that.

14 So just not any confusion, any
15 problems down the road, whether it's
16 yes, no, whatever, I'm going to -- and
17 the members will decide who's going to
18 run the public hearing. So I'm
19 obligated to leave the dais and go
20 over there.

21 MEMBER NYCE: In general, if
22 you're not going to take part of the
23 vote, to be part the discussion it
24 could color the vote. So the idea is
25 that if you're going to recuse

2 yourself, you recuse yourself from the
3 entirety of the process.

4 MEMBER GORDON: Okay.

5 BOARD COUNSEL STOLAR: So does
6 anyone want to serve as acting --
7 specifically as Acting Chair?

8 Because, if so, what we'll do is we'll
9 do it by motion. It has to be done by
10 motion. You'll designate an Acting
11 Chair for purpose of this application.

12 MEMBER NYCE: Based on seniority,
13 Dinni, do want to be Acting Chair?

14 MEMBER GORDON: Sure.

15 BOARD COUNSEL STOLAR: So you need
16 a motion to designate Dinni as the
17 Acting Chair.

18 MEMBER NYCE: Motion for Diana
19 Gordan to be Acting Chair while John
20 is reduced.

21 BOARD COUNSEL STOLAR: Second?

22 MEMBER KAUFMAN: I'll second.

23 CHAIRPERSON SALADINO: All in
24 favor?

25 MEMBER KAUFMAN: Aye.

2 MEMBER NYCE: Aye.

3 MEMBER REARDON: Aye.

4 BOARD COUNSEL STOLAR: You can
5 vote too.

6 ACTING CHAIRPERSON GORDON: I vote
7 for myself?

8 BOARD COUNSEL STOLAR: You may.
9 Or against.

10 MEMBER KAUFMAN: Do we have to
11 vote to get her out of chairmanship
12 also?

13 BOARD COUNSEL STOLAR: No.

14 DEFENSE ATTY one: No. It's just
15 for purposes -- John, you're done.

16 No, it's just for purposes of this one
17 application.

18 ACTING CHAIRPERSON GORDON: Okay,
19 fine. I think I have to put on my
20 glasses if that's the case.

21 All right then, Item Number 4 is for
22 140 Main Street, a public hearing
23 regarding the application of Robert
24 Brown, RA on behalf of Mark and Patty
25 Carlos.

2 The applicant proposes to add a
3 second and third floor to the building
4 over existing retail space and create
5 two new apartments approximately
6 1,100 square feet each. This requires
7 the following variances:

8 Building Height Requirements:

14 This would require a variance of one
15 story.

16 | Second, Front Yard Setback

17 Requirements:

2 feet at both yards for the addition.

3 The property is located in the
4 CR-Retail Commercial District and is
5 also located in the Historic District.

6 Suffolk County Tax Map Number
7 1001-5-3-18.

8 Do we need a motion to open the
9 hearing?

10 BOARD COUNSEL STOLAR: No. You
11 just opened. You don't need a formal
12 motion.

13 ACTING CHAIRPERSON GORDON: The
14 hearing is open.

15 MEMBER NYCE: We have to declare
16 that it was noticed properly, right?

17 CLERK NOONE: It has been noticed
18 properly.

19 ACTING CHAIRPERSON GORDON: And
20 you have the --

21 CLERK NOONE: I can give you a
22 copy of the mailings if you wanted to.
23 The stenographer has a copy of the
24 mailings.

25 ACTING CHAIRPERSON GORDON: Fine.

2 As long as the public is willing, I'm
3 simply going to give the mailings to
4 the clerk. If anyone wants to look at
5 the mailings, you can do that, but...

6 CLERK NOONE: And we did receive
7 two letters.

8 ACTING CHAIRPERSON GORDON: Fine.
9 Yes, we have the letters and I think
10 most of us have already read the
11 letters. So, Mr. Brown, will you
12 please tell us your position?

13 MR. BROWN: Yes. Robert Brown,
14 architect; 205 Bay Avenue, Greenport.
15 First, if I may, it was brought to my
16 attention at the last meeting that I
17 incorrectly labeled the Zoning
18 District, so I have the replacement
19 sheet for that (handing).

20 BOARD COUNSEL STOLAR: That's on
21 the application document itself?

22 MR. BROWN: Yes.

23 BOARD COUNSEL STOLAR: Okay.

24 ACTING CHAIRPERSON GORDON: It
25 seems like a very small detail, but

2 it's sort of important because we have
3 only recently distinguish between the
4 Central Retail District and the Water
5 District. Thank you.

6 MR. BROWN: So this project has
7 been discussed a lot. A lot of people
8 are aware of it. And we want to
9 add -- the Carlos' want to add two
10 apartments over the existing one-story
11 portion of that property.

12 And so, obviously, because we want
13 to add two stories, that requires a
14 variance. And in terms of the
15 setbacks, we are only following the
16 existing footprint. So that's why
17 there's a requirement for the setback
18 variance.

19 And if anybody has any questions,
20 I'd be glad to address them.

21 MEMBER REARDON: Mr. Brown, I have
22 a question about why the owners are
23 eliminating the recess down on the
24 ground floor, you know, which is
25 causing, I presume, it's causing that

2 setback issue. You know, you're
3 bringing -- aren't you bringing the
4 front doors up to the sidewalk?

5 MR. BROWN: Yes. That corner
6 where the access to the retail space
7 is recessed, we're just squaring it
8 off following the property line and
9 creating an overhang, which is already
10 there, for the entrance to the retail
11 spaces.

12 MEMBER REARDON: It's not for a
13 structural reason?

14 MR. BROWN: No, no.

15 MEMBER REARDON: Okay.

16 MR. BROWN: It's actually to
17 maintain the cover over the entrance
18 for the retail space.

19 MEMBER REARDON: Okay.

20 ACTING CHAIRPERSON GORDON: At the
21 last hearing -- at the last meeting,
22 not the hearing, the last meeting,
23 there was some question about whether
24 there aught to be an engineer's
25 approval of this increased structure

2 and I think you resisted that. Do you
3 still hold that position?

10 Both issues -- both of those issues
11 are to be addressed for the Building
12 Department and are not, in my opinion,
13 the purview of this Board.

17 MR. BROWN: Not to date. It's
18 standard practice. It has been for
19 the 40 years I've been here doing
20 this.

25 MR. BROWN: In my past I've been

2 involved in multi-million dollar
3 construction. This is a piece of
4 cake.

5 ACTING CHAIRPERSON GORDON: Okay.

6 MR. CARLOS: Can I make?

7 ACTING CHAIRPERSON GORDON: Well,
8 yes --

9 MR. CARLOS: Okay, continue.

10 ACTING CHAIRPERSON GORDON: We
11 want to hear from the public. Are
12 you -- Mr. Brown, are you
13 ready to have the --

14 MR. BROWN: I'll stand by to
15 answer any questions.

16 BOARD COUNSEL STOLAR: Just before
17 you do, just to make sure, because you
18 did mention mechanicals, you're not
19 doing rooftop mechanicals here,
20 correct?

21 MR. BROWN: No, no. Everything
22 would be inside.

23 BOARD COUNSEL STOLAR: Okay, and
24 the variance with respect to height is
25 just with respect to the third story

itself and not the actual height either, just the third story not being permitted.

ACTING CHAIRPERSON GORDON: Okay.

6 MR. CARLOS: The applicant, Mark
7 Carlos, 140 Main. I would like to
8 highlight the fact that the single
9 story retail space where the two
10 additional stories are going to go
11 to -- go above, there's an adjacent
12 three story part of the building
13 that's also built in the same manner
14 that has a three-story structure on it
15 as well.

16 So in terms of structural integrity,
17 we did the building over completely in
18 1997 with the intent of adding --
19 potentially adding, down the road, two
20 additional stories to that one-story
21 structure.

22 So as far as structural integrity,
23 there should be no issues, however, we
24 will review that with the Building
25 Department when we get to that stage.

2 At that point, we will have full
3 construction drawings where they can
4 review that. Robert will review that,
5 an engineer will review that, and
6 we'll address it at the appropriate
7 stage in the project.

8 ACTING CHAIRPERSON GORDON: Thank
9 you. Anyone else on the Board have
10 any questions?

11 MEMBER KAUFMAN: Not right now.

12 MR. CARLOS: And we do have folks
13 here from the public who I think would
14 like to make comment.

15 ACTING CHAIRPERSON GORDON: Yes.
16 No, I'm going to call on them.

17 MR. CARLOS: Thank you.

18 ACTING CHAIRPERSON GORDON: Thank
19 you very. We'll now ask for
20 contributions from the public. We
21 have a couple of letters, so we have
22 another form of public response.

23 MR. JONES: Hi. Davins Jones
24 (phonetic) from Orient Village. So
25 I've got a question for the architect.

2 I think from memory all the homes
3 around there are three stories. So
4 with this design, they'll all just fit
5 in with the neighborhood; is that
6 accurate?

7 MR. BROWN: If I may?

8 MR. JONES: Yep.

9 MR. BROWN: All of the surrounding
10 structures are three stories and the
11 design of the addition that we're
12 proposing is actually based on a
13 photograph from, I think, around the
14 turn of the 20th Century that shows a
15 three-story structure in the place
16 we're intending to build.

17 MR. JONES: Thank you for that.

18 So it'll fit in with the neighborhood.

19 It's historic, which I really like.

20 And the other question, is it sounds
21 like what you're asking for is
22 vertical relief. So if your side yard
23 setback is zero feet, you're asking
24 for the same setback that's always
25 there with the footprints that's

2 preexisting with the two stories
3 above, which happens all the time with
4 zoning.

5 And I would agree with you that any
6 structure would be the -- under the
7 rule of the Building Department. It's
8 not part of the Zoning Board review.
9 It would always be the Building
10 Department that come along and do the
11 inspection, otherwise you'd never get
12 your CO. So that was it. Thank you.

13 MR. BROWN: Thank you.

14 ALTERNATE CHAIRPERSON GORDON:
15 Other comments from the --

16 MR. HART: My name is Todd Hart
17 1,700 Beach Road in Greenport. I'm
18 here in support of my friends who are
19 attempting to provide the Village with
20 more residential building space, badly
21 needed, of course. It's not secret to
22 anybody here.

23 So, I'm not a technical guy, but I'm
24 the guy cheering for, you know, a
25 better Village, a better place for our

2 people to live and work. So I'm here
3 to support that. Thank you.

4 ALTERNATE CHAIRPERSON GORDON:

5 Thank you.

6 MR. WILE: Hi. My name is Ian
7 Wile. I'm a resident at 234 Fifth
8 Avenue in Greenport and I'll be
9 speaking both as a resident and a
10 business owner in the Village. So
11 owner of Little Creek Oysters.

12 First, for clarity, I'd like to say
13 I'm in full support of this expansion
14 of this property. I've seen the
15 drawings and I know the process these
16 guys have undergone.

17 So I'm in support for a number of
18 reasons number. One, I think it's
19 entirely keeping with the downtown,
20 both aesthetic and volume. As an
21 employer of up to a couple of dozen
22 people at our peak, I know that every
23 single person we hire is looking for
24 places to live and we have a third of
25 our housing stock allocated for empty

2 housing for short-term rentals. So
3 anything we can do to ease that is
4 great, especially when it is a fairly
5 inconsequential change, in my opinion.

6 The second part that I'd like to add
7 is that as somebody who is fairly
8 extensively involved with the changes
9 to Local Law 150 as it was progressing
10 through this Board, through the
11 Planning Board, and the Village
12 Boards, there was much discussion
13 about how, as the Waterfront
14 Commercial District was shrunk and we
15 became more commercial retail and our
16 general retail districts changed, one
17 of the rallying cries was expanded
18 housing over the Business District to
19 expand the ability to move housing so
20 when Waterfront Commercial used to
21 only have artist's lofts, to be able
22 to make those into apartments, there
23 was a great rallying cry.

24 And that was a number of the reasons
25 why we made some drastic changes, some

2 of which were problematic. But the
3 best part about them was this spoken,
4 sort of, commitment to building
5 downtown retail -- downtown
6 residential above existing structures.

7 At the time there was a discussion
8 about whether or not that should
9 include what was commonly referred to
10 as a de facto right to build three
11 stories. I think anybody you talked
12 to thought that it was automatic, even
13 though that was not in code. And the
14 smart thing was to try and put it in
15 the code. That makes sense for
16 somebody who likes reading code.

17 And in the waning days of those
18 negotiations, it should be noted that
19 was a discussion to remove the third
20 story automatic, allow the height that
21 made the three stories doable, but by
22 removing the third story, to force
23 applicants before this Board and
24 before the Planning Board to seek
25 variances.

2 And even though the design was to
3 encourage third floor housing, the
4 process was suggested to force this
5 process and I think that's worth
6 noting. It's also worth noting that
7 in two days the annex, the proposed
8 annex and amendment to Local Law 150
9 is before the Board that includes, if
10 I can read directly:

16 So as of Thursday, the Board is
17 reviewing whether or not to eliminate
18 at least one of these variances as an
19 issue. So it would seem to me that
20 with the setback, anybody who's walked
21 by that building for the last 40
22 years, I don't think, would notice
23 that there's a setback. It's the same
24 building that's there and if they move
25 the door, I don't think anybody would

2 find that we've lost a front yard.

3 So if the setback variance is a
4 nonissue and the third floor was
5 really about trying to force
6 applicants in the front of a process
7 and that process may be going out the
8 window, I would really like to see a
9 streamlined approval for this
10 application so we can get construction
11 underway in the Village, especially
12 while we have increasing vacancies and
13 we're looking to make things look like
14 they're moving forward, not pausing.

15 And then the last thing I would say
16 is I know there's been some discussion
17 about -- or some concern I just
18 overheard about the ability for the
19 building to withstand this
20 construction. My -- none of us want a
21 shortcut there, but my understanding
22 of the purview of this Board is that
23 is not a part of the conditions of
24 approval here. That approval is about
25 whether or not we can see a third

2 story apartment here and whether or
3 not the setback is in the way
4 construction of Building Department
5 will handle it and New York State
6 safety standards and a renowned
7 architect, would, I would imagine,
8 smooth that path, from my perspective
9 anyway. Anyway, thank you for your
10 time.

11 ALTERNATE CHAIRPERSON GORDON:

12 | Thank you. Anybody else? Yes.

13 MR. CONSIGLIO: Hi. My name is
14 John Consiglio. I've been a lifetime
15 resident of New York, resident of
16 Southold Town about ten years now and
17 I'd like to express my support for
18 this application for several reasons.

19 As a few of my other previous
20 speakers talked about, there's a
21 obvious need for housing. So that's
22 something that has to be addressed and
23 it is being addressed in several ways.

24 I feel like this -- this method of
25 creating housing in existing buildings

2 is a much lower impact as far as the
3 ecology and the aesthetic of this
4 area. I personally don't really like
5 overdevelopment of the -- you know,
6 you see all the multi-family
7 developments going in and, you know,
8 that's great, it provides housing and
9 everything, but I think something like
10 this is more in staying with the, you
11 know, the character of this area,
12 which, I think, is a beautiful area.

13 So I'd like to just say that also I
14 think that this is also like a quicker
15 and easier solution than trying to,
16 you know -- I mean, I know other
17 things are going to have to happen
18 also, but I think this is a pretty
19 easy way to create more housing in an
20 area where it's really needed.

21 Greenpoint (sic) is a great place to
22 be, everybody wants to be there,
23 there's a lot of businesses here,
24 there's a lot of workers here, and we
25 need people, you know, we need places

for these people to live, for everyone to live.

4 So as far as I know, I've seen the
5 downtown many times. It's not going
6 to change the aesthetic of the
7 downtown at all. If anything, I think
8 it might add to it. So I just wanted
9 to express my support for this
10 application.

11 ALTERNATE CHAIRPERSON GORDON:
12 Thank you.

13 MR. CONSIGLIO: Thank you.

14 MR. ACERO: Good evening. Gustavo
15 Acero. In 2000 Willow Drive in East
16 Marion. I have living in Greenport
17 for 14 year. I was living in
18 Greenport since 2000 to 2014 and I
19 know the town pretty well. Also, I
20 get the housing in East Marion years
21 ago and I support the project.

22 I think it's very important for
23 everybody, especially because it's
24 combined business and the residential,
25 that many people looking for something

2 to live is almost impossible and you
3 got something that's pretty good.

4 When we need somebody --

5 I own now Greenport (inaudible).

6 It's across the street from the
7 carousel. And the store have more
8 than 40 years. I got the Store 11
9 years ago. And the last owner, she
10 told me that the business is a local
11 business.

12 So I know -- like almost ten years
13 ago I created a network for the
14 merchants, so I know most of people
15 including the police. So we
16 created -- I know most of them. Many
17 come, many gone. And I think
18 Greenport really need this kind of
19 project.

20 I hope they -- more project will be
21 great too because I know business
22 owner who have to provide a living for
23 people at residential place,
24 apartments, something, because they
25 don't find anything. So I think it's

2 wonderful project and I really support
3 the project, so I hope you give the
4 approval.

5 ALTERNATE CHAIRPERSON GORDON:

6 Thank you very much.

7 MR. ACERO: Okay.

11 (No response.)

12 ACTING CHAIRPERSON GORDON: If
13 not, do we want to close the hearing?

14 CLERK NOONE: Did you want to read
15 the letters?

21 This is a letter from Gerard
22 Johnston, 290 Sun Lane in Southold:

2 50 years and resident of Southold for
3
4 15. The purpose of this letter is to
5 share my recommendation that the
6 referenced application for zoning
7 approval requested by Mark and Patty
8 Carlos be approved. Due to travel, I
9 cannot attend the scheduled Zoning
10 Board of Appeals meeting scheduled for
11 16, December 2025.

I met Mark and Patty over ten years ago and my wife and I appreciate their friendship. They are wonderful people and an asset to our community. They are one of the most professional -- professional, accountable, and caring community members I know. I am fully aware of their goal to improve the existing property they own and in doing so, adding needed year-round housing to this beautiful community.

22 I strongly support the proposed
23 zoning variance to allow the
24 apartments in Greenport. Thoughtfully
25 designed apartments benefit our town

2 in many ways. They provide year-round
3 housing for local workers, teachers
4 nurses and hospitality staff -- and
5 hospital staff I might add -- so they
6 can live near their jobs. They give
7 seniors and down-sizers a chance to
8 stay in the community they love. They
9 support our local economy by bringing
10 year-round customers to shops, cafes
11 and wineries.

For all these reasons, I urge the

2 Board to approve this zoning variance.

3 Thank you for taking the time to

4 consider my information and comment.

5 If you have any additional questions,

6 please contact me, and it gives his

7 phone number and his gmail address.

8 Sincerely, Gerard Johnston.

9 Letter number two is from Linda

10 Kessler.

11 Dear Chairman Saladino and Zoning

12 Board Members, my name is Linda

13 Kessler, property owner at 25 Front

14 Street and 130 Front Street in

15 Greenport.

16 I wish to express my full support of

17 140 Main Street project in the

18 Village. The need for additional

19 housing is the top topic of community

20 members, whether residential or

21 commercial. The project is tasteful,

22 in line with the character of the

23 Village and does not impact the

24 surrounding properties. Most young

25 people cannot afford purchasing a home

in today's market. Having more apartments downtown would be a positive and help fill the gap.

I currently rent two residential apartments in the Village to people who work in our community and truly understand the need for more housing.

The owners, Patty and Mark Carlos, always have the interest and respect for the Village at heart, both as business owners and as landlords to both commercial and residential tenants.

Being given the approval from your Board to move this project ahead will give the Village more housing and move a project along that has been stalled for almost two years. Once again, I state that I am in favor of the applicants and their expansion at 140 Main Street, Greenport. Respectfully,

Thanks to everybody for making the comments that will help us work

2 through this decision. If the rest of
3 the Board feels ready to close the
4 hearing, I would move to do so. I
5 move to --

6 MEMBER REARDON: I would like to
7 make a few comments please.

8 ACTING CHAIRPERSON GORDON: Yes.

9 MEMBER REARDON: And I'm not privy
10 to all the discussion that's gone on
11 behind the seen in and other areas.
12 I'm going to respond to what I heard
13 here now just tonight.

14 Regarding the structural integrity
15 of the building, I don't think any of
16 us are engineers, but we all do
17 receive full sets of plans that are
18 provided to us, maybe not a full set
19 of building plans, but we get a full
20 set of plans for review.

21 And we look at those and we make
22 statements or, at least I, internalize
23 some of the things that I see to be
24 like to follow-up with questions to
25 the owner or in this case to the

2 architect.

3 So the statements made about
4 structural integrity not being in our
5 purview are certainly correct, but
6 that is not dis -- or separated from
7 our review of the project. So
8 everybody should take into account
9 that, you know, we're not looking at
10 just the looks of things. We're
11 looking a little bit behind the scenes
12 to each of our own specialties.

13 And I would also like to comment
14 about, you know, I heard everybody
15 here say about the need for housing
16 and, you know, that's kind of a
17 relative term here in Greenport.

18 So we have two, potentially,
19 apartments to be built, which could
20 house anywhere from two people to any
21 number beyond that. But we can't
22 guarantee that this is going to be a
23 huge step in the right direction to
24 save the housing issue and I'm not
25 going to base my vote simply on the

2 fact that it's going to allow
3 potentially two more people to live in
4 the Village.

5 Certainly it would probably be more
6 than that, but we have to, you know,
7 sort of address the realities that are
8 potentially available.

9 And the last thing I want to say is
10 that, though there are other
11 third-stories buildings in Greenport,
12 and you say that building was
13 originally three stories, which I do
14 not doubt at all. I mean, I think I
15 even saw your picture last time.

16 We all come from areas. I grew up
17 in a town that's very similar to this.
18 The road happen to be twice as wide
19 and a three-story building is far more
20 amenable when you have wide roads.

21 And if you just go down there and walk
22 in that part of the Village and
23 envision this store now being three
24 stories, well now have you sort of a
25 channel effect on this corner and that

2 does impact the visibility, the
3 aesthetic, the openness of that part
4 of the Village.

5 So that's what I wanted to say.

6 These are all things that we take into
7 account and they need to be addressed
8 by everyone, not just us. Thank you.

9 ACTING CHAIRPERSON GORDON: Do you
10 have any comment?

11 MEMBER KAUFMAN: I think we can
12 close it and then we can -- during
13 discussion I think it's appropriate
14 for comment.

15 MEMBER NYCE: I will second your
16 motion to close the public hearing.

17 ACTING CHAIRPERSON GORDON: All in
18 favor?

19 MEMBER REARDON: Aye.

20 MEMBER NYCE: Aye.

21 MEMBER KAUFMAN: Aye.

22 ALTERNATE CHAIRPERSON GORDON: And
23 I vote aye.

24 We now move on to Item Number 5,

25 174 --

2 MEMBER NYCE: Do we want to bring
3 our chair back?

4 BOARD COUNSEL STOLAR: You're
5 getting comfortable.

6 MEMBER GORDON: I didn't close --
7 did I officially close the hearing?

8 BOARD COUNSEL STOLAR: Yes.

9 MEMBER GORDON: I'm glad you're
10 going to take over.

11 CHAIRPERSON SALADINO: Dinni got a
12 little too comfortable.

13 MEMBER NYCE: Hand over your vest.

14 MEMBER GORDON: I have had no time
15 to prepare, folks.

16 CHAIRPERSON SALADINO: In the
17 interest of -- just for the public, we
18 did have a letter from the Planning
19 Board that choose not to make a
20 comment at this time. They'll address
21 these issues at their meeting.

22 MEMBER GORDON: On Thursday?

23 CHAIRPERSON SALADINO: I'm not
24 sure when their meeting is. Is it
25 Thursday?

2 CLERK NOONE: No.

3 CHAIRPERSON SALADINO: Whenever --

4 CLERK NOONE: The potential next
5 meeting would be January 12th, the
6 Planning Board.

7 CHAIRPERSON SALADINO: So they
8 did -- they have no comment about this
9 application. Like I said, they'll
10 address whatever issues they have at
11 their meeting for site plan review.

12 Is that what their meet would be?

13 BOARD COUNSEL STOLAR: Correct.

14 CHAIRPERSON SALADINO: I'm sorry.
15 Thank you, folks.

16 Item number --

17 MEMBER GORDON: Five.

18 CHAIRPERSON SALADINO: Number 5 is
19 174 Sterling Street. This is a motion
20 to accept the application, schedule a
21 public hearing and arrange a site
22 visit regarding the application of
23 Martha F. Reichert, Esquire on behalf
24 of Cynthia and Donald is Scholl. Am I
25 getting that right?

18 MS. REICHERT: Good afternoon,
19 Mr. Chairman, Members of the Board of
20 the Zoning Board of Appeals for the
21 Village of Greenport. My name is
22 Martha F. Reichert. I'm a partner at
23 Twomey, Latham, Shea, Kelley, Dubin
24 and Quartararo; 33 West Second Street,
25 Riverhead, New York for the property

2 owners, Cynthia and Donald Scholl.

3 CHAIRPERSON SALADINO: Okay.

4 MS. REICHERT: Do you have any
5 questions for me?

6 CHAIRPERSON SALADINO: I do. As
7 strange as that may sound, I do have
8 one or two questions. We have -- I'm
9 not sure if you were the attorney that
10 appeared the last time this
11 application came in front --

12 MS. REICHERT: I was.

13 CHAIRPERSON SALADINO: At that
14 time there was a question about the
15 notice of disapproval. There were
16 three requests for relief on that
17 notice of disapproval, two of them for
18 east side, west side and side yard
19 variance, and total and combined side
20 yard setback.

21 MS. REICHERT: Correct.

22 CHAIRPERSON SALADINO: And if I
23 recall, you, as the attorney, chose to
24 put a pin in that proceeding to --

25 MS. REICHERT: Correct. Well, if

2 you'd like, I can recite the history
3 of what happened. So approximately
4 two years ago we had a notice of
5 disapproval. We were at this exact
6 stage that we're at right now, which
7 is the application had been deemed
8 complete. The Board, as an agenda
9 item, was going to accept the
10 application and schedule public
11 hearing.

12 Just as I am standing here before
13 you right now, I asked the Board to
14 respectfully to not schedule the
15 public hearing because there were
16 errors in the notice of disapproval.
17 That, of course, had the unfortunate
18 timing of the building inspector's
19 departure, so it took quite a while
20 for us to get a revised notice of
21 disapproval that was in compliance
22 with the Village code.

23 And so we obtained a new notice of
24 disapproval, revised to comport with
25 the Village code, including what's

known as four-tenths rule, which applies. I didn't know I was going to have to speak to it today, but I think it's -- what is it, Section 13 of the Zoning Code, which applies to this lot as found by the chief building inspector. And so it changes the size of the variances requested as permitted under the code in compliance with the code.

12 So the notice of disapproval you
13 have before you now is the correct one
14 upon which this application has been
15 made to the Zoning Board.

16 CHAIRPERSON SALADINO: At that
17 time -- at that time I had expressed
18 to you that it was -- it's been my
19 experience that -- and my knowledge,
20 that prior to my service on the Zoning
21 Board of Appeals -- and I'm thinking --

22 MEMBER GORDON: Prior to mine
23 also.

24 CHAIRPERSON SALADINO: Diana's
25 also, there was an interpretation

2 that -- and I think I expressed that
3 at that time -- that undersized
4 lots -- the interpretation interpreted
5 that undersized lots came under the
6 four-tenths rule only for unimproved
7 properties.

8 MS. REICHERT: And if you'll
9 recall, what I had told you was that
10 the Village had just readopted a new
11 zoning code and that's not in the old
12 code and it's also not in the new
13 code. So you had said it was a
14 policy.

15 CHAIRPERSON SALADINO: What I said
16 was there was an interpretation --

17 MS. REICHERT: An interpretation
18 by who?

19 CHAIRPERSON SALADINO: By the
20 Zoning Board of Appeals prior to this
21 Zoning Board of Appeals. I can't give
22 you the date.

23 MS. REICHERT: No, that's fine,
24 but what I can tell you is that if
25 this is still a live question for the

2 Board, again, because it sounds like
3 the Board wants to challenge the
4 building inspector's determination,
5 which is, again, procedurally odd and
6 you can have your attorney speak to
7 that. But this is, it's in the code.
8 There is no differentiation about
9 improved, unimproved, but I can
10 certainly --

11 CHAIRPERSON SALADINO: But the
12 interpretation you --

13 MS. REICHERT: Hold on just a
14 moment, Mr. Chairman, because can I
15 put in probably about seven to ten
16 examples where this Zoning Board has
17 heard appeals based on notices of
18 disapproval prepared by whoever was
19 the chief building inspector at the
20 time, which employed the four-tenths
21 rule, not to vacant lots, but to
22 improved lots, to existing lots that
23 were doing additions.

24 So I understand that you're talking
25 about an interpretation, but I

2 certainly can show a precedent from
3 the Board as recent as, you know, a
4 year or two ago, all the way through
5 the early 2000's where the four-tenths
6 rule was employed exactly as it's been
7 employed right now by the chief
8 building inspector.

20 CHAIRPERSON SALADINO: Can I
21 respond now?

22 MS. REICHERT: Sure.

23 CHAIRPERSON SALADINO: The
24 interpretation by the Zoning Board was
25 that that four-tenths rule would apply

2 only to unimproved properties at that
3 time. The policy in the Village for
4 the last, in my recollection, 20 years
5 has been that that would apply only to
6 unimproved properties.

7 MS. REICHERT: I may I ask a
8 question?

9 CHAIRPERSON SALADINO: My turn.
10 My turn. You say that this Board has
11 misinterpreted that -- and we know
12 that interpretations carry the weight
13 of president and I don't recall -- in
14 my experience, yeah, I don't recall us
15 applying that rule as short as a year
16 ago to a property.

17 MS. REICHERT: Not a year ago
18 because it would have to be prior to
19 when we were first before --

20 CHAIRPERSON SALADINO: Didn't you
21 just say a year ago?

22 MS. REICHERT: No, I said as far
23 as a couple years ago. So perhaps I
24 misspoke. At least two years ago from
25 when the first time we were here.

2 But I just -- let's be clear about
3 what we're here for. This is
4 basically like a work session almost.
5 This is not the public hearing. The
6 Board does not have jurisdiction to
7 hear this application until notice has
8 been given to neighbors, right, posted
9 in accordance with the Village law of
10 New York. So what we're --

11 CHAIRPERSON SALADINO: We do have
12 the right to either accept or not
13 accept this application unless it's
14 complete or correct.

15 MS. REICHERT: Well, I guess that
16 is up for you to make that
17 determination. I mean, really it's --
18 actually, no, I'm sorry, it's not.
19 It's up for the chief building
20 inspector, right?

21 He is the interpreter of the code
22 under the Village law, under the
23 Village code as well. We have
24 received a notice of disapproval from
25 him that says the variances that are

2 required and that is what this Board
3 has appellate jurisdiction to hear.

4 This Board doesn't have jurisdiction
5 to change what needs to be applied for
6 a variance. I mean, the Second
7 Department and all the courts of this
8 state have upheld that several times.

9 Riverhead v -- Capetola v Town of
10 Riverhead is probably one of the best
11 examples of that.

12 So we're either proceeding to the
13 public hearing, which I am up here to
14 say we are ready to proceed to the
15 public hearing. That is why it's on
16 the agenda. Or the Board can make
17 whatever determination it wants to
18 make at this point, at which point
19 will be a final determination and we
20 will, you know, respectfully --

21 CHAIRPERSON SALADINO: We're here
22 now --

23 MS. REICHERT: -- advance our
24 rights.

25 CHAIRPERSON SALADINO: We're here

2 now to accept application or not, not
3 to proceed to a public hearing. We're
4 here to accept this application or
5 not. Sometimes --

6 MS. REICHERT: What does that
7 mean? I mean, it was accepted, the
8 fee was paid. Are you --

9 CHAIRPERSON SALADINO: What?

10 MS. REICHERT: Are you deeming the
11 application incomplete? I don't --
12 you know, the application has been
13 accepted. It's either going to be
14 scheduled for a public hearing in
15 accordance with the law or you're
16 refusing to schedule a public hearing.

17 CHAIRPERSON SALADINO: I'm not
18 saying we're looking to overstep our
19 bounds here.

20 MS. REICHERT: Well, I think you
21 are.

22 CHAIRPERSON SALADINO: I'm sorry?

23 MS. REICHERT: You are
24 overstepping your bounds. You either
25 schedule a public hearing, you've

2 accepted the application. It has
3 been --

4 CHAIRPERSON SALADINO: We haven't
5 accepted the application.

6 MS. REICHERT: The submission of
7 the application was accepted. It has
8 advanced tot agenda item for this
9 Board to determine if it's going to
10 schedule the public hearing. But that
11 is this Board's purview, at this
12 point, is to schedule a public
13 hearing. And until then, the Board's
14 jurisdiction is not triggered until
15 the public hearing is opened.

16 CHAIRPERSON SALADINO: In this
17 municipality --

18 MS. REICHERT: Which follows the
19 Village law of the State of New York.

20 CHAIRPERSON SALADINO: In this
21 municipality, this Board has the right
22 to either accept an application or
23 not. That's how it is. If the
24 application is complete and correct,
25 we would glady accept it.

2 MS. REICHERT: And on what grounds
3 would you not be accepting the
4 application?

5 CHAIRPERSON SALADINO: I didn't
6 say we would or wouldn't.

7 MS. REICHERT: Well, I just -- I
8 mean, I've been doing this for 20
9 years. This is all I do is zoning and
10 landing use and I've never had a
11 Zoning Board tell me --

12 CHAIRPERSON SALADINO: All we hear
13 from people, all we hear from experts
14 is, I've been doing for 20 years, I've
15 been doing this for 25 years, I've
16 been doing this for 100 years, but
17 right now what we have in front of us
18 is a Village law --

19 MS. REICHERT: Village code.

20 CHAIRPERSON SALADINO: An
21 interpretation is Village law.

22 MS. REICHERT: You do not have
23 legislative authority. The Zoning
24 Board can grant variances as part of
25 its jurisdiction. It can issue

2 interpretations upon request of the
3 building inspector or upon --

4 CHAIRPERSON SALADINO: Does that
5 interpretation become Village law?

6 MS. REICHERT: No, it does not.
7 You're not a legislative body, so it
8 has -- whatever you're --

9 CHAIRPERSON SALADINO: Does that
10 interpret the code as it should be
11 read?

12 MS. REICHERT: The chief building
13 inspector interprets the code. You
14 grant variances from it.

15 CHAIRPERSON SALADINO: And nobody
16 has authority over him?

17 MS. REICHERT: If it falls within
18 your appellate jurisdiction, then you
19 have authority. But, again, the
20 court's upheld that when a building
21 inspector says, this is what needs a
22 variance, that is what you are limited
23 to. You cannot invent additional
24 variances.

25 CHAIRPERSON SALADINO: Doesn't the

Zoning Board have the right to review that as if it was a new application?

4 MS. REICHERT: No. It depends on
5 -- de novo review is limited to the
6 instances of the Village code where it
7 is appropriate where I say, I was
8 challenging the building inspector's
9 interpretation. I'm not challenging
10 the building inspector's
11 interpretation.

I am appealing the notice of
disapproval to this Board for an
exception from the side yard
variances. They are two very
different things and, again, your
counsel can instruct you and advise
you how the law views that, but you do
not get de novo review on a straight
up area variance appeal. That is not
part of your area variance appeal
under the Village law. I'm making a
distinction between Village law and
Village code.

25 CHAIRPERSON SALADINO: So you're

2 saying there is no recourse for this
3 Board if we see something that's
4 contrary to the code that the building
5 inspector perhaps missed. We should
6 just accept it?

7 MS. REICHERT: Why don't you
8 review Capetola v Riverhead?

9 CHAIRPERSON SALADINO: I'm sorry?

10 MS. REICHERT: Why don't you
11 review Capetola v Riverhead? That is
12 exactly what the Second Department
13 said.

14 CHAIRPERSON SALADINO: Okay, so
15 you're suggesting we adjourn this
16 meeting now so we can review that?

17 MS. REICHERT: I am suggesting
18 that you --

19 AUDIENCE MEMBER: Come on.

20 MS. REICHERT: -- schedule us for
21 a public hearing in accordance with
22 the law.

23 CHAIRPERSON SALADINO: But if the
24 application is incomplete and
25 incorrect we don't have -- we

2 shouldn't accept it.

3 MS. REICHERT: That's really not
4 within your jurisdiction to determine.

5 The building inspector has advanced it
6 to you.

7 CHAIRPERSON SALADINO: Well, in my
8 experience, unlike your 20-year
9 experience in zoning, in my
10 experience, this Board has the right
11 to either accept or reject an
12 application. You can certainly
13 challenge that.

14 MS. REICHERT: If you want to make
15 a final determination, please, go
16 ahead and make a final determination.

17 CHAIRPERSON SALADINO: I don't
18 know why this has become adversarial.
19 I'm just asking you like why are we
20 going through this process?

21 MS. REICHERT: I'll also say that
22 this is the only Board that I have
23 ever appeared before that does this,
24 which is why you end up with neighbors
25 feeling like they weren't properly

2 noticed, but this is not the public
3 hearing.

4 CHAIRPERSON SALADINO: We have a
5 neighbor here that wasn't properly
6 noticed?

7 MS. REICHERT: No, they haven't
8 been noticed because this isn't the
9 public hearing. This is your agenda
10 item to schedule the hearing.

11 CHAIRPERSON SALADINO: Why are you
12 saying you have neighbors here that --

13 MS. REICHERT: Because there's a
14 letter that was sent to -- into the
15 record, which doesn't actually exist
16 yet at this point, stating they didn't
17 receive notice.

18 CHAIRPERSON SALADINO: I'm not
19 following. What are you talking
20 about?

21 MS. REICHERT: Mr. Noone --

22 CHAIRPERSON SALADINO: We have a
23 letter that was entered into the
24 record?

25 CLERK NOONE: Nothing has been

2 entered into the public record.

3 MS. REICHERT: Because the record
4 doesn't exist yet until the hearing is
5 open.

6 CLERK NOONE: I shared --

7 MEMBER GORDON: But we should know
8 if there has been a neighbor who has
9 complained or --

10 CLERK NOONE: Any letters that I
11 received were given to the entire
12 Board and to the attorney.

13 CHAIRPERSON SALADINO: But we
14 can't read those letters --

15 CLERK NOONE: Correct.

16 CHAIRPERSON SALADINO: -- until
17 the public hearing is open.

18 CLERK NOONE: But in the interest
19 of transparency, everybody got them.
20 They asked to be shared ahead of this
21 meeting, but nothing has been entered
22 into the public record.

23 CHAIRPERSON SALADINO: Okay. So
24 I'm not sure what your point is.

25 MS. REICHERT: My point is, this

2 is not the public hearing. We are
3 substantively discussing the
4 application. You do not have --

5 CHAIRPERSON SALADINO: I thought
6 that's what we were doing.

7 MS. REICHERT: You do not have
8 jurisdiction to discuss this
9 application until the public hearing
10 record is opened, until the public has
11 been properly noticed, until the
12 property has been posted. This is
13 what the law requires. This is an
14 unusual procedure that is unique to
15 the Village of Greenport --

16 CHAIRPERSON SALADINO: I'm sorry.

17 MS. REICHERT: -- where this
18 Board, as an agenda item, places the
19 scheduling of the public hearing on
20 the agenda. And what it does is it
21 often creates confusion. But we're
22 here now and either you're going to
23 schedule the public hearing or you're
24 going to make a motion to not schedule
25 the public hearing. But your grounds

2 for saying that the application is
3 incomplete are not supported by the
4 Village official who is charged with
5 interpreting the code, and that is the
6 building inspector.

7 He has issued a notice of
8 disapproval. It is here the
9 application is based upon it. I have
10 not been told that I am missing any
11 information. So at this point, I
12 respectfully request that this Board
13 schedule a public hearing.

14 CHAIRPERSON SALADINO: All I did
15 was ask you and let you know what I
16 know about this, that there was an
17 interpretation about one of the items
18 that was on the original notice of
19 disapproval that was to be discussed
20 later on between you and, I'm guessing
21 someone else. And now we have a new
22 notice of disapproval that doesn't
23 show that.

24 MS. REICHERT: Doesn't show what?

25 CHAIRPERSON SALADINO: Combined

2 side yard setback.

3 MS. REICHERT: Because, again, if
4 you read --

5 CHAIRPERSON SALADINO: No, no.

6 MS. REICHERT: If you read your
7 code and the four-tenths rule, the
8 combined required side yard setback
9 really kind of goes out by the wayside
10 because the side yard then just
11 becomes ten feet on each side. Again,
12 this is --

13 CHAIRPERSON SALADINO: Again,
14 again --

15 MS. REICHERT: -- your building
16 inspector who --

17 CHAIRPERSON SALADINO: Again --

18 MS. REICHERT: -- who knew,
19 because it took two years to get this
20 revised notice of disapproval --

21 CHAIRPERSON SALADINO: Again.

22 MS. REICHERT: -- because of
23 changeover with building inspectors.
24 Again, your attorney can speak to if
25 you want to challenge the building

inspectors interpretation of the code and the building inspectors notice of disapproval, but this is completely inappropriate and not in accordance with the law.

CHAIRPERSON SALADINO: Again, in your experience, in your stated 20-year experience --

10 MS. REICHERT: Nearly 20 years.

11 CHAIRPERSON SALADINO: How many?

12 MS. REICHERT: Nearly 20 years.

17 MS. REICHERT: I'm not asking for
18 an interpretation.

19 CHAIRPERSON SALADINO: I'm not
20 saying you did.

21 MS. REICHERT: And that's the only
22 time you get de novo review. You do
23 not have de novo review powers.

24 CHAIRPERSON SALADINO: I stated a
25 previous Zoning Board of Appeals in

2 the Incorporated Village of Greenport
3 was asked for an interpretation about
4 this exact situation and they decided
5 that that portion of the code -- let
6 me finish -- that portion of the code
7 applied to unimproved properties.

8 MS. REICHERT: Can you cite to
9 this decision?

10 CHAIRPERSON SALADINO: To the day?

11 MS. REICHERT: No, I mean you're
12 talking about something you want to
13 bind every single property in the
14 Village of Greenport. Now this Board
15 issues decisions based upon specific
16 applications. It is not a legislative
17 Board. So an interpretation is
18 limited to the application that was
19 before it. You don't get to make
20 blanket interpretations and then not
21 have the legislative body, which is
22 the Board of Trustees, follow it up
23 with an amendment to your code. And
24 again --

25 CHAIRPERSON SALADINO: But the --

2 MS. REICHERT: -- your zoning code
3 was redone. It went through multiple
4 hearings. It went through the full
5 adoption vetting process and the text
6 of the code was not changed. It is
7 not in accordance with the plain text
8 reading of the Village code and the
9 four-tenths rule.

10 So I know that you're citing to
11 something, but you can't even tell me
12 what it is. You can't cite the
13 decision. We need to see this in
14 writing and see what the context was
15 if it even exists, but the Zoning
16 Board does not get to legislate. They
17 get to examine --

18 CHAIRPERSON SALADINO: I'm not
19 suggesting --

20 MS. REICHERT: -- specific
21 applications before the --

22 CHAIRPERSON SALADINO: I'm not
23 suggesting --

24 MS. REICHERT: No, you are because
25 you're saying that what's in the code

2 doesn't apply unless you modify it by,
3 again, an un-cited interpretation that
4 you say was made, but you don't have
5 in front of me, in front of any sort
6 of place where it can be publicly
7 read. The law is the law. You get to
8 grant variances from the zoning code.

9 CHAIRPERSON SALADINO: Are you --
10 MS. REICHERT: And the zoning code
11 says that any lot that has a narrow
12 width is entitled to the four-tenths
13 rule. This rule exists in almost
14 every single municipality.

15 CHAIRPERSON SALADINO: Almost
16 every?

17 MS. REICHERT: I don't know every
18 single's municipality's code, but I
19 can tell you that every one that I
20 practice is has the four-tenths rule,
21 which is why I knew when I saw the
22 notice of disapproval that it was in
23 error.

24 CHAIRPERSON SALADINO: Is the
25 Zoning Board obligated -- this is

2 turning into a debate, but is the
3 Zoning Board obligated to follow
4 interpretations issued by previous
5 Zoning Boards?

6 MS. REICHERT: I can't speak to
7 this interpretation because I haven't
8 read it.

9 CHAIRPERSON SALADINO: That's not
10 the question I'm asking you.

11 MS. REICHERT: No. I mean, again,
12 interpretations are not the same as
13 the force of a precedent of a
14 decision. So I don't know what this
15 is.

16 CHAIRPERSON SALADINO: Is it --

17 MS. REICHERT: No.

18 Interpretations and decisions on
19 variances are different.

20 CHAIRPERSON SALADINO: Don't
21 interpretation carry the weight of
22 precedence?

23 MS. REICHERT: It's all
24 contextual.

25 CHAIRPERSON SALADINO: Yes --

2 MS. REICHERT: No. No, no, no.

3 It's contextual and it depends on how
4 it came to this Board. You are an
5 Appellate Board, unless you are
6 hearing something like special
7 permit --

8 CHAIRPERSON SALADINO: I'm not --
9 I'm not saying --

10 MS. REICHERT: No. Sir, you're
11 fundamentally misunderstanding the
12 charge of your Board.

13 CHAIRPERSON SALADINO: I'm not
14 saying we have the right to overturn
15 anything. I'm not saying you don't
16 have the rights in front of this
17 Board.

18 MS. REICHERT: You do have the
19 right to change your precedent. You
20 can look back at a decision and say,
21 you know what, upon studied review, we
22 are changing the prior precedent of
23 this Board.

24 CHAIRPERSON SALADINO: Are you
25 asking for an interpretation?

2 MS. REICHERT: No, I am not asking
3 for an interpretation.

4 CHAIRPERSON SALADINO: That's the
5 only way we would have the right to do
6 that, if someone asked for an
7 interpretation.

8 MS. REICHERT: The code is what
9 the code says, sir.

10 CHAIRPERSON SALADINO: I'm just
11 telling you the interpretation --

12 MS. REICHERT: The building
13 inspector has issued a notice of
14 disapproval. You are limited to
15 granting the variances under that
16 notice of disapproval.

17 If you want to Article 78 your own
18 decision afterwards, by all means, it
19 would be they very interesting to see.

20 But you are limited to what is on that
21 notice of disapproval. You do not
22 have authority to say, this variance
23 isn't needed or an additional variance
24 is needed or this rule doesn't apply
25 because there's no support --

2 CHAIRPERSON SALADINO: We do that
3 all the time.

4 MS. REICHERT: -- in the four
5 corners or your Village Code to
6 support that interpretation that
7 you're taking right now.

8 CHAIRPERSON SALADINO: We do it
9 all the time.

10 MS. REICHERT: That doesn't mean
11 it's right. That doesn't mean it
12 complies with the law.

13 CHAIRPERSON SALADINO: The fact
14 that you're suggesting that this Board
15 doesn't have the right to follow
16 previous interpretations, I'm just not
17 understanding.

18 MS. REICHERT: Well, perhaps you
19 can present the interpretation so that
20 we all know what it is.

21 CHAIRPERSON SALADINO: Well, we
22 can certainly --

23 MS. REICHERT: That would be
24 wonderful. I mean, if you really
25 think there is some sort of written

2 determination of this Board that has
3 current, binding effect to change the
4 plain language implementation of the
5 Village Code, including one that was
6 just adopted within the last two
7 years. By all means, let's see what
8 is says, but right now you're talking
9 about something that you have no proof
10 of that the building inspector
11 certainly isn't following because it's
12 not binding upon him. So present it
13 if you feel the need to present it.

14 CHAIRPERSON SALADINO: By your own
15 statement that the building inspector
16 was new to the job, wasn't fully up to
17 speed on certain things, the fact that
18 this interpretation was issued
19 15 years ago or 12 years ago, and the
20 policy in the Village for the last
21 20 years has been to interpret the
22 code --

23 MS. REICHERT: Sir, I'm talking
24 about law. I'm talking about the code
25 that you are charged with enforcing.

2 And you are not enforcing the code
3 that is before you. The plain
4 language of this code.

5 CHAIRPERSON SALADINO: Only
6 because you say the interpretation
7 doesn't exist.

8 MS. REICHERT: I don't know.

9 CHAIRPERSON SALADINO: Produce --

10 MS. REICHERT: Produce it, but,
11 again, I don't know if it's binding
12 because your code was newly adopted.

13 And, again, it's never been changed.

14 You are not a legislative Board. You
15 are is judicial board. You are a
16 quasi-judicial board --

17 CHAIRPERSON SALADINO: We don't
18 claim to be.

19 MS. REICHERT: Well, what you're
20 claiming is legislative in nature,
21 that you're changing how the code is
22 to be read.

23 CHAIRPERSON SALADINO: No. What
24 I'm claiming is that there's an
25 interpretation in --

2 MS. REICHERT: There is no
3 vagueness in the Village zoning code
4 where it talks about under-width lots.
5 There is no vagueness that requires an
6 interpretation. The language is
7 plain. The language is clear. You
8 are supplying language from an unknown
9 source.

10 So, again, if you can show it and
11 have your counsel review it and he can
12 call me and let me know. But at this
13 point, and I would love to hear from
14 the Village attorney, the code is the
15 code. The code is the code. It is
16 not an ambiguous provision.

17 I believe it's 150-13, I don't have
18 it in front of me. It's not
19 ambiguous. It is very clear. It does
20 not have any sort of qualification
21 about what time of parcel benefits
22 from it other than what its lot width
23 is.

24 CHAIRPERSON SALADINO: Well, I'm
25 willing to ask our attorney.

4 CHAIRPERSON SALADINO: I'm sorry?

5 BOARD COUNSEL STOLAR: Not here.

6 If you want legal advise, I'll give it
7 to you, but not in a public forum.

8 CHAIRPERSON SALADINO: No, I
9 totally agree with that. If we can --

10 MS. REICHERT: I'm happy to clear
11 the room so you can go into Executive
12 Session.

13 CHAIRPERSON SALADINO: No, you
14 don't have to. It's cold outside.
15 We'll go.

16 MEMBER GORDON: John, it seems to
17 me that maybe we need to, as a Board,
18 decide on whether we're going to
19 accept the notice of disapproval and
20 that we could vote on that. Because
21 at the core of this is your sense that
22 the notice of disapproval is wrong
23 still.

24 CHAIRPERSON SALADINO: No. My
25 sense is that there was a notice of

2 disapproval issued and it included
3 something that was a part of Village
4 code -- not part of Village code, an
5 interpretation by a previous Zoning
6 Board that allowed that to be included
7 on the previous notice of disapproval.

8 Now, because of someone not having
9 access to that interpretation or
10 someone not believing that
11 interpretation, would make this
12 application with this notice of
13 disapproval incorrect.

14 MEMBER GORDON: You have said --

15 CHAIRPERSON SALADINO: But, but,
16 but if we want to accept it, and we
17 can hear from Brian. We can take a
18 minute or two and hear from Brian. If
19 not, we'll accept it.

20 MEMBER KAUFMAN: I feel like we're
21 going in circles here. So there's
22 this notice of disapproval and they're
23 contending that this is the notice of
24 disapproval and you're contending that
25 there's additional variances that are

2 required that are no longer there?

3 BOARD COUNSEL STOLAR: Why don't
4 we -- I think we can resolve involve
5 it if we go into Executive Session for
6 legal advise.

7 MEMBER KAUFMAN: Okay.

8 CHAIRPERSON SALADINO: Okay. Not
9 to belabor it and stuff --

10 MS. REICHERT: I --

11 CHAIRPERSON SALADINO: Wait. Just
12 let me finish.

13 MS. REICHERT: Sure.

14 CHAIRPERSON SALADINO: Do we
15 really have to, as opposed to just
16 accept this and bring this up at the
17 public hearing?

18 BOARD COUNSEL STOLAR: That's
19 fine. You can do it that way too.

20 MEMBER KAUFMAN: It seems to me
21 that we're in agreement there are
22 variances that need to be examined.
23 So whether it's this or something
24 else, why don't we just accept it
25 because there's something to be

2 adjudicated, and then figure it out
3 instead of casting people into the
4 cold.

5 CHAIRPERSON SALADINO: Oh, I
6 wasn't going to send them outside. We
7 were the ones --

8 MEMBER KAUFMAN: I was trying to
9 make it traumatic.

10 MS. REICHERT: Well, so I just --
11 I want to give you an example of where
12 four-tenths rule has been applied in
13 recent time by your current building
14 inspector on a property that was
15 improved.

16 So we have the notice of disapproval
17 for 320 Carpenter issued in June of
18 2024, which acknowledges under, again,
19 150-12e, which is where you have the
20 existing small lots. Again, existing
21 small lots. And it says, site plane
22 notes, existing two-story framed
23 residence within the required side
24 yard. This would require a variance
25 for the side yard of 5.7. So this was

2 applied to an existing structure.

3 Again, you know, this is just one
4 example, but --

5 CHAIRPERSON SALADINO: Again, like
6 you, we don't have that information in
7 front of us right now.

8 MS. REICHERT: Well, I just gave
9 it to you literally, 320 Carpenter,
10 but what I can do is --

11 CHAIRPERSON SALADINO: Well, we
12 don't have the application in front of
13 us. We don't know how it applies to
14 this. So don't be a sore winner.

15 Please don't be a sore winner. Our
16 attorney told us we can kind of
17 resolve this and bring it up at the
18 public hearing if that's kind of okay
19 with you or if not --

20 MS. REICHERT: I mean --

21 CHAIRPERSON SALADINO: We can --

22 MS. REICHERT: I am not
23 entertaining an area variance
24 application at its public hearing,
25 something that wades in the territory

2 of this Board pretending it has the
3 authority to engage --

4 CHAIRPERSON SALADINO: We're not
5 pretending anything.

6 MS. REICHERT: Yes, you are.

7 CHAIRPERSON SALADINO: No, we're
8 not.

9 MS. REICHERT: Fine. Charading
10 around pretending that you get to
11 conduct de novo review and that's what
12 you're trying to do. You're trying to
13 shoe-in to a public hearing on an area
14 variance -- you are, sir, what is an
15 improper standard review for this
16 Board.

17 CHAIRPERSON SALADINO: No, you're
18 wrong, we're not. We're telling you
19 of a previous interpretation by this
20 Board how this application affects a
21 small lot. That's what we're telling
22 you.

23 MS. REICHERT: If you want to
24 raise this at the public hearing, then
25 it's going to be very clear where the

2 limits of your de novo review, which
3 is nonexistent --

4 CHAIRPERSON SALADINO: Why are you
5 projecting for next month? We're
6 talking about here and now.

7 MS. REICHERT: Because this is not
8 public hearing. It is inappropriate
9 to be engaging in this level of
10 discussion of an application. You do
11 not have jurisdiction yet to discuss
12 it.

17 CHAIRPERSON SALADINO: None of
18 this is on the -- as far as this
19 application, none of it -- there's no
20 public hearing and none of it is on
21 the public record as far as that
22 hearing.

23 So what are you saying? We have the
24 right to ask any question we want at
25 any time, whether you agree with that

2 or not in your almost 20 years.

3 MS. REICHERT: You can ask the
4 questions you want, but your --

5 CHAIRPERSON SALADINO: I did.

6 MS. REICHERT: -- your authority
7 and your standard of review are
8 different depending on the matter that
9 is before you.

10 CHAIRPERSON SALADINO: We're not
11 here for you to lecture us on our
12 duties and responsibilities.

13 MEMBER KAUFMAN: Can I just make a
14 suggestion that we accept this
15 application and then we can --

16 CHAIRPERSON SALADINO: I thought
17 that's what we were going to do.

18 MEMBER KAUFMAN: -- open this up
19 and then we can discuss it.

20 MS. REICHERT: I'd be happy to do
21 it in a public hearing.

22 BOARD COUNSEL STOLAR: Somebody
23 just make a motion.

24 MEMBER KAUFMAN: I'm making a
25 motion right now.

BOARD COUNSEL STOLAR: And
schedule it for public hearing in
January.

MEMBER KAUFMAN: I'm make a motion
that we accept this application.

MEMBER GORDON: And schedule a public hearing.

9 MEMBER KAUFMAN: And schedule a
10 public, I'm sorry. I'm not very good
11 at this.

12 CHAIRPERSON SALADINO: I second
13 that.

14 MEMBER KAUFMAN: All right, all in
15 favor?

16 MS. REICHERT: Well, what are you
17 schedule the public hearing for?

18 CHAIRPERSON SALADINO: We're going
19 to tell you in a second. We're going
20 to schedule a public hearing -- we're
21 going to schedule a public hearing
22 for --

23 CLERK NOONE: January 20th.

24 MEMBER KAUFMAN: January 20th.

25 CHAIRPERSON SALADINO: --

2 January 20th at 6:00 p.m.

3 CLERK NOONE: Site visit.

4 CHAIRPERSON SALADINO: Well, let's
5 decide on the public hearing first and
6 then we'll decide if we need a site
7 visit or not.

8 This is yours, David. I'm sorry.

9 I don't have my agenda in front of me.

10 MEMBER NYCE: No, that's good.

11 CHAIRPERSON SALADINO: Were going
12 to schedule a public hearing for
13 January 20th at 6:00 p.m. at this
14 location. Do we need a site visit?

15 MEMBER KAUFMAN: Yes, very much
16 so, and I'll cut it off and say 4:00.

17 CHAIRPERSON SALADINO: So we're
18 going to schedule a public hearing for
19 January -- what's the date?

20 MEMBER KAUFMAN: 20th.

21 DEFENSE ATTY one: January 20th at
22 6:00 p.m.

23 MS. REICHERT: So my --

24 CHAIRPERSON SALADINO: We're going
25 to schedule it here at 6:00 p.m. and

2 we're going to do a site visit at --

3 MEMBER KAUFMAN: Four.

4 CHAIRPERSON SALADINO: 4:00 p.m.

5 MS. REICHERT: Chairman Saladino,
6 my client just informed me that she
7 will not be here during January.

8 CHAIRPERSON SALADINO: Can you be
9 here?

10 MS. REICHERT: I can be here, but
11 I feel that given the Scholl's
12 connection to this property that it
13 would be appropriate to have the
14 property owner there, especially if
15 you want to be able to ask questions
16 pursuant to the --

17 CHAIRPERSON SALADINO: Can you
18 suggest a date that's convenient to
19 your property owner?

20 BOARD COUNSEL STOLAR: We usually
21 meet the third Tuesday of the month.

22 MS. SCHOLL: Yes. February?

23 MEMBER REARDON: February 17th.

24 CLERK NOONE: It would be
25 February 17th.

2 MS. REICHERT: The February
3 meeting, please.

4 CHAIRPERSON SALADINO: Okay.

5 BOARD COUNSEL STOLAR: So the
6 motion is amended to the February 17th
7 public hearing at 6:00 p.m. with a
8 site visit at 4:00 p.m.?

9 MEMBER KAUFMAN: 4:00 p.m.

10 DEFENSE ATTY one: So that's the
11 motion. You have a second.

12 CHAIRPERSON SALADINO: All in
13 favor?

14 MEMBER REARDON: Aye.

15 MEMBER NYCE: Aye.

16 MEMBER GORDON: Aye.

17 MEMBER KAUFMAN: Aye.

18 CHAIRPERSON SALADINO: And I'll
19 vote aye.

20 MS. REICHERT: Thank you.

21 CHAIRPERSON SALADINO: Before we
22 move on, we don't usually -- we
23 don't -- this is -- we scheduled the
24 public hearing. We scheduled the site
25 visit. We usually give the public a

2 chance to respond only about accepting
3 this application. Since we've already
4 done it, it's kind of moot. But...

5 BOARD COUNSEL STOLAR: On to
6 Number 6 then.

7 CHAIRPERSON SALADINO: Item Number
8 6 is -- do I have to get up again?

9 BOARD COUNSEL STOLAR: You're here
10 on Item 6. Item 7 you recused
11 yourself.

12 MEMBER KAUFMAN: 229 Sixth Street
13 is this one.

14 BOARD COUNSEL STOLAR: 229 Sixth
15 Street. That's the infamous mudroom.

16 MEMBER GORDON: It's 229 --

17 CHAIRPERSON SALADINO: Item Number
18 6 is 229 Sixth Street. This is a
19 discussion and possible motion on an
20 area variance applied for by Jessica
21 Zarychi and Scott D. Buschman for
22 property located at 229 Sixth Street,
23 Greenport, New York 11944. This is
24 Suffolk County Tax Map Number remains
25 the same at 1001-7-1-5. What are we

2 thinking?

3 MEMBER NYCE: It's pretty straight
4 forward.

5 MEMBER GORDON: Yeah.

6 MEMBER KAUFMAN: I think it's
7 straight forward, minor. There's not
8 a lot going on there.

9 MEMBER NYCE: I don't see any
10 detrimental impacts to the
11 neighborhood.

12 MEMBER GORDON: It does not make
13 the environment -- it does not injure
14 the environment. It does not -- it
15 makes the lot significantly more
16 crowded.

17 CHAIRPERSON SALADINO: Okay. Do
18 we think it's a self created option?

19 MEMBER NYCE: Yes.

20 MEMBER GORDON: Sure.

21 CHAIRPERSON SALADINO: But we
22 can --

23 MEMBER GORDON: That's not one --
24 that's on of the things --

25 CHAIRPERSON SALADINO: Is it a

2 substantial increase in --

3 MEMBER GORDON: Anything? No.

4 CHAIRPERSON SALADINO: Okay. So

5 I'm going to make a motion that the

6 Zoning Board of Appeals declares

7 itself Lead Agency for the purposes of

8 SEQRA. So moved.

9 MEMBER NYCE: Second.

10 CHAIRPERSON SALADINO: This is a

11 Type II Action. No further review is

12 necessary. I'm make a motion --

13 BOARD COUNSEL STOLAR: You have

14 the motion pending right now. You

15 didn't vote on the motion, the SEQRA

16 motion.

17 CHAIRPERSON SALADINO: We didn't

18 vote on SEQRA?

19 MEMBER NYCE: No.

20 BOARD COUNSEL STOLAR: You have a

21 motion and a second.

22 CHAIRPERSON SALADINO: I

23 apologize. I'm getting ahead of

24 myself. I made the motion.

25 MEMBER NYCE: I seconded.

2 CHAIRPERSON SALADINO: All in
3 favor?

4 MEMBER REARDON: Aye.

5 MEMBER NYCE: Aye.

6 MEMBER GORDON: Aye.

7 MEMBER KAUFMAN: Aye.

8 CHAIRPERSON SALADINO: And I'll
9 vote aye.

10 I'm going to make a motion that we
11 approve this area variance.

12 MEMBER NYCE: Second.

13 CHAIRPERSON SALADINO: We'll do a
14 roll call vote.

15 Jack?

16 MEMBER REARDON: Aye -- yes.

17 CHAIRPERSON SALADINO: David?

18 MEMBER NYCE: Yes.

19 CHAIRPERSON SALADINO: Dinni?

20 MEMBER GORDON: Yes.

21 CHAIRPERSON SALADINO: And Seth?

22 MEMBER KAUFMAN: Yes.

23 CHAIRPERSON SALADINO: And John?

24 And I'll vote aye. Easy-peasy. So
25 the applicant -- they're not here.

2 They're gone. The decision will be --

3 CLERK NOONE: I'll let them know.

4 CHAIRPERSON SALADINO: The
5 decision will be in Village Hall
6 within the five-day prior prescribed
7 by law.

8 Item Number 7 is 140 Main Street.

9 This is a discussion and possible
10 motion on the area variance applied
11 for by Robert I. Brown, RA on behalf
12 of Patty -- Mark and Patty Carlos for
13 the property located at 140 Main
14 Street, Greenport, New York 11944.

15 The Suffolk County Tax Map Number is
16 1001-5-3-18.

17 I've recused myself from this. If
18 it's okay with the public, I'm going
19 to -- I'm just going to like sit here,
20 if its alright. I'll move back and
21 not make myself part.

22 MEMBER NYCE: I'm make sure you
23 can't see.

24 CHAIRPERSON SALADINO: I'll not
25 make myself part of the discussion.

2 ACTING CHAIRPERSON GORDON: So my
3 comment, I guess, has to do with the
4 added story, the third story, which is
5 that we, in fact, have several
6 buildings -- I think it's not the
7 whole neighborhood, but several
8 buildings in that area that are three
9 stories.

10 And I'm taken -- I take seriously
11 the comment that Ian made about the
12 fact that we are at the brink of --
13 with the Planning Board
14 recommendations for changes in
15 distribution of residential housing
16 for the code, code changes, to make
17 that happen.

18 We are at the brink of doing that
19 and it would seem, to me, foolish not
20 to use -- not to -- to vote positively
21 on this application because it's, in
22 fact, a very good example of what I
23 think is intended by the reforms that
24 are pending. So I feel quite strongly
25 that we should support 140 Main

2 Street. Other people?

3 MEMBER KAUFMAN: Well, if those
4 reforms are pending, then why don't we
5 wait for them to make those reforms?

6 ACTING CHAIRPERSON GORDON: That
7 is an argument. What do others think?

8 MEMBER REARDON: I sorry, Seth, I
9 didn't hear what you --

10 MEMBER KAUFMAN: I said, if these
11 reforms are pending, if indeed they
12 are going to change the code
13 imminently to allow three stories,
14 then why should we grant variance when
15 the code will change? Why doesn't the
16 applicant just wait for the code to
17 change?

18 BOARD COUNSEL STOLAR: Just so you
19 know, there's no imminence regarding
20 the --

21 MEMBER KAUFMAN: No, no, that's
22 what she stated.

23 BOARD COUNSEL STOLAR: Yeah, no,
24 they're just starting the discussion.

25 MEMBER KAUFMAN: Okay. Well, I've

2 heard it said more than once now in
3 this meeting tonight that this is
4 happening, they're meeting on
5 Thursday. I don't know --

6 BOARD COUNSEL STOLAR: Yeah, no,
7 this is just starting the process of
8 discussion. It's not something that's
9 going to happen within the next couple
10 of months.

11 MEMBER KAUFMAN: Okay, but still I
12 think that decision to have the code
13 the way it is now with two stories is
14 an intentional decision and I don't
15 see how we can infer because there's
16 been discussions to change it, that
17 somehow it's incumbent on us to allow
18 it.

19 MEMBER NYCE: Well, except, Seth,
20 that it's two stories or 35 feet.
21 They're well under the 35 feet. So
22 it's semantics, right? I mean, what
23 do you do underneath that 35 feet,
24 right?

25 CHAIRPERSON SALADINO: No.

2 MEMBER KAUFMAN: It's not
3 semantics. Two stories is different
4 than three stories. It's a different
5 intensity of use. Height's irrelevant.

6 ACTING CHAIRPERSON GORDON: The
7 code right now says 35 feet,
8 three stories and 35 feet I think.

9 BOARD COUNSEL STOLAR: Either one.
10 It's it two stories and/or 35 feet.
11 Here they comply with the height.
12 They do not comply with the number of
13 stories. We call it a height
14 variance, but in fact it's the number
15 of stories.

16 MEMBER KAUFMAN: Okay, and I think
17 I just disagree that's semantics.
18 It's a different intensity use. I'm
19 not saying that it's a terrible idea.
20 I'm simply saying that, you know, the
21 code is written as it is now and I
22 feel uncomfortable saying, well, since
23 they're talking about changing at some
24 point in the near future, that we
25 should just jump in and make a

2 decision for everyone, that's all.

3 It's not a comment on the merits or of
4 the application or not.

5 ACTING CHAIRPERSON GORDON: Well,
6 what do others think?

7 (No response.)

8 ACTING CHAIRPERSON GORDON: Are we
9 concerned about the setback issue? I
10 mean, the setback is the same as what
11 it has always been.

12 MEMBER NYCE: It is.

13 MEMBER KAUFMAN: I'm sorry.

14 MEMBER NYCE: I have a question
15 for the attorney as to when the
16 property comes adjacent to Waterfront
17 Commercial, does that -- does our
18 granting this using our common setback
19 within X number of feet, change
20 anything in Waterfront Commercial?

21 BOARD COUNSEL STOLAR: So if
22 somebody is applying for relief in the
23 Waterfront Commercial, for a third
24 story for instance or for the setback,
25 you have to look at that as its own

2 application and in its own district.

3 Because when you're comparing the

4 benefit to the applicant to the

5 detriment to the neighborhood, it's

6 not just the word neighbor, it's

7 detriment to the neighborhood and

8 district --

9 MEMBER NYCE: Okay.

10 BOARD COUNSEL STOLAR: -- so the

11 zoning district is different.

12 MEMBER NYCE: Okay. That makes

13 sense. And as far as a setback, if

14 you look at that entire block, it is

15 the same.

16 ACTING CHAIRPERSON GORDON: Right.

17 MEMBER KAUFMAN: I understand what

18 a setback is what it is and I'm

19 comfortable with that because it is

20 what that block is. It's just I think

21 an extra story is a significant ask

22 and the code doesn't currently support

23 it. That's where I am with it.

24 MEMBER NYCE: Okay.

25 MEMBER REARDON: I have to say I

2 feel similarly to Seth's
3 interpretation and I'm torn about
4 this.

5 MEMBER NYCE: I don't have the
6 same misgivings on that.

7 ACTING CHAIRPERSON GORDON: I
8 didn't mean that I thought that the
9 code would change on Thursday, but I
10 think it's more than just the
11 beginning of a discussion. The
12 Planning Board has been working on
13 approaches to this issue of the
14 Downtown Residential potential for a
15 long time and I think the trend is
16 clear. The public opinion is clear.
17 I think we should go ahead with it
18 as -- and that if we don't go ahead
19 with it, it will haunt us later that
20 we didn't.

21 MEMBER KAUFMAN: What exactly
22 is going to haunt us, that two
23 apartments --

24 ACTING CHAIRPERSON GORDON: No. I
25 think other places around the corner,

2 maybe on Front Street, will be three
3 stories. Maybe we'll finally do
4 something with the arcade, which might
5 become three stories. And there we
6 will have had this, had this decision
7 in opposition to a third story, which
8 seems to me -- I mean, I was
9 interested in that comment that you're
10 making a kind of canyon along that
11 southern part of --

12 MEMBER KAUFMAN: That was Jack's
13 comment.

14 ACTING CHAIRPERSON GORDON: --
15 Main Street. Was it your comment
16 or --

17 BOARD COUNSEL STOLAR: Jack's.

18 ACTING CHAIRPERSON GORDON:
19 Anyway. But I don't know, across the
20 street is three stories. It just
21 doesn't seem to me that Main Street
22 will ever feel like a canyon, but
23 maybe that's a New York City
24 perspective.

25 BOARD COUNSEL STOLAR: So without

2 taking a vote, I think it's clear
3 right now that you have -- you're a
4 2-2. If you were to proceed to a
5 vote, that's a non-vote.

6 MEMBER NYCE: Right.

7 BOARD COUNSEL STOLAR: You have
8 one member who has recused themselves.
9 You do not have -- as I understand, I
10 don't think the Zoning Board has an
11 alternate member to jump in.

12 ACTING CHAIRPERSON GORDON: Right.
13 So that means we couldn't do it next
14 month. We can't just --

15 BOARD COUNSEL STOLAR: Well, what
16 I would like to do is have a legal
17 advice session with the Board, the
18 entire Board; not to discuss any of
19 the facts, but to discuss the
20 procedures relative to and the
21 underlying law with respect to a 2-2
22 vote and some other considerations
23 unrelated to any of the factual
24 elements of this application, if the
25 Board wants to move forward and seek

2 my advice.

3 ACTING CHAIRPERSON GORDON: That
4 sounds like a good idea.

5 MEMBER KAUFMAN: Yeah, I'll --

6 BOARD COUNSEL STOLAR: We'll do
7 this. We'll step outside for a few
8 minutes, we'll come back and we may be
9 able to discuss this application
10 further. We'll see.

11 MR. CARLOS: As the applicant at
12 140 Main, Mark Carlos. In all
13 honesty, I think this is a great
14 project for the Village. If you vote
15 to turn it down, that's your
16 prerogative, that's fine. This will
17 be the final meeting on this project
18 because I'm not going to go beyond
19 this meeting.

20 So do what you have to do; vote how
21 have you to vote, but I think there is
22 broad support for this project. Not
23 just here, the historic Commission has
24 already given us approval. We're
25 nearing the end with the Planning

2 Board. If it's going to continue
3 beyond this meeting, then we'll just
4 withdraw the application and call it a
5 day and that will be it.

6 And the Village will be stuck in
7 time like they will continue to be
8 because of these decisions. So make
9 what decision you want here tonight,
10 but this will be the last session on
11 this topic. Vote how you want.
12 Either way, we'll move on. It's okay.

13 MEMBER NYCE: So I'll offer a
14 motion to adjourn --

15 BOARD COUNSEL STOLAR: For legal
16 advise.

17 MEMBER NYCE: -- advice of
18 counsel.

19 BOARD COUNSEL STOLAR: So that's a
20 motion by Dave. Do we have a second?

21 ACTING CHAIRPERSON GORDON:
22 Second.

23 BOARD COUNSEL STOLAR: All in
24 favor?

25 MEMBER REARDON: Aye.

2 MEMBER NYCE: Aye.

3 MEMBER GORDON: Aye.

4 MEMBER KAUFMAN: Aye.

5 BOARD COUNSEL STOLAR: It's 4-0.

6 John is still abstaining at this
7 point, but I do want John to
8 participate with us. It's important
9 that he does.

10 (At this time a brief recess was
11 taken.)

12 BOARD COUNSEL STOLAR: Okay, so
13 continue your deliberation. Same four
14 Board members.

15 MEMBER KAUFMAN: Back in session?

16 MEMBER NYCE: Yes.

17 ACTING CHAIRPERSON GORDON: Yes, I
18 just want to say, we're not going to
19 go over each -- or are we going to go
20 over each one as we used to do or are
21 we talking generally about the --

22 MEMBER KAUFMAN: Maybe we should
23 explain for everyone in the audience
24 what we're talking about. So in the
25 past we had balancing test and these

2 are the five questions that are asked
3 to kind of ascertain, which way the
4 zoning decision should go.

5 We're not going to go through each
6 one and do the, kind of, solemn
7 recitation of them. But I think its
8 useful for everyone to get where they
9 need to be on this to actually just
10 maybe just --

11 ACTING CHAIRPERSON GORDON: Yes.

12 MEMBER KAUFMAN: -- discuss them,
13 not necessarily in order but just, you
14 know, the ones that are jumping out
15 and just try and get to a consensus on
16 this.

17 ACTING CHAIRPERSON GORDON: Yes.

18 I would say to summarize the five
19 issues that, very important is the
20 question about whether this project
21 would cause an undesirable change in
22 the character of the neighborhood.

23 That's certainly relevant for what
24 we're talking about.

25 And then the balancing of the

2 benefit sought by the applicant
3 against his or her effort to find
4 another way to do this. Whether the
5 benefit sought can be achieved by some
6 other method, some other feasible
7 method.

8 And whether it's substantial and
9 whether it was -- the problem was
10 self-created and then the question
11 about having an impact on the physical
12 or environmental conditions in the
13 neighborhood.

14 MEMBER NYCE: Just a note for the
15 audience, the self created thing is
16 not a reason for us to deny the
17 variance. It just strictly states
18 there was no other -- you know, was
19 there another way to do this.

20 ACTING CHAIRPERSON GORDON: It's
21 relevant, but not necessarily
22 dispositive.

23 MEMBER NYCE: Right.

24 MEMBER KAUFMAN: And I mean, I
25 guess, just, you know, that it is

2 itself created. Whatever that really
3 matters in this case in the sense
4 that, you know, it's a project you're
5 choosing to do, but I don't think it's
6 really relevant to the decision.

10 MEMBER KAUFMAN: In terms of
11 detriment to the surrounding area
12 though, I mean, I know, Jack, you were
13 saying that you felt that it would
14 have some adverse impacts in terms of
15 mass, correct?

16 MEMBER NYCE: In terms of?

17 MEMBER KAUFMAN: Mass. You know,
18 in other words, that kind of effect
19 you were describing.

20 MEMBER REARDON: Yeah, it boarders
21 on that. You know, and look, I
22 understand that the Village has to
23 grow and with that growth will be
24 physical growth. It will be both
25 people and places. And I'm having a

2 hard time being able to justify that
3 kind of development right in that
4 spot. It seems to be more like a
5 scaled down version would be less
6 impactful.

9 MEMBER REARDON: Instead of three
10 stories, two stories. I don't know if
11 this is appropriate use, but in the
12 City they have something like the
13 angle of oppose or something like that
14 where, as buildings go back, they can
15 go up higher to allow light to reach
16 the ground. Not that it's a big
17 impact here, but it has something to
18 do with it.

19 MR. CARLOS: But I could do a
20 35-foot second story. I mean, the
21 mass is allowed; 35 feet is allowed.
22 So I could do 35 feet.

23 MEMBER REARDON: Yes, 35 feet for
24 two stories.

25 BOARD COUNSEL STOLAR: Guys, just

2 for procedural purposes, the hearing
3 is closed. There shouldn't be any
4 debate with the public. It should
5 just be a discussion amongst the
6 Board.

7 MEMBER KAUFMAN: So, yeah, I mean,
8 the mass is one thing. But, sure,
9 they can go 35 feet with two stories.
10 There's also the intensity of use,
11 right? They're putting more people
12 into these buildings, you know, and
13 with cars and whatever if their going
14 to be parking, maybe they won't be.

15 MEMBER NYCE: I don't see that's
16 out of character for the neighborhood
17 at all.

18 MEMBER KAUFMAN: Well, yeah, I
19 mean, I'll say, on one level, I guess
20 I'm just used to the way it looks and
21 I don't really want the change. But
22 I'm not going to pretend like you're
23 building an eight-story building when
24 there's only three story buildings. I
25 don't think it's going be radically

2 detrimental, you know, as much as I
3 kind of feel like I don't want to a
4 change. So I'll go with that on my he
5 said at least.

6 MEMBER NYCE: Yeah, I don't see it
7 as a detriment to the neighborhood.

8 MEMBER KAUFMAN: As far as whether
9 it's substantial, I mean, I'm pretty
10 clear, I think it's substantial. I
11 think it's a pretty big ask to ask for
12 an extra floor, regardless of how high
13 can you go.

14 So that's one of the sticking points
15 for me on this, is that the code
16 doesn't -- right, now doesn't provide
17 for that and it's basically setting a
18 precedent that we're going to give
19 people very large asks. So there's
20 got to be something that justifies it.
21 So that's where I am.

22 MEMBER NYCE: I still -- you know,
23 the building directly across the
24 street is three stories. And it's
25 not -- doesn't seem to have been a

2 detriment to the neighborhood.

3 MEMBER KAUFMAN: Just because
4 there are buildings around that are
5 that high or buildings that were there
6 once that were that high, the point is
7 that it was legislated that buildings
8 aren't supposed to have that many
9 stories. Forget about using the word
10 high; that many stories now. And
11 that's -- I don't mean to be a
12 stickler. I'm just like -- that's the
13 thing that's sticking.

14 MEMBER NYCE: I understand, but
15 35 feet or two stories.

16 ACTING CHAIRPERSON GORDON: But we
17 do have two -- on Front Street we do
18 have two buildings recently built, two
19 hotels with three stories.

20 MEMBER KAUFMAN: Yeah, okay.

21 ACTING CHAIRPERSON GORDON: It was
22 sort of painful.

23 MEMBER KAUFMAN: Well, I wasn't
24 here for those, so I wouldn't have
25 voted for those either.

2 MEMBER NYCE: So, again, to this
3 point, yeah, 35 feet or two stories.
4 What are you doing with, you know,
5 almost 18 feet per story? Right, I
6 mean think that --

7 MEMBER KAUFMAN: Dance hall? No,
8 I mean, literally that's what it is.

9 MEMBER NYCE: Yeah.

10 MEMBER KAUFMAN: If the applicant
11 wants to put a dance hall, I guess
12 that would be good. So, I guess, what
13 are we -- you know, what is the
14 benefit to the community from this?
15 Is that sufficient to allow that extra
16 story? In other words, what we're
17 getting is we're getting two new
18 apartments, right?

19 MEMBER NYCE: Yeah, but there's
20 more to that.

21 MEMBER KAUFMAN: Okay, I'm just
22 asking. I'm not --

23 MEMBER NYCE: And I would say that
24 just, in general, to have growth in a
25 small community is worthwhile. And a

2 community that is stagnant is not
3 necessarily worthwhile. I'm not
4 saying a building of any sort, but
5 building in certain areas for certain
6 reasons that seem to be in step with
7 what the last LWRP's have been, what
8 the planning seems do be going in the
9 direction of, I see that as, you know,
10 that waning a little bit heavier on
11 that side.

15 MEMBER NYCE: Yes.

16 ACTING CHAIRPERSON GORDON: --

17 community makes lots of sense. And we

18 have a few -- we have some apartments

19 downtown. We have some mixed use, but

20 not a whole lot. And I think now is

21 the moment to really deliver on that

22 sense that mixed use will provide a

23 more vital, vibrant Village,

24 especially maybe at night. I mean --

25 MEMBER NYCE: We have a walkable

2 downtown.

3 ACTING CHAIRPERSON GORDON: I mean
4 Front Street is empty at night. The
5 hottest thing is the oysters.

6 MEMBER NYCE: We have a walkable
7 downtown --

8 ACTING CHAIRPERSON GORDON: Yeah.

9 MEMBER NYCE: -- and every study,
10 read -- everyone talks about parking.
11 The most important thing about a
12 vibrant, walkable downtown is getting
13 people out of their cars and moving
14 around. And a few people that are
15 living in the downtown area, they are,
16 by default, active participants in
17 that downtown.

18 MEMBER KAUFMAN: So what I'm
19 hearing is, I think your intention and
20 I guess Dinni's contention too,
21 correct me if I'm wrong here, is that
22 by allowing this extra story, we're
23 going to further a Village goal of
24 encouraging more mixed use
25 development?

2 MEMBER NYCE: I would look at it
3 that way personally.

4 ACTING CHAIRPERSON GORDON: Yeah.

5 MEMBER KAUFMAN: Okay. That
6 works. That makes sense to me. As
7 far as -- one other thing I'll bring
8 up and just to bring it out there. I
9 know there was talk of, you know, is
10 the structure capable of carrying
11 loads and things like that. I fully
12 believe that we have the technology to
13 build a three-story building in
14 Greenport. I think that we can do
15 that, but you know, in terms of is
16 there any worry about construction
17 that --

18 MEMBER NYCE: It's outside of our
19 purview, right? I mean, we're the
20 variance. We have to trust the
21 Building Department is going to --

22 MEMBER KAUFMAN: I just.

23 MEMBER NYCE: -- make sure the
24 building is built to the
25 specification. I mean, yeah, I agree

2 with what John had said last month
3 that at a certain point, depending on
4 what the conversation is, yes, we do
5 have an obligation to make sure the
6 safety concerns are covered. But as
7 long as we've had in our discussion
8 that well fully reliant on the
9 Building Department to do its job and
10 make sure the structure is capable.

11 MEMBER KAUFMAN: Well, yeah, sure
12 and that's a hypothetical. I mean,
13 yeah, we're not going to enforce
14 building codes or structural codes and
15 compliance.

16 But on the other hand, if you know a
17 project is going to cause a lot of
18 disruption in construction, right, if
19 they're going to be digging -- you
20 know, not that they're doing that
21 here, but building a huge foundation
22 or something to disrupt, that is
23 something we can take into account for
24 a variance because it is a ask.

25 I don't think that's happening here.

2 I'm just trying cross all the t's and
3 dot all the i's here in my own head
4 about this especially since I wasn't
5 here last month. So I didn't get the
6 full 360 experience of that. Okay.
7 That's all my questions. That was a
8 lot for me.

9 MEMBER REARDON: It should make it
10 easier for me.

11 MEMBER KAUFMAN: Yeah, so I don't
12 have anything else to add, you know,
13 bring up. I don't know if you guys
14 do.

15 MEMBER NYCE: No.

16 MEMBER GORDON: Are we ready to
17 try again to vote?

18 MEMBER REARDON: We have no
19 choice.

20 MEMBER KAUFMAN: Let's do it. I
21 don't mind.

22 ACTING CHAIRPERSON GORDON: We are
23 four.

24 BOARD COUNSEL STOLAR: So before
25 you vote on the underlying

2 application, let's deal with SEQRA
3 first.

4 ACTING CHAIRPERSON GORDON: Yes,
5 thank you.

6 BOARD COUNSEL STOLAR: Yes, of
7 course. So you need a motion to in
8 that regard. I would suggest that
9 this is not considered a -- well --

10 MEMBER GORDON: Not a Type II?

11 BOARD COUNSEL STOLAR: Well, 2,200
12 square feet, 4,000 -- yeah, it's a
13 Type II because it's less than 4,000
14 square feet. Yes, Type II. There's
15 no use variance, so yeah.

16 ACTING CHAIRPERSON GORDON: So
17 we -- I move that we -- the way --

18 BOARD COUNSEL STOLAR: You're
19 moving the -- you're the Lead Agency.
20 It's a Type II Action under SEQRA and
21 no environmental review is required.

22 ACTING CHAIRPERSON GORDON: Right.

23 MEMBER NYCE: I'll second Dinni's
24 motion.

25 MEMBER KAUFMAN: All in favor?

2 Aye.

3 MEMBER REARDON: Aye.

4 MEMBER NYCE: Aye.

5 CHAIRPERSON SALADINO: Jack? Aye.

6 And I'll vote aye.

7 MEMBER NYCE: And we need to state
8 it's a Type II Action, correct?

9 BOARD COUNSEL STOLAR: It's all
10 part of it. We did it. It's part of
11 one motion.

12 ACTING CHAIRPERSON GORDON: Okay.

13 So I'm going to make a motion to
14 approve the application for the
15 addition of a second and third story
16 to 140 Main Street and accept the
17 existing front yard setback.

18 BOARD COUNSEL STOLAR: So it would
19 be a motion to approve both variances
20 that were requested.

21 ACTING CHAIRPERSON GORDON: Yes.

22 MEMBER NYCE: 140 Main, Suffolk
23 County Tax Map Number 1001-5-3-18.

24 ACTING CHAIRPERSON GORDON: Yes.

25 MEMBER NYCE: I'll second the

2 motion.

3 ACTING CHAIRPERSON GORDON: Jack?

4 MEMBER REARDON: Yes.

5 ACTING CHAIRPERSON GORDON: Dave?

6 MEMBER NYCE: Yes.

7 MEMBER KAUFMAN: Yes.

8 MEMBER GORDON: Yes, and I'll vote
9 yes. Okay, we got it done. And thank
10 you, Brian.

11 BOARD COUNSEL STOLAR: You got it.

12 ACTING CHAIRPERSON GORDON: Thank
13 you, everybody, but thank you, Brian.

14 MR. BROWN: Thank you.

15 BOARD COUNSEL STOLAR: Alright, so
16 I know John is in the back. Do you
17 want to take over for Items 8 and 9 or
18 do you just want to move to adjourn?

19 MEMBER GORDON: We have another
20 item on this agenda. We need our
21 leader.

22 MEMBER KAUFMAN: We can't adjourn
23 without him. Sorry that took longer.

24 MEMBER GORDON: No, no. I think
25 it was very important that you were

2 involved.

3 CHAIRPERSON SALADINO: The next
4 and last item on our agenda is there
5 any other Zoning Board of Appeals
6 business that might come -- properly
7 come before this Board.

8 (No response.)

9 CHAIRPERSON SALADINO: None?

10 Anybody out there, anything to say?

11 MR. WILE: May I?

12 CHAIRPERSON SALADINO: Sure.

20 If you have comment on the annex's
21 before the Village Board that are
22 coming up that relate to this, these
23 things, so can you clear up both this
24 and the previous application that, I
25 think, seem to be a lot about what the

purview is of the Board and its interpretive values.

4 I think the Village Board, your
5 convening Board, right, this is an
6 advisory Board to the Village, is
7 meeting now to discuss that. And I
8 think if you're short on trying to
9 figure out what, where you can and
10 can't influence, I think it's really
11 important to participate in that at
12 that level.

18 CHAIRPERSON SALADINO: Just to
19 clarify, Ian, this Board wasn't
20 invited to make comment.

23 CHAIRPERSON SALADINO: Okay, let
24 me write that down.

25 MR. WILE: Well, I think --

2 look --

3 CHAIRPERSON SALADINO: We take

4 our --

5 MR. WILE: -- nobody's interested
6 another round of secrets, it's kind of
7 nonsense. My point is the Village
8 Board conveniens this Board. The
9 Village Board is a -- this Board can
10 advise the Village Board. But if
11 something is important and has been
12 stated by the Village Board for, let's
13 say, the last two years, it is
14 important that this Board takes that
15 under consideration in its
16 interpretive effort. And so as a
17 member of the public, you are invited
18 to this meeting on Thursday --

19 MEMBER GORDON: Yes.

20 MR. WILE: -- and it's important.

21 CHAIRPERSON SALADINO: This Board
22 is -- as far as the Village Board is
23 concerned, except for the code, this
24 Board is anonymous from the Village
25 Board. To give comment to the Village

2 Board, we take -- if we're invited, as
3 we have been in the past, but for that
4 particular conversation, we haven't
5 been invited to give comment.

6 MR. WILE: Okay. It was just an
7 observation from a member of the
8 public --

9 MEMBER GORDON: -- as citizens.

10 MR. WILE: -- that what I saw
11 today was a lot of confusion --

12 CHAIRPERSON SALADINO: We could
13 always make a comment as citizens.

14 MR. WILE: -- based on what is
15 being discussed right now. That's all
16 I saw. As a public citizen, what I
17 saw was a lot of confusion between
18 public and this Board, the very issues
19 that are at the point of discussion at
20 the Village Board. And so I would, as
21 a citizen, invite all my fellow
22 citizens to raise your discussion.

23 And since you are five people at
24 this Board with what seems to be some
25 kind of consensus about concerns,

2 hearing the public talk -- hear you
3 talk about it is not a terrible thing.

4 CHAIRPERSON SALADINO: Well, if
5 you know me --

6 MR. WILE: I do.

7 CHAIRPERSON SALADINO: If you know
8 me, I have never had a problem voicing
9 my opinion to the Village Board about
10 any issue.

11 MR. WILE: Thank you for your
12 time.

13 CHAIRPERSON SALADINO: So if they
14 invite us as a Board to make comment,
15 we would. If they -- as citizens, we
16 would be glad to do that also.

17 BOARD COUNSEL STOLAR: All right,
18 so motion to adjourn.

19 CHAIRPERSON SALADINO: Item Number
20 9 is a motion to adjourn.

21 MEMBER NYCE: Second.

22 BOARD COUNSEL STOLAR: Otherwise
23 we'll be here all night.

24 CHAIRPERSON SALADINO: All in
25 favor?

2 MEMBER REARDON: Aye.

3 MEMBER NYCE: Aye.

4 MEMBER GORDON: Aye.

5 MEMBER KAUFMAN: Aye.

6 (Whereupon, the Zoning Board of

7 Appeals Meeting adjourned at 8:03

8 p.m.)

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C E R T I F I C A T I O N

4 I, REBECCA WOOD, a Shorthand Reporter and
5 Notary Public in and for the State of New York,
6 do hereby certify:

7 THAT the above and foregoing contains a
8 true and correct transcription of the
9 proceedings.

10 I further certify that I am not related,
11 either by blood or marriage, to any of the
12 parties in this action; and

13 THAT I am in no way interested in the
14 outcome of this matter.

15 IN WITNESS WHEREOF, I have hereunto set my
16 hand this 26th day of December, 2025.

Rebecca Wood
REBECCA WOOD

11 December 2025

VILLAGE OF GREENPORT
236 THIRD STREET
GREENPORT, NY 11944
PHONE: (631) 477-0248
FAX: (631) 477-1877

Subject: Recommendation for Zoning Approval

Reference: Mark & Patty Carlos 140 Main Street Greenport, NY 11944 SCTM # 1001 -5 -3 -18

Dear Zoning Board of Appeals Members:

My name is Gerard Johnston. I have been a North Fork resident for 50 years and a resident of Southold for 15 years. The purpose of this letter is to share my recommendation that the referenced Application for a zoning approval, requested by Mark and Patty Carlos, be approved. Due to travel, I cannot attend the scheduled Zoning Board of Appeals meeting scheduled for 16 December 2025.

I met Mark and Patty over ten years ago and my wife and I appreciate their friendship. They are wonderful people and an asset to our community. They are one of the most professional, accountable and caring community members I know. I am fully aware of their goal to improve the existing property they own, and in doing so adding needed year-round housing to this beautiful community.

I strongly support the proposed zoning variance to allow the apartments in Greenport. Thoughtfully designed apartments benefit our town in many ways: They provide year-round housing for local workers—teachers, nurses, and hospitality staff—so they can live near their jobs. They give seniors and downsizers a chance to stay in the community they love. They support our local economy by bringing year-round customers to shops, cafés, and wineries.

Legal apartments also reduce pressure on single-family neighborhoods, prevent illegal rentals, and generate tax revenue with minimal impact on schools. Most importantly, they help young adults and families stay in Greenport, keeping our population diverse and vibrant. Centrally located apartments can be designed to blend with our town's character, encourage walkability, and promote sustainable, controlled growth.

For all these reasons, I urge the Board to approve this zoning variance.

Thank you for taking the time to consider my information to Comment. If you have any additional questions, please contact me at 631-723-9287 or grodjohnston@gmail.com.

Sincerely,

Gerard Johnston; 290 Sun Lane (#52); Southold, NY 11971



Outlook

140 Main Street Greenport, NY

From lkessey@aol.com <lkessey@aol.com>
Date Tue 12/16/2025 1:57 PM
To John Saladino <jsaladino@greenportvillage.org>
Cc Michael Noone <mnoone@greenportvillage.org>

Please read into the record

Dear Chairman Saladino and zoning board members,

My name is Linda Kessler, property owner at 25 Front Street and 130 Front Street in Greenport.

I wish to express my full support of the 140 Main Street project in the village.

The need for additional housing is the top topic of community members, whether residential or commercial.

The project is tasteful, in line with the character of the village and does not impact the surrounding properties.

Most young people cannot afford purchasing a home in today's market. Having more apartments downtown would be a positive and help fill the gap.

I currently rent two residential apartments in the village to people who work in our community and truly understand the need for more housing.

The owners, Patty and Mark Carlos always have the interest and respect for the village at heart, both as business owners and as landlords to both commercial and residential tenants.

Being given the approval from your board to move this project ahead will give the village more housing and move a project along that has been stalled for almost two years.

Once again, I state that I am in favor of the applicants and their expansion at 140 Main St. Greenport.

Respectfully,
Linda Kessler

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