

1 VILLAGE OF GREENPORT  
2 COUNTY OF SUFFOLK STATE OF NEW YORK  
3 -----X.

4 ZONING BOARD OF APPEALS  
5 REGULAR MEETING  
6 -----X

7  
8 November 15, 2016  
9 6:00 P.M.  
10 Third Street Fire Station  
11 Greenport, New York

- 12 B E F O R E:  
13 JOHN SALADINO - Chairman  
14 DAVID CORWIN - Member  
15 DINNI GORDON - Member  
16 ELLEN NEFF - Member  
17 ARTHUR TASKER - Member  
18  
19 EILEEN WINGATE - Village Building Inspector  
20 JOSEPH PROKOP - Village Attorney

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1           CHAIRMAN SALADINO: Folks, this is  
2           the November meeting of the Zoning  
3           Board of Appeals. Tonight here is  
4           David Corwin, Diana Gordon, Ellen Neff,  
5           our newest member, Arthur Tasker, and  
6           myself, John Saladino. We want to  
7           welcome Arthur. I don't know what else  
8           to say about that.

9           Item 1 is to accept the -- I'm  
10          going to make a motion to accept the  
11          Zoning Board of Appeals minutes for the  
12          meeting held on October 18th. So  
13          moved.

14          MS. NEFF: Second.

15          CHAIRMAN SALADINO: All in favor?

16          MR. CORWIN: Aye.

17          MS. GORDON: Aye.

18          MS. NEFF: Aye.

19          MR. TASKER: Abstain.

20          CHAIRMAN SALADINO: Item 2 is a  
21          motion to approve the Zoning Board of  
22          Appeals minutes for the meeting held on  
23          September 20, 2016. So moved.

24          MS. GORDON: Second.

25          CHAIRMAN SALADINO: All in favor?

1 MS. GORDON: Aye.

2 MS. NEFF: Aye.

3 MR. TASKER: Abstain.

4 CHAIRMAN SALADINO: And one  
5 abstention.

6 MR. CORWIN: I abstain.

7 CHAIRMAN SALADINO: Two  
8 abstentions. So that passes 3-2.  
9 Motion to schedule the next Zoning  
10 Board of Appeals meeting for December  
11 20, 2016 at 6:00 p.m. at the Third  
12 Street Firehouse. So moved.

13 MS. GORDON: Second.

14 CHAIRMAN SALADINO: All in favor?

15 MR. CORWIN: Aye.

16 MS. GORDON: Aye.

17 MS. NEFF: Aye.

18 MR. TASKER: Aye.

19 CHAIRMAN SALADINO: I'm going to  
20 go out of turn here and do just two  
21 bookkeeping things here. We have --  
22 the building inspector was nice enough  
23 to make up a calendar for the Zoning  
24 Board of Appeals so we don't have to  
25 schedule a meeting every month, it will

1 be on the calendar, so I'm going to  
2 make a motion for item number 8, go out  
3 of turn, motion to approve the attached  
4 Zoning Board of Appeals calendar for  
5 the year 2017. So moved.

6 MS. NEFF: Mr. Chairman, could you  
7 distribute that, if you have extra  
8 copies, so we can all look?

9 CHAIRMAN SALADINO: You have it.

10 MS. NEFF: I printed this, but I  
11 didn't see that. Could you give us  
12 just a moment? Sometimes amazingly  
13 conflicts appear to five pairs of eyes  
14 that don't appear to two or three.

15 CHAIRMAN SALADINO: Was this  
16 attached for the public, did the public  
17 get this?

18 AUDIENCE MEMBER: Yes.

19 MS. NEFF: Thank you.

20 CHAIRMAN SALADINO: Are you guys  
21 okay with it? There's a motion on the  
22 table, Dinni, did you second it?

23 MS. GORDON: Yes.

24 CHAIRMAN SALADINO: It was  
25 seconded. All in favor?

1 MR. CORWIN: Aye.

2 MS. NEFF: Aye.

3 MS. GORDON: Aye.

4 MR. TASKER: Aye.

5 CHAIRMAN SALADINO: And the last  
6 thing I think we're going to take out  
7 of turn is I'm going to read these --  
8 I'm going to make a motion to accept  
9 the findings and the determinations for  
10 the three previously decided  
11 applications. I'll make a motion to  
12 accept the findings and determinations  
13 for the applications of Walter and  
14 Diane Foote for variance approval, 126  
15 Center Street, Suffolk County Tax Map  
16 Number 1001-4-3-2.5. So moved.

17 MS. NEFF: Second.

18 CHAIRMAN SALADINO: All in favor?

19 MS. NEFF: Aye.

20 MS. GORDON: Aye.

21 MR. TASKER: Abstain.

22 MR. CORWIN: Abstain.

23 CHAIRMAN SALADINO: I'll vote aye.

24 The second one we have is I'm going to  
25 make a motion to accept the findings

1 and determinations for an application  
2 for a variance for Brian Nicholson, 217  
3 Monsell Place, Suffolk County Tax Map  
4 Number 1001-2-2-2.9. So moved.

5 MR. CORWIN: Second.

6 CHAIRMAN SALADINO: All in favor?

7 MS. NEFF: Aye.

8 MS. GORDON: Aye.

9 MR. TASKER: Abstain.

10 MR. CORWIN: Abstain.

11 CHAIRMAN SALADINO: I'll vote aye.  
12 That's 3-2, motion carries. The third  
13 one is a motion to accept the findings  
14 and determinations for an application  
15 for an area variance for the estate of  
16 Elmer Tuthill, 129 Bay Avenue, Suffolk  
17 County Tax Map Number 1001-5-3-1.4. So  
18 moved.

19 MS. GORDON: Second.

20 CHAIRMAN SALADINO: All in favor?

21 MS. NEFF: Aye.

22 MS. GORDON: Aye.

23 MR. TASKER: Abstain.

24 MR. CORWIN: Abstain.

25 CHAIRMAN SALADINO: I'll vote aye.

1 3-2 for it.

2 All right. We can move on to  
3 discussion and possible action for the  
4 application of SAKD Holdings LLC. For  
5 the benefit of the public, we have an  
6 e-mail from the applicant -- for the  
7 benefit of the public and the Board, we  
8 have an e-mail from the applicant that  
9 is requesting -- the applicant requests  
10 that the -- in furtherance of your  
11 voicemail, please let this serve as the  
12 applicant's request to adjourn the  
13 proposed vote concerning the referenced  
14 application at this evening's Zoning  
15 Board of Appeals meeting. I'm going to  
16 paraphrase for the sake of the public  
17 and the Board. The applicant is asking  
18 that we table this application. He's  
19 made application to the Planning Board  
20 to be able to buy twenty parking spaces  
21 from the Planning Board. His revised  
22 application to the Zoning Board of  
23 Appeals, because of the reduction in  
24 seats in the restaurant reduces the  
25 number of parking spaces required to



1 thirty. His application shows ten  
2 parking -- his revised application  
3 shows ten parking spaces and a loading  
4 zone that conforms to code. If the  
5 Planning Board decides to sell him the  
6 twenty parking spaces, his application  
7 -- his variance request for parking  
8 becomes moot in front of this Board.  
9 We've had a conditional vote about lot  
10 coverage, building -- the third story,  
11 and building height.

12 MR. CORWIN: And setback.

13 CHAIRMAN SALADINO: I don't think  
14 we did that. All right. Setbacks too.  
15 If the Planning Board grants his  
16 request, as I said, the need for a  
17 variance for parking in front of this  
18 Board becomes moot. So he's asked --  
19 it's not our request, it's his request  
20 that we table this application until  
21 the Planning Board meets. There's a  
22 little more involved with his request.  
23 I'm not sure I want to go into it right  
24 now. He's asking for a special  
25 meeting, I think we -- but I'm going to

1 put it to the Board. I think me,  
2 personally, I would rather wait until  
3 we get a determination from the  
4 Planning Board before we schedule a  
5 special meeting to vote on what may or  
6 may not happen at the Planning Board.  
7 Is there --

8 MS. NEFF: You're saying for the  
9 answer to the question, will they sell  
10 the parking places; is that correct?  
11 If the answer is yes, the parking is  
12 moot, and you're tying that to another  
13 meeting?

14 CHAIRMAN SALADINO: His request is  
15 if the Planning Board sells him the  
16 twenty spaces, the application in front  
17 of the Zoning Board would progress. We  
18 would be finished -- as hard as it is  
19 to believe, we would be finished with  
20 this application. If the Planning  
21 Board doesn't -- and he would like that  
22 settled to get a finding and  
23 determination that he would work out  
24 with the attorney as soon as possible  
25 for whatever his motive is to get his

1 project up and running, we weren't told  
2 what his motive is. And I don't have a  
3 problem with that, I don't have a  
4 problem with that. My concern is if  
5 the Planning Board doesn't grant his  
6 request, I don't see a need to schedule  
7 a public hearing -- schedule a special  
8 meeting of the Zoning Board to rule on  
9 the twenty space variance request. I  
10 thought he could perhaps wait until --

11 MS. GORDON: December 20th.

12 CHAIRMAN SALADINO: December 20th.

13 Mr. Pennessi, if you're watching at  
14 home, I know you've been very  
15 accommodating, but I kind of think  
16 that's what I'm questioning to the  
17 Board. Is there a discussion among the  
18 Board?

19 MR. CORWIN: I agree with you.

20 MS. GORDON: I do too.

21 MR. TASKER: When are the Planning  
22 Board meetings.

23 CHAIRMAN SALADINO: December 1st.

24 So the Planning Board would rule on his  
25 request December 1st.

1 MR. TASKER: Presumably.

2 CHAIRMAN SALADINO: Exactly.

3 Good, Arthur. That was another thing  
4 that I'm hesitant about. I don't want  
5 to go on -- I don't want to  
6 inconvenience the members of this  
7 Board, inconvenience the members of the  
8 public, and everyone else involved here  
9 on a what if question. What if they  
10 take it up, what if they don't take it  
11 up, what if they vote, what if they  
12 don't vote. You know, I would love to  
13 accommodate this guy, he's been around  
14 a long time. Not accommodate him and  
15 give him what he wants, accommodate him  
16 as far as the process. You know, so  
17 they're asking -- whoever wrote this  
18 note is asking that we would have this  
19 room at 7:00 on December 1st, it's up  
20 to the Board to -- I understand I have  
21 the right to call a meeting, but I'm  
22 going to leave it up to the Board to  
23 decide if, in fact, we schedule the  
24 special meeting or we ask to see the  
25 determination from the Planning Board

1 on his request for parking.

2 MS. NEFF: Mr. Chairman, I'm still  
3 somewhat confused. We're talking about  
4 the Planning Board perhaps discussing  
5 it at their meeting December 1st, about  
6 the parking, the applicant purchasing  
7 twenty parking spaces?

8 CHAIRMAN SALADINO: Right.

9 MS. NEFF: Are there any other  
10 time constraints for the applicant tied  
11 to his request for an adjournment here?  
12 In other words, is he losing sight of  
13 other pieces of this process?

14 CHAIRMAN SALADINO: First of all,  
15 that's his responsibility. He's an  
16 attorney, I assume he knows what the  
17 rules are. He's already granted us --  
18 and by making this request in writing,  
19 he's already decided that he's going to  
20 give us the extra time, so I don't  
21 think -- the sixty-two days went out  
22 the window seven months ago, so I don't  
23 think that's an issue, but the question  
24 now is does this Board want to schedule  
25 this special meeting on the assumption

1           that the Planning Board will adjudicate  
2           this at their meeting?

3           MS. GORDON: I think your proposal  
4           to say if we need to vote on the  
5           variances, we can do it at the next  
6           meeting is perfectly reasonable. It's  
7           only three weeks away. If the Planning  
8           Board meets on December 1 and we meet  
9           on December 20th, and otherwise we  
10          don't have to meet. But I also have a  
11          problem because I would not be able to  
12          be present because I have a meeting in  
13          the city in the afternoon on December  
14          1st, so if there were another meeting,  
15          for me it would have to be on another  
16          day, but I think that's secondary.

17          CHAIRMAN SALADINO: The question  
18          is, and again the question is I can  
19          understand the applicant wanting to  
20          take care of it as soon as possible,  
21          and from my conversation with  
22          Mr. Pallas and with the attorney, the  
23          applicant has some kind of time  
24          constraints on him that he'd like this  
25          taken care of sooner rather than later,

1 but I just don't see -- if the Planning  
2 Board makes its decision and makes that  
3 decision known to the Zoning Board that  
4 evening of December 1st, I don't see  
5 the problem in having -- even if a  
6 special meeting was mandated, I don't  
7 see the problem. The clerk needs --  
8 Joe, refresh my memory, the clerk needs  
9 what, seventy-two hours to schedule a  
10 meeting?

11 MR. PROKOP: Yes.

12 CHAIRMAN SALADINO: So seventy-two  
13 hours later it would be December 4th.  
14 So I don't know how inconvenienced the  
15 applicant would be if we had this  
16 meeting -- if the Planning Board -- we  
17 thought there was light at the end of  
18 the tunnel here with this application,  
19 but apparently what they did was build  
20 more tunnel. So I'm going to ask the  
21 Board one more time, we'll take a  
22 consensus, and then we'll decide what  
23 we're going to do. David, what do you  
24 think?

25 MR. CORWIN: At our next meeting,

1 scheduled meeting.

2 CHAIRMAN SALADINO: Regardless of  
3 the outcome at the Planning Board?

4 MR. CORWIN: Well, we don't know  
5 what's going to happen at the Planning  
6 Board as Mr. Tasker pointed out.

7 CHAIRMAN SALADINO: That's kind of  
8 my -- can we phrase the motion to say  
9 if the Planning Board comes to a  
10 favorable agreement with the request  
11 for parking that we would have this  
12 special meeting?

13 MS. GORDON: Do we really need to  
14 do that? Can we not simply vote on the  
15 request to adjourn the proposed vote  
16 from this meeting?

17 CHAIRMAN SALADINO: Well, we could  
18 certainly do that. I mean, we could  
19 certainly do that, table this  
20 application, but that leaves this  
21 request up in the air.

22 MR. CORWIN: Well, for myself I  
23 will in all probability be at the  
24 Planning Board meeting, so it can go  
25 either way.



1 MS. NEFF: Mr. Chairman, I think  
2 the fact that one of our members cannot  
3 be here on the 1st, we should decline  
4 the request for a meeting immediately  
5 following the Planning Board and make  
6 it part of our regular scheduled  
7 December meeting.

8 CHAIRMAN SALADINO: That's a good  
9 point because I don't want to speak for  
10 Arthur, but there's a possibility there  
11 might be an abstention, and with one  
12 member missing, you know, it's not a  
13 vote of a full board, so I think the  
14 special meeting on December 1st might  
15 not be the best way to go either.

16 MR. TASKER: Mr. Chairman, apart  
17 from that concern, let's just say  
18 whether it's December 1st or December  
19 20th, having listened to most of the  
20 public meetings on this particular  
21 application and having ample time to  
22 delve more deeply into the file, I  
23 wouldn't see a need for an abstention  
24 on my part on either the 1st or the  
25 20th. Another way to view this,

1           however, in terms of scheduling it is  
2           it seems to me that the issue is can he  
3           buy the parking spaces or can't he? If  
4           so, you're going to vote on the  
5           variances that he's requested, we've  
6           already had straw votes on them. If  
7           that's the case, why can't you vote on  
8           those variances at tonight's meeting  
9           conditional on the fact that he was  
10          able to buy the twenty spaces from the  
11          Village. You know, don't predicate  
12          your schedule necessarily on those  
13          kinds of questions is what I'm saying,  
14          and I'm being partly facetious in  
15          saying we could do it tonight.

16                 CHAIRMAN SALADINO: Well, I had  
17                 considered that, but what was brought  
18                 up at the last meeting was before he  
19                 gave us his revised application about  
20                 the parking area with the loading zone  
21                 up to code and the ten spaces there  
22                 would have been the need of a variance,  
23                 and it was brought out either by the  
24                 building inspector or the attorney or  
25                 someone that knows a little more than

1 us that if we granted that, even if it  
2 was a two space variance, the Village  
3 would put itself in the position of not  
4 being able to collect the fee for the  
5 parking. Now how it relates to --

6 MR. PROKOP: That's the whole  
7 point. I brought that up because it's  
8 not -- the Village would lose -- if  
9 they agree, we grant the variance, and  
10 the Village loses fifty thousand  
11 dollars.

12 CHAIRMAN SALADINO: But now the  
13 situation changes because if we make  
14 the approval of his application  
15 contingent on the Planning Board  
16 selling him the twenty spaces, there is  
17 no variance needed, so we wouldn't have  
18 to rule on a variance for parking. Is  
19 everybody here as confused about this  
20 as I am?

21 AUDIENCE MEMBER: No.

22 MR. OLINKIEWICZ: Does he then own  
23 the parking spots?

24 CHAIRMAN SALADINO: We're not  
25 going to take any comments right this

1 second.

2 MR. PROKOP: I think that one of  
3 the things about this discussion, the  
4 discussion of the Planning Board, if  
5 the Planning Board knew that there was  
6 a question before them which was about  
7 basically the parking, and they talked  
8 about the application a little bit more  
9 than just the parking, and I don't know  
10 that it's clear that they'll even act  
11 on the 1st.

12 CHAIRMAN SALADINO: Well, you  
13 know, that's one of the reasons I'm  
14 reluctant to schedule a special meeting  
15 because we have no assurance from  
16 anyone on the Planning Board that they  
17 have intentions of taking this up or  
18 bringing it to a vote. Some of us  
19 attended the last meeting, and they  
20 seemed reluctant to take a vote on  
21 this.

22 MS. GORDON: Not everyone was  
23 there.

24 MR. PROKOP: Yeah, that's the  
25 other thing.

1           CHAIRMAN SALADINO: That's true  
2           also. They were minus a member. But I  
3           really don't want to get into the  
4           Planning Board's business because we  
5           have enough trouble taking care of our  
6           own business. Let's let the Planning  
7           Board take care of their business. So  
8           I think what we're going to do here is  
9           make a motion to table this  
10          application, and between now and  
11          December 1st we're going to let  
12          somebody else -- we're going to honor  
13          the applicant's request and table this  
14          application until our next meeting. If  
15          he can -- if there's something that  
16          happens between now and December 20th,  
17          then perhaps the Building Department,  
18          and the Village Administrator, and the  
19          attorney, and the applicant will let us  
20          know and we can be governed  
21          accordingly. Does that kind of make  
22          sense to everybody? Arthur?

23                 MR. TASKER: Yes.

24                 CHAIRMAN SALADINO: Ellen?

25                 MS. NEFF: Yes.

1 MS. GORDON: It does to me, and I  
2 approve of it, and I think the motion  
3 needs to be just to grant the request  
4 to adjourn the vote.

5 CHAIRMAN SALADINO: I agree.  
6 David?

7 MR. CORWIN: Yes.

8 CHAIRMAN SALADINO: All right.  
9 I'm going to make that motion then,  
10 that we table this application until  
11 our December 20th meeting. So moved.

12 MS. GORDON: Second.

13 CHAIRMAN SALADINO: All in favor?

14 MR. CORWIN: Aye.

15 MS. GORDON: Aye.

16 MS. NEFF: Aye.

17 MR. TASKER: Aye.

18 CHAIRMAN SALADINO: That motion  
19 carries. Moving on. Item number 5,  
20 discussion and possible action of the  
21 application of George Liakeas, the  
22 applicant, Suffolk County Tax Map  
23 1001-3-3-3. The applicant is not here.  
24 His representative is not here. Again,  
25 for the public, this public hearing was

1 closed, just for the public, to put  
2 everybody on the same page as I think  
3 we might be. This applicant asked for  
4 an interpretation of a building  
5 inspector's determination. We voted on  
6 that interpretation last month. His  
7 agent, his attorney gave us until that  
8 evening as an extension of time. At  
9 that time, we didn't vote on the  
10 variances. From the communication that  
11 a few members have, myself, David, I  
12 think I made it available to the  
13 attorney and some other members, this  
14 constitutes a default judgement, but  
15 just to keep the record straight I  
16 think perhaps we should vote on the  
17 variances just to confirm. So is there  
18 any discussion on the Board -- from the  
19 Board about this?

20 MR. CORWIN: Could you just  
21 explain why it's a default judgment?

22 CHAIRMAN SALADINO: Well, I have a  
23 communication from --

24 MR. CORWIN: At this point in time  
25 it's a default judgment because of

1 time?

2 CHAIRMAN SALADINO: Well, I'm  
3 going to explain it. The public  
4 hearing was closed, and the ZBA has  
5 sixty-two days to make a determination.  
6 The sixty-two days has expired. I  
7 think the public hearing was closed in  
8 June or July and the ZBA had sixty-two  
9 days from that date to come to a  
10 decision both on the interpretation and  
11 the variances. We got one or two  
12 extensions from the applicant and his  
13 agent, his attorney, and that time  
14 limit, that extension ran out at last  
15 month's meeting. I have a letter from  
16 NYCOM that David Corwin had requested  
17 from the general counsel of the New  
18 York Conference of Mayors, it says  
19 regarding time limits for a relatively  
20 straightforward proposition accept the  
21 subdivision applications, there is no  
22 default approval of a land use  
23 application. If a ZBA or Planning  
24 Board fails to take action within the  
25 time period, the application will be



1           deemed to be denied. Having said that,  
2           I think just to avoid any controversy,  
3           I thought perhaps the Board tonight  
4           could actually vote on these variances  
5           and either approve or deny them, and  
6           this way we can close the book on this  
7           application for the time being. Did I  
8           explain that?

9           MR. CORWIN: Yes, thank you.

10          CHAIRMAN SALADINO: Is there any  
11          discussion?

12          MR. PROKOP: Do you know which  
13          attorney sent this?

14          CHAIRMAN SALADINO: I'm sorry?

15          MR. PROKOP: Do you know which of  
16          the attorneys sent this?

17          CHAIRMAN SALADINO: I do have this  
18          copy (handing).

19          MR. PROKOP: Thanks.

20          CHAIRMAN SALADINO: What was I  
21          saying? Is there any discussion among  
22          the Board?

23          MR. PROKOP: My recommendation  
24          would be to vote on the variances.

25          CHAIRMAN SALADINO: So we'll do

1           that, if we can find the variances.

2           MR. CORWIN: Just I'll make a  
3           couple of remarks while you're looking  
4           for the variances. In my opinion, this  
5           was a change of use application, should  
6           have been a change of use application  
7           rather than area variances. The  
8           applicant had two parking spaces for  
9           what he said was three apartments or  
10          maybe four apartments, which was what  
11          he wanted only he didn't offer  
12          additional parking places, so there's  
13          only two parking places. Mr. Lazar,  
14          the former code enforcement, building  
15          inspector issued a two family  
16          certificate -- preexisting certificate  
17          of occupancy for the project. Two  
18          neighbors had written letters against  
19          the project, and right now it's  
20          happened for parking, the tenants there  
21          are pulling up over the curb onto the  
22          grass mowing strip.

23          CHAIRMAN SALADINO: I'm inclined  
24          to agree with you about this should  
25          have been progressed as a use variance

1 and actually we're going to discuss  
2 that in a little while. But --

3 MR. PROKOP: If you're inclined to  
4 review that issue, then I would do that  
5 before you address the variances.  
6 That's a threshold issue as far as  
7 accepting the application.

8 CHAIRMAN SALADINO: We already  
9 accepted this application. David and I  
10 both made our opinions known at the  
11 time when the application was accepted  
12 by this Board. I don't want to prolong  
13 this, I would rather just vote on these  
14 variances and move this application off  
15 our calendar. And then there's another  
16 application in front of us that I'm  
17 sure we're going to have a little bit  
18 of a discussion about. So am I -- so I  
19 would ask the attorney is that  
20 reasoning okay to proceed here with  
21 this vote?

22 MR. PROKOP: The problem is that  
23 we're in the -- it was my understanding  
24 that the Board was going to be -- there  
25 was going to be a motion tonight to

1 consider this -- to determine that a  
2 use variance was requested.

3 CHAIRMAN SALADINO: Wrong  
4 application. That's for the next  
5 application.

6 MR. PROKOP: And we're in the same  
7 situation we were in the last time  
8 where because it's more than a two  
9 family -- the application is to go to  
10 more than two family residence, and  
11 there are area variances that are  
12 required, it's not a type two action,  
13 it's an unlisted action. Because it's  
14 in the Historic District it becomes a  
15 type one action, and we still need to  
16 do the referral of a coordinated  
17 review.

18 CHAIRMAN SALADINO: Well, my  
19 question to you last month was that I'm  
20 willing to let this application -- I'm  
21 of the mind to just let this  
22 application stay here because the  
23 sixty-two days has expired, we read  
24 what the New York Conference of Mayors,  
25 their general counsel has decided about

1           that.  If we want to -- I think in  
2           light of this, a coordinated review  
3           becomes moot because the application is  
4           deemed to have a default denial so --

5           MR. PROKOP:  I want -- I need to  
6           point out to the Board that I spoke  
7           with Mr. Beltramo, and he gave me  
8           exactly the opposite advice in my  
9           conversation with him, and my advice to  
10          the Board is that it is not -- if you  
11          had asked me the question separate from  
12          whatever the New York Conference of  
13          Mayors said, I would say that it does  
14          not constitute a default denial.  It's  
15          not an automatic default denial, and  
16          that some action is required by the  
17          Board.

18          CHAIRMAN SALADINO:  So how would  
19          we explain his advice to you and his  
20          letter that both David and I received?

21          MR. PROKOP:  I don't know.

22          CHAIRMAN SALADINO:  How do we  
23          reconcile that?

24          MR. PROKOP:  I don't know how you  
25          framed the question that you asked him.

1           CHAIRMAN SALADINO: Well,  
2           regardless how we framed the question,  
3           I mean, his answer is kind of, like,  
4           boilerplate.

5           MR. PROKOP: Yes. So I'm just  
6           registering that on the record, and you  
7           know, you have his answer in writing  
8           and --

9           MR. CORWIN: Well, let's go ahead  
10          and vote on the variances, and if we  
11          have to do a do over, we can do a do  
12          over. If the applicant wants to come  
13          in for a use variance, the applicant  
14          can come in for a use variance.

15          CHAIRMAN SALADINO: Well, that's  
16          not the question, David. The question  
17          that the attorney is raising is that we  
18          have to do SEQRA before we vote on the  
19          variances, and because of this  
20          particular application, it has to stand  
21          for a coordinated review. Now, we  
22          received this application January 25th.  
23          I mean, at this point in time on  
24          November 15th to ask for a coordinated  
25          review and forty-five days to wait for

1           comments and hope -- plus, we don't  
2           have an okay from them because the  
3           applicant or his agent is not here. We  
4           don't have an okay to extend the time  
5           limit. Does Village law supercede what  
6           the DEC -- does Chapter 700 of Village  
7           law where it says we have to make a  
8           ruling on this supercede or take a  
9           backseat?

10           MR. PROKOP: It takes a backseat.  
11           It takes a backseat. You know, we're  
12           on the second time that the applicant  
13           hasn't appeared. I think that the  
14           other thing you might consider doing is  
15           asking the applicant what they want you  
16           to do with the application at this  
17           point.

18           CHAIRMAN SALADINO: I think if the  
19           applicant doesn't show up here, and I  
20           don't want to be flip about this, I  
21           think it's two months in a row that the  
22           applicant doesn't show up here, his  
23           intentions should be kind of clear to  
24           this board. And I don't think we  
25           should go out of our way to ring them

1 up and ask them what's your intention  
2 with this application. You know, I'm  
3 willing -- I'm more than willing with  
4 the consent of the Board to put this on  
5 the side and let the forty-five days  
6 for coordinated review pass, and I'm  
7 sorry.

8 MS. GORDON: What is wrong with  
9 David's suggestion that we vote on the  
10 area variances and then if the  
11 applicant wants to --

12 CHAIRMAN SALADINO: Because the  
13 attorney just advised us -- no, it's  
14 not about use variance, it's about  
15 coordinated review, it's about SEQRA.  
16 The attorney just advised us that  
17 before we vote on the variances, we  
18 have to do SEQRA.

19 MS. GORDON: Even if they're area  
20 variances instead of use variances?

21 CHAIRMAN SALADINO: It's not about  
22 that, it's about it was an unlisted  
23 action in the Historic Zone. It wasn't  
24 about the variances themselves, it's  
25 about an unlisted action in the



1 Historic District. Am I right, Joe,  
2 which triggered the coordinated review?

3 MR. PROKOP: Yes.

4 CHAIRMAN SALADINO: So it's not  
5 about changing this application from an  
6 area variance to a use variance. If  
7 the owner wants to progress that, if  
8 two members felt it should have been  
9 progressed as an area variance -- a use  
10 variance instead of an area variance,  
11 that's all moot because according to  
12 the attorney, SEQRA takes precedence  
13 over Chapter 700 of Village law, so we  
14 have to do SEQRA before anything else  
15 happens with this application, which  
16 I'm kind of wondering if we got this in  
17 January why we're doing SEQRA in  
18 October.

19 MS. NEFF: November. Not that it  
20 matters.

21 CHAIRMAN SALADINO: No, no, we  
22 tabled it again last month, so October.

23 MS. WINGATE: It's a three family  
24 house with a fourth unit that is being  
25 used as a laundry room.

1           MR. PROKOP: So granting -- type  
2           two actions include granting area  
3           variances for a single family, two  
4           family, or three family residence. So,  
5           I mean, if you want to consider that,  
6           then it's a type two action, it doesn't  
7           need the coordinated review. Granting  
8           of area variances for single family,  
9           two family, or three family residences.  
10          The thing is he wants to get the  
11          approval to do what, to get to a four  
12          family residence, right?

13          MS. WINGATE: No, to a three.

14          MR. PROKOP: So I think that if  
15          it's area variances on a three family  
16          residence, then we could consider it a  
17          type two action.

18          CHAIRMAN SALADINO: Wait, wait,  
19          no, that's incorrect. His request was  
20          -- his request was to bring it to four  
21          units or three units. He doesn't want  
22          two bites at the apple, he wants three  
23          bites at the apple. So we're going to  
24          make a decision here, the question is  
25          do we do a coordinated review on this

1 or not? The attorney already gave his  
2 opinion. I don't want to be changing  
3 horses midstream here. We decide if  
4 we're going to do the coordinated  
5 review, put this application on the  
6 side until the forty-five days is up,  
7 or we vote on the variances and the DEC  
8 yells at us for not doing the  
9 coordinated review. I'm not really  
10 sure, not being an attorney I'm not  
11 really sure of the repercussions. But  
12 again, with that tunnel with the light,  
13 we're just building a whole lot more  
14 tunnel here than what should happen.

15 MS. WINGATE: Here's the building  
16 permit application so you know what he  
17 is asking for (handing).

18 CHAIRMAN SALADINO: Between the  
19 applicant and his attorney -- between  
20 the attorney and the applicant, there  
21 was a whole lot more conversation than  
22 this drawing.

23 MR. PROKOP: If I'm not incorrect,  
24 they never really addressed the  
25 variances while they were here. I

1 mean, they focused on the  
2 interpretation. They wanted to prove  
3 to us that it was a legal four family  
4 house.

5 MR. SWISKEY: Welcome to the ZBA,  
6 Arthur.

7 MR. CORWIN: This is what it says  
8 on the applicant's project description,  
9 purpose of new construction, obtain CO  
10 for four units or correct preexisting  
11 CO. Now, we corrected the preexisting  
12 CO or rather rejected the idea that  
13 that was four units. So it says obtain  
14 CO for four units. Now, you may not be  
15 looking at --

16 CHAIRMAN SALADINO: I don't have  
17 this -- this was just made available to  
18 me by Ms. Wingate, the building  
19 inspector. It was a two family when,  
20 in fact, the structure had four  
21 apartments with four kitchens, four  
22 separate living areas. The pre-CO  
23 states that the parcel was located in  
24 the M-2 zone. There's multiple errors  
25 in the fact that my client is using the

1 first floor rear apartment as a common  
2 area and laundry. As alternative  
3 relief, we'll be filing a use variance  
4 appeal for a three family use. So  
5 why -- if you have this and we don't,  
6 and we --

7 MS. NEFF: That was in our packet  
8 an originally.

9 CHAIRMAN SALADINO: Okay. Then I  
10 missed it, and I apologize to everybody  
11 for that. But why are we accepting an  
12 application for an area variance?

13 MR. PROKOP: So what we need to do  
14 is to vote to give the applicant thirty  
15 days to file an amended -- either  
16 un-accept the application, give it back  
17 to the applicant based on this  
18 information and with the opportunity to  
19 re-file it as a use variance. That's  
20 what I would recommend. I don't think  
21 you have a choice. That was the  
22 discussion before the Board, and we had  
23 a split vote on that, and now we have a  
24 letter from the applicant saying that  
25 they considered a use variance.

1           CHAIRMAN SALADINO: Is there a  
2 discussion?

3           MS. NEFF: Yeah, this letter is  
4 from December 15. It's not new.

5           MR. CORWIN: Here's March 4th,  
6 he's asking for a CO for four units.

7           CHAIRMAN SALADINO: I'm going to  
8 make a motion that we return this  
9 application to the applicant as being  
10 defective. Putting aside the threat of  
11 being sued, I'm going to make a motion  
12 that we --

13           MS. NEFF: Before we go, can I  
14 just -- I know there was a good deal of  
15 discussion on the part of the  
16 applicant, his attorney, and this Board  
17 in dialogue and questions from the  
18 public regarding the first part of the  
19 question, which was, first of all, the  
20 documents from the former tenants and  
21 the neighbors that -- and we basically  
22 are -- did we ever take a vote that  
23 basically our -- the weight of our  
24 considered opinion was that the request  
25 to find defect in the two family CO I

1 think issued in 1978 by Mr. Lazar, they  
2 were basically saying that was an  
3 error, it was the way it was then, and  
4 he made an error. We have never  
5 agreed --

6 CHAIRMAN SALADINO: We did.

7 MS. NEFF: We have said no to that  
8 request.

9 CHAIRMAN SALADINO: We reaffirmed  
10 Victor Lazar's decision from 1998.

11 MS. NEFF: So what is the action  
12 -- so returning it now to say if you  
13 wish to file a use variance, we welcome  
14 your application, is that basically  
15 what we're saying?

16 CHAIRMAN SALADINO: I think  
17 there's a little more to it, but yeah,  
18 basically that's it. Basically I think  
19 what we're saying here is that this  
20 application was progressed in error as  
21 an area variance, we accepted it in  
22 error as an area variance, and if the  
23 applicant so chooses, he could progress  
24 it as a use variance. I'm going to  
25 make that motion.

1 MR. CORWIN: Second.

2 CHAIRMAN SALADINO: Discussion.

3 MS. GORDON: My only concern is  
4 that it seems a little bizarre to be  
5 ten months later saying this when we  
6 could have determined it much, much  
7 earlier. And I'm wondering whether  
8 this increases our legal liability if  
9 he decides to pursue.

10 MR. PROKOP: I don't think so  
11 because the question before the Board  
12 this entire year was the -- and the  
13 only input from the applicant was  
14 trying to convince the Board that it  
15 had always been a three or four family,  
16 and we didn't really address this, and  
17 now, you know, again, I'll say we're in  
18 the dark because the applicant is not  
19 here, and they can re-file the  
20 application, it's not -- they're not  
21 prejudiced in any way.

22 MR. CORWIN: And if they don't  
23 re-file the application, then we're  
24 finished with it?

25 MR. PROKOP: We're finished with



1 the vote unless they re-file, right,  
2 yes.

3 MS. GORDON: The motion has been  
4 made and seconded.

5 CHAIRMAN SALADINO: All in favor?

6 MR. CORWIN: Aye.

7 MS. GORDON: Aye.

8 MS. NEFF: Aye.

9 MR. TASKER: Abstain.

10 CHAIRMAN SALADINO: I'll vote aye.  
11 That motion carries. Item number 6.

12 MS. GORDON: Can I just ask a  
13 question, what happens now, does the  
14 housing inspector inform Mr. Liakeas  
15 that he has a right to re-file or --

16 CHAIRMAN SALADINO: Right now his  
17 property is listed as a two family  
18 house. If he's renting to more than  
19 two families, he's in violation. What  
20 happens after that is strictly up to  
21 the Building Department.

22 MS. WINGATE: Well, no, because he  
23 has outstanding violations, whatever  
24 happens now is with Joe.

25 MR. PROKOP: That's why I'm --

1           CHAIRMAN SALADINO:  Whoever it's  
2           up to, we reaffirmed the building  
3           inspector from 1998's decision that it  
4           was a two family wood framed house.  
5           What happens -- our involvement until  
6           we get another application I believe is  
7           over.  Wherever it goes after that, the  
8           building inspector says it's the  
9           attorney, I'm willing to accept that as  
10          fact.  Before we move on, anybody else,  
11          any discussion?

12                 Item number 6.  Motion to accept  
13          the application of James Olinkiewicz,  
14          310 North Street, a/k/a 314 North  
15          Street, Greenport, New York 11944.  
16          Suffolk County Tax Map 1001-2-4-27.  
17          Before we hear from the applicant,  
18          there's going to be some discussion  
19          about this also.  This application  
20          again is being progressed as an area  
21          variance where in my opinion it's a use  
22          variance.  This application came before  
23          the Planning Board on June 28th I  
24          believe if the date is correct.  The  
25          Planning Board decided that the

1 existing use is a single family home,  
2 proposed use is a four family home.  
3 The Planning Board is required to deny  
4 a project because multifamily housing  
5 is not a permitted use in the R-1 zone.  
6 The R-1 zone, it says that --  
7 multifamily housing is not mentioned in  
8 the R-1 zone, R-1 district, it's not a  
9 permitted use in the R-1 district.  
10 There's been some contention that  
11 because there is an article, there is  
12 an article in our code, Article 7,  
13 150-18 that sets standards for  
14 multifamily housing but makes no  
15 mention of where it can be built or  
16 what zone it's permitted in. In effect  
17 it's a stand alone article.

18 MS. NEFF: Can you give the number  
19 of that again, please?

20 CHAIRMAN SALADINO: Article 7,  
21 150-18.

22 MR. CORWIN: Page 150:38.

23 CHAIRMAN SALADINO: There are a  
24 few other things that we should mention  
25 here. Article 3 defines classification

1 of districts, and it clearly states  
2 that -- and if we want, we'll read it,  
3 but 150-6 is no building shall be  
4 erected, moved, altered, rebuilt. This  
5 is the establishment of districts. No  
6 building shall be erected, moved,  
7 altered, rebuilt, enlarged, or shall  
8 any land or building be used,  
9 designated, arranged to be used for any  
10 purpose or any manner except in  
11 conformity with the all the  
12 regulations, requirements, and  
13 restrictions specified for this  
14 district in which such building or land  
15 is located. 150-7, R-1 one family  
16 resident district in an R-1 one family  
17 resident district, article 4 says no  
18 building or premises shall be used, no  
19 building or part of a building shall be  
20 erected, altered which is arranged,  
21 intended, or designed to be used in  
22 whole or in part of any uses except the  
23 following, and the permitted uses are  
24 one family detached dwelling not to  
25 exceed one dwelling unit, and building

1 structures and uses owned or operated  
2 by the Village of Greenport.  
3 Conditional uses don't mention  
4 multifamily housing, they mention  
5 places of worship, schools,  
6 philanthropic annual membership clubs,  
7 railroad or public utilities,  
8 cemeteries, bed and breakfasts. I have  
9 a definition from New York State, from  
10 New York Department of State handbook  
11 on zoning. It offers a definition of a  
12 use variance. The use variance has  
13 been defined as one which permits the  
14 use of land which is prescribed by the  
15 zoning regulations, thus a variance  
16 permits a commercial use in a  
17 residential district which permits a  
18 multiple dwelling in the district  
19 limited to single family homes or which  
20 permits an industrial use in a district  
21 limited to a commercial use is a use  
22 variance. With everything that I read  
23 in its totality I'm finding it hard to  
24 see how this application for a four  
25 family home can be constructed in the

1 R-1 district and not be considered a  
2 use variance. Is there any discussion?

3 MR. CORWIN: I agree with you,  
4 Mr. Chairman.

5 MR. PROKOP: I have one other  
6 thing to say about this.

7 CHAIRMAN SALADINO: If it's  
8 pertaining to our discussion about the  
9 code and its interpretation, I'm  
10 anxious to hear it.

11 MR. PROKOP: I think that it's the  
12 law, and I have to have research it and  
13 advise the Board, but I think it's a  
14 law that when you acquire a property,  
15 if a use is not allowed at the time  
16 that you acquire it, that you cannot  
17 get a use variance. I will check on  
18 that, but I think that I recall --

19 CHAIRMAN SALADINO: If you could,  
20 just say that again.

21 MR. PROKOP: When you buy a piece  
22 of property, if a use is -- I believe  
23 that there was a case that determined,  
24 and I have to research this, I'm not --  
25 before I bind myself to it, but I

1 believe that when you bought a piece of  
2 property, a use was not permitted, I  
3 believe that you're not permitted to  
4 seek a use variance. A use variance is  
5 for when the zoning changes after you  
6 acquire. If you want to go to a use  
7 that was allowed at one time that you  
8 didn't have and then later became  
9 illegal, but I will advise the Board on  
10 that.

11 CHAIRMAN SALADINO: Well, I think  
12 that's relevant, but only if and when  
13 the applicant proposes, if he proposes,  
14 and if the Board agrees. I'm getting  
15 ahead of myself. If this Board agrees  
16 that this application was submitted  
17 incorrectly, and the applicant wishes  
18 to progress it as the alternative, a  
19 use variance, then that would come into  
20 play. Then we would consider --

21 MR. PROKOP: I agree with what you  
22 said so far as far as it's not a  
23 permitted use in the R-1 district. I  
24 believe that's the case.

25 CHAIRMAN SALADINO: Is there any

1 other discussion from the Board? I'm  
2 going to make a motion that this  
3 application was submitted incorrectly.

4 MR. CORWIN: Second.

5 CHAIRMAN SALADINO: Well, let me  
6 finish. That the application should be  
7 progressed as a use variance and not an  
8 area variance. So moved.

9 MR. CORWIN: Second.

10 CHAIRMAN SALADINO: All in favor?

11 MR. CORWIN: Aye.

12 MS. NEFF: I have one question,  
13 Mr. Chairman.

14 CHAIRMAN SALADINO: Sure.

15 MS. NEFF: As this drawing shows,  
16 if we deal with the issue of use, does  
17 it then become an area variance as a  
18 secondary application? In other words,  
19 are they, like, one after another?

20 MR. TASKER: They both have to be  
21 satisfied.

22 CHAIRMAN SALADINO: The  
23 application as it stands now is  
24 incorrect as an area variance. The use  
25 for that particular district is one



1 family housing. To get a variance to  
2 put a four family house there, he would  
3 have to be granted a use variance, and  
4 then that house or that building, that  
5 four family home would have to comply  
6 with all the standards in Chapter  
7 150-18. If they don't, he would have  
8 to ask for a variance.

9 MS. NEFF: An area variance?

10 CHAIRMAN SALADINO: An area  
11 variance.

12 MS. NEFF: That was my question.

13 CHAIRMAN SALADINO: For each  
14 standard that he doesn't comply with.  
15 So there's a motion on the table, it's  
16 seconded to reject this application.

17 MR. CORWIN: Call a roll call.

18 CHAIRMAN SALADINO: I'm going to  
19 call a roll call. Mr. Corwin?

20 MR. CORWIN: I forgot what the --

21 MR. TASKER: Let's have the  
22 precise language of the motion, please.

23 CHAIRMAN SALADINO: The motion --

24 MR. TASKER: Maybe the  
25 stenographer can read it back?

1           CHAIRMAN SALADINO: I'll make the  
2 motion. It's fairly simple. That this  
3 application be rejected as being  
4 submitted in error as an area variance  
5 where it should have been a use  
6 variance. So moved.

7           MR. CORWIN: Second.

8           CHAIRMAN SALADINO: Mr. Corwin?

9           MR. CORWIN: Yes.

10          CHAIRMAN SALADINO: Diana?

11          MS. GORDON: Yes.

12          CHAIRMAN SALADINO: Ellen?

13          MS. NEFF: Yes.

14          CHAIRMAN SALADINO: Arthur?

15          MR. TASKER: Yes.

16          CHAIRMAN SALADINO: And I vote  
17 yes.

18          MS. GORDON: Is it perfectly clear  
19 that the applicant is not precluded  
20 from coming back with an application  
21 for a use variance?

22          CHAIRMAN SALADINO: I think that's  
23 his right. He can appeal any decision  
24 made by this Board or the CEO; is that  
25 right?

1 MS. GORDON: That wouldn't be an  
2 appeal of this decision, it would be  
3 simply -- would there have to be a  
4 rejection of the -- he's coming to  
5 us --

6 MR. TASKER: Let's not cross our  
7 bridges before we come to them.

8 MS. GORDON: The Planning Board --  
9 the proposal of a multifamily residence  
10 is not a conditional use for the R-1  
11 zone, obviously suggesting it seems to  
12 me that there is an issue with respect  
13 to the use variance.

14 CHAIRMAN SALADINO: The Planning  
15 Board, what they said was -- my copy of  
16 what the Planning Board said and your  
17 copy was --

18 MS. GORDON: It's probably the  
19 same.

20 CHAIRMAN SALADINO: No, it's not.  
21 Your copy is what was -- mine came from  
22 the Planning Board and the first  
23 sentence of my copy says the Planning  
24 Board is required to deny the project  
25 because multifamily housing is not a

1 permitted use in the R-1.

2 MS. GORDON: Okay.

3 CHAIRMAN SALADINO: See, that's  
4 missing from yours. I don't know how  
5 that happened, but that's missing from  
6 yours. There's absolutely nothing that  
7 says the applicant can't come back with  
8 an application for a use variance, and  
9 if that, in fact, is granted, then an  
10 area variance for whatever he would  
11 need to build a multifamily house on  
12 this piece of property.

13 MR. OLINKIEWICZ: Can I ask a  
14 question?

15 CHAIRMAN SALADINO: Absolutely.  
16 Only because you're the applicant.

17 MR. OLINKIEWICZ: James  
18 Olinkiewicz, 310 North Street a/k/a 314  
19 North Street.

20 CHAIRMAN SALADINO: Could you  
21 explain that?

22 MR. OLINKIEWICZ: I have no idea.  
23 It says on the -- the Village says it's  
24 310 North, but on your county card it  
25 comes in at 310 North, so it's always

1           been listed -- it's listed on my deed  
2           a/k/a, it's on --

3           MR. CORWIN:   You made a mistake.

4           MR. TASKER:   On the town tax roll  
5           it's listed as 314.

6           MR. OLINKIEWICZ:  Then the county  
7           has it as 310.  Somehow it's put in  
8           like that on everything.

9           CHAIRMAN SALADINO:  Okay.  I was  
10          just curious.

11          MR. OLINKIEWICZ:  I was curious  
12          also.

13          CHAIRMAN SALADINO:  Because now my  
14          next question is what happened to 312?  
15          Sorry.  Go ahead.

16          MR. OLINKIEWICZ:  So my questions  
17          is I came and applied for a variance,  
18          right?  How would I know -- it seems  
19          like with the last application before  
20          me that needed a use variance as well  
21          as then I need a use variance, how do  
22          we find that out?  We get told to apply  
23          for a variance, we apply for a  
24          variance, right?  So how do we  
25          determine whether it's a use or a

1 regular variance? And that being said,  
2 I mean, I laid out seventeen hundred  
3 dollars to come here for a variance  
4 application, now it's kicked back as a  
5 use, so does my seventeen hundred  
6 disappear from this, or does it get  
7 rolled over to the use? I'm just  
8 asking that question because I came to  
9 Village to get the answer when I was  
10 applying what kind of variance -- I  
11 handed paperwork, I expect that I would  
12 be told either it's a use or a --

13 CHAIRMAN SALADINO: Just, if I  
14 could, the question about use or area  
15 variances, there's been some contention  
16 about in different departments with  
17 different members. Tonight we kind of  
18 reaffirmed that your application should  
19 be a use variance. As far as the  
20 money, we don't get to touch the money.

21 MR. OLINKIEWICZ: So I don't know  
22 if the seventeen hundred that I applied  
23 for the area variance, since it's not  
24 an area variance I was supposed to  
25 apply for, is that gone and I got to

1 reapply for the use variance?

2 CHAIRMAN SALADINO: I think  
3 there's reasonable -- I think between  
4 all the parties, the Zoning Board, the  
5 Building Department, and the applicant  
6 there's been some confusion with this  
7 application as it is approved right  
8 now. In my opinion, and I have no say  
9 so, because again, they don't let us  
10 touch the money, I don't think it would  
11 be unreasonable for the Village to  
12 apply that fee to the next application.  
13 The building inspector is here.

14 MS. WINGATE: Your Board hasn't  
15 accepted the application.

16 CHAIRMAN SALADINO: And that was  
17 the next thing I was going say, I'm not  
18 even sure if there is an application  
19 because we haven't accepted it.

20 MR. OLINKIEWICZ: It hasn't been  
21 accepted, so it hasn't continued on.

22 CHAIRMAN SALADINO: And as far as  
23 the price --

24 MR. OLINKIEWICZ: The price is the  
25 price depending on what you apply for,

1 right.

2 CHAIRMAN SALADINO: We don't get  
3 prices. So if we could, just answer  
4 that. So the application fee, I'm sure  
5 you can square away with Eileen, I'm  
6 sure that's an easy enough thing. The  
7 application itself, I think by the  
8 Board's vote tonight, I think it's  
9 pretty clear that --

10 MR. OLINKIEWICZ: You have to come  
11 for a use variance first before you  
12 come for the other variances, I  
13 understand that now. So we have to go  
14 back, and is there different paperwork  
15 for a use variance? I mean, I've never  
16 seen --

17 CHAIRMAN SALADINO: There is,  
18 there's a different application I  
19 believe. Especially since this  
20 application.

21 MR. OLINKIEWICZ: Yeah, we'd have  
22 to --

23 CHAIRMAN SALADINO: This  
24 application says application for an  
25 area variance, so I can only assume



1           that there's an application for a use  
2           variance.  But again, that would be  
3           between you and the Building  
4           Department.

5           MR. OLINKIEWICZ:  Okay.  No  
6           problem.  I just wanted to find out.  
7           Thank you.

8           CHAIRMAN SALADINO:  No problem.  
9           So moving on.

10          MS. GORDON:  That might be it.

11          CHAIRMAN SALADINO:  The last thing  
12          I have is item number 9, motion to  
13          adjourn.  So moved.

14          MS. MCENTEE:  Can I ask questions  
15          before we go?  Minor.

16          CHAIRMAN SALADINO:  Sure.

17          MS. MCENTEE:  Joanne McEntee, 242  
18          Fifth Avenue.  I am a little concerned  
19          about the new agenda and just wondering  
20          why the changes and why we're not  
21          informed of what they used to be?  I'm  
22          thinking that the public would really  
23          like more information.  This is really  
24          extremely vague.  They're one  
25          sentences, we have no information.

1 Public really wants to come here I'm  
2 thinking with more knowledge.

3 CHAIRMAN SALADINO: Well, I'm  
4 going to explain to you. On this  
5 particular, just so I'm on the same  
6 page as you, on this particular agenda,  
7 what would be the item number that you  
8 would be --

9 MS. MCENTEE: Well, I think some  
10 people come --

11 CHAIRMAN SALADINO: Just if you  
12 could --

13 MS. MCENTEE: Just a little more  
14 blurb about, like, say item number 5.  
15 I mean, don't go out into all details,  
16 like, we all know what was happening  
17 with it, the people that come here on a  
18 regular basis, you know, that's  
19 understandable. For SAKD --

20 CHAIRMAN SALADINO: Well, just let  
21 me explain about that. My thinking was  
22 -- and it's different from the previous  
23 chairman, my thinking was item number  
24 5, there was a public hearing.

25 MS. MCENTEE: Correct.

1           CHAIRMAN SALADINO: The public  
2 notice was distributed. It was read  
3 and reread. This discussion is for the  
4 Board. First of all, the agenda --  
5 just so everybody here -- and I'm not  
6 saying this to be condescending.

7           MR. SWISKEY: Elitist.

8           CHAIRMAN SALADINO: I don't even  
9 know what that means. I'm not saying  
10 this to be condescending or -- the  
11 agenda is a courtesy --

12          MS. MCENTEE: For us.

13          CHAIRMAN SALADINO: No, for the  
14 Board. So the agenda is so the Board  
15 has an idea of what's happening, and  
16 that works for all corporations,  
17 municipalities. Some choose to expand,  
18 some choose not to. I thought our time  
19 and the public's time would be better  
20 spent with less on the agenda reading  
21 instead of a seven page agenda, a one  
22 page agenda, on settled business, like,  
23 Liakeas where there was a public  
24 hearing, and a public notice, and it  
25 was closed, and by rights, the public

1 really -- again, I run things a little  
2 differently, everybody will attest, but  
3 I kind of let everybody talk.

4 MS. MCENTEE: We like it.

5 CHAIRMAN SALADINO: I let  
6 everybody talk. So this in the past  
7 there would be no discussion by the  
8 public about SAKD, about Liakeas, about  
9 Mr. Olinkiewicz's application because  
10 there is nothing to be -- item number  
11 6, Mr. Olinkiewicz's application, if we  
12 chose to accept it tonight as was last  
13 month's with the public hearing for --  
14 somebody refresh my memory?

15 MS. NEFF: December 20th.

16 CHAIRMAN SALADINO: Last month we  
17 had a public hearing, we scheduled the  
18 public hearing, the notice for the  
19 public hearing was stapled to the  
20 agenda so the public had all the  
21 information. With an application like  
22 SAKD, even an application like Liakeas,  
23 it's thirty pages. For me to even give  
24 a synopsis, it's a quarter after 7:00  
25 now, to spend twenty-five minutes

1 reading each item number for settled  
2 business, it just didn't seem  
3 productive to me. I thought this was a  
4 better way to take care of the  
5 Village's business, make it easier on  
6 the Board, and believe it or not, on  
7 the public.

8 MS. MCENTEE: Okay. So I would  
9 make a suggestion, I guess, because it  
10 is sometimes people who maybe have  
11 missed a little bit, just a little  
12 blurb, not this one sentence of  
13 something. I do think it helps refresh  
14 people's memory, also for the public  
15 who is watching that don't watch on a  
16 regular basis. I also feel that if  
17 even Mr. Olinkiewicz, something, there  
18 was a blurb in there to let us know,  
19 you know, it could be two, three, four  
20 sentences, something, it doesn't have  
21 to be large. I think we're all pretty  
22 educated here, we're all regulars that  
23 do come, but it's the people that don't  
24 on a regular basis or that may miss one  
25 or two meetings.

1           CHAIRMAN SALADINO: Well, the  
2           other thing I would add is that all  
3           that information is part of the public  
4           notice and it is online. You can --

5           MS. MCENTEE: I do not see it  
6           online, so could you tell me where it  
7           is online? Because it's never there.

8           CHAIRMAN SALADINO: Since I became  
9           chairman I made a request to the clerk,  
10          and last month she complied, and the  
11          public notice was, in fact, online  
12          because I saw it. So moving forward --

13          MS. MCENTEE: This was not online.  
14          When it said the attached calendar, the  
15          calendar was not attached and nothing  
16          else.

17          CHAIRMAN SALADINO: But it was  
18          attached to the agenda.

19          MS. MCENTEE: Here today, but it  
20          wasn't online. I did try to pull that  
21          up myself. So I'm not seeing that  
22          anything else was attached online. And  
23          maybe that's where the issue is, so  
24          sure, we would -- I think that it's  
25          advantageous to us to get a little bit

1 more informed rather than just one  
2 sentences.

3 CHAIRMAN SALADINO: Well, again,  
4 the fact that -- what number is the  
5 calendar?

6 MS. MCENTEE: The calendar is the  
7 last one, number 8.

8 CHAIRMAN SALADINO: I'm not sure  
9 what -- were all the agendas that the  
10 public got, was the calendar attached?

11 MS. MCENTEE: Just this first  
12 page, and nothing else was attached,  
13 nothing. And last month as well.

14 CHAIRMAN SALADINO: I apologize.  
15 I had made a request that the calendar  
16 be attached, but in all honesty not the  
17 determinations. I didn't think --

18 MS. MCENTEE: It did say it was  
19 attached, but it was not.

20 MS. WINGATE: The determinations  
21 have never been part of the public  
22 record.

23 CHAIRMAN SALADINO: No, I  
24 understand that, and I made it my  
25 business to tell the clerk and to tell

1 the building inspector when we did this  
2 not to include the determinations  
3 because it was settled.

4 MS. MCENTEE: I completely  
5 understand, but just a blurb of what is  
6 going on kind of refreshes some  
7 people's memory. The other thing is  
8 number item number 7, I know that you  
9 do have the determinations on there, so  
10 I am talking about the determinations  
11 now, but it would be nice to say these  
12 are the three that you are going to  
13 discuss, like, Foote, Nicholson, and  
14 Tuthill. So that would be nice to let  
15 the public know that's what you're  
16 talking about, that's what we're coming  
17 here to finalize.

18 MS. WINGATE: There is no  
19 discussion.

20 CHAIRMAN SALADINO: There is no  
21 discussion.

22 MS. MCENTEE: No, just saying this  
23 is what you're --

24 CHAIRMAN SALADINO: It's a vote.

25 MS. MCENTEE: It just says accept



1 the findings of previous granted  
2 variances. So that just allows us I  
3 think --

4 MR. PROKOP: That's up to me I'll  
5 take care of that -- I'll see if I can  
6 help the chairman take care of that in  
7 the future because I do the  
8 determinations, so I can give him a  
9 heads up.

10 MS. MCENTEE: They're simple.

11 CHAIRMAN SALADINO: Thank you for  
12 suggesting that and thank you for  
13 bringing that -- I'm not inclined to  
14 include this on these.

15 MS. MCENTEE: I'm not -- I don't  
16 think anybody in this room or anybody  
17 would ever come and say that we're  
18 looking for ten to twelve sheets of  
19 paperwork.

20 CHAIRMAN SALADINO: So just for my  
21 own -- just so I understand because  
22 obviously everybody else seems to get  
23 it, but I don't. What's the -- so with  
24 item number 7, and again, honestly I'm  
25 not trying to be obtuse here, but

1           honestly with item number 7, what  
2           exactly is the hardship to show up here  
3           and get them?

4           MS. MCENTEE:  They're just from  
5           you, but there are --

6           CHAIRMAN SALADINO:  If you were  
7           here last month you heard us vote on  
8           this.

9           MS. MCENTEE:  I did.  But  
10          sometimes if we know it beforehand, we  
11          can do our research at home just to  
12          say, you know what, okay, that's fine,  
13          we may not have to make this meeting  
14          and listen to it, we can watch it on  
15          TV.  We have options also.  This is a  
16          tool for us.  You know, time is of the  
17          essence in everybody's world.

18          CHAIRMAN SALADINO:  With all due  
19          respect, this is a courtesy.

20          MR. SWISKEY:  Oh, wow.

21          CHAIRMAN SALADINO:  Really?  
22          Really?

23          MS. MCENTEE:  I did like the old  
24          format better from three months ago.

25          CHAIRMAN SALADINO:  I'm not

1 prepared to go back to that.

2 MS. MCENTEE: I understand that,  
3 but if there's any way that you can  
4 possibly help out and add in another  
5 three more sentences to give us a  
6 little bit of tool to work with. I  
7 personally -- here's one, and I have,  
8 you know, there was a motion of an  
9 application tonight, and my thought is  
10 it would have been nice to know a  
11 little bit about that application, not  
12 a lot, give me a little bit.

13 CHAIRMAN SALADINO: You wouldn't  
14 have been entitled to speak anyway.

15 MS. MCENTEE: That's correct, but  
16 I already could have start doing my  
17 work at home.

18 CHAIRMAN SALADINO: But you would  
19 have had thirty days to do it. If we  
20 accepted the application tonight and  
21 scheduled a public hearing, that would  
22 have been public information, you would  
23 have got the information in the public  
24 notice published in the newspaper, on  
25 the bulletin board, and on the website.

1 MS. MCENTEE: And the FOIL takes  
2 forever.

3 CHAIRMAN SALADINO: What are you  
4 FOILING? It's posted, it's public  
5 information.

6 MS. MCENTEE: In the paper it is  
7 public.

8 CHAIRMAN SALADINO: It would be  
9 posted in the paper, it would be posted  
10 on the bulletin board at Village Hall,  
11 and with the agreement that I made with  
12 the clerk, it would be posted online.  
13 So what would you have to FOIL?

14 MS. MCENTEE: Well, I'm just  
15 asking -- really my biggest thing is  
16 just asking for a little bit more so  
17 when we do come here, you know, I work  
18 full-time, it is very difficult for me  
19 to head on down to the Village Hall. I  
20 do work here locally, but not everybody  
21 does. It's just a little bit more  
22 easier I believe that it can be a  
23 little bit more added but not added  
24 like it was before. That's just what I  
25 have. Thank you.

1           CHAIRMAN SALADINO: Thank you.

2           Anybody else?

3           MS. NEFF: Mr. Chairman, I'm going  
4           to say at times I think we forget that  
5           some people do watch this, and to go  
6           from the level of detail which  
7           particularly when all of it was read  
8           was to some ears and eyes excessive to  
9           such a sketchy, clear but sketchy, is  
10          an extreme difference, and I think that  
11          a small section of what we're talking  
12          about in, like, three lines might be  
13          helpful in a transition.

14          CHAIRMAN SALADINO: Maybe I'm just  
15          not smart enough to discern what Joanne  
16          might think is relevant and what Jimmy  
17          might think is relevant and you might  
18          think is relevant. Now, if I take all  
19          of that into conversation, we're back  
20          to a seven page agenda.

21          MR. PROKOP: I think I can help.  
22          I'll meet with you before the next  
23          meeting.

24          CHAIRMAN SALADINO: You know,  
25          believe it or not, Joe, and everybody

1 here, unless this Board votes to change  
2 this format, with all due respect to  
3 Joanne and everybody else that's got a  
4 complaint, I'm inclined to keep it. So  
5 I would ask the consensus of the Board,  
6 if this is too abbreviated, and perhaps  
7 if you disease decide that it is, you  
8 could -- when the applications come out  
9 fifteen days before, we can collect  
10 them, and you can pick up your bundles,  
11 and you can make suggestions about how  
12 to word this on the agenda. Is that --

13 MS. GORDON: Adding work?

14 CHAIRMAN SALADINO: I agree. Is  
15 there anything else? Does anybody else  
16 have anything else to say? Billy, did  
17 you want to say something?

18 MR. SWISKEY: William Swiskey, 184  
19 Fifth Street. All due respect, Mr.  
20 Chairman, if I just walked in the door  
21 tonight and I saw this item number 6,  
22 what was Mr. Olinkiewicz asking for?

23 CHAIRMAN SALADINO: It's not the  
24 public's domain until we accept the  
25 application.

1 MR. TASKER: Sure it is.

2 CHAIRMAN SALADINO: No.

3 MR. SWISKEY: That sounds to me  
4 like secrecy in government. The  
5 Village of Greenport has always been  
6 one of the most open governments there  
7 is.

8 CHAIRMAN SALADINO: Billy, this is  
9 not about keeping secrets, it's about a  
10 timed tradition, it's about accepting  
11 an application, accepting an  
12 application. The public doesn't get to  
13 voice its opinion because there's no --  
14 the only time we can accept testimony  
15 from the public is during the public  
16 hearing.

17 MR. SWISKEY: We understand that.

18 CHAIRMAN SALADINO: As far as the  
19 application, until we accept it, it's  
20 not part of the public domain. Once we  
21 accept it, the public notice comes out,  
22 every aspect of the application is in  
23 the public notice for you and the rest  
24 of the people to read it in the  
25 newspaper, on the bulletin board, or

1 online. I'm just not sure of why you  
2 need the information sixty days before  
3 it's discussed as opposed to thirty  
4 days.

5 MR. SWISKEY: Maybe I'd like to go  
6 down there and look at the property and  
7 see exactly if he wants X amount of  
8 variance for here. You know, people  
9 like to be able to --

10 CHAIRMAN SALADINO: But that's  
11 your right, Bill, that's your right,  
12 and you can certainly do that once the  
13 public notice comes out.

14 MR. SWISKEY: I mean, David, do  
15 you agree with this?

16 MR. CORWIN: I think we should  
17 just try -- the old way was way too  
18 long, let Chairman Saladino try to  
19 adjust it a little and make some people  
20 happy.

21 MR. SWISKEY: What about the  
22 members of the Board? Arthur, you're a  
23 new member, how do you feel?

24 MR. TASKER: I'm too new to  
25 comment, Bill.



1 MS. NEFF: I think I already  
2 commented, but I will say a little bit  
3 more, which is particularly when we're  
4 talking about the item on the agenda of  
5 the public hearing and spelling it out  
6 in great detail for that is very  
7 beneficial, and I think the repetition  
8 in some of the subsequent ones that  
9 have happened in the past actually  
10 helps us all.

11 CHAIRMAN SALADINO: I have to be  
12 honest, I'm not prepared to do that.  
13 If I prepare the agenda, I'm not  
14 prepared to do that.

15 MS. NEFF: For the public  
16 hearings, some detail?

17 CHAIRMAN SALADINO: The notice --

18 MR. PROKOP: It should say see  
19 attached notice and then --

20 CHAIRMAN SALADINO: It was -- last  
21 month, whatever was published in the  
22 newspaper and whatever was in front of  
23 us on the application --

24 MS. WINGATE: And there's a  
25 placard.

1 MS. NEFF: And a placard on the  
2 street in the door.

3 CHAIRMAN SALADINO: But we don't  
4 want anybody go out in the rain or we  
5 don't want anybody to have to go look  
6 at the property, so we'll put a pin in  
7 that for a second, but as far as the  
8 public notice, everything that's in the  
9 public -- everything that's on this  
10 application for us will be in the  
11 public notice. I just for the life of  
12 me can't understand the hardship of  
13 reading a separate piece of paper  
14 that's stapled to the agenda as opposed  
15 to being included in an item number.

16 MS. WINGATE: Also the village  
17 clerk has -- we've talked about putting  
18 a legal notice in the column of the --  
19 all the ZBA meetings with the rest of  
20 the Village.

21 CHAIRMAN SALADINO: I got the  
22 assurance from the clerk that she would  
23 do that.

24 MR. SWISKEY: Well, it hasn't been  
25 done.

1           CHAIRMAN SALADINO: We haven't had  
2 a public hearing, Billy.

3           MR. SWISKEY: It doesn't need a  
4 public hearing. In other words, if  
5 Mr. Olinkiewicz makes an application,  
6 all right?

7           CHAIRMAN SALADINO: Billy, this is  
8 not a debate.

9           MR. SWISKEY: No, it's not a  
10 debate, John, I'm trying to ask a  
11 decent question, and you're set in your  
12 ways, and I'd like to ask a question.  
13 Why doesn't then Mr. Olinkiewicz's  
14 application, a copy of it attached to  
15 the agenda or online where we could  
16 read it beforehand?

17           CHAIRMAN SALADINO: Because it  
18 wasn't public information yet, we  
19 didn't accept it yet.

20           MR. SWISKEY: I've never seen a  
21 government operate like this.

22           CHAIRMAN SALADINO: There's a  
23 motion on the table to adjourn.

24           MR. CORWIN: I second that motion.

25           CHAIRMAN SALADINO: All in favor?

1 MR. CORWIN: Aye.

2 MS. GORDON: Aye.

3 MS. NEFF: Aye.

4 MR. TASKER: Aye.

5 CHAIRMAN SALADINO: Meeting  
6 adjourned.

7 (Whereupon the meeting was  
8 adjourned at 7:27 p.m.)

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

STATE OF NEW YORK )

) SS:

COUNTY OF SUFFOLK )

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

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on November 15, 2016.

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

IN WITNESS WHEREOF, I have hereunto set my Hand this 26th day of November, 2016.

*Amy Bohleber*

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Amy Bohleber