

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 Third Street Firehouse  
9 Greenport, New York

10 December 16, 2015  
11 5:00 P.M.

12  
13 B E F O R E :

14  
15  
16 DOUG MOORE - CHAIRMAN

17 ELLEN NEFF - MEMBER

18 DAVID CORWIN - MEMBER

19 JOHN SALADINO - MEMBER

20 DINNI GORDON - MEMBER

21  
22  
23 EILEEN WINGATE - VILLAGE BUILDING INSPECTOR

24 PAUL PALLAS - VILLAGE ADMINISTRATOR

25 JOSEPH PROKOP - VILLAGE ATTORNEY

1

INDEX OF DISCUSSIONS

2

3 \* There were no Public Hearings for this  
Meeting.

4

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1                   CHAIRMAN MOORE: I will call  
2                   the meeting to order. It's about  
3                   nine after five. This is the  
4                   regular meeting of the Greenport  
5                   Zoning Board of Appeals. This is  
6                   our December 16th meeting. We  
7                   have a fairly short agenda tonight  
8                   but we do have some matter that we  
9                   need to spend a little time on,  
10                  which is Item No. 1. Continued  
11                  discussion and possible action on  
12                  the appeal for a use variance for  
13                  Lydia Wells, Warden of Holy  
14                  Trinity Church. SCTM #1001-2-3-5.  
15                  The applicant proposes to  
16                  construct a second residential  
17                  unit in an existing one-family  
18                  house in the R1 District. Section  
19                  150-7A(1) does not permit any  
20                  building to be used, in whole or  
21                  in part for any use except  
22                  one-family detached dwellings, not  
23                  to exceed one dwelling on each  
24                  lot. ZBA site inspection back in  
25                  August.

1           Just would like to review where  
2           we are. We were moving towards a  
3           decision at the last meeting and  
4           one of the members questioned that  
5           the property might actually be two  
6           parcels residence. We were  
7           discussing that it was on it's own  
8           plot. Perhaps this was confused.  
9           There has been a fairly detailed  
10          discussion of the fact that the  
11          church is paying property taxes on  
12          a portion of the property because  
13          of issues that arose from their  
14          use of the property for  
15          residential use. They were  
16          considered tenants on the  
17          property. Anyway, we do have a  
18          letter which was provided. It was  
19          dated November 19th and it is to  
20          the Episcopal Church and it's from  
21          Robert Scott, Chairman of the  
22          Board of Assessors. The above  
23          referenced property is currently  
24          one parcel on the assessment roll  
25          on the Town of Southold. It

1 includes the church dwelling and a  
2 garage. It's quite clear that it  
3 was our understanding that the  
4 property was one parcel, but we  
5 asked for clarification. I would  
6 just like to point out also that  
7 some concerns arose. Actually the  
8 day after our meeting and  
9 subsequently resulted in the  
10 request from the church regarding  
11 additional activities at the  
12 church. That the church is now  
13 sharing it's facility with the  
14 First Universalist Church in  
15 Southold because they lost their  
16 church to a fire. The only reason  
17 this came up because there was  
18 some questions whether this  
19 arrangement had any significant  
20 financial consequences, which  
21 might affect the financial's which  
22 we were examining, which was the  
23 basis for the reasonable gain  
24 questions. A critical part of the  
25 use variance consideration. And I

1           won't read it into detail but we  
2           will put it into the record. The  
3           church did respond and indicated  
4           that they're receiving a donation  
5           which is only about -- on a  
6           parishioner basis, only about a  
7           \$3.00 contribution. And it's a  
8           donation to the church and there  
9           is no lease agreement, and in a  
10          sense, the church is providing  
11          their facilities as a benefit. I  
12          believe the recreational hall is  
13          going to be used. Is being used  
14          for the services. I don't know if  
15          any members want to critique the  
16          letter. It explains the  
17          relationship. The only thing is  
18          this caught us off guard because  
19          this arrangement -- we weren't  
20          aware of this arrangement at the  
21          meeting.

22                        MS. MILLER: It wasn't  
23                        finalized at the meeting at the  
24                        time.

25                        CHAIRMAN MOORE: It was in

1 the paper the next day. So we had to  
2 assume that some arrangements were  
3 made. As it turns out, perhaps the  
4 reason for not mentioning it, in your  
5 opinion it really didn't have much  
6 difference. Does the members have  
7 any comments regarding that letter  
8 and whether any of the new  
9 information that we have changes  
10 any of the activities that we have  
11 done so far? I would also like to  
12 mention that last month prior to us  
13 having to push back because of the  
14 question about the parcel and it's  
15 separation from the church itself, we  
16 were actually in the process of  
17 moving forward with the voting on the  
18 variance. We have moved through the  
19 four questions, which as most people  
20 know has to do with reasonable return  
21 questions. Whether the hardship is  
22 unique and whether the variance did  
23 not alter the essential character of  
24 the neighborhood and whether the  
25 variance was self created. I will

1 just review that across the board,  
2 the voting was 3 in support of the  
3 questions and 2 not in support of  
4 the questions, which resulted in a  
5 pass vote for all of the questions.  
6 We did not make a motion at that  
7 point to approve the test whether we  
8 would approve the variance or not.  
9 And one of the considerations that we  
10 have to make for this -- it's not a  
11 simple as one would imagine. One of  
12 the questions that comes up is the  
13 RLUIPA Federal Law. We had a lot of  
14 discussion on that because while the  
15 property contains the residence which  
16 is under consideration for the use  
17 variance, it is part of the overall  
18 church property. Whether or not the  
19 income derived from the rental is  
20 considered a rental activity separate  
21 from the churches activity and not  
22 religiously based or whether this  
23 activity is pretty much -- I am  
24 trying to think of the right term.  
25 Ingrained in the activities of the

1 church to support the religious  
2 activity. We have had a lot of  
3 discussion about the reasonable  
4 return. The return is that there is  
5 not a huge difference between the one  
6 family versus the two family  
7 occupancy but there is a difference  
8 and questions come up of what  
9 constitutes a reasonable return. And  
10 one of the other issues is whether  
11 this is unique to this property or  
12 could be considered more general to  
13 the neighborhood. And of course the  
14 uniqueness of this situation involves  
15 the fact that it's a church property.  
16 We discussed at some length the use  
17 of residences in the neighborhood.  
18 And there are a number of two family  
19 residences operating already in the  
20 one family district. And that is  
21 kind of where we are. And if any  
22 Board members would like to make any  
23 further comments, then we could move  
24 on to another step of the process.  
25 Members of the Board?

1                   MEMBER CORWIN: I would just  
2                   like to note that there are not a lot  
3                   of two family residences in the  
4                   neighborhood. And the Chairman, you  
5                   Mr. Chairman, tried to say that this  
6                   is close to the boundary that is on  
7                   Main Street. So somehow you tried to  
8                   tie that into because half a block  
9                   away is zoned two family and somehow  
10                  that gave it some kind of permission  
11                  to be a two family on the church  
12                  family and I don't agree with that.

13                  CHAIRMAN MOORE: I don't  
14                  know if I would agree with that. I  
15                  was just pointing it out. I don't  
16                  know if I said that was a defining  
17                  issue. I just pointed that out. Any  
18                  other discussions?

19                  MEMBER SALADINO: I had  
20                  asked the attorney if the proximity  
21                  to another district -- if the  
22                  proximity of an R1 to an R2 would  
23                  make a difference or is the line the  
24                  line?

25                  MR. PROKOP: I think it's

1 something that you could take into  
2 consideration. In your review of the  
3 criteria, you could take that into  
4 consideration. So in other words, if  
5 one of the criteria is the impact on  
6 the neighborhood, you know and if the  
7 neighborhood includes some R2 because  
8 you are close to the R2 zone -- I am  
9 not saying one way or the other. I  
10 am saying that you could take that  
11 into consideration, yes.

12 CHAIRMAN MOORE: To add to  
13 that, looking basically into the  
14 other direction into the R1 district,  
15 the real question comes up is whether  
16 this change would have an impact on  
17 that district.

18 MEMBER SALADINO: In looking  
19 at the map that Eileen supplied us of  
20 the two family houses in the R1  
21 District, I only count three as  
22 opposed to the overall one family  
23 homes.

24 CHAIRMAN MOORE: As we know.

25 MEMBER SALADINO: So I mean,

1 but the church property is  
2 practically adjacent to R2 zone.

3 MEMBER NEFF: I think that  
4 Joe, you talked about a R2 house and  
5 an R1. It means it's a two family  
6 house that happens to be in this  
7 Village and how a house became a two  
8 family house has to do with things  
9 that happened long before we had any  
10 zoning. Many of the zones in this  
11 Village have one, two and three  
12 family houses. And that's not  
13 unusual that has evolved. I think we  
14 have this zoning that we are dealing  
15 with now -- modified over time since  
16 as 1960. Even later than that. So I  
17 would think that is an unusual thing.  
18 Also, it doesn't mean that I am more  
19 likely to get a C of O for a two  
20 family house. It depends on the  
21 house. It depends on many things  
22 about it. And those factors should  
23 also be looked at in this case. The  
24 parking. The size of units. The  
25 proposed units, etcetera.

1                   CHAIRMAN MOORE: Any other  
2                   comments from the Board? One thing  
3                   that I want to be sure to ask the  
4                   Board members is we have had a little  
5                   bit of new information since we  
6                   partially entered into the voting  
7                   process. We answered some questions.  
8                   Does any Board member feel that with  
9                   any new information that this has had  
10                  effect on the votes that have already  
11                  been made?

12                  MEMBER SALADINO: I do. In  
13                  reading the NYCOM handbook and in  
14                  reading the Zoning Guidelines from  
15                  the New York Department of State and  
16                  some of the examples that they give  
17                  are quite clear. One of them is,  
18                  that because you can expect to make a  
19                  greater profit if you get the  
20                  variance -- I am just having a hard  
21                  time about two of the questions about  
22                  reasonable return and self created  
23                  hardship. If you are talking about  
24                  land use. If we are talking strictly  
25                  about land use, the guidelines are

1 clear. The examples that NYCOM gives  
2 and the examples that the New York  
3 State Department gives from the  
4 Guidelines, an applicant --

5 CHAIRMAN MOORE: It's  
6 whether reasonable gain can be  
7 attained from any permitted use.

8 MEMBER SALADINO: No, if any  
9 additional gain could be attained.

10 CHAIRMAN MOORE: I will ask  
11 Mr. Prokop a question. Since we have  
12 not finished the voting process, if  
13 any member has a change of heart from  
14 any of the previous votes that have  
15 been taken, can they change their  
16 mind?

17 MR. PROKOP: Yes. I just  
18 wanted to comment on what was said.  
19 My understanding is that the word is  
20 return and it's the difference in  
21 return between -- if the variance is  
22 not granted and if the variance is  
23 granted, if I understand the  
24 question.

25 MEMBER SALADINO: Did I

1 misstate that?

2 MR. PROKOP: I thought --

3 MEMBER SALADINO: I am just  
4 asking, perhaps I misstated. I wrote  
5 down the statute.

6 MR. PROKOP: I thought that  
7 was the question you were asking.  
8 What was the question?

9 CHAIRMAN MOORE: John was  
10 referring to his analysis. The only  
11 new information I was referring to  
12 that there was some doubt about the  
13 parcel about it being a single  
14 property, which was confirmed. And  
15 the other information with the new  
16 information that there might have  
17 been some financial arrangements with  
18 the church as submitted with new  
19 information, which indicated that  
20 there is limited financial gain.  
21 It's more of hospitality. With that  
22 in mind, that is why I felt it was  
23 important to ask the members if any  
24 of this new information change -- to  
25 be given an opportunity if you felt

1 any of this new information would  
2 change that, you could do so. If I  
3 don't hear any new information then  
4 --

5 MEMBER CORWIN: Question?

6 CHAIRMAN MOORE: Yes.

7 MEMBER CORWIN: You are  
8 treating those fives is it? Four  
9 questions as yes or no. And as I  
10 pointed out last month that they're  
11 very difficult to understand. My  
12 understanding is that those questions  
13 are guidelines for a discussion.  
14 They are not the yes or no vote. You  
15 could vote yes and no and yes and no.  
16 That doesn't mean that is how you are  
17 going to vote in the end. You  
18 presented them somehow that is how  
19 they are going to be.

20 CHAIRMAN MOORE: Not at all.  
21 I was just indicated that the votes  
22 are so far reported only on the four  
23 questions. Those are you indicated  
24 as guidelines. And I think we have  
25 been over this a number of times for

1 area variances that any failure of  
2 those questions in itself does not  
3 condemn a variance motion.

4 MEMBER SALADINO: But that  
5 is not the same as a use variance.

6 CHAIRMAN MOORE: And for a  
7 use variance, one of the questions is  
8 that an applicant can not realize a  
9 reasonable return.

10 MEMBER SALADINO: No. If a  
11 question fails, it would -- I would  
12 ask the attorney, if one of the  
13 questions failed with a use variance  
14 as opposed to an area variance that  
15 it wouldn't be sustained?

16 MR. PROKOP: I think a use  
17 variance is a higher test. And I  
18 think the test is that they have to  
19 meet all four criteria. I think that  
20 is correct.

21 CHAIRMAN MOORE: I think the  
22 significant gain or the reasonable  
23 return question is one of the key  
24 ones. From the paperwork that I am  
25 reading through, it seems that that

1 is the difficult question. A use  
2 variance is based on the inability to  
3 have the reasonable return for any  
4 permitted use. These other questions  
5 support the process for a final  
6 motion which is, I believe the most  
7 critical issue, there is a motion to  
8 approve a variance or not. Now,  
9 keeping in mind that almost always  
10 the Zoning Board do we approve a  
11 variance without any conditions  
12 because the Zoning Board of Appeals  
13 may apply stipulations and reduce the  
14 impact of a granted variance. So at  
15 this point, we need to entertain the  
16 idea that we would probably wish to  
17 put some stipulations we have been  
18 discussing all along. I would just  
19 like to say at the last meeting, I  
20 believe we discussed that we would  
21 prepare a potential list of  
22 conditions should a variance be  
23 granted. And the process has been  
24 that I have sent a number of items to  
25 Mr. Prokop which he reviewed and he

1 provided just today a list of  
2 potential stipulations. I would like  
3 to go through those. A few of them I  
4 think we may wish to not use but this  
5 only applies to the conditions that  
6 would be applied to the motion and  
7 would only be applied if the motion  
8 was approved and the variance  
9 granted. So first of all, I think we  
10 discussed this use variance shall  
11 only remain in effect while Holy  
12 trinity Church is the owner and in  
13 possession of the property and the  
14 use variance shall terminate on any  
15 change of the ownership or possession  
16 of the property and any subject  
17 thereof. Number two, the ownership  
18 and control of a two family residence  
19 shall remain in the Holy Trinity  
20 Church or its diocese administration  
21 only. Any revenue from the two  
22 family rental shall be paid and  
23 received by the Holy Trinity Church  
24 or its diocese and administration  
25 only. The building that is the

1 subject of the use variance shall  
2 remain on the same parcel. We had  
3 discussed this. There should be no  
4 subdivision of that parcel. In the  
5 event of a subdivision of the parcel,  
6 the use variance use of the building  
7 for R2 use shall terminate. No. 5,  
8 R2 use of the subject building shall  
9 be consistent with the plans dated --  
10 I don't have the date. That would be  
11 entered by the Village of Greenport  
12 Building Department. Any change of  
13 the structure of the subject building  
14 shall be approved by the Zoning Board  
15 of Appeals. Use of the building must  
16 otherwise be in accordance with the  
17 Greenport Code and the Code of New  
18 York State. This we may wish to  
19 discuss. Any change of use of either  
20 of the apartments of the subject  
21 building or any portion thereof other  
22 than single family residential use  
23 shall terminate the use variance. I  
24 don't know if that would be  
25 necessary. It's hard to understand

1 because the intended use is  
2 residential and the code issues if it  
3 was used other than for residential  
4 purposes. Keep that in mind. The  
5 rental apartments in the subject  
6 building shall be for periods that  
7 are not less than 30 days. I think I  
8 mentioned that before. Lastly, which  
9 I questioned, the rental licensing  
10 subleasing or sharing or for  
11 compensation or any other portion of  
12 the subject property must be approved  
13 in advance by the Zoning Board of  
14 Appeals. It may be the discretion of  
15 the Zoning Board to determine if  
16 there needs to be a variance. I  
17 don't believe we should have any  
18 authority to look at the overall  
19 operations of the church financial's  
20 beyond any possible variance being  
21 granted. I think that might exceed  
22 our authority. So if everyone is  
23 looking at a copy, my recommendation  
24 would be that we adopt all but No. 7  
25 and No. 9. Does that make sense to

1           everybody? That these would be  
2           appropriate stipulations. Perhaps  
3           everyone should take a minute to  
4           read. Perhaps there might be some  
5           edit/changes.

6                         MEMBER NEFF: I think No. 3  
7           is redundant as well. I agree with  
8           you with 7 and 9 are unnecessary in  
9           my opinion, but also No. 3.

10                        CHAIRMAN MOORE: I think  
11           No. 3 the intention was that the  
12           proceeds --

13                        MEMBER GORDON: It seems to  
14           me that it amplifies No. 2. There is  
15           a part of ownership and control and  
16           exceeding those revenue.

17                        CHAIRMAN MOORE: So combine  
18           2 and 3 together?

19                        MEMBER GORDON: No. I think  
20           3 should be omitted.

21                        CHAIRMAN MOORE: I think the  
22           discussion, that this was intended to  
23           be for the benefit for the church.  
24           It's hard to imagine and I can  
25           understand -- you want to simplify

1 and eliminate No. 3?

2 MEMBER GORDON: Yes.

3 CHAIRMAN MOORE: Anything  
4 else?

5 MEMBER GORDON: This is a  
6 very small thing but the word, "only"  
7 in Number 1 should come after remain  
8 in effect. Should remain in effect  
9 only --

10 CHAIRMAN MOORE: Yes. I  
11 understand. Okay. Any other  
12 comments from the Board?

13 MEMBER CORWIN: Question for  
14 the attorney. Are these legitimate  
15 stipulations to put on a motion of an  
16 approval?

17 MR. PROKOP: Yes. I think  
18 the test is if the questions are  
19 reasonably related to the use or the  
20 governments of the approval and I  
21 think if this was going to be  
22 approved that yes, they are.

23 MEMBER CORWIN: So then it  
24 would stand up when you have to take  
25 them to court?

1 MR. PROKOP: Yes.

2 CHAIRMAN MOORE: I think one  
3 consideration which doesn't have to  
4 be a consideration in a motion is  
5 that I believe any positive vote  
6 would include any deference of RLUIPA  
7 requirements because this is not a  
8 straight motion verus residential  
9 decision.

10 MEMBER SALADINO: Although  
11 this is owned by the church, it's not  
12 church business. I thought I had  
13 asked the attorney if this, RLUIPA  
14 pertained to this particular  
15 application.

16 MR. PROKOP: I think we  
17 discussed that at the last meeting.

18 CHAIRMAN MOORE: I think  
19 there was some comparisons made to  
20 other parcels and certainly would  
21 make a difference. I am kind of  
22 playing devil's advocate here,  
23 forgive me for saying so. When we  
24 start analyzing activities, if they  
25 had a cupcake sale and it wasn't

1 directly related to religion practice  
2 and that was a benefit of the church,  
3 would the building inspector serve  
4 violations on that? I don't think  
5 so.

6 MEMBER NEFF: In fact this  
7 particular church has many  
8 activities, whether within in the  
9 organization or -- it certainly  
10 doesn't rise to the level of  
11 commercial. When we approved this  
12 for when it was going to be church  
13 employees back in July of 2013 we  
14 made three lines. One condition and  
15 three lines, which was the variance  
16 is terminated and a second dwelling  
17 must be removed if the parcel is ever  
18 separated from the church property,  
19 sold for other use and if they failed  
20 to meet the use requirements within  
21 the Village of Greenport Zoning Board  
22 code. Basically, you could have two  
23 units and you can't have it  
24 separated.

25 MEMBER SALADINO: That's

1 true. In all fairness, you have to  
2 compare apples to apples.

3 MEMBER NEFF: No, we have  
4 two different conditions.

5 MEMBER SALADINO: The reason  
6 behind the Board at that time -- I  
7 wasn't on the Board at that time, but  
8 the reason behind the Board at that  
9 time would -- at that time because  
10 they were church employees and they  
11 were involved with the church. It  
12 wasn't an outside rental.

13 CHAIRMAN MOORE: It's a  
14 slight change or a significant  
15 change. Depending --

16 MEMBER NEFF: I definitely  
17 agree with those conditions.

18 CHAIRMAN MOORE: I think we  
19 can discuss this and continue to go  
20 back and forth. I think it's going  
21 to come down to each one's personal  
22 determination and their own  
23 measurements and what we have  
24 discussed. I am prepared. Are you  
25 --

1                   MR. TASKUR: May I be heard  
2                   please?

3                   MR. PROKOP: Can I just ask  
4                   a question?

5                   CHAIRMAN MOORE: Sure.

6                   MR. PROKOP: I just want to  
7                   make sure we did SEQRA. It has been  
8                   a while --

9                   CHAIRMAN MOORE: Yes.  
10                  Because there is a requirement of a  
11                  coordinated review and I was absent  
12                  from that meeting, it was voted on  
13                  November 16th and the coordinated  
14                  review was conducted and not found to  
15                  have any significant effect.

16                  MR. PROKOP: Okay. So a  
17                  while ago we adopted lead agency  
18                  status and had determined that it --

19                  CHAIRMAN MOORE: Yes.

20                  MR. PROKOP: We do have a  
21                  vote on the record?

22                  CHAIRMAN MOORE: Yes. I  
23                  believe Mr. Taskur is interested in  
24                  speaking but I believe we have taken  
25                  public testimony -

1                   MR. TASKUR: I would like to  
2                   be heard.

3                   MR. PROKOP: It's the  
4                   chairman's discretion.

5                   CHAIRMAN MOORE: Before  
6                   going into your comment, can you  
7                   describe why --

8                   MR. TASKUR: It's a  
9                   procedural issue as to the  
10                  availability of information and the  
11                  public comment thereon over the  
12                  course of the hearings and meetings  
13                  that have been held on this  
14                  particular application.

15                  CHAIRMAN MOORE: And what do  
16                  you assert is missing?

17                  MR. TASKUR: Public comment.  
18                  There has been leakage of information  
19                  for this application ever since the  
20                  public hearing was ended some months  
21                  ago. And as to which the public has  
22                  not had an opportunity to comment.  
23                  The Board itself has gone out of its  
24                  way to make sure that each of the  
25                  chair -- to make sure that each

1 member of the Board has had an  
2 opportunity to review and digest and  
3 simply, the new information that has  
4 been provided during the course of  
5 this application, the public has  
6 not. And that is the point that  
7 needs to be addressed. And as to  
8 which there needs to be a reopen of  
9 the public hearing.

10 CHAIRMAN MOORE: Do you need  
11 to think ability that for a moment?

12 MR. PROKOP: The only  
13 addition to the record that I am  
14 aware of is at the last meeting, the  
15 last meeting I expressed a concern  
16 about the possible sharing of the  
17 church. I had mentioned that -- only  
18 because I am from a different part of  
19 Long Island. That there were -- it  
20 had become more common that churches  
21 were sharing space and I mentioned  
22 that if we just -- just consider that  
23 in the review. That if that was to  
24 happen and somewhat provided for, and  
25 we were assured that was not going to

1           happen. And then the next day, I  
2           started getting emails about a  
3           newspaper article. And I just -- the  
4           response to that was a letter we  
5           received, I believe, we have now  
6           made part of the record. So that  
7           was the only addition that I am aware  
8           of.

9                         CHAIRMAN MOORE: I believe  
10           as far as the arrangements, the  
11           modification of the structure and the  
12           occupancy of use has not changed.  
13           And perhaps if the Board feels it's  
14           not significant enough to do so, the  
15           Appeals process could prevail for any  
16           other public concerns. I believe in  
17           my opinion there hasn't been  
18           substantial enough information to  
19           change the overall information for  
20           the Board nor would the public  
21           comment change that.

22                        MR. TASKUR: I beg to differ  
23           and disagree. After the public  
24           hearing was concluded, it is only  
25           since that time that any of the

1 financial information upon which this  
2 Board seems to be making its decision  
3 has been provided and the public has  
4 not had an opportunity --

5 CHAIRMAN MOORE: It has --

6 MR. TASKUR: Please don't  
7 interrupt me.

8 CHAIRMAN MOORE: You made a  
9 statement which I think is incorrect.  
10 I believe the financial information  
11 was available at the time --

12 MR. TASKUR: It has been  
13 updated and altered and changed. The  
14 finances of the church have been  
15 trans modified into the rate of  
16 return for a single family versus a  
17 two-family dwelling. There has been  
18 no opportunity for the public to  
19 address those, let alone to  
20 understand them and know how they  
21 have impacted on this Board's  
22 decision.

23 CHAIRMAN MOORE: Okay.

24 MR. TASKUR: That needs to  
25 be commented on --

1                   CHAIRMAN MOORE:  So you are  
2                   stating that --

3                   MR. TASKUR:  I'm sorry?

4                   CHAIRMAN MOORE:  These  
5                   changes in which you say have not  
6                   been in the public eye, you just  
7                   stated do effect the determination --

8                   MR. TASKUR:  I didn't say  
9                   that.

10                  CHAIRMAN MOORE:  I am trying  
11                  to interpret what you said because  
12                  you said a number of things.

13                  MR. TASKUR:  What don't you  
14                  understand?

15                  CHAIRMAN MOORE:  You just  
16                  stated and correct me if I am wrong  
17                  --

18                  MR. TASKUR:  You can have  
19                  the record read back.

20                  CHAIRMAN MOORE:  I don't  
21                  know if she could do that at this  
22                  point.  You are indicating that all  
23                  that other information did not effect  
24                  the determination which is the  
25                  significant one --

1                   MR. TASKUR: I didn't say  
2                   that. I said none of that  
3                   information was available to the  
4                   public to comment on. Even those  
5                   this Board has been dredging it  
6                   through and back and forth for the  
7                   past several months while this  
8                   application has been going on. The  
9                   public has been shut out.

10                  CHAIRMAN MOORE: I think it  
11                  has been in the public eye and we  
12                  discussed it.

13                  MR. TASKUR: But the public  
14                  has not had an opportunity to address  
15                  it and comment on it as they did at  
16                  the time of the public hearing.

17                  CHAIRMAN MOORE: Mr. Prokop,  
18                  what is your opinion as to our  
19                  direction?

20                  MR. PROKOP: I am not sure  
21                  of the date in which the public  
22                  hearing was closed. I am not sure if  
23                  it was October or November.

24                  MEMBER CORWIN: I believe it  
25                  was October.

1                   MR. PROKOP: So we have new  
2                   -- there was additional financial  
3                   information that was provided after  
4                   the close of the public hearing.

5                   MS. MILLER: No. Because  
6                   last month I was here and every --  
7                   you had all that information at that  
8                   point. Lydia wasn't here.  
9                   Everything was prior to that meeting.

10                  CHAIRMAN MOORE: What would  
11                  be your suggestion, Mr. Prokop?

12                  MR. PROKOP: If Mr. Taskur  
13                  would like to make a statement on the  
14                  record then we will -- I recommend  
15                  that you accept it on the record.  
16                  The file has always been at Village  
17                  Hall and if there was question or not  
18                  of whether he could make a comment,  
19                  he can make it now.

20                  CHAIRMAN MOORE: I am not  
21                  trying to put words in your mouth but  
22                  you were speaking of a broader  
23                  requirement at a public hearing but  
24                  would you like to make a comment  
25                  understanding that you are not

1 representing the public at large?

2 MR. TASKUR: I would like to  
3 have an opportunity to review the  
4 financial information which was  
5 provided after the close of the  
6 public hearing, in which all the  
7 members of this Board seem to be  
8 considering in their decision,  
9 whether they are favoring it or not.  
10 I would like the opportunity to  
11 review that and make a public comment  
12 on it and be heard by the public as  
13 well as this Board. So my assessment  
14 of this situation is factored into  
15 the Board's decision and process.  
16 You have to bear in mind that you are  
17 making a spot zoning decision as to  
18 which the law does not favor. So  
19 that is why I think you need to take  
20 precautions with regards to the  
21 public's access to discuss their  
22 feelings about the information that  
23 has been presented. Am I making  
24 myself clear now?

25 CHAIRMAN MOORE: I think I

1 understand what you're saying.

2 MR. TASKUR: Good. Thank  
3 you.

4 MEMBER NEFF: May I raise  
5 one point? It seems to me that we  
6 got information about finances in two  
7 separate timeframes. The first  
8 timeframe, I don't have anything to  
9 identify it in front of me because I  
10 don't have the whole file. I do have  
11 that received additional information  
12 on August 30th. August 30th in some  
13 -- approximately 15 pages, which may  
14 be some of what you are asking to  
15 look at. What I am saying to you,  
16 did you review financial's from the  
17 earlier information?

18 MR. TASKUR: No, I have not.

19 CHAIRMAN MOORE: I believe  
20 that information was available and  
21 was submitted on August 30th and was  
22 before the close of the public  
23 hearing, which I believe --

24 MR. PROKOP: Can we just go  
25 through the files and see when things

1           were stamped in? We need to figure  
2           what the record is.

3                         MR. PALLAS: We have records  
4           from Holy Trinity dated August 30th.  
5           That was stamped in August 31st.

6                         CHAIRMAN MOORE: Since the  
7           coordinated review --

8                         MEMBER NEFF: In other  
9           words, we had asked for more and this  
10          is what they did. It's not the only  
11          time that we got information.

12                        MR. PROKOP: I had my date  
13          wrong before. I knew there was  
14          additional information. I apologize  
15          to the Board and the church also. I  
16          thought it was later.

17                        CHAIRMAN MOORE: The  
18          coordinated review having been  
19          concluded on September 16th. The  
20          public hearing would have still been  
21          open at that point. I think we kept  
22          everything open. The motion was  
23          taken to adopt the coordinated review  
24          on September 19th. So I believe the  
25          public hearing would have been

1 concluded after that point. So that  
2 information would have been available  
3 for review.

4 MR. TASKUR: It seems to me  
5 that since the Board does not have a  
6 recollection to tell when they closed  
7 the public hearing, they ought to  
8 review that record and see when that  
9 occurred and what information has  
10 been received since then. Not just  
11 financially. Other information as  
12 well. When it has been received so  
13 that you could put it in. That would  
14 be prudent.

15 CHAIRMAN MOORE: I  
16 appreciate your comment and your  
17 opinion. At any hearing, the  
18 discussion that is held at the  
19 meeting might stimulate the public  
20 eye in the field that they need to  
21 discuss something further.

22 MR. TASKUR: That is not  
23 what I am talking about. I am  
24 talking about new information, data  
25 and some forth. The public has not

1 had an opportunity to comment on.

2 CHAIRMAN MOORE: If you can  
3 just hold off for a moment here.

4 MEMBER SALADINO: I remember  
5 receiving the financial statement  
6 from the church and I honestly don't  
7 remember if we got it before the  
8 public hearing, after or during the  
9 public hearing. I do remember asking  
10 the attorney if this information was  
11 open to the public and he told me  
12 that it was. It was FOIL'able.

13 MR. TASKUR: John, timing is  
14 the issue.

15 MEMBER SALADINO: I  
16 understand that.

17 CHAIRMAN MOORE: You are  
18 asking a question that we are not  
19 able to answer it at this time. Our  
20 reasonable calculations is that the  
21 hearing was open beyond the time that  
22 the financial report was available.  
23 I think that is pretty obvious.  
24 Whether or not any incidental  
25 discussions came up after our

1 deliberations that would create any  
2 one from the public to create enough  
3 discussion to reopen the public  
4 hearing, I think that is up to the  
5 discretion of the Board.

6 MR. TASKUR: Well, let me --

7 CHAIRMAN MOORE: Have you  
8 have -- we are not having a public  
9 hearing at this time. If you have  
10 avenues as we proceed with our  
11 activities to file a protest, if you  
12 wish --

13 MR. TASKUR: Do you really  
14 want to suggest that?

15 CHAIRMAN MOORE: I am not  
16 suggesting. I am saying that any  
17 member of the public can file an  
18 appeal or action of the Board based  
19 on whatever reasons that they have  
20 and you are speaking to something  
21 that you consider to be significant.  
22 It has not come up before and I am  
23 not sure if we should once again  
24 delay this proceeding because of your  
25 individual stance.

1                   MR. TASKUR: Well, I am  
2 going to ask that you delay it for  
3 another two, three or four minutes  
4 while I speak to this situation while  
5 you don't go jumping off the edge of  
6 the dock without knowing the answer  
7 to the question. The question is  
8 very simple. Was there new  
9 information -- material information  
10 received in the record after the  
11 close of the public hearing? I don't  
12 think Mr. Prokop should permit you to  
13 take that position but he is your  
14 attorney.

15                   CHAIRMAN MOORE: Well --

16                   MR. TASKUR: -- can't stop  
17 interrupting me.

18                   CHAIRMAN MOORE: This is not  
19 a public hearing and you have brought  
20 up an issue. Mr. Pallas is  
21 attempting to answer your question  
22 and you are continuing to maintain  
23 your position in talking. So please  
24 sit down and listen for a minute.

25                   MR. PALLAS: I did note from

1 the minutes of the meeting of October  
2 21st indicates that the hearing was  
3 closed on that date.

4 CHAIRMAN MOORE: This was  
5 sent in on August 30th and it was  
6 discussed at the September hearing  
7 and a month later it was closed. So  
8 the public comment was open during  
9 that time.

10 MR. TASKUR: And no further  
11 financial information was received  
12 after October 31st --

13 MR. PALLAS: October 21st.

14 MR. TASKUR: October 21st.

15 No --

16 CHAIRMAN MOORE: The only  
17 thing that we received was a question  
18 that came up after our meeting last  
19 month, which was a news item  
20 regarding the sharing of their  
21 facility with the First Universalist  
22 Church. And they have indicated that  
23 there is a \$150.00 donation per  
24 Sunday. Once a week.

25 MS. MILLER: Per Sunday.

1           It's only on a two month basis right  
2           now.

3                         CHAIRMAN MOORE: That is the  
4           only information. We were satisfied  
5           wit the information that has been  
6           provided, which was financial. It is  
7           not significant.

8                         MR. PROKOP: My only other  
9           comment would be, in any decision  
10          that you make that you just express  
11          there -- in this situation due to the  
12          age of the property and the -- age,  
13          the configuration and other  
14          circumstances, that it's a unique  
15          property. And the -- you can't say  
16          that it's not a precedence but I  
17          would say that there is unique  
18          circumstances involving this  
19          property.

20                        CHAIRMAN MOORE: In the  
21          description of a motion?

22                        MR. PROKOP: Yes.

23                        CHAIRMAN MOORE: Members  
24          of the Board, what is your opinion on  
25          what we should do in once again

1           delaying the process?

2                         MEMBER GORDON: I think it's  
3           time to move forward. We did have  
4           significant discussion in the October  
5           meeting about a clarification. It  
6           wasn't new information. It was  
7           clarification of the gentleman that  
8           had spoke. It was really the details  
9           of what we had received in late  
10          August and that was certainly  
11          available to the public and still is.  
12          It's in the minutes.

13                        CHAIRMAN MOORE: The minutes  
14          are published on the website when  
15          they become available. So would the  
16          members of the Board be prepared to  
17          move forward with a decision?

18                        MEMBER SALADINO: Yes.

19                        CHAIRMAN MOORE: Any  
20          objections to doing so at this point?

21                        (No Response.)

22                        CHAIRMAN MOORE: So I will  
23          put together a motion. And first of  
24          all, the motion is to approve a use  
25          variance which would allow conversion

1 of a single family house to a two  
2 family house and permit the rental of  
3 the two apartments by the Holy  
4 Trinity Church on an open market  
5 basis. This recognizes that this  
6 being on the church property, with  
7 due deference to religious activities  
8 would be unique and not shared by the  
9 district overall. And the  
10 stipulations that we would apply to  
11 such an approval would be that the  
12 use variance shall remain in effect  
13 only while the Holy Trinity Church is  
14 the owner and in possession of such  
15 property. The use variance shall  
16 terminate if there is any change in  
17 the ownership or possession or  
18 control of the subject property or  
19 any portion thereof. No. 2,  
20 ownership and control of the two  
21 family residence shall remain in the  
22 Holy Trinity Church or its diocese  
23 administration.

24 (Whereupon, the alarms  
25 sounded.)

1                   CHAIRMAN MOORE: No. 3, the  
2                   building that is subject to the use  
3                   variance shall remain on the same  
4                   parcel as the Holy Trinity Church and  
5                   shall be no subdivision of that  
6                   parcel. In the event of subdivision  
7                   of the parcel, the use variance to us  
8                   the building for R2use shall  
9                   terminate. The R2 use of the  
10                  building shall be consistent with the  
11                  plans dated --        date to be  
12                  entered. That were filed with the  
13                  Village of Greenport Building  
14                  Department. Any change of the  
15                  subject building must first be  
16                  approved by the Zoning Board of  
17                  Appeals. No. 5, the use of the  
18                  subject building must otherwise be in  
19                  accordance with the Village of  
20                  Greenport Zoning Code and both the  
21                  New York State. And No. 6, and last,  
22                  the rental of the apartments in the  
23                  subject building shall be for periods  
24                  not less than 30 days and in  
25                  violation of this provision, shall

1 terminate the use variance. With  
2 those stipulations in mind, I would  
3 make that motion. Do I have a  
4 second?

5 MEMBER SALADINO: Second.

6 CHAIRMAN MOORE: All in  
7 favor? And I will do a roll call?  
8 Mr. Corwin?

9 MEMBER CORWIN: No.

10 CHAIRMAN MOORE: Ms. Gordon?

11 MEMBER GORDON: Yes.

12 CHAIRMAN MOORE: Ms. Neff?

13 MEMBER NEFF: Yes.

14 CHAIRMAN MOORE: Mr.

15 Saladino?

16 MEMBER SALADINO: No.

17 CHAIRMAN MOORE: He  
18 indicates no. And I vote, yes. It's  
19 a 3-2 split vote. The motion carries  
20 and the variance is granted. Thank  
21 you all. After a long period, we  
22 wish you well. I will as soon as  
23 possible send an abbreviated  
24 provision to the Village Clerk that  
25 constitutes our voting and what the

1 voting was and what our resolution  
2 was. Then subsequently we will have  
3 a findings and determination document  
4 executed.

5 Item No. 2 is a motion to  
6 accept an application for an area  
7 variance, schedule a site visit and  
8 public hearing for Robert Moore, 139  
9 Fifth Street; SCTM #1001-7-4-09. The  
10 property is located in the R2  
11 District. The applicant seeks a  
12 building permit for a deck and fence  
13 which have already been constructed.

14 Section 150-13B(2) of the  
15 Village of Greenport Code requires  
16 that on a corner lot, front yards are  
17 required on both street frontages.  
18 One yard other than the front yard  
19 shall be deemed to be a rear yard and  
20 the other or others to be side yards.  
21 The existing 6' high fence is located  
22 within the required front yard  
23 setback along the south and west  
24 property lines. The deck is 9.5 feet  
25 from the south property line

1 requiring a 20.5 foot front yard area  
2 variance.

3 Section 150-12A of the  
4 Village of Greenport code requires  
5 that one-family homes in the R2  
6 District have a maximum permitted lot  
7 coverage of 30%. The 330 square foot  
8 deck increases the total building lot  
9 coverage to 35.20% requiring a lot  
10 coverage variance of 5.20%, 336  
11 square feet. The existing lot  
12 coverage is 30.25%, which includes  
13 the existing house and garage. We  
14 won't be discussing this obviously  
15 tonight. I can only indicate that  
16 this has come up not spontaneously  
17 but for some reason other than  
18 citation and Mr. Uellendahl can  
19 perhaps indicate why a variance  
20 appeal has been filed. Otherwise  
21 this would not be before the Board.  
22 Can you indicate why this is coming  
23 up for an area variance appeal?

24 MR. UELLEND AHL: Well, the  
25 owners built the deck without a

1 permit and they replaced the fence.  
2 I did some research and there was a  
3 picture of the west side and it  
4 actually shows aerial photos of  
5 Greenport and this particular site  
6 where the fence has always been in  
7 existence. It was curved along those  
8 lines. And in the last ten years it  
9 appears to have been reconstructed  
10 because it was in disrepair. So  
11 there are three variances that we  
12 will have to ask for. It's for the  
13 coverage. Already the house and the  
14 garage, which predates zoning. The  
15 house was actually moved to that lot.  
16 And the garage was used, I believe  
17 from what I heard, when there was a  
18 factory there. This has to do with  
19 the coastal issues. So here I am. I  
20 am trying to help the owners  
21 coverage. It's more than the  
22 percentage.

23 CHAIRMAN MOORE: I just was  
24 curious because I know that things  
25 get slow in the winter and I was

1 wondering if you were trying to keep  
2 us busy in the winter months. It's a  
3 noble thing to ask for a variance  
4 when no is calling you. I think that  
5 is good and we have enough  
6 information.

7 MR. UELLEND AHL: Good.

8 MEMBER CORWIN: The more  
9 important question, is this in  
10 preparation of a sale of the house?

11 MR. UELLEND AHL: Well, I  
12 think the Moore family -- they are  
13 not in a rush. This is something  
14 that you can ask them for the public  
15 viewing. I don't know. It's very  
16 likely that the house would be sold.

17 MEMBER GORDON: Do you know  
18 if the previous fence was also six  
19 feet?

20 MR. UELLEND AHL: Yes, it  
21 was.

22 MEMBER GORDON: And this is  
23 a question for Mr. Prokop. Does the  
24 reconstruction of the fence flight --  
25 would predate the zoning and

1           therefore -- I think if the fence  
2           were built absolutely new it would  
3           not be in compliance. It is -- it's  
4           a statutory front yard. It goes  
5           around the corner. A gentle corner  
6           but it does go around the corner. I  
7           would assume that if it was a new  
8           fence it would not be in compliance.  
9           I was wondering if it sort of gets  
10          grandfathered in for a replacement of  
11          an old fence?

12                         MR. PROKOP: I don't know  
13           what the other fence was. I don't  
14           know what is interpreted as  
15           reconstruction of a fence. I am not  
16           sure. What happened with the fence?

17                         MR. UELLEND AHL: The  
18           existing fence was replaced because  
19           the old one was falling down.

20                         MR. PROKOP: I think the  
21           reconstruction of the fence with a  
22           new one probably takes down the  
23           grandfathering. Also the other thing  
24           is, corners that usually associated  
25           -- the setbacks from corners are

1 usually associated with safety  
2 factors. And when there is a safety  
3 factor involved there is no  
4 grandfathering. From what I  
5 understand.

6 CHAIRMAN MOORE: We can  
7 actually deal with this when we have  
8 the public hearing and testimony.  
9 Fences do generally require building  
10 permits. It will be an interesting  
11 case to discuss. Perhaps some  
12 historical information about when the  
13 first fence was built would be  
14 helpful.

15 MR. UELLEND AHL: Yes. I  
16 asked the owners to supply the Board  
17 with old photos. So I will make that  
18 available.

19 MR. PROKOP: When you asked  
20 before if there was a sale pending.  
21 Is this a house that is going to be  
22 changed from R1 to R2?

23 MR. UELLEND AHL: No.

24 CHAIRMAN MOORE: And it's  
25 not in the Historic District?

1 MR. UELLENDahl: No, it is  
2 not.

3 CHAIRMAN MOORE: I would  
4 entertain a motion to accept the  
5 application as submitted?

6 MEMBER CORWIN: Well, I have  
7 a question prior to that.

8 CHAIRMAN MOORE: Okay.

9 MEMBER CORWIN: Submitted  
10 with the application a short  
11 environmental assessment form. And  
12 if nothing else on that form, one or  
13 two questions about it.

14 MEMBER NEFF: Are we on a  
15 certain page?

16 MEMBER CORWIN: The  
17 questions on the short form. The  
18 pages is not numbered. I'm sorry,  
19 Page 2 of 4.

20 CHAIRMAN MOORE: And you are  
21 referencing Page 2?

22 MEMBER CORWIN: Yes. It  
23 says is the site proposed action in  
24 or does it adjoin a state listed  
25 critical environmental error -- area.

1 It is answered "yes" and I believe  
2 the answer should be "no," there.

3 CHAIRMAN MOORE: Okay.

4 MEMBER CORWIN: And then if  
5 you go down to 9 and 10, it really  
6 doesn't apply but it doesn't matter.  
7 Then if you go down to 16. Is the  
8 project site located in the 100 year  
9 flood plain? It says, no, but it is  
10 in fact it is located in Zone AE --  
11 Zone X which would be the 100 year  
12 flood plain. So there is some errors  
13 in the short environmental assessment  
14 form. I would ask the attorney if  
15 these should be corrected or does the  
16 short environmental assessment count  
17 or not?

18 MR. PROKOP: It does count  
19 and needs to be corrected and -- I  
20 would have it corrected -- make sure  
21 that it's filed 7 days before the  
22 hearing date.

23 CHAIRMAN MOORE:  
24 Mr. Uellendahl, you filled this out?

25 MR. UELLEND AHL: Yes, I did

1 to the best of my knowledge. What  
2 Mr. Corwin just said, I cannot follow  
3 and I did my research. I have this  
4 here.

5 CHAIRMAN MOORE: Would you  
6 review the short form.

7 MEMBER CORWIN: I went over  
8 it very carefully on the FEMA maps.

9 MR. UELLEND AHL: Is this the  
10 2009?

11 MEMBER CORWIN: It's the  
12 most recent.

13 MR. UELLEND AHL: This is the  
14 most recent. You tell me how to  
15 proceed with something like this?

16 CHAIRMAN MOORE: Would you  
17 just review the form and just as the  
18 attorney stated, just make sure it's  
19 revised to your satisfaction seven  
20 days before the next meeting?

21 MR. UELLEND AHL: I will.

22 CHAIRMAN MOORE: If there is  
23 no other discussions from the Board,  
24 I would entertain a motion for this  
25 consideration --

1 MEMBER NEFF: So moved.

2 CHAIRMAN MOORE: Second?

3 MEMBER SALADINO: Second.

4 CHAIRMAN MOORE: All in

5 favor?

6 MEMBER CORWIN: Aye.

7 MEMBER SALADINO: Aye.

8 MEMBER GORDON: Aye.

9 MEMBER NEFF: Aye.

10 CHAIRMAN MOORE: Aye.

11 And while we are at it, the

12 next meeting would be January 20th

13 and 4:30 at the site.

14 Item No. 3 is motion to

15 accept the ZBA minutes from November

16 18, 2015. So moved.

17 MEMBER GORDON: Second.

18 CHAIRMAN MOORE: All in

19 favor?

20 MEMBER CORWIN: Aye.

21 MEMBER SALADINO: Aye.

22 MEMBER GORDON: Aye.

23 MEMBER NEFF: Aye.

24 CHAIRMAN MOORE: Aye.

25 And a motion to approve the

1 ZBA minutes from October 21, 2015.

2 So moved. Second please?

3 MEMBER GORDON: Second.

4 CHAIRMAN MOORE: All in  
5 favor?

6 MEMBER SALADINO: Aye.

7 MEMBER GORDON: Aye.

8 MEMBER NEFF: Aye.

9 CHAIRMAN MOORE: Aye.

10 Opposed?

11 MEMBER CORWIN: I abstain.

12 CHAIRMAN MOORE: Okay.

13 Mr. Corwin is against.

14 The motion would be to  
15 schedule the next ZBA meeting for  
16 January 20, 2016. That is agreeable  
17 to everybody? And I have one  
18 additional comment to make. As last  
19 year, I was away a number of months  
20 from January and I will be doing that  
21 again next year as it turns out. In  
22 my absence, the Board will have to  
23 appoint an acting chairman for each  
24 meeting. I would suggest the Board  
25 members consider rotating and

1 managing the meetings for possible  
2 future times. If not, personally you  
3 feel you don't want to do that, we  
4 will ask someone else to take the  
5 helm. Also over the next couple  
6 of months, there may be some large  
7 scale and some contentious questions  
8 that come before the Zoning Board of  
9 Appeals for variances. So I am  
10 hoping that if we can make the  
11 necessary arrangements, I might be  
12 able to participate electronically.  
13 This is allowed by Village law and  
14 we are working out the technical  
15 details. So anyone present at the  
16 meeting would have to assume the role  
17 of chair and I would participate as  
18 just a member. And I would be able  
19 to vote providing that I have all  
20 materials.

21 MEMBER GORDON: Could you  
22 chair?

23 CHAIRMAN MOORE: I would not  
24 chair remotely. We are hoping to  
25 work out something like Skype.

1                   MEMBER NEFF: I am a member  
2 of a Board that does allow via Skype.  
3 It's a phone line.

4                   CHAIRMAN MOORE: Do you have  
5 a video link?

6                   MEMBER NEFF: No.

7                   CHAIRMAN MOORE: We are  
8 hoping for a video link. The only  
9 thing is when the meeting is noticed,  
10 the other site be noticed and be  
11 available for participation of the  
12 public.

13                   MEMBER GORDON: I am not  
14 going to be here for the second  
15 meeting. I will be here for  
16 everything else.

17                   CHAIRMAN MOORE: There will  
18 be at least three here. So starting  
19 in January, I will be absence for a  
20 couple of months. I have always  
21 mentioned that any critical decisions  
22 of the Board, I think that always  
23 three members is not sufficient to  
24 give a proper vote because that gives  
25 a member a veto and garner enough

1 support for a passage of a variance.

2 MEMBER CORWIN: I object. I  
3 want a chairman to appoint tonight  
4 for the full period while you're  
5 gone. And I object to video Skype or  
6 whatever you call it. I think people  
7 have to be here in this room to vote.

8 CHAIRMAN MOORE: Well, I  
9 will register your objection. You  
10 can take it up with the Mayor. I  
11 have already discussed it with him  
12 and he has approved that absence.

13 MEMBER CORWIN: How doe the  
14 Mayor get to approve that? This is  
15 the ZBA.

16 CHAIRMAN MOORE: We can  
17 decide amongst ourselves.

18 MEMBER SALADINO: Can I just  
19 ask the reasoning?

20 MEMBER CORWIN: I don't care  
21 for that. To make decisions for the  
22 Village of Greenport while in  
23 Florida. I don't go for that. No.

24 CHAIRMAN MOORE: Your  
25 objection is noted.

1                   MEMBER CORWIN: If you are  
2 not living in Greenport full-time I  
3 don't see how you can be apart of the  
4 ZBA and make decisions.

5                   CHAIRMAN MOORE: Your  
6 objection is noted. So anyway, we  
7 have scheduled the next meeting for  
8 January 20th. And I will make a  
9 motion to adjourn. Can I have a  
10 second?

11                  MEMBER NEFF: Perhaps before  
12 we motion to adjourn, we appoint a  
13 chairperson for the January meeting  
14 before we close the meeting.

15                  MEMBER GORDON: Are you  
16 volunteering?

17                  MEMBER NEFF: No, I am not.

18                  MEMBER CORWIN: Somebody has  
19 to be responsible for the agenda --

20                  CHAIRMAN MOORE: That's a  
21 good point. So I would agree with  
22 that.

23                  MEMBER GORDON: I nominate  
24 Ellen Neff.

25                  CHAIRMAN MOORE: I will ask

1 for a second on that nomination?

2 MEMBER SALADINO: I will  
3 second it. Sure.

4 CHAIRMAN MOORE: All in  
5 favor for Ellen to serve as acting  
6 Chair for the January meeting.

7 All in favor?

8 MEMBER SALADINO: Aye.

9 MEMBER NEFF: Aye.

10 MEMBER GORDON: Aye.

11 MEMBER CORWIN: Nay.

12 CHAIRMAN MOORE: Abstain.

13 MR. PROKOP: I just wanted  
14 to mention this to the Board. Of  
15 course you are allowed to have a site  
16 visit, but what I encourage the Board  
17 to do is not to have any  
18 deliberations and not have any  
19 discussions at all. Limited -- very  
20 limited discussions with the  
21 applicant or anybody else. In fact  
22 no discussions if at all possible.  
23 It's really for you to conceptually  
24 visualize the site.

25 CHAIRMAN MOORE: Yes.

1                   MEMBER CORWIN: We also note  
2                   by 4:30 in January, it starts to get  
3                   dark.

4                   MEMBER NEFF: Actually it  
5                   will be lighter on that day than it  
6                   is today. We will turn the corner in  
7                   a few days.

8                   MEMBER SALADINO: 4:00 is  
9                   good.

10                  CHAIRMAN MOORE: Okay. Is  
11                  that better for the Board?

12                  MEMBER NEFF: That's fine.  
13                  I just ask that it be clearly marked.  
14                  Because it can be covered by snow.

15                  CHAIRMAN MOORE: Yes.

16                  Motion to adjourn.

17                  MEMBER GORDON: Second.

18                  CHAIRMAN MOORE: All in  
19                  favor?

20                  MEMBER CORWIN: Aye.

21                  MEMBER SALADINO: Aye.

22

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1 MEMBER GORDON: Aye.

2 MEMBER NEFF: Aye.

3 CHAIRMAN MOORE: Aye.

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5 (Whereupon, the meeting

6 concluded.)

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

I, Jessica DiLallo, a Notary  
Public for and within the State of  
New York, do hereby certify:

THAT, the witness(es) whose  
testimony is herein before set forth,  
was duly sworn by me, and,

THAT, the within transcript is a  
true record of the testimony given by  
said witness(es).

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

IN WITNESS WHEREOF, I have  
hereunto set my hand this day,  
December 29, 2015.

  
(Jessica DiLallo)

\* \* \*