

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 December 20, 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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INDEX

ITEM	DESCRIPTION	PAGE
1	ACCEPT MINUTES 11/15/16	3
2	APPROVE MINUTES 10/18/16	3-4
3	NEXT MEETING 1/17/17	4
4	ACCEPT FINDINGS & DETERMINATIONS	4-14
5	ACCEPT APPLICATION 429 SIXTH STREET	21-76
6	DISCUSSION OF REQUEST FOR AN INTERPRETATION OF SECTION 150-18	14-21
7	MOTION TO ADJOURN	86

1 CHAIRMAN SALADINO: Okay. Folks,
2 this is the December 20th meeting of
3 the Zoning Board of Appeals. Call the
4 roll for the stenographer since we
5 don't have name plates. Here tonight
6 is Mr. Corwin, Ms. Gordon, Ms. Neff,
7 Mr. Tasker, and myself, John Saladino.

8 Item number 1, motion to accept
9 the Zoning Board of Appeals minutes for
10 the meeting held on November 15, 2016.

11 MR. TASKER: So moved.

12 CHAIRMAN SALADINO: Is there a
13 second?

14 MS. GORDON: Second.

15 CHAIRMAN SALADINO: All in favor?

16 MR. CORWIN: Aye.

17 MS. GORDON: Aye.

18 MS. NEFF: Aye.

19 MR. TASKER: Aye.

20 CHAIRMAN SALADINO: Item number 2,
21 motion to approve the Zoning Board of
22 Appeals minutes for the meeting held on
23 October 18, 2016. So moved.

24 MS. NEFF: Second.

25 CHAIRMAN SALADINO: All in favor?

1 MS. GORDON: Aye.

2 MS. NEFF: Aye.

3 MR. TASKER: I abstain.

4 MR. CORWIN: I abstain.

5 CHAIRMAN SALADINO: Motion to
6 schedule the next -- we have a
7 calendar, folks, but just because it's
8 here, I'll say it. Motion to schedule
9 the next Zoning Board of Appeals
10 meeting for January 17, 2017. So
11 moved.

12 MS. GORDON: Second.

13 CHAIRMAN SALADINO: All in favor?

14 MR. CORWIN: Aye.

15 MS. GORDON: Aye.

16 MR. TASKER: Aye.

17 MS. NEFF: Aye.

18 CHAIRMAN SALADINO: Motion to
19 accept the findings and determinations
20 for the variances for -- I'll read them
21 individually. I'm going to make a
22 motion to accept the findings and
23 determinations for the application of
24 Sara Latham, applicant for variance
25 approved 517 Main Street, Suffolk

1 County Tax Map Number 1001-2-1-25. So
2 moved.

3 MS. GORDON: Second.

4 CHAIRMAN SALADINO: All in favor?

5 MS. NEFF: Aye.

6 MS. GORDON: Aye.

7 MR. TASKER: Aye.

8 CHAIRMAN SALADINO: Opposed?

9 MR. CORWIN: Nay.

10 CHAIRMAN SALADINO: I'll vote yes.

11 The second determination is an
12 application for James Gleason for a
13 variance approval, 144 Central Avenue,
14 Suffolk County Tax Map 1001-5-1-16.1.
15 So moved.

16 MR. TASKER: Second.

17 MR. CORWIN: Before we vote, on
18 the second page under findings, second
19 sentence, there was a two family
20 structure that is being converted to a
21 one family structure by the applicant.
22 Somebody refresh my memory, I don't
23 remember saying that that was a two
24 family structure.

25 CHAIRMAN SALADINO: Wasn't Gleason

1 for a pool?

2 MS. NEFF: Well, the whole house
3 was being redone, and that was the one
4 part that we were dealing with,
5 correct?

6 MS. WINGATE: It's been a while,
7 but I believe the existing CO when he
8 bought the house was two family, in
9 fact, I'm positive, now I recall.

10 CHAIRMAN SALADINO: And it's being
11 converted to a one family?

12 MS. WINGATE: Uh-huh.

13 CHAIRMAN SALADINO: So this is
14 correct?

15 MS. WINGATE: Yes.

16 MR. CORWIN: Thank you.

17 CHAIRMAN SALADINO: Was this
18 seconded?

19 MR. CORWIN: Yes.

20 CHAIRMAN SALADINO: All in favor?

21 MS. GORDON: Aye.

22 MR. CORWIN: Aye.

23 MS. NEFF: Aye.

24 MR. TASKER: I abstain.

25 CHAIRMAN SALADINO: And one

1 abstention. The last one we have is
2 the findings and determinations of an
3 application of SAKD Holdings LLC.

4 MS. GORDON: What about Foote?

5 CHAIRMAN SALADINO: Foote we did
6 last month, we did Foote last time.

7 MS. WINGATE: Foote was my
8 mistake.

9 CHAIRMAN SALADINO: Application
10 for SAKD Holding LLC by Daniel
11 Pennessi, president, southeast corner
12 of Front and Third Street, Village of
13 Greenport, Suffolk County Tax Map
14 Number 1001-5-4-5. Just before -- I'm
15 going to make that motion, but before I
16 ask for a second, this is a fifteen
17 page document. We got it tonight. I
18 understand Mr. Pennessi is anxious for
19 this. I haven't read the whole
20 document. I read a draft, and that was
21 corrected, and then I read another
22 e-mail that the applicant had
23 suggestions for a change, and that was
24 from this morning. So I'm -- myself,
25 I'm going to -- I plan on abstaining.

1 So I'm going to ask for a second.

2 MS. NEFF: Could I ask a question?

3 CHAIRMAN SALADINO: Sure.

4 MS. NEFF: I've been reviewing
5 this about since 1:00 this afternoon.
6 I don't know if there were changes
7 before that, I don't know whether I'm
8 looking at the one we should be looking
9 at or not? I think I did review that
10 Mr. Pennessi had made some changes, so
11 is the one I have in front of me the
12 current one, which I have had time to
13 review.

14 MS. GORDON: Yes, I would like to
15 know that too.

16 MR. PROKOP: What does it say at
17 the top?

18 MS. NEFF: December 20th.

19 MR. PROKOP: That's the most
20 recent version.

21 MS. GORDON: That's what I read
22 also early afternoon today.

23 CHAIRMAN SALADINO: Okay.

24 MR. TASKER: An hour ago.

25 MS. GORDON: You said it.

1 MS. NEFF: I'm talking about 1:00
2 today.

3 CHAIRMAN SALADINO: All I'm saying
4 is I haven't thoroughly reviewed this.
5 My intention is to abstain. The other
6 members' opinions will be expressed in
7 their vote.

8 MS. NEFF: But I am looking at the
9 current one?

10 CHAIRMAN SALADINO: Yes.

11 MR. TASKER: Mr. Chairman, I will
12 let you know that I will abstain as
13 well, having only seen this for the
14 first time about an hour ago in any
15 draft form.

16 CHAIRMAN SALADINO: I'm going to
17 make the motion to accept this. Is
18 there a second?

19 MS. NEFF: Second.

20 CHAIRMAN SALADINO: And maybe
21 we'll do a roll call. Mr. Corwin?

22 MR. CORWIN: No.

23 CHAIRMAN SALADINO: Are you
24 abstaining, or you vote no?

25 MR. CORWIN: I'm voting no.

1 CHAIRMAN SALADINO: Ms. Gordon?

2 MS. GORDON: Yes.

3 CHAIRMAN SALADINO: I abstain.

4 MS. NEFF: I'm up? Yes.

5 CHAIRMAN SALADINO: Mr. Tasker?

6 MR. TASKER: I abstain.

7 CHAIRMAN SALADINO: All right.

8 We're going to put this on the side
9 until everybody has a chance to review
10 it. There's two abstentions, one no,
11 and two yeses. We're going to put this
12 on the side until everybody has a
13 chance to thoroughly review it, and I
14 guess the procedure is we'll vote on it
15 again next month.

16 MS. NEFF: Mr. Chairman?

17 CHAIRMAN SALADINO: Yes.

18 MS. NEFF: Is there any other
19 items besides what's on the calendar
20 that I'm looking at or the agenda?

21 CHAIRMAN SALADINO: As far as
22 what?

23 MS. NEFF: Is there an opportunity
24 that we could recess and review it for
25 twenty minutes now?

1 CHAIRMAN SALADINO: I'm
2 uncomfortable doing that.

3 MS. NEFF: Would additional time
4 change anything?

5 CHAIRMAN SALADINO: I don't see
6 the hardship. I don't see what --
7 Mr. Pennessi got his variance, we held
8 a special meeting to accommodate him.
9 The findings and determinations -- we
10 just voted -- Ellen, with all due
11 respect, we just voted on the findings
12 and determinations from June. I mean,
13 I don't see why --

14 MS. GORDON: Why is it that we
15 didn't get it with more advance time?

16 CHAIRMAN SALADINO: I don't know.

17 MR. PROKOP: Because we don't have
18 a Clerk of the Boards, and I printed
19 out the minutes of our proceedings
20 since we got this application, not
21 including anything else, just
22 specifically this application. I have
23 here probably about eight hundred
24 pages, and then also the documents that
25 have to do with this application that

1 was submitted, and what was required to
2 do, this resolution, was to review all
3 these documents. I also did not have a
4 vote from -- there's been no e-mail
5 communication with the Village for two
6 weeks, so it's extremely difficult to
7 work on this, but with Eileen Wingate's
8 help, I was able to pull everything
9 together to get it for tonight, but
10 that's basically it.

11 CHAIRMAN SALADINO: I don't think
12 anybody is casting any stones, Joe, I
13 think we're just, you know, expressing
14 our opinion, what we're comfortable
15 with.

16 MR. PROKOP: I appreciate that.

17 CHAIRMAN SALADINO: I don't think
18 Mr. Pennessi is suffering any kind of
19 hardship by doing it next month. He
20 got his variances, he can go to the
21 Planning Board. I mean, I'm not sure
22 what the hardship is.

23 MS. GORDON: So it is
24 insignificant in terms of his ability
25 to proceed that he hasn't received

1 approval from us for the findings and
2 conclusions?

3 CHAIRMAN SALADINO: I think it's
4 fairly simple for him to proceed.

5 MR. PROKOP: He's still going to
6 be on the Planning Board agenda. They
7 have his application, they'll be
8 proceeding.

9 MS. NEFF: Whether or not this is
10 finished tonight?

11 MR. PROKOP: Yes.

12 MS. NEFF: What's the date of
13 that?

14 MS. WINGATE: The 29th.

15 MS. GORDON: Okay. I thought he
16 would be held up.

17 MR. PROKOP: No.

18 MS. GORDON: If that's not the
19 case, then I'm not worried about it.

20 CHAIRMAN SALADINO: In all
21 honesty, I was never quite sure why --
22 I don't know the applicant's situation,
23 whether it's a business concern, or a
24 logistics concern, or I just never
25 understood what the applicant's

1 personal concerns with having this here
2 tonight. We voted on his variances in
3 a special meeting, he apparently got
4 what he needed to go forward. This
5 doesn't hinder him in any way. The
6 attorney explained that the e-mail was
7 down for two weeks. I mean, I think
8 it's unreasonable for somebody to get a
9 fifteen page document at the beginning
10 of a meeting. I'm not prepared to
11 recess this meeting to read this
12 document. We'll just do it next month.
13 Does anybody else have a concern about
14 that? No? Moving forward. Did we do
15 them all?

16 MS. WINGATE: Yes.

17 CHAIRMAN SALADINO: All right.
18 I'm going to take this out of turn just
19 because we'll keep it -- because there
20 might be a few minutes worth of
21 discussion, item number 5, we're going
22 to do item number 6. It's a discussion
23 of a request for an interpretation of
24 Section 150-18 of the Village Code as
25 it relates to zoning districts.

1 150-18, as the Board knows, and for the
2 benefit of the public is a stand alone
3 article for multifamily housing.

4 There's a new request from the Building
5 Department to clarify exactly where
6 multifamily housing -- what zoning
7 districts multifamily housing is --

8 MS. WINGATE: It's a request to
9 get more information on where Section
10 150-18, which zones it is relevant to.

11 CHAIRMAN SALADINO: Okay. It's
12 not a request for information, it's a
13 request for interpretation, so we're
14 going interpret the code to say exactly
15 where, which zoning districts 150-18 --
16 and just to explain, we're going to
17 schedule a public hearing, and we're
18 going to notice that public hearing, so
19 all the information will be there,
20 which is basically what I just told you
21 now, which zoning districts will have
22 to comply with 150-18. So I'm going to
23 make that motion. Is there a
24 discussion about this?

25 MR. TASKER: Yeah. Is this a

1 written request, do we have this in
2 written form?

3 MS. WINGATE: No, I have not -- I
4 get to write the legal notice, so that
5 will be it.

6 MR. PROKOP: That's my comment. I
7 think the request has to be in writing.
8 Excuse me, should be in writing.

9 MR. TASKER: What kind of action
10 are we being asked to take this
11 evening, John?

12 CHAIRMAN SALADINO: This evening
13 all we're being asked to do tonight --
14 this interpretation rises to the level
15 of a public hearing. All we're doing
16 tonight is scheduling a public hearing
17 and noticing that public hearing, not
18 making any comments on the
19 interpretation.

20 MR. TASKER: Without seeing a
21 request specifically in writing, I'm
22 going to have to abstain from this.

23 CHAIRMAN SALADINO: Okay, Arthur,
24 that's certainly your privilege. From
25 reading the code, I didn't read -- all

1 it says to me is that -- and I have the
2 book here, it says that upon request
3 from the Village official, and it names
4 seven or eight, ten different
5 officials, it doesn't say it has to be
6 in writing, I'm willing to accept the
7 request from the Building Department.
8 It was made also by the Village
9 Administrator through the code
10 enforcement officer, so I'm content
11 with that. And I'm sure if we need
12 that, we can have it incorporated into
13 the public notice and have it in front
14 of us before the public hearing. But
15 again, you know, your opinion can be
16 expressed with your vote.

17 MS. NEFF: Mr. Chairman, I would
18 also request that for us and certainly
19 for the public at an open hearing, if
20 we choose to schedule it, that there be
21 a zoning map, a small copy and a larger
22 one displayed along with the complete
23 text of this article. Without that,
24 it's hard for people to know what it is
25 we're talking about.

1 CHAIRMAN SALADINO: A zoning map?

2 MS. NEFF: Yes. There are two
3 family houses mixed in, and they're not
4 all in zones. And multifamily. So I
5 think it's helpful to have that.

6 CHAIRMAN SALADINO: We're not --

7 MS. NEFF: I'm saying for such a
8 meeting, if we choose to schedule it.

9 MS. GORDON: Do you mean something
10 more detailed than the map that's on
11 the website?

12 MS. NEFF: Well, I'm talking about
13 a copy at present for people to look at
14 at such a hearing.

15 MS. WINGATE: Very easy.

16 MS. NEFF: Okay. That's all.

17 CHAIRMAN SALADINO: Anyone else?

18 MR. PROKOP: I'm just concerned --
19 I'm not speaking in terms of whether
20 you accept this or not, but just in
21 terms of the record, in the Village
22 there has to be a record of everything
23 we do, and so I think there has to be
24 some kind of written request, and the
25 written request should also frame

1 exactly what we're looking into. I'm
2 just concerned, the fact that it's not
3 written right now, I mean, things kind
4 of take a life of their own, I'm just
5 concerned that it will, you know, Ms.
6 Wingate I'm sure has in her mind
7 exactly what the question is, and I
8 don't want it to morph into something
9 else between now and when it gets to
10 the table.

11 CHAIRMAN SALADINO: Well, you have
12 to approve the public notice, it has to
13 come to the Chairman.

14 MR. PROKOP: Yes.

15 CHAIRMAN SALADINO: We take verbal
16 requests from the Building Inspector
17 all the time.

18 MR. PROKOP: I'm not saying we
19 shouldn't, but I just think that at
20 some point we should --

21 CHAIRMAN SALADINO: I believe I
22 said that. I believe that we'll have
23 that to be included in the public
24 notice, and I thought we were assured
25 by the Building Inspector we would have

1 it in front of us before the public
2 hearing.

3 MS. WINGATE: I can have it done
4 by Monday.

5 CHAIRMAN SALADINO: Before the
6 public hearing. I'm fine. If the
7 members are fine with that, we'll make
8 a motion and vote on this. Anybody
9 else?

10 MR. CORWIN: I would like to see
11 it in writing myself.

12 CHAIRMAN SALADINO: All right.
13 Then we'll vote and obviously there's
14 three people uncomfortable, we'll table
15 it until next month.

16 I'm going to make a motion to
17 schedule a public hearing and notice
18 for an interpretation of where 150-18
19 relates to zoning districts in the
20 Village Code. So moved. Is there a
21 second?

22 MS. NEFF: Second.

23 CHAIRMAN SALADINO: I'll do a roll
24 call vote. All in favor, David?

25 MR. CORWIN: No, not until we have

1 something in writing.

2 CHAIRMAN SALADINO: Dinni?

3 MS. GORDON: No.

4 CHAIRMAN SALADINO: Ellen?

5 MS. NEFF: Yes.

6 CHAIRMAN SALADINO: Arthur?

7 MR. TASKER: No.

8 CHAIRMAN SALADINO: I'll vote yes.

9 Okay. That's going to be tabled, we'll
10 bring it up again next month.

11 MS. GORDON: We've officially
12 requested the request in writing.

13 CHAIRMAN SALADINO: I don't
14 believe I did that. We can make that
15 motion. I don't believe we have to
16 make that motion. I don't need a
17 motion. We'll get the request in
18 writing from the Building Inspector,
19 and we'll vote on that.

20 MR. TASKER: We'll have it to
21 review in advance of the next meeting?

22 MS. WINGATE: Yeah.

23 CHAIRMAN SALADINO: Before we take
24 up item number 5, there's been some
25 discussion between myself and the

1 Building Inspector, and I'm going to
2 explain it to the Board and get an
3 opinion before we do anything. There's
4 been some conversation between the
5 Building Inspector, the Village
6 Administrator, and myself, and the
7 attorney I believe about the procedure
8 of accepting a subdivision. As it
9 works now, the Planning Board gets an
10 application for a subdivision, and if
11 there's any mention of zoning, it's out
12 of hand, and I got to be careful of the
13 words that I use here because if we say
14 denied it doesn't come here, it goes
15 for judicial review, it's either tabled
16 or rejected. Then it comes to zoning,
17 and zoning is asked to rule on
18 variances that are incorporated into
19 the subdivision application. What
20 happens is is that zoning is asked to
21 make determinations and decisions about
22 variances on lots that in effect don't
23 exist. Lot lines are hypothetical, so
24 the process is it goes to planning,
25 it's rejected out of hand, it comes to

1 the zoning, zoning rules on variances
2 for lots that don't actually exist. If
3 it's -- if those variances are
4 approved, it goes back to zoning --

5 MS. WINGATE: Back to Planning.

6 CHAIRMAN SALADINO: Back to
7 Planning, and I mention that because
8 for site plan review and to rule on the
9 subdivision, we're adding a step to the
10 process, so it was suggested -- it's
11 been discussed that that's the way it
12 -- and we'll remind the public and the
13 Board that our subdivision plan is only
14 in effect for three years?

15 MS. WINGATE: Two.

16 CHAIRMAN SALADINO: Two years. So
17 we've only had a limited number of
18 subdivision requests come before us.
19 My contention is is that there's
20 nothing that prevents Planning from
21 accepting the application and
22 conditionally and with a primary plat
23 conditionally approve the subdivision
24 plan.

25 MS. NEFF: Could you repeat what

1 you just said, just that last little
2 part? I didn't understand.

3 CHAIRMAN SALADINO: There's
4 nothing that prevents Chapter --

5 MS. WINGATE: 118.

6 CHAIRMAN SALADINO: 728 of New
7 York State Village Law, there's nothing
8 in that or in our code that prevents
9 the Planning Board from accepting the
10 application, reviewing the application,
11 approving or denying the application
12 conditionally. If they deny the
13 application, it goes for judicial
14 review, it goes for the administrative
15 law judge to make a decision. If they
16 accept the application and
17 conditionally approve, which they have
18 the right to do, the subdivision, it
19 would then come to the Zoning Board
20 before final plat approval. It would
21 then come to the Zoning Board with
22 defined lot lines, defined lots for the
23 Zoning Board to be able to consider
24 variances without having to worry in
25 the future or concern itself in the

1 future if anything changes. If the
2 Zoning Board approves those variances,
3 the Planning Board had already
4 conditionally approved it, it can go
5 for final plat approval, it would
6 eliminate one step in the process. It
7 would eliminate four or five months for
8 an applicant in the process. I have a
9 few definitions I'm going to read, then
10 I'm going to open it up to the Board
11 for a little bit of discussion, and
12 then I'm going to make a motion on
13 whether to accept this or not. This is
14 according to New York State
15 Consolidated -- well, Village,
16 Dedicated Village Law, subdivision
17 review, and in it is primary plat
18 approval means the approval of a layout
19 of a proposed subdivision set forth in
20 a primary plat, but subject to the
21 approval of the plat in its final form
22 in accordance with the provisions of
23 this section. It makes provision for a
24 conditional approval, and it says
25 conditional approval of a final plat

1 means approval by a Planning Board of a
2 final plat subject to the conditions
3 set forth by a Planning Board in a
4 resolution conditionally approving such
5 plat. And then it gives a definition
6 of a final plat where it says final
7 plat approval means the signing of a
8 plat in final form by a duly authorized
9 officer after conditions specified in a
10 resolution granting conditional
11 approval of the plat are completed.

12 MS. NEFF: Mr. Chairman, do we
13 have copies of what you just read or
14 no?

15 CHAIRMAN SALADINO: I could
16 certainly give you the section of the
17 code where it applies.

18 MS. NEFF: I'm just talking about
19 where you read, we don't have copies of
20 that?

21 CHAIRMAN SALADINO: No.

22 MS. NEFF: Okay.

23 CHAIRMAN SALADINO: So just to
24 summarize, it's been suggested that
25 before a decision is made -- it's been

1 suggested before a decision is made and
2 before we put another application in
3 the queue -- right now we have two
4 applications in the queue. By
5 experience, we all know, the higher the
6 pile gets, the less likely things are
7 to get addressed. So the Village
8 Administrator suggested meeting with
9 the attorney, Building Inspector, and
10 two board chairmen and himself --

11 MS. WINGATE: Yes.

12 CHAIRMAN SALADINO: -- to see what
13 exactly would be the right process to
14 go forward. So our options tonight are
15 first to discuss this, and then in
16 terms of that discussion, either to
17 accept or table this until the Village
18 Administrator, the Village Attorney,
19 and the Building Department have a
20 chance to discuss what the correct
21 procedure.

22 MR. PROKOP: When you say accept
23 this, do you mean -- when you say
24 accept this, does that mean -- are you
25 referring to item number 5?

1 CHAIRMAN SALADINO: I'm referring
2 to item number 5, yes.

3 MR. PROKOP: Okay. Because it
4 doesn't identify -- it just says it's
5 notice and schedule a public hearing
6 for somebody, and it doesn't say what
7 it's about. So this is a subdivision
8 application?

9 CHAIRMAN SALADINO: This is a
10 variance request. Do we have the
11 Planning Board's recommendation,
12 denial, recommendation?

13 MS. WINGATE: They tabled it and
14 said it's a Zoning Board --

15 CHAIRMAN SALADINO: They tabled
16 it?

17 MS. WINGATE: They tabled it and
18 sent it to the Zoning Board.

19 CHAIRMAN SALADINO: So just again,
20 to explain to the public, we don't
21 control subdivision, all we control is
22 the variances, but we've become -- for
23 some reason, we've become -- as anybody
24 that's ever attended a public hearing
25 for a subdivision, it's never -- the

1 conversation never revolves around lot
2 lines, front yard, rear yard setbacks,
3 it always revolves around subdivisions.
4 We have to keep reminding the people
5 that that's not our purview. We don't
6 decide subdivisions. So this would
7 actually let the Planning Board fulfill
8 its mandate by deciding on
9 subdivisions, it would come here, it
10 would be a two step process as opposed
11 to a three step process. Excuse me, I
12 have a cold. So I'm going to open it
13 up for questions and discussions to the
14 Board for a couple of minutes.

15 MS. GORDON: I'm quite
16 uncomfortable with being in the
17 position where we make decisions about
18 -- even if it's not for lots that are
19 -- I'm uncomfortable about making
20 decisions about the variances when, in
21 effect, if we reject the variances,
22 we've done the job -- we have done the
23 job of the Planning Board to decide on
24 the subdivision because without the
25 variances, the property can't be

1 subdivided. So I'm not clear about the
2 -- how the law really comes down on
3 this, but I'm very uncomfortable in
4 effect doing the job of subdivisions,
5 which the Planning Board is supposed to
6 do.

7 CHAIRMAN SALADINO: I personally
8 agree with you. I think we have a
9 mandate, I think they have a mandate.
10 I think there's nothing in the law that
11 prohibits them from taking the issue
12 up, voting on it conditionally, and
13 then have us with defined lot lines
14 voting on those variances. Obviously,
15 you know, the Zoning Board is in a
16 difficult position because what we do
17 can go back to the Planning Board and
18 somehow I don't want to say change
19 because then it would have to come back
20 to the Zoning Board again. It's my
21 belief that it would save at least some
22 time for applicants. It would better
23 serve the public, better serve both
24 boards I believe, and better serve the
25 applicant.

1 So this evening it would be just
2 to allow -- just to allow -- without
3 adding another application to the
4 queue, just to allow the Village
5 officials, the attorney, the Building
6 Inspector, the Building Department, and
7 the Village Administrator to have a few
8 minutes, have a little bit of time with
9 the two board chairmen to decide
10 exactly what the best process is, to do
11 as we normally do or perhaps consider
12 the other process.

13 MR. PROKOP: If that's -- if your
14 suggestion is that before we take
15 action on number 5 that we have this
16 meeting, I'm in favor of that, I would
17 recommend that we do that because I
18 think that -- I have a number of things
19 to point out to you I think that
20 haven't been taken into consideration.
21 I rather not do it tonight, I'd rather
22 have time to prepare for that meeting.

23 CHAIRMAN SALADINO: I believe that
24 was the feeling of the Village
25 Administrator today also. I wasn't

1 sure how Eileen felt about, that's how
2 I feel about it. But I also told the
3 Village Administrator that I would put
4 it to the members. What they choose to
5 do -- my recommendation would be to
6 table this. Obviously I'm going to
7 vote, I'm going to put it to the
8 members after a couple of more minutes
9 of discussion, and see what they have
10 to say.

11 MR. TASKER: If I may, I'm very
12 much in favor of seeing if such a
13 procedure can be developed that doesn't
14 put the cart in front of the horse.
15 This particular applicant unfortunately
16 is going to maybe have to go back to
17 square one, and rather than a two step
18 process, he may see a four step
19 process, but that's how sausage is made
20 unfortunately. So I would encourage
21 the determination between the boards,
22 and you, and Mr. Prokop have suggested
23 to outline a procedure that gets things
24 in the proper sequence.

25 CHAIRMAN SALADINO: Arthur, I

1 agree with you. It was my intention,
2 depending on what happens with this
3 application tonight, to either just
4 move forward with it or apologize to
5 the applicant. So if there's -- is
6 there any more discussion? David?

7 MR. CORWIN: Yes. Are there
8 people paying attention or are you
9 chatting over there? My theory is if
10 it isn't broke, don't fix it.
11 Everything is pretty much subdivided.
12 We're in a speculative bubble now,
13 which is why we're seeing so many
14 subdivisions. I don't particularly
15 like them. We've been doing it this
16 way since the attorney suggested we
17 needed a subdivision law. Prior to
18 that, any subdivision came to the ZBA
19 who made a determination if they would
20 give the variances. If they did, then
21 the applicant didn't have to do
22 anything more, they just filed with the
23 clerk --

24 CHAIRMAN SALADINO: No, it always
25 went to Planning.

1 MR. CORWIN: I don't believe so.

2 MS. WINGATE: It had to go to
3 Planning because the Health Department
4 needed the Planning Chair to sign off
5 on it.

6 MR. PROKOP: It was supposed to go
7 to Planning, excuse me.

8 MR. CORWIN: And my problem is if
9 it goes to the Planning Board first and
10 they have to make a decision on whether
11 they approve a subdivision or not, and
12 they say yeah, they don't want to get
13 involved in the controversy, so they
14 say yeah, subdivision, fine, we'll
15 leave it to the ZBA. Then once they
16 say that, it's almost on the ZBA, you
17 got to go along with this because the
18 Planning Board said it was okay. So I
19 want to see it stay the way it is.

20 CHAIRMAN SALADINO: Could I just
21 to respond to that? The ZBA would
22 never see an application for
23 subdivision. It would see an
24 application for --

25 MR. CORWIN: For a variance after

1 the subdivision was approved, and I'm
2 not in favor of that.

3 CHAIRMAN SALADINO: It would see
4 two different applications, one for lot
5 one, if there's variances needed, and
6 one for -- I'm assuming -- and we're
7 not talking about this application now,
8 any application, they would see two
9 different applications because the
10 property is conditionally subdivided.
11 They would see an application for
12 either lot coverage for a lot on
13 whatever street.

14 MR. CORWIN: Yeah, and they would
15 be obligated then to approve both of
16 them because hey, the Planning Board
17 gave it to me, you got to give it to
18 me. No. I say no.

19 CHAIRMAN SALADINO: Well, David,
20 that's certainly -- again, your opinion
21 is going to be expressed in your vote,
22 but I personally, I don't know about
23 the rest of the members, I don't feel
24 obligated in doing anything. I don't
25 feel that's my obligation. I think my

1 obligation is to review the application
2 that's in front of me, not what some
3 previous board did. What the Planning
4 Board does doesn't have precedence --
5 doesn't set precedence for this Board.
6 I'm more than comfortable on ruling on
7 a variance, a land use variance after
8 it's been to the Planning Board. I
9 don't even want to know about the
10 subdivision after it's been to the
11 Planning Board. I get an application
12 for lot one that asks for either side
13 yard, front yard, rear yard setbacks,
14 to me it's not part of the subdivision
15 application, it's part of a land use,
16 it's part of an area variance. I'm not
17 -- I don't feel obligated to the
18 Planning Board to approve or disapprove
19 anything.

20 MR. CORWIN: And I am contending
21 that the Zoning Board of Appeals would
22 be obligated to the applicant, in fact
23 --

24 CHAIRMAN SALADINO: Legally?

25 MR. CORWIN: Please, John, you're

1 trying to take my argument and destroy
2 it, let me make my argument. I am
3 saying once the Planning Board approves
4 this subdivision, if it's this one
5 right here tonight, then the applicant
6 comes in, he says hey, the Planning
7 Board gave it to me, you've got to give
8 it to me. That's it. Now, you can say
9 I'm not going to approve any variances,
10 but the Board is going to feel gee, the
11 Planning Board gave it to him, we've
12 got to give it to him one way or the
13 other.

14 CHAIRMAN SALADINO: Is that the
15 opinion of the Board?

16 MS. NEFF: Well, I would just like
17 to say that what I read in the part you
18 excerpted from the New York State Code,
19 it talks about conditional and
20 preliminary subdivisions, and I think
21 that if something is rejected by the
22 Planning Board and it comes to us to
23 take a look at a sketch, really, a
24 preliminary sketch or conditional, then
25 it's not ordained that the ZBA has to

1 do anything. I'd totally be with David
2 that that would not be my idea of the
3 role as a member I would play. It's
4 look at it. The fact that the Planning
5 Board already looked at it and sent it
6 over here doesn't carry the weight of
7 it has to happen to me and it has been
8 in the past.

9 CHAIRMAN SALADINO: Wait, I'm
10 confused. What are you talking about
11 has to happen? David's contention is
12 that if the Planning Board votes to a
13 conditional approval for subdivision
14 that we're obligated to vote.

15 MS. NEFF: I think when you add
16 the word conditional, it doesn't say
17 that at all. Conditional means if.

18 CHAIRMAN SALADINO: Then you're
19 making my argument, you're not making
20 David's argument.

21 MS. NEFF: Okay.

22 CHAIRMAN SALADINO: I'm confused.

23 MR. PROKOP: I think that it's my
24 understanding -- I would like more time
25 to -- I didn't realize this was going

1 to come up tonight. At 5:35, the
2 Village Administrator told me that
3 there was going to be a discussion
4 about this tonight.

5 CHAIRMAN SALADINO: Just to clear
6 the record, he's been aware of it for
7 the past two weeks, as has the Building
8 Inspector.

9 MR. PROKOP: 5:35 tonight. But
10 anyway, my understanding is that in one
11 or two towns, not villages, one or two
12 towns that I'm familiar with, you go to
13 either the ZBA or the Planning Board
14 first, but that's under a different
15 law. I don't believe that that's the
16 case in the Village Law, and the
17 condition that you're referring to does
18 not have to do with -- my understanding
19 is that the condition that you're
20 referring to does not have to do with
21 zoning conditions because in a later
22 section, 7-730, subsection 3 says that
23 the Planning Board can only approve a
24 subdivision that complies with the
25 zoning.

1 CHAIRMAN SALADINO: On the final
2 plat. Conditionally on a primary plat,
3 but only on a final plat, so they have
4 full latitude to --

5 MR. PROKOP: I think this points
6 out why we should -- we should have
7 this discussion in the meeting, and
8 then I can give you a more formal
9 opinion.

10 MR. CORWIN: Will this be an open
11 meeting that anybody can come to?

12 CHAIRMAN SALADINO: I don't have a
13 problem with it. I don't have a
14 problem.

15 MR. PROKOP: I think it's a good
16 idea.

17 MR. CORWIN: Why don't we make it
18 either a Planning Board meeting or a
19 Zoning Board meeting so the public can
20 attend too.

21 CHAIRMAN SALADINO: That wasn't
22 the suggestion to me.

23 MR. CORWIN: Well, I don't like
24 the suggestion, so I'm saying no.

25 CHAIRMAN SALADINO: David, again,

1 you know, nobody is -- there's no arm
2 twisting here. I mean, this is a
3 discussion.

4 MR. CORWIN: Exactly.

5 CHAIRMAN SALADINO: I'm going to
6 make a motion to table this in light of
7 what we've heard from the attorney and
8 in light of the request to me from the
9 Village Administrator, in light of what
10 I've heard here tonight.

11 MR. CORWIN: Excuse me. Why is
12 this on the agenda in the first place,
13 why isn't on the Planning Board agenda?

14 CHAIRMAN SALADINO: Because we
15 have an application from --

16 MR. CORWIN: But whose idea was it
17 that hey, let's get the ball rolling,
18 let's send it to the ZBA first?

19 CHAIRMAN SALADINO: The Planning
20 Board.

21 MR. CORWIN: The Planning Board
22 already had this application before
23 them?

24 CHAIRMAN SALADINO: Yes.

25 MR. CORWIN: Okay. Thank you.

1 CHAIRMAN SALADINO: Is that
2 correct?

3 MS. WINGATE: The Planning Board
4 tabled it pending variances.

5 CHAIRMAN SALADINO: Anyone else?
6 Okay. In light of all we've heard from
7 me, in light of what we've heard from
8 the attorney, in light of the message
9 that I'm passing on from the Village
10 Administrator, I'm going to make a
11 motion that we accept an application,
12 notice, and schedule a public
13 hearing -- well, actually I'm going to
14 make a motion to table the application
15 from Michael Kimask, agent for Sixth
16 Street LLC until January 17, 2017. So
17 moved.

18 MS. GORDON: I'd like to be --

19 CHAIRMAN SALADINO: If there's no
20 second, we'll move on.

21 All right. Then I'm going to make
22 a motion to accept an application,
23 notice, and schedule a public hearing
24 for Michael Kimask, agent for the
25 owners of Sixth Street LLC. The

1 property is located at 429 Sixth
2 Street, Greenport, New York 11944.
3 Suffolk County Tax Map, 1001-6-3-5. So
4 moved.

5 MR. CORWIN: I'll second it.

6 CHAIRMAN SALADINO: Is there a
7 discussion? I know some of us had some
8 discussion about this application.

9 MR. CORWIN: I have a couple of
10 things about the application. They
11 aren't necessarily a no vote from me
12 tonight, but there's some things
13 missing in the application. If we go
14 to the first sheet, Zoning Board of
15 Appeals application, it says
16 applicant/owner's mailing address, 115
17 Sutton Street, but it doesn't say what
18 town that is.

19 CHAIRMAN SALADINO: It says
20 Brooklyn, New York.

21 MR. CORWIN: Not on mine.

22 CHAIRMAN SALADINO: Eileen, do you
23 have a notice of disapproval?

24 MS. WINGATE: I do.

25 CHAIRMAN SALADINO: For David?

1 Maybe he didn't get the updated notice.

2 MR. CORWIN: I got the notice of
3 disapproval, but this application needs
4 to be corrected.

5 CHAIRMAN SALADINO: Okay.

6 MR. CORWIN: And then if we go on
7 to sheet three of that application,
8 question three, it says lot number one,
9 lot area is 0.87 percent minimum.
10 That's a mistake, I believe, but it
11 needs to be corrected.

12 MR. TASKER: Mr. Corwin, where are
13 you? I'm sorry.

14 MS. NEFF: Page three. There's no
15 page number.

16 MR. CORWIN: Page three, question
17 three. The proposed variances are
18 generally not substantial. Lot area is
19 0.87 percent. So in other words, it
20 was a typographical error, but it
21 should be corrected.

22 Then if we go to the short
23 environmental assessment form, sheet
24 two, page 24. Will the action --

25 MS. NEFF: Just a second, you are

1 in the short form where?

2 CHAIRMAN SALADINO: Page two.

3 MR. CORWIN: 24, question eleven.

4 MS. NEFF: Four on sheet two, page
5 two?

6 MR. CORWIN: Page 24, question
7 eleven, short environmental assessment.
8 Will the proposed action connect to an
9 existing wastewater utility? And of
10 course the applicant says yes, and I
11 don't call that wrong, the problem here
12 is that the applicant is going to have
13 access to the second lot off Corwin
14 Street in the Town of Southold. So how
15 is the sewer going to get hooked up.
16 To my knowledge, Corwin Street has no
17 sewer. So it's either got to be an
18 easement through lot number one, or I
19 don't know what happens, other than
20 that.

21 MR. PROKOP: We tried that. I
22 thought there was a policy, I mean, I'm
23 not a member of the Utility Department,
24 but I thought there was a policy that
25 we weren't doing that.

1 CHAIRMAN SALADINO: That was my
2 understanding also. We weren't running
3 utilities through someone else's
4 property.

5 MR. CORWIN: All right. So then
6 the answer to that should be no.

7 CHAIRMAN SALADINO: Well, you
8 know, I don't know if it's a law or
9 just policy. I don't know who decides
10 that.

11 MR. PROKOP: It's not a law, I
12 think it's a policy.

13 CHAIRMAN SALADINO: Are we
14 prepared to go against policy?

15 MR. CORWIN: Well, the applicant
16 has to go discuss it with the Utility
17 Department and see what would happen.
18 The same thing with the water service,
19 the created lot would be hooked up as I
20 see it to the Suffolk County Water
21 Authority instead of the Village of
22 Greenport, unless once again, went
23 through lot number one or got an
24 easement.

25 MS. NEFF: Mr. Chairman, there was

1 directly from the Village where the
2 water line, and it also goes back to
3 the sewer line, extends beyond the
4 Village line.

5 CHAIRMAN SALADINO: Preexisting.
6 What the attorney is talking about is
7 that there's since been a policy that
8 that wouldn't continue.

9 MR. CORWIN: Which is fair enough.
10 If the applicant can do that, the
11 Utility Department says yes, but then
12 you've got to have some type of
13 easement or acknowledge you've got to
14 have some kind of easement.

15 And then if we go and look at the
16 site plan, the plans, page number
17 1A-001, there's no north arrow on that.

18 MS. GORDON: There's no what?

19 MR. CORWIN: North arrow.
20 Generally you would have a north arrow
21 on a site plan. Generally we don't
22 require a location plan, but in this
23 instance I think we need one because
24 this is going to border on the Town of
25 Southold, and I'm not quite sure where

1 the location is on Corwin Street and
2 how that fits in with the Town of
3 Southold.

4 That also brings up in my mind
5 where is the curb cut? Is there an
6 existing curb?

7 MR. TASKER: No.

8 MR. CORWIN: If there's no curb,
9 what the applicant is proposing to do
10 is make a front -- as I see it, make a
11 front yard off of Corwin Street.

12 MS. GORDON: Yes.

13 MR. CORWIN: And then have a
14 driveway and a garage for a front yard.
15 Now, we can pass on that one way or
16 another, it's easy to say give them the
17 variance, but what does Southold Town
18 say?

19 CHAIRMAN SALADINO: I had thought
20 that we were obligated -- the applicant
21 is obligated to because it's on a
22 municipal border. Do we have anything
23 from Southold Town?

24 MR. PROKOP: We have to notify
25 them.

1 MS. WINGATE: No, they have to
2 notify the Town when they do the legal
3 notice and the mailings, so we're not
4 there yet.

5 MR. CORWIN: And that is all I
6 have, and I don't think it's something
7 that I'm going to say stop the
8 application for, but there's certainly
9 things that need to be attended to or
10 corrected.

11 CHAIRMAN SALADINO: I think the
12 totality of your concerns kind of make
13 this application incorrect and
14 incomplete.

15 MR. CORWIN: Well, there's a
16 motion on the table. We can vote yes
17 or no.

18 MR. PROKOP: When the Board is
19 done, I have a couple of comments when
20 the Board is done.

21 CHAIRMAN SALADINO: Before we do,
22 any other discussion?

23 MS. GORDON: We haven't had a
24 second. Can I second now?

25 CHAIRMAN SALADINO: You can

1 certainly do that, and we can continue
2 with the discussion, or we can have the
3 discussion, and you can second after
4 that. Whatever you're comfortable
5 with.

6 MS. GORDON: In any case, I second
7 the motion.

8 CHAIRMAN SALADINO: Is there any
9 other discussion from the Board?

10 MR. TASKER: Do we have any
11 indication whether the titles of lots
12 one and two will remain in the same
13 hands?

14 CHAIRMAN SALADINO: I don't think
15 that's -- I don't think we're required
16 to know that. I don't have that
17 information.

18 MR. TASKER: Well, the fact of the
19 easement is one reason perhaps to know
20 that or for them to know that
21 certainly. Okay. No answer.

22 CHAIRMAN SALADINO: My answer is I
23 don't know.

24 MR. PROKOP: If that was going to
25 be approved by the Utility Department

1 and then by the Board, we would need --
2 it would have to be a recorded
3 easement, so we would need --
4 Mr. Tasker is right, we would need some
5 kind of a certification of the title to
6 both lots because at one point in time
7 -- at some point in time in the future,
8 there's going to have to be a recorded
9 easement, and that's going to have to
10 be signed off on by the owner of the
11 second lot, the lot that's going to be
12 subservient on the easement to the
13 benefitted lot. The front lot to the
14 back lot.

15 CHAIRMAN SALADINO: And Joe, you
16 had some comments?

17 MR. PROKOP: I think there's
18 dimensions missing, I'm sorry, because
19 this isn't really my role, but I think
20 there's some dimensions missing,
21 setback dimensions missing from the
22 plans. I don't notice a date on the --
23 a stamp date on the documents that we
24 have, so I would just recommend that we
25 get stamp dates on these documents.

1 And then I think as a policy moving
2 forward, we should -- when we accept
3 applications, there should be some kind
4 of representation that the escrow
5 amount was paid. We have the right
6 under the law and pretty much the
7 obligation to require an escrow payment
8 as the applications come in to offset
9 this.

10 CHAIRMAN SALADINO: It was my
11 understanding that the Planning Board
12 doesn't require it for a subdivision
13 application, and that's what we usually
14 wind up with, but it was always my
15 understanding that -- and David can
16 kind of refresh my memory because he
17 was the one that always -- that we
18 needed a stamped survey, and I don't
19 have that.

20 MR. CORWIN: You are correct. I
21 missed that. There should be a survey.
22 You are correct.

23 CHAIRMAN SALADINO: The rules
24 under the Planning Board are different
25 for subdivision application, but that's

1 one of the other problems that this
2 suggestion about Planning Board kind of
3 fulfilling their mandate and then the
4 Zoning Board filling their mandate is
5 the required paperwork for the Planning
6 Board for a subdivision is considerably
7 less than a variance, than an area
8 variance for the Zoning Board. We've
9 always insisted when it came to us and
10 half the time we got it, and half the
11 time we didn't, and we had to delay the
12 application for that, to get a stamped
13 survey.

14 So we have a motion on the table
15 and it's been seconded. I'm not
16 hurrying the discussion, but again, the
17 totality of the concerns for me raise
18 -- I have a problem. So are we
19 prepared to vote?

20 MR. TASKER: One quick additional
21 thing, if I may, while I'm looking at
22 details that sort of Mr. Corwin pointed
23 out, I'm looking at sheet number A100,
24 which is the floor plans for the
25 building on lot one, and I see

1 identified on the left on the ground
2 floor a porch in the southeast corner
3 of the building, and the second floor
4 unidentified what appears to be a deck
5 on the second floor. Is that -- should
6 that be correctly identified as a deck?

7 CHAIRMAN SALADINO: My plan says
8 porch.

9 MR. TASKER: On the ground floor,
10 on the right-hand second floor --

11 CHAIRMAN SALADINO: Oh, on the
12 second floor, it's not identified. It
13 could be the porch roof.

14 AUDIENCE MEMBER: That's the roof.

15 MR. TASKER: That's the roof, not
16 a deck?

17 AUDIENCE MEMBER: No.

18 MR. KIMASK: May I speak?

19 CHAIRMAN SALADINO: Not yet.

20 We're going to take comments from
21 the --

22 MR. PROKOP: I forgot to mention,
23 there's no authorization -- there is an
24 authorization. Thanks. Sorry to
25 interrupt.

1 CHAIRMAN SALADINO: That's okay.
2 Again, we have a motion on the table,
3 we have a second, but I'm inclined to
4 take a couple of comments before we
5 vote from the applicant just perhaps to
6 clear some stuff up. We're doing it
7 out of turn, but if the applicant
8 briefly wants to --

9 MR. KIMASK: Mike Kimask for the
10 applicant. I can address some of
11 Mr. Corwin's concerns. It's Brooklyn,
12 New York to let you know. The
13 percentage is 87 and 90 percent
14 basically of the yards themselves. I
15 might have put the 0. but it's the
16 percentage after that. The north arrow
17 is missing. It's in the up position.
18 It's up against the railroad tracks as
19 it is down there. Water is available
20 in the southwest district, I know that,
21 because we did the survey over there.
22 We weren't able to find exactly where
23 the sewer line may have or may not have
24 been on Corwin Street or on Seventh
25 Street. I would imagine that Seventh

1 Street is served by sewer.

2 MR. CORWIN: To my knowledge, it's
3 not.

4 MR. KIMASK: Those lots have
5 individual septic systems?

6 CHAIRMAN SALADINO: I'm not sure
7 if they're outside rate payers.
8 There's two houses I believe on Corwin
9 Street there.

10 MR. CORWIN: Frankly, I have never
11 been down Corwin Street.

12 MR. KIMASK: I know we found water
13 on Corwin, we have got that far, so
14 that connection can be made. We
15 weren't able to find sewer manholes per
16 se, but that doesn't necessarily mean
17 they don't exist because some sewer
18 lots have been built without manholes,
19 they've just been extended, which is
20 not a good practice, but that's the way
21 it's been done in certain areas because
22 you don't have the clean out available
23 to it. But I can basically take a look
24 and see if we have to basically we can
25 do water without an easement, but we'll

1 see whether or not we have to do sewer
2 with or without an easement.

3 MR. CORWIN: But note if you do
4 water off Corwin Street, it's Suffolk
5 County Water Authority.

6 MR. KIMASK: That I know.

7 MR. CORWIN: That takes a customer
8 away from the Village of Greenport. I
9 don't know that that's necessarily
10 germane to your application for a
11 variance, but that takes revenue away
12 from the Village of Greenport, which
13 would always been a consideration that
14 we take.

15 MR. KIMASK: I mean, a
16 consideration could be we could either
17 come off of Sixth Street with water and
18 sewer, we could have an extension. We
19 would have to keep the line ten feet
20 apart, which is not a big problem,
21 we've got the space accordingly. And
22 if that's something that is within the
23 realm of discussion and approval, we
24 could do that for both water and sewer.

25 CHAIRMAN SALADINO: That brings up

1 the question of an easement again.

2 MR. KIMASK: The easement of the
3 Sixth Street LLC, both properties would
4 be ultimately owned under different
5 LLC's primarily so that there wouldn't
6 be a merger situation that would come
7 up. There would be one easement from
8 the Sixth Street LLC.

9 CHAIRMAN SALADINO: A merger
10 situation?

11 MR. KIMASK: I'm not quite sure if
12 we fall under the merger or not if, in
13 fact, we have it under the same name.
14 Is that an issue?

15 CHAIRMAN SALADINO: Properties
16 can't be merged.

17 MR. PROKOP: Well, no, if they're
18 in the same name, they're merged.

19 MR, KIMASK: It would be the other
20 lot would be another LLC, and those two
21 LLC's would have the easement for water
22 subservient to number one to number
23 two. That's easy enough to do.

24 CHAIRMAN SALADINO: Well, in my
25 opinion, we need that -- for me

1 personally, I would need that before I
2 voted to accept this.

3 MR. KIMASK: You'd want to see --

4 CHAIRMAN SALADINO: I would want
5 to see the survey, and I would want
6 either assurances or a letter from the
7 Utility Department that that is, in
8 fact, what they would agree to. Like I
9 said, we have a policy, I'm not sure if
10 it's a law, but I know we have a policy
11 that in the past we used to run
12 utilities over other people's
13 properties, and we've had a problem
14 with that, and I know they decided to
15 stop doing that.

16 MR. CORWIN: Including electricity
17 because that's where the problem came
18 in. I think with Mr. Herman on Center
19 Street because he had a utility pole in
20 his yard that he didn't like.

21 MR. KIMASK: Electricity can come
22 off of Corwin Street as an extension,
23 that wouldn't be a problem. We can get
24 water off of Corwin, we can get power
25 off of Corwin, the question is whether

1 we can find the sewer line. It would
2 be hard for me to believe that each one
3 of those small lots have their own
4 septic on there, but it's possible I
5 suspect.

6 MR. CORWIN: Well, the reason I
7 say to my knowledge is because several
8 years ago I designed a sewer extension
9 for Seventh Street I guess it was, and
10 it was just a couple of houses, so it
11 certainly didn't go down far enough to
12 pick up --

13 MR. KIMASK: Didn't go all the way
14 down to Corwin?

15 CHAIRMAN SALADINO: Have you met
16 Mr. Corwin?

17 MR. KIMASK: I'm about to. I'm
18 familiar with septic systems, I've
19 designed sewer treatment plants, water
20 treatment plants, thousands of feet of
21 water for sewer plants for an
22 engineering firm, so this is certainly
23 within my purview of understanding.
24 Easy enough to do. But we'll do a
25 little bit more to see whether or not

1 -- how far it may come, perhaps to
2 simply go to some of those houses and
3 ask them if they're served with sewer.

4 MR. CORWIN: All you've got to do
5 is go into the office in the Village
6 Hall and they'll tell you quickly
7 enough.

8 MR. KIMASK: Who is served with
9 sewers?

10 MR. CORWIN: Sure.

11 MR. KIMASK: They are being
12 charged accordingly I would imagine.

13 CHAIRMAN SALADINO: They would
14 know if they were rate payers or not,
15 if they were rate payers.

16 MR. CORWIN: They have a map of
17 the sewer system, that's all you need.

18 MR. KIMASK: You did say that you
19 would also like to see a tax map
20 showing that, showing the lot in
21 relation to the surrounding property.
22 You know it's up against the LIRR.

23 MR. CORWIN: I know. I would like
24 to see that too, a location map so I
25 could see the railroad, I can see the

1 Town line.

2 MR. KIMASK: Costello's is after
3 that, and then there's a vacant lot to
4 the west of it, and then there's a big
5 commercial building west of that on
6 that one side.

7 CHAIRMAN SALADINO: I believe
8 it's --

9 MR. KIMASK: Costello's has a
10 building immediately south.

11 CHAIRMAN SALADINO: Across the
12 street, diagonal. I think it's
13 Greenport Village --

14 MR. KIMASK: It's a mixed area in
15 terms of the buildings.

16 CHAIRMAN SALADINO: But we're not
17 -- from looking at your plan --

18 MR. CORWIN: We're just not ready.

19 CHAIRMAN SALADINO: There's no
20 side yard.

21 MR. KIMASK: There's no side yard
22 issue. I think from a point of view,
23 one of the questions was in terms of
24 its relationship -- the design of the
25 building in relationship with what kind

1 of buildings go around the area.
2 Ultimately that's something that you
3 would be looking at to make a
4 determination to make sure that it's
5 something that we're not --

6 CHAIRMAN SALADINO: As a Board, we
7 would be looking at a few things, you
8 know, if --

9 MR. KIMASK: We'll amend the
10 application according to the
11 information and the requests of the
12 incomplete, resubmit it to Buildings to
13 be resubmitted. Would you -- I think
14 you asked whether or not this could be
15 tabled to the January 17th meeting, and
16 hopefully by that time I'll be able to
17 come in with information at least on
18 the -- have talked to the Utility
19 Department to see if that's something
20 we can do in terms of running the sewer
21 through with an easement. The easement
22 is a small part of that aspect.

23 CHAIRMAN SALADINO: Thank you.
24 Actually -- I was kind of hoping that
25 we would vote on tabling this to

1 January.

2 MR. KIMASK: Well, I sense that
3 there is enough concern. Certainly the
4 question Mr. Corwin raised in terms of
5 what we need to add, but I also
6 understood your discussion regarding
7 your differences with Planning and
8 stuff like that and Zoning, who comes
9 first, the chicken or the egg? It's
10 the old adage of whose on first?

11 CHAIRMAN SALADINO: Well, you
12 know, and again, I want to apologize to
13 the applicant. We know that you're the
14 guy that's in the barrel right now, you
15 know, and again, I apologize for that.
16 I honestly feel bad. It's my opinion
17 that none of this should ever take six,
18 seven, eight months. This is not, you
19 know, but we have to think about the
20 second sentence, we have to think about
21 the next guy, we have to think about
22 the next --

23 MR. KIMASK: You're trying to
24 correct a precedence that maybe was
25 incorrectly administered before we came

1 along. It's all going to depend upon
2 how Planning is going to look at this,
3 obviously they're going to have to
4 decide.

5 CHAIRMAN SALADINO: Well, they're
6 certainly going to have a say.

7 MR. KIMASK: They would make a
8 decision to a certain level before
9 going to accommodate your concerns
10 about having a subdividable lot in
11 front of you when you're making
12 decisions on variances.

13 CHAIRMAN SALADINO: I think the
14 issue for both boards is what's the
15 most -- not what was done in the past,
16 but what would be most reasonable
17 moving forward. I think that would be
18 my concern. What would streamline the
19 process? And I don't want the make
20 this argument to you, I mean, I just --

21 MR. KIMASK: It effects us in
22 terms of what we need to do. I know
23 what we need to do in order to answer
24 the questions of the Board, that's the
25 easy part, that's simply to fill in

1 some of the omissions and some of the
2 corrections we have to do, but the
3 bigger question is where do we fit in
4 the process and whether we have to
5 backtrack to another step before we
6 come back again.

7 CHAIRMAN SALADINO: Well, the
8 reality is right now there's a motion
9 on the table to accept this
10 application. Without laying my cards
11 out, I'm not inclined to just from the
12 basis of the application, just on the
13 basis of the totality of the concerns.
14 The other issue would take care of
15 itself if we took care -- if we chose
16 tonight to table this application, the
17 other issue would resolve itself
18 because that conversation would happen,
19 and a decision by the attorney, by the
20 Village Administrator, and the Building
21 Department hopefully would be resolved
22 by the next meeting.

23 MR. KIMASK: Could I make a
24 suggestion? Is it possible that you
25 may be able to accept it with the

1 condition that those particular
2 questions be answered before the next
3 January 17th meeting, and if not --

4 CHAIRMAN SALADINO: No, once we
5 accept it, it's ours.

6 MR. KIMASK: It's yours.

7 MR. PROKOP: It's not just
8 questions because the application is
9 not correct to be accepted. It's
10 not --

11 CHAIRMAN SALADINO: Well, that's
12 my contention. My contention is that
13 the application is incomplete and
14 incorrect.

15 MR. PROKOP: Can I make a
16 suggestion, whoever made the motion now
17 make a motion to amend the original
18 motion to table the application, rather
19 than accept it?

20 CHAIRMAN SALADINO: Well, I made a
21 motion to -- well, okay. If you
22 recall, I made a motion to table it,
23 and I couldn't get a second, but in
24 light of the further conversation,
25 perhaps I'll do that. I'll make a

1 motion to --

2 MS. NEFF: The other one was
3 seconded.

4 MR. TASKER: We have a motion on
5 the table. Why doesn't the second
6 withdraw their second?

7 MS. GORDON: I'll withdraw my
8 second.

9 MR. TASKER: Go back. So there is
10 now no motion on the table.

11 CHAIRMAN SALADINO: There's no
12 motion on the table. I'm going to make
13 a motion to table the application of
14 Michael Kimask, agent for Sixth Street
15 LLC to our January 17, 2017 meeting.
16 So moved.

17 MS. NEFF: Second.

18 CHAIRMAN SALADINO: I'll take a
19 roll call vote. Mr. Corwin?

20 MR. CORWIN: I'm going to vote no.
21 I think the application could be
22 rejected, and it would be the same
23 thing as tabling it.

24 CHAIRMAN SALADINO: Okay. Dinni?

25 MS. GORDON: Yes.

1 CHAIRMAN SALADINO: Ellen?

2 MS. NEFF: Yes.

3 CHAIRMAN SALADINO: Arthur?

4 MR. TASKER: No, for the same
5 reason as Mr. Corwin.

6 CHAIRMAN SALADINO: I'll vote yes.
7 Again --

8 MR. KIMASK: I understand your
9 dilemma, believe me, I've been through
10 this many a time. Forty years of doing
11 this, after a while you get kind of
12 understanding of these complications
13 that arise. With the table basically
14 with will endeavor to address all of
15 the concerns, amend the applications,
16 and get it back to the Building
17 Department to be resubmitted and try to
18 answer the question on utilities for
19 the water and the sewer. Water I
20 already have an answer, sewer I have to
21 find out what we've got to work with.

22 CHAIRMAN SALADINO: Just so the
23 applicant -- just so you, in the
24 interest of full disclosure, if the
25 conversation between the attorney and

1 the Building Department sees things --

2 MR. KIMASK: Differently?

3 CHAIRMAN SALADINO: The other way,
4 you know, we could be back to this goes
5 to the Planning Board depending on the
6 way --

7 MR. KIMASK: I understand that's
8 out there, and I mean, that was the
9 original discussion you had before we
10 got involved with the secondary aspect
11 in terms of the specific competency of
12 the application. I could understand
13 that we may basically -- if you feel
14 and ultimately come to the conclusion
15 that there be another procedure, that
16 we may have to back step to Planning in
17 order to get Planning to approve on a
18 preliminary basis the subdivision plot,
19 and then it comes back to ask for the
20 area variances for those and then go
21 back to Planning for the final plot.

22 CHAIRMAN SALADINO: Well, if they
23 go ahead conditionally on the primary,
24 you wouldn't have to go back to
25 Planning for the final, it would --

1 MR. KIMASK: It would be
2 automatically finalized. But we may
3 have to go back to Planning, so they
4 may save us a step down the road.

5 CHAIRMAN SALADINO: Well, it
6 certainly would save the next guy a
7 step. I know that's not a comfort to
8 you.

9 MR. KIMASK: I've been in the
10 barrel before, John.

11 CHAIRMAN SALADINO: That's our
12 concern. You know, and actually this
13 would have came up tonight regardless
14 of your application.

15 MR. KIMASK: Regardless of the
16 application. Our timing is -- we just
17 happen to be ahead of the curve
18 unfortunately.

19 CHAIRMAN SALADINO: I apologize.

20 MR. KIMASK: Don't apologize. I
21 think we can work through this. Thank
22 you very much.

23 CHAIRMAN SALADINO: Thank you.
24 I'm going the let Joanne speak only if
25 it's not about past decisions, only if

1 it's about current stuff that's going
2 on right now.

3 MR. CORWIN: Before Joanne speaks,
4 just on this last matter, would the
5 Building Inspector, attorney once again
6 explain the procedure with Southold
7 Town for something like that to me.

8 MS. WINGATE: Yes. I spoke to
9 Southold Town this morning. Southold
10 Town Planning Board sees it first, they
11 send it to Zoning for variances, it
12 goes back to Planning for approval just
13 the way we've always done it.

14 MR. CORWIN: I mean, for this
15 particular application, do they have
16 any consideration?

17 MS. WINGATE: They won't see it
18 until they get notified by the
19 applicant. That's part of the legal
20 notice process. We're not there yet.
21 I can take it to them, but that would
22 be out of procedure.

23 MR. PROKOP: There's been -- as an
24 example, there's been a variance in the
25 Town of Southold -- on a Town of

1 Southold property there was a variance
2 application, and the property was
3 outside the Village, but it was
4 contiguous to the Village, and the
5 Village got the public notice that Ms.
6 Wingate is talking about, and the
7 Village Board put in comments. This
8 was several years ago. So we're going
9 to notify the Town of the public
10 notice, that's the notice that they
11 get, and it's up to them to comment.

12 MR. CORWIN: They would just make
13 comments, they don't have any --

14 MR. TASKER: Authority.

15 MR. CORWIN: -- anything other
16 than the law, any authority to say we
17 like it or rather to say you can't do
18 it until we get what we want.

19 MR. PROKOP: One of the things
20 that happened here, we have a -- I
21 believe and I'll confirm this, we have
22 a waiver from the Suffolk County
23 Planning Commission under the General
24 Municipal Law, Section 239, an M&N
25 requirement of joining municipalities.

1 Normally they would be -- if we didn't
2 have that waiver, normally they would
3 be able to comment on the -- they would
4 be involved in the application as an
5 adjoining municipality, but I believe
6 that we have a waiver, I'll confirm
7 that that waiver still exists. That
8 would preclude that.

9 MR. CORWIN: With the Town of
10 Southold?

11 MR. PROKOP: Yes, with the Town of
12 Southold.

13 MR. CORWIN: We have a waiver with
14 the Town?

15 MR. PROKOP: No, with Suffolk
16 County.

17 MR. CORWIN: With Suffolk County
18 that says you don't have to -- but even
19 as a courtesy, they can see the public
20 notice maybe if they're looking for it.
21 Well, they're a property owner, so I
22 guess they would get a copy. All
23 right. That's fair enough.

24 CHAIRMAN SALADINO: I think the
25 law states that the applicant is

1 obligated to notify them.

2 MR. CORWIN: Okay.

3 CHAIRMAN SALADINO: To contiguous
4 municipalities. In my experience on
5 the Zoning Board, I haven't had a piece
6 of property that was next to Town of
7 Southold.

8 MR. CORWIN: That's what makes
9 this unique.

10 CHAIRMAN SALADINO: Has anybody
11 else? Ellen, you've been on the Board
12 a long time, can you remember? Not
13 that it matters.

14 MS. NEFF: Well, is it possible
15 that the Town of Southold line goes
16 right through this property?

17 MS. WINGATE: No.

18 MS. NEFF: In other words, it is
19 here on this edge, not in the middle of
20 Corwin Street?

21 MS. WINGATE: Correct.

22 CHAIRMAN SALADINO: The rear yard
23 is the Village line.

24 MS. WINGATE: The west property
25 line.

1 MS. NEFF: I understand.

2 CHAIRMAN SALADINO: Joanne?

3 MS. MCENTEE: Joanne McEntee, 242
4 Fifth Avenue. I do see that we have
5 applications again coming to the Board,
6 and they are somewhat incomplete. We
7 don't have your, you know, your stamped
8 survey. I really feel that there
9 should be a process within the Building
10 Department before they get here and
11 waste everyone's time, the public, the
12 applicant, and anyone else that comes
13 here, your time, which is very
14 valuable, that it be done right. It's
15 not the first time, it's not the second
16 time, it's not the third time, it's
17 numerous amount of times, and I wish
18 that the Building Department and the
19 administrator would get together, if
20 you could, and try to work this out
21 somehow. Speak to the attorney to
22 somehow get it worked out.

23 CHAIRMAN SALADINO: Joanne, if I
24 could, just two seconds, and I kind of
25 alluded to it before, the Planning

1 Board that it goes to first that we're
2 looking to, like, simplify the process,
3 the Planning Board, their requirements
4 are different than ours.

5 MS. MCENTEE: I understand.

6 CHAIRMAN SALADINO: So when it
7 goes to the Planning Board, they think
8 they have a complete package, and then
9 it comes to us and sometimes because of
10 the amount of applications, because of
11 the amount of work, whatever, some of
12 the smaller things, like a survey, that
13 they don't require but we do slips
14 through the cracks. Can we be a little
15 more vigilant?

16 MS. WINGATE: Our code does not
17 require that it be a stamped survey.
18 Many, many, many times you accept
19 surveys done by a design professional.
20 These were done by an architectural
21 firm, they are stamped. There's just
22 not a survey.

23 CHAIRMAN SALADINO: I can't
24 remember in my tenure on the Zoning
25 Board taking a design professional, an

1 unstamped design.

2 MS. WINGATE: I can name six.

3 MR. PROKOP: They're not stamped
4 or signed. Whoever did them, they're
5 not stamped or signed.

6 CHAIRMAN SALADINO: No, I
7 understand that. And this Board at
8 least in my recollection, we've always
9 asked for stamped and signed survey. I
10 don't know if we're overstepping, you
11 know, if we're overstepping then you
12 should tell us that.

13 MR. PROKOP: The question is that
14 it has to have some kind of -- Eileen
15 is correct and you're correct and I'm
16 somewhere in between, but the point is
17 whoever did it has to stamp it. It has
18 to have a professional stamp on it.
19 Eileen is saying that at one point in
20 time that we take a design
21 professional, we don't have to debate
22 that tonight, but the point is that
23 whoever did these plans did not stamp
24 them or sign them. So that's really I
25 think the critical thing.

1 CHAIRMAN SALADINO: Okay.

2 MS. MCENTEE: Number two, based on
3 the information that you've discussed
4 today in reference to the Village Law,
5 728, and our subdivision code, 118, how
6 is this going to affect the
7 applications that are in the process
8 already for the subdivisions?

9 CHAIRMAN SALADINO: Not at all.

10 MS. MCENTEE: Not at all. So
11 we're going to go through with the same
12 process, for example, the Fifth Avenue
13 ones?

14 CHAIRMAN SALADINO: We're going to
15 start from the day that they say this
16 is the process.

17 MS. MCENTEE: Thank you.

18 CHAIRMAN SALADINO: As far as that
19 other application, you know, we'll do
20 our job, and then the Planning Board
21 will do their job.

22 MS. MCENTEE: Thank you.

23 CHAIRMAN SALADINO: Anyone else?
24 No. All right. If I had an agenda in
25 front of me, I'm sure the last one is a

1 motion to -- is that it?

2 MR. CORWIN: Question before we
3 adjourn, 610 Main Street, the last we
4 left it the attorney said it needs
5 coordinated review. His position -- my
6 position was always it was a change of
7 use.

8 MR. PROKOP: No, I don't think --
9 excuse me, I'm sorry.

10 MR. CORWIN: The attorney seemed
11 to accept that at the last meeting or
12 the meeting before and said well, it
13 needs coordinated review. So
14 apparently that -- it stopped there,
15 it's in limbo, nobody has followed up
16 to start coordinated review, so what is
17 the status of 610 Main Street?

18 MR. PROKOP: My understanding is
19 that the Board voted that it requires a
20 use variance, and a letter from the
21 attorney came, you know, we found a
22 letter from the attorney at the meeting
23 from December 2015 in the file, and
24 that letter says that it needs a use
25 variance, and for that reason at the

1 the meeting, although I expressed an
2 opinion at the meeting that I thought
3 it required a coordinated review, but
4 then subsequent to me saying that the
5 Board -- as I understand it, the Board
6 determined to reject the application
7 because it was -- it should have been
8 an application for a use variance, not
9 --

10 MS. WINGATE: It can't be an
11 application for a use variance.

12 CHAIRMAN SALADINO: That was the
13 request from the applicant's attorney.
14 On the application, she requested --
15 the applicant is required to know
16 exactly what they're asking for. She
17 requested a use variance; isn't that
18 so?

19 MS. WINGATE: And filled out a
20 form for an area variance, and we have
21 a section of our code that's about
22 conversions of two family houses that
23 so it's a permitted -- it's a
24 conditional permitted use in the R2
25 District, that makes it --

1 CHAIRMAN SALADINO: We can't
2 change -- we can't change what the
3 applicant asked for. We don't have the
4 -- ask the attorney. We don't have the
5 right or the ability to change the
6 applicant's request.

7 MR. PROKOP: That's right.

8 CHAIRMAN SALADINO: The applicant
9 asked for a use variance. If that was
10 incorrect, then the application was
11 progressed incorrectly.

12 MR. PROKOP: That's the conclusion
13 that's in the minutes. I wrote the
14 Board a written resolution.

15 CHAIRMAN SALADINO: It's my
16 opinion that 610 Main Street, because
17 the sixty-two day time limit, because
18 of the application being progressed
19 incorrectly is not an issue in front of
20 this Board anymore. That's my opinion.

21 MR. PROKOP: Right.

22 CHAIRMAN SALADINO: Not being an
23 attorney, only pretending, do you know
24 what I'm talking about? That's my
25 opinion.

1 MS. NEFF: Mr. Chairman, I
2 reviewed the minutes, and maybe I was
3 not up to the latest minutes, but at
4 one point we voted no to the area
5 variance and I believe suggested --

6 CHAIRMAN SALADINO: No, no.

7 MS. NEFF: -- that the owner could
8 reapply for a use variance. Is this
9 not in the minutes of November 15th?

10 CHAIRMAN SALADINO: We didn't vote
11 on any variances, we voted on the
12 interpretation.

13 MS. NEFF: But there was a mention
14 of violations.

15 MS. WINGATE: There are pending
16 violations.

17 CHAIRMAN SALADINO: This Board
18 voted only on interpretations, that's
19 all we voted on.

20 MS. NEFF: Okay.

21 CHAIRMAN SALADINO: We reaffirmed
22 the Building Inspector's decision from
23 1998 that it was a two family wood
24 framed house, and we affirmed his
25 decision.

1 MS. NEFF: I think it was 1978.

2 CHAIRMAN SALADINO: 1998. That
3 was when the Building Inspector made
4 his decision.

5 MS. NEFF: I think it's '78
6 because he was no longer -- he was
7 gone.

8 MR. TASKER: '98 I believe that's
9 correct.

10 CHAIRMAN SALADINO: It can't be --
11 it's not pending in front of this
12 Board. We voted -- we didn't vote on
13 variances, we voted on the
14 interpretation. The interpretation was
15 -- our interpretation was that it was a
16 two family wood framed house. It
17 wasn't a multifamily dwelling. After
18 that, we didn't vote on variances, we
19 discussed the letter from NYCOM, from
20 the general counsel of NYCOM that
21 because no decision was made within
22 sixty-two days, it was a default
23 denial. We decided that the
24 application was progressed incorrectly.
25 The applicant asked for a use variance,

1 and then filled out an application for
2 an area variance. I'm not sure why
3 we're -- in my mind, the issue is
4 closed. If somebody else wants to
5 bring it up again, perhaps they should
6 contact the applicant and the attorney.

7 MR. PROKOP: Please don't.

8 CHAIRMAN SALADINO: I got to be
9 honest, I'm tired of talking about it.
10 Call the attorney. Let's make a motion
11 not to talk about it.

12 MR. CORWIN: It is going to come
13 up again.

14 CHAIRMAN SALADINO: When it does
15 then -- David, when it does, then we'll
16 deal with it.

17 MR. CORWIN: We won't be here when
18 it comes up again.

19 MS. GORDON: That's not
20 necessarily --

21 CHAIRMAN SALADINO: You talking to
22 my doctor, you know something I don't
23 know?

24 MR. CORWIN: The applicant will do
25 what all applicants do, they wait and

1 wait and wait until they see a Board
2 they like, and then they come in.

3 CHAIRMAN SALADINO: Hopefully that
4 Board will see what this Board saw, and
5 if not, again, we can't deal with what
6 if questions.

7 MR. CORWIN: I accept what you
8 say.

9 CHAIRMAN SALADINO: What if
10 questions are outside my area of
11 expertise. I'm going to make this
12 attempt again. Item number 7 is motion
13 to adjourn.

14 MS. NEFF: Second.

15 CHAIRMAN SALADINO: All in favor?

16 MR. CORWIN: Aye.

17 MS. GORDON: Aye.

18 CHAIRMAN SALADINO: Aye.

19 MS. NEFF: Aye.

20 MR. TASKER: Aye.

21 CHAIRMAN SALADINO: Thank you,
22 folks. Have a Merry Christmas.

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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 December 20, 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 31st day of December, 2016.

Amy Bohleber

Amy Bohleber