

2 VILLAGE OF GREENPORT
3 COUNTY OF SUFFOLK STATE OF NEW YORK

3 -----x

4 ZONING BOARD OF APPEALS
5 REGULAR MEETING

5

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9 Third Street Firehouse
Greenport, New York

10 September 16, 2015
11 5:05 p.m.

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14 B E F O R E:

15

16 DOUG MOORE - CHAIRMAN

17 DAVID CORWIN - MEMBER

18 DINNI GORDON - MEMBER

19 ELLEN NEFF - MEMBER

20 JOHN SALADINO - MEMBER

21

EILEEN WINGATE - VILLAGE BUILDING INSPECTOR

22

JOSEPH PROKOP - VILLAGE ATTORNEY

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3 CHAIRMAN MOORE: I think we
4 could start the meeting. It's five
5 after five. This is the regular
6 meeting of the Zoning Board of
7 Appeals. One of our members, Ellen
8 Neff, will be late, but will be
9 arriving. So I think we could get
10 started.

11 Tonight, we have on the agenda
12 a public hearing item. It is
13 actually a continuation of the Holy

14 Trinity Church matter. And we have
15 to shift gears a little bit
16 tonight.

17 I believe the applicants may
18 know a little bit about this
19 because this would normally be an
20 unlisted action for SEQRA. This is
21 in the Historic District. The
22 process automatically elevates that
23 to something called a Type I, which
24 means it could potentially have a
25 significant impact. Many times it

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2 doesn't.

3 But because of that, we have
4 to declare this a Type I action and
5 that requires a coordinated review,
6 which any other involved agencies
7 will have the opportunity to make

8 comments. And one of them is the
9 Historic Review Board, even though
10 it is an internal renovation.

11 So what we have to do tonight
12 is to have a motion to further
13 adjourn the public hearing for an
14 appeal for a used variance and
15 initiate the coordinated review for
16 Lydia Wells, Warden of Holy Trinity
17 Church, 718 Main Street, Suffolk
18 County Tax Map 1001-2.-3-5.

19 The applicant proposes to
20 construct a second residential unit
21 in an existing one-family house in
22 the R-1 District.

23 Section 150-7 A.(1) does not
24 permit any building to be used, in
25 whole or part, for any use except

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2 one-family detached dwellings, not
3 to exceed one dwelling on each lot.

4 We did have a site inspection
5 last month, so we're very familiar
6 with the situation.

7 As already indicated, this is
8 going to require a coordinated
9 review, which will not be
10 complicated, but it requires a
11 30-day notice for comments from
12 other agencies which would be, I
13 think, the Historic Review Board.

14 And we do have requirements to
15 notify Suffolk County and the
16 State, the H.P.C.

17 Is there anyone else, Eileen?

18 MS. WINGATE: The H.P.C.,
19 Board of Trustees, Village Clerk,
20 County Planning, and Planning
21 Board.

22 CHAIRMAN MOORE: And the Board
23 of Trustees is just an interested
24 party. They are not coordinated in
25 the actual review. It sounds very

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2 complicated, but at the end of 30
3 days, which should coincide with
4 the next meeting of the Zoning
5 Board, those matters are considered
6 and then the Zoning Board decides
7 if any significance occurs.

8 I think the only part that you
9 have to do is environmental, the
10 E.A.F.

11 Is that correct, the long
12 form?

13 MR. PROKOP: Yes.

14 CHAIRMAN MOORE: You'll have
15 to fill out a long form, an

16 Environmental Assessment Form. Not
17 an E.I.S., but an E.A.?

18 MR. PROKOP: An E.A.F. long
19 form.

20 CHAIRMAN MOORE: It's pretty
21 straightforward to fill out. It's
22 part of the SEQRA requirements.

23 That will likely be completed next
24 month and then we'd actually get on
25 with the matter of the variance

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2 request.

3 We do have information from
4 the applicant, financial
5 information that was supplied.

6 That will give us an opportunity to
7 study it a bit. And the building
8 inspector has supplied an area
9 survey of the neighborhood to show

10 the number of two-family houses and
11 the status that got them to be
12 two-family houses.

13 That will help us to
14 understand the density and how many
15 other properties are two-families
16 in the area. So we do have some
17 homework we can do in the meantime.

18 Is there any question you have
19 at this point? We won't be
20 discussing the matter itself.
21 We're not permitted to do that
22 until the SEQRA process is
23 completed.

24 Ma'am?

25 WOMAN WITH L. WELLS: May we

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2 have a copy of the area survey of
3 the two-family houses in the area?

4 CHAIRMAN MOORE: Yes. Eileen
5 can provide you with a copy of
6 that.

7 With that then, I would make a
8 motion to adjourn the public
9 hearing until next month's meeting
10 and that we would initiate a
11 coordinated review for the Holy
12 Trinity Church and that this action
13 would be considered a Type I action
14 according to SEQRA. And that's due
15 to its location in the Historic
16 District.

17 Would there be anything else
18 required in that motion?

19 MR. PROKOP: Other than you
20 intend to take lead agency.

21 CHAIRMAN MOORE: Oh, yes.
22 That the Zoning Board of Appeals
23 would declare itself lead agency on

24 the matter.

25 MR. PROKOP: And if you don't

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2 believe that it's going to have
3 significant negative effect on the
4 environment, then you should also
5 mention that you tentatively will
6 be adopting a negative declaration.

7 CHAIRMAN MOORE: Yes.

8 MR. PROKOP: It doesn't mean
9 that you're obligated to do that.

10 CHAIRMAN MOORE: That's
11 correct. And the building
12 inspector will put that together
13 and that will all be in the notice,
14 the public notice.

15 We won't be required to have a
16 public hearing, but we will be
17 required to receive the comments

18 from the other involved agencies.
19 The County usually sends a "no
20 comment" letter and the Historic
21 Board, I think, will be looking at
22 the issue. It will probably be a
23 very brief process because there
24 are no external changes to the
25 property.

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2 MEMBER GORDON: There is a
3 line here: "The public hearing for
4 the use variance will remain open
5 pending resolution of the SEQRA
6 review."

7 CHAIRMAN MOORE: That may be a
8 typo. It may be a different public
9 hearing, but you're saying the
10 hearing is unnecessary.

11 CHAIRMAN MOORE: Oh, yes. I'm

12 sorry. The public hearing
13 considering the used variance will
14 remain open. We have a public
15 hearing that is lying open for
16 consideration of the used variance
17 and that will remain open pending
18 the SEQRA review.

19 MEMBER GORDON: So what is it
20 we're adjourning?

21 CHAIRMAN MOORE: We're
22 adjourning the public hearing for
23 consideration of the used variance
24 until the SEQRA process is
25 complete.

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2 MEMBER GORDON: Okay.

3 CHAIRMAN MOORE: Okay? Are we
4 good?

5 MEMBER GORDON: Yes.

6 CHAIRMAN MOORE: With that, I
7 would make that motion and ask for
8 a second.

9 MEMBER SALADINO: Second.

10 CHAIRMAN MOORE: All in favor.

11 MEMBER GORDON: Aye.

12 MEMBER SALADINO: Aye.

13 MEMBER CORWIN: Aye.

14 CHAIRMAN MOORE: Aye.

15 Any abstentions or
16 declinations?

17 (No response.)

18 CHAIRMAN MOORE: That motion
19 carries and that will be taken up
20 again next month.

21 Actually, I have the motion
22 here, which we've already taken.
23 And I think we touched all the
24 bases.

25 Item No. 1 on the regular

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2 agenda, where we declare ourself
3 lead agency and all the other
4 matters that we discussed. So we
5 can move on to the regular agenda.
6 We've covered Item No. 1.

7 Item No. 2 is further
8 discussion of the interpretation
9 that's been pending for a number of
10 months for the rather direct issue
11 of where fences can be in the
12 different yards of the property.

13 I've revised the document. I
14 imagine everyone has read it again.
15 I've tried to simplify it.
16 Basically, our advice, our
17 interpretation, back to the
18 Building Department is that the
19 required front yards, as specified

20 in the bulk regulations, applies to
21 fences and that any fence requests
22 that are not in compliance with the
23 yard setbacks would require
24 variances so that conforming lots
25 where there is sufficient room for

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2 a fence placement would go directly
3 to the building inspector. And the
4 properties which don't have
5 sufficient setbacks for required
6 front yards, especially on side
7 lots, would have to come to the
8 Z.B.A. for consideration of the
9 area variance.

10 Any discussion on that as far
11 as the diagram, which has been
12 changed, and the text that I
13 provided?

14 MEMBER CORWIN: This is the
15 latest diagram?

16 CHAIRMAN MOORE: That is, yes.
17 Is that fair? And it really boils
18 down to the fact that the generic
19 term of a yard is not what the code
20 requires. The code requires that
21 required yard setbacks apply to
22 placement of fences, whether they
23 be short versus the higher fence.

24 MEMBER SALADINO: I have a
25 question for the building

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2 inspector.

3 Eileen, how will this
4 affect -- I mean, there's countless
5 numbers of these nonconforming
6 fences as it pertains to corner
7 lots. How is it that you would

8 handle it?

9 MS. WINGATE: I would look to
10 the Board for direction and the
11 village attorney and my supervisor.
12 I honestly wouldn't know where to
13 start. I've kind of been
14 collecting addresses.

15 MEMBER SALADINO: Do we have
16 the latitude -- do we have the
17 ability to grandfather?

18 MS. WINGATE: That's a Joe
19 question.

20 CHAIRMAN MOORE: I think in
21 the fence that preexists the zoning
22 code, if it has been present and
23 maintained through that time, I
24 imagine.

25 MS. WINGATE: I would say, at

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2 this point in time, there are very
3 few fences that are, you know,
4 forty years old.

5 CHAIRMAN MOORE: I would
6 guess, you know, the immediate
7 thing would be any permits that
8 have been issued in, say, the last
9 year, based on the interpretation
10 of front yards and not required
11 yards, you could ask for resolution
12 of those.

13 I'm not sure it would be very
14 fruitful to try and find every
15 fence in the village. Because you
16 could try to find every other
17 noncompliant feature on every
18 property and have a pretty tall
19 order.

20 I don't know, Mr. Prokop,
21 whether you have a suggestion?

22 MR. PROKOP: There are two
23 things to consider in regard to
24 grandfathering.

25 The first is that nothing can

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2 be grandfathered that has an impact
3 on health and safety. So if a
4 fence was determined to be
5 dangerous in any way because it
6 impeded visibility or something
7 like that, it could not be
8 grandfathered.

9 The second thing is the only
10 that can be grandfathered is
11 something that was legal at one
12 point in time and then became
13 nonconforming because of the codes.

14 So if somebody was going to
15 claim that their fence is now

16 grandfathered, even though it's
17 nonconforming, and therefore it
18 should stay, it would have had to
19 have been legal previously.

20 And an interpretation really
21 doesn't mean that something is
22 legal or illegal. It's more
23 clarification of the code. So,
24 generally, grandfathering comes
25 from a change in the code, not from

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2 an interpretation.

3 MEMBER SALADINO: Well, if our
4 interpretation is such, and this is
5 the interpretation that we make,
6 then those fences that don't
7 conform to this drawing, or with
8 this interpretation, the only other
9 alternative is that they're

10 violating. I'm just not sure --
11 it's like asking for an unfunded
12 mandate and we don't have the
13 money.

14 MEMBER CORWIN: Well, what's
15 going to have to happen is they
16 disappear over time.

17 This, the particular one, I
18 brought this whole thing up over
19 Second Street and North Street,
20 which looks like an enclosed
21 compound and I would like to see
22 the building inspector go ahead and
23 deal with it because it does not
24 comply with the code, that
25 particular one on Second Street and

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2 North Street.

3 CHAIRMAN MOORE: And it's a

4 recent addition. I think it was
5 constructed in the last year.

6 MEMBER SALADINO: Well, how
7 would the building inspector deal
8 with it?

9 MEMBER CORWIN: The building
10 inspector would go back and -- I
11 don't know. You have to ask the
12 attorney, but my understanding is
13 the building inspector is not
14 responsible for anything when
15 something is done improperly. So
16 the building inspector goes back
17 and says, "Your fence doesn't
18 comply with the code. Change it."

19 (Whereupon, a short recess was
20 taken.)

21 CHAIRMAN MOORE: I think there
22 was some discussion about whether
23 there was any responsibility of the

24 Zoning Board to try and collect the
25 information on fences that might be

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2 a problem. I would say no.

3 We're just doing the

4 interpretation, which may have some

5 negative consequences on this

6 current situation that some may

7 have been recently approved, based

8 on what we would now declare to be

9 an incorrect interpretation.

10 I should say it's a logical

11 interpretation to line up fences

12 with houses, but I don't think the

13 code supports it. So I think

14 public safety would be an issue.

15 If there are any, based on

16 complaints or observations, due to

17 impede visibility. That would be a

18 target. And others you will have
19 to deal with according to whatever
20 your department instructs you to
21 do.

22 MEMBER SALADINO: Well, that's
23 kind of like my question. What is
24 your department's options? I mean,
25 assuming this fence is the

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2 benchmark because -- well, it's the
3 one I have the photograph of here
4 in front of me. And it's a year
5 old?

6 MEMBER CORWIN: I think it's
7 less than a year. I'm not sure.

8 MEMBER SALADINO: All right.
9 Less than a year.

10 CHAIRMAN MOORE: Getting close
11 by now.

12 MEMBER SALADINO: But getting
13 close. So is that the benchmark?
14 Is it like a year or six months?

15 MR. PROKOP: Benchmark for
16 what?

17 CHAIRMAN MOORE: For action.

18 MEMBER SALADINO: For action
19 against.

20 CHAIRMAN MOORE: It's really
21 out of our hands.

22 MR. PROKOP: There's no
23 benchmark.

24 MEMBER GORDON: There's no
25 statute of limitations.

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2 MR. PROKOP: There's no
3 statute of limitations. If
4 something is illegal, it continues
5 to be illegal. There's no statute

6 of limitations.

7 CHAIRMAN MOORE: And you can
8 take direction from the Village
9 Board? I imagine they could
10 rectify the problem by changing the
11 code or changing timelines on the
12 code. I don't know if that's
13 something they would choose to do,
14 but we just do the interpretation
15 and, you know, it creates a certain
16 amount of work. But we feel the
17 code specifies what our
18 interpretation is, and so that's
19 what we will submit.

20 MR. PROKOP: I don't want to
21 say on the record -- I don't want
22 the board to determine that there
23 was ever a problem. I'm not aware
24 that there was ever a problem. I
25 think it was straightforward.

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2 CHAIRMAN MOORE: Yes.

3 MR. PROKOP: I think the

4 interpretation supports that, so

5 something that was not right before

6 the interpretation doesn't get

7 grandfathered.

8 MEMBER CORWIN: Any citizen

9 can make a complaint about any

10 fence, as I understand it.

11 MR. PROKOP: Yes.

12 MEMBER CORWIN: Because it's

13 not within the code. And as I

14 understand it, the Building

15 Department does not go out and

16 actively look for these things.

17 They wait until somebody makes a

18 complaint, whether it's a fence or

19 a storage shed in the back of the

20 yard or something like that.

21 Unless I'm mistaken.

22 CHAIRMAN MOORE: So would the

23 Board be prepared to approve the

24 document that represents our

25 interpretation at this point?

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2 MEMBER CORWIN: Yes.

3 CHAIRMAN MOORE: This, again,

4 would be a SEQRA requirement for

5 the interpretation. Actually, no

6 it's a Type II, so it could be

7 declared a Type II. But I --

8 MR. PROKOP: I'm sorry to

9 trouble you with this --

10 CHAIRMAN MOORE: Yes.

11 MR. PROKOP: -- but I was

12 already asked by two people if I

13 was the person that wrote this. I

14 just want to say that I did not
15 write this interpretation.

16 CHAIRMAN MOORE: That's
17 correct. I wrote it, so I'll take
18 the blame.

19 It's been floating long
20 enough.

21 MR. PROKOP: I'm sorry. I
22 didn't mean to blame. When people
23 go online and look at this, people
24 are asking me if I wrote it. It
25 doesn't mean it was -- it could be

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2 the world's greatest
3 interpretation. I just don't
4 want --

5 CHAIRMAN MOORE: You just
6 don't want to take credit for it.
7 I understand. You just don't want

8 the responses coming your way.

9 MR. PROKOP: Yes.

10 CHAIRMAN MOORE: Fortunately,
11 they go to the Building Department.

12 The first matter, we do have
13 to address the SEQRA, even though
14 this is an interpretation. But I
15 would make the motion that we are,
16 again, lead agency in this matter
17 and that an interpretation is
18 described in the list of Type II
19 actions, requiring no further SEQRA
20 reviews.

21 So I would make that motion
22 and ask for a second.

23 MEMBER GORDON: Second.

24 CHAIRMAN MOORE: All in favor?

25 MEMBER GORDON: Aye.

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2 MEMBER CORWIN: Aye.

3 MEMBER SALADINO: Aye.

4 CHAIRMAN MOORE: Aye.

5 Any abstentions or

6 declinations?

7 (No response.)

8 Okay. Further is to, since I

9 wrote it, I'll ask for a motion to

10 approve the current writeup and

11 diagrams reinforcing the use of the

12 required front yards as specified

13 in the code.

14 MEMBER CORWIN: Just put the

15 date on that because it's been

16 floating around back and forth.

17 CHAIRMAN MOORE: Okay.

18 MEMBER CORWIN: The date of

19 the draft.

20 CHAIRMAN MOORE: The date of

21 the draft, as dated

22 2015, September 14. That applies
23 to the text. And the drawings are
24 undated. But the most recent ones
25 have a depiction of a house with a

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2 chimney on them. So that would
3 distinguish it from any previous
4 additions.

5 MEMBER CORWIN: I so move.

6 CHAIRMAN MOORE: And a second?

7 MEMBER SALADINO: Second.

8 CHAIRMAN MOORE: All in favor?

9 MEMBER SALADINO: Aye.

10 MEMBER CORWIN: Aye.

11 MEMBER GORDON: Aye.

12 CHAIRMAN MOORE: Aye.

13 That's unanimous, so that

14 document is approved.

15 So now the next item is a

16 discussion and possible tabling of
17 a motion to return to the building
18 inspector an appeal for an area
19 variance for Jack and Jeffrey Rosa,
20 506 Main Street, Suffolk County Tax
21 Map 1001-4.-3-33.

22 I should mention the reason
23 for that possible tabling again was
24 we were not sure when the Historic
25 Preservation Commission would do

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2 their required review. As it turns
3 out, they have done so and -- bear
4 with me for a minute. I can read
5 that to the Board. We were waiting
6 for that for our decision, and our
7 decision is actually whether to
8 consider this for a variance or to
9 simply return it to the building

10 inspector, not requiring a
11 variance.

12 I have an email from Frank
13 Uellendahl, Chairman of the
14 Historic Preservation Commission:

15 "For your September 16 public
16 hearing and regular meeting, H.P.C.
17 is looking forward to" -- I'm
18 sorry. I'm in the wrong section.

19 Oh, I'm sorry.

20 "Looking forward to receiving
21 an application by Lydia Wells, Holy
22 Trinity Church. At our regular
23 meeting on September 14, we
24 discussed the application submitted
25 by Jeffrey Rosa, which will also be

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2 dealt with at your meeting under
3 Item No. 3.

4 The applicants single-family
5 residence is located in the
6 Historic District at 506 Main
7 Street. In June 2014, H.P.C.
8 approved the replacement of
9 existing windows and doors, siding
10 trim, and the addition of a front
11 portico.

12 Mr. Rosa came back to the
13 H.P.C. this week to ask for
14 approval to construct a
15 second-floor roof deck above the
16 existing one-story mudroom in the
17 rear of the building.

18 The deck is not visible from
19 the street. H.P.C. approved the
20 application unanimously, four board
21 members present.

22 All proposed material, such as
23 cedar decking, 36-inch high white

24 composite guard railing system,
25 Andersen Frenchwood door with full

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2 divided lights, are in compliance
3 with Historic District's preferred
4 specifications. Best regards,
5 Frank Uellendahl, H.P.C. Chairman."

6 So that completes the Historic
7 Preservation Commission's
8 requirement. So we're back to the
9 discussion of this matter as to
10 whether it should be for the Zoning
11 Board of Appeals.

12 I think one point to make
13 about this is that if it were not
14 for the previous project, which is
15 already approved and variances
16 granted, the applicants, in coming
17 to the building inspector, I

18 believe, would be issued a building
19 permit for this addition over an
20 existing section of the building.

21 According to our original
22 interpretation from 2013, this type
23 of an increase in reconstruction of
24 building and addition of a roof
25 deck does not increase the

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2 nonconformance. The code clearly
3 allows for repairs,
4 reconstructions, additions to
5 buildings as long as they don't
6 increase the nonconformance, which
7 relates to setbacks and building
8 height.

9 None of the parameters for
10 this deck do that, so my
11 recommendation to the Board is to

12 have a motion to return this
13 application to the building
14 inspector, as it does not require
15 any variance.

16 Any discussion on the matter
17 at this point?

18 MR. PROKOP: Can you second
19 before you discuss it?

20 CHAIRMAN MOORE: Did I make a
21 motion?

22 MEMBER SALADINO: You asked
23 for a motion.

24 CHAIRMAN MOORE: I was asking
25 for a motion, but do we have to

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2 wait for a motion?

3 MR. PROKOP: No. You can do
4 it either before the motion or you
5 can do it after --

6 CHAIRMAN MOORE: I'm sorry.

7 MR. PROKOP: I thought you

8 made a motion.

9 CHAIRMAN MOORE: Any further

10 discussion on the matter.

11 MEMBER SALADINO: I think this

12 project, this roof deck, I mean,

13 it's almost that this section of

14 code was written with this roof

15 deck in mind. I think it should go

16 back to the building inspector.

17 CHAIRMAN MOORE: Okay.

18 MEMBER CORWIN: My position is

19 it should have been on the first

20 set of plans in the application and

21 I don't think we should encourage

22 people to put in an application and

23 then come back while it's under

24 construction, have an add-on to the

25 application.

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2 CHAIRMAN MOORE: I understand
3 your feelings, yes.

4 MR. PROKOP: Just to repeat my
5 advice I had given last time that I
6 don't believe the Board has the
7 legal ability to do this. I think
8 it's an expansion of nonconformity
9 that, under court law decision,
10 requires a variance.

11 The other thing I'd like to
12 point out that's unique, the Board
13 has overruled my advice before,
14 which is okay. I don't take it
15 personally. But in this case,
16 you're overruling the building
17 inspector who's denied,
18 (inaudible), which I think is
19 unusual. But that's all I can say.

20 I can't say anything else.

21 CHAIRMAN MOORE: Well, I
22 understand.

23 MEMBER CORWIN: I would also
24 like to note that it's a different
25 Board that came to that

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2 interpretation.

3 CHAIRMAN MOORE: In part, yes.

4 MEMBER GORDON: I was going to
5 say I'm a little uncomfortable
6 about this because I didn't see the
7 first plan and I haven't seen the
8 second plan, so I'm not sure if I
9 can say whether it increases the
10 nonconformance or not without
11 seeing the original plan.

12 MEMBER SALADINO: I would ask
13 the attorney. I would ask the

14 attorney before I ask the building
15 inspector.

16 Your interpretation that this
17 doesn't meet -- and I want to get
18 it right. That it doesn't meet the
19 legal standard -- if we returned it
20 to the building inspector, you
21 would say we were violating the law
22 concerning -- given this particular
23 applicant's variance? Is that what
24 you're saying? But that advice is
25 contrary to the code. I don't

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2 understand.

3 MEMBER CORWIN: Are you
4 confusing the code and the
5 interpretation?

6 MEMBER SALADINO: No. I'm
7 confusing the black letter law with

8 his interpretation.

9 MR. PROKOP: The code says, I
10 think, if I'm not mistaken,
11 provided you're not increasing
12 nonconformity? I believe that's
13 what it says.

14 MEMBER SALADINO: Well, it
15 says -- it also defines what
16 nonconformity is. It also defines,
17 to a certain extent, that the
18 improvements, construction of
19 second floor, does not go beyond
20 existing yard, front yard, setback,
21 building does not cause any
22 increase in roof elevation. The
23 structure does not allow height,
24 does not increase lot coverage.
25 And that's -- so I'm just confused

♀

2 where the additional nonconformity
3 is.

4 CHAIRMAN MOORE: The other
5 thing is that I would contend that
6 if there is an issue in the
7 interpretation, which we're
8 basing -- and also the code, which
9 we're basing this action on,
10 there's been no discussion since
11 2013 that there are any problems
12 with that interpretation. Because
13 it is actually restating what the
14 code says.

15 The remedies would be that if
16 this is a desirable action to
17 include things that are beyond the
18 code, the code should be changed.
19 And I think this would set a
20 precedent of incidental rejection
21 or inclusion of items requiring

22 variances or not and provide an
23 inconsistency with the code.

24 We have twice issued no action
25 on two applications. Once,

♀

35

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2 actually -- the first one,
3 originally, was a request for a
4 variance and we sent it back as not
5 needing and there was no further
6 action. The permits were issued
7 according to the code.

8 There was another issue that
9 came up and, based on the
10 interpretation, the same process
11 was taken. I don't know if we had
12 a request for a variance or it was
13 more of a, "Do we need to go
14 forward with the variance request?"
15 I'm foggy on that.

16 MEMBER SALADINO: With the
17 dormer?

18 CHAIRMAN MOORE: With the
19 parking lot.

20 MEMBER CORWIN: No, I'm sorry.
21 You're looking at something
22 different, John.

23 MEMBER SALADINO: No, no. I'm
24 looking at the code.

25 MEMBER SALADINO: But I read

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2 from the code.

3 MEMBER CORWIN: All right.

4 Then he quoted the code in there.

5 CHAIRMAN MOORE: Yes.

6 MEMBER CORWIN: Okay. I'm
7 sorry.

8 CHAIRMAN MOORE: So I think we
9 could proceed with the action. And

10 maintaining consistency with the
11 code. I don't know the motivations
12 for moving this forward. It was
13 not part of the original plan. I
14 understand the sensitivity to
15 add-ons to a plan. It happens,
16 with some frequency, that there's a
17 first plan and then, once that's
18 approved, suddenly there's a new
19 plan.

20 But this is a very minor
21 addition to a project that doesn't
22 require any additional variances
23 according to the code. So my
24 contention is we return it to the
25 building inspector. So that would

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2 be --

3 MEMBER SALADINO: I agree.

4 CHAIRMAN MOORE: Should we
5 bring it to a vote?

6 (No response.)

7 Yes? Okay. Could I have a
8 motion from someone?

9 MEMBER SALADINO: I make a
10 motion that we offer our
11 interpretation to return this
12 application to the building
13 inspector.

14 CHAIRMAN MOORE: May I have a
15 second?

16 (No response.)

17 Anybody wish to second the
18 motion? I prefer not to.

19 Am I legally allowed to second
20 a motion made by someone else?

21 MR. PROKOP: Yes.

22 CHAIRMAN MOORE: Okay. So
23 I'll second the motion and take a

24 roll call vote.

25 Mr. Corwin?

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2 MEMBER CORWIN: No.

3 CHAIRMAN MOORE: Mr. Saladino?

4 MEMBER SALADINO: Yes.

5 CHAIRMAN MOORE: Ms. Gordon?

6 MEMBER GORDON: Can I abstain?

7 MR. PROKOP: Yes.

8 MEMBER GORDON: I abstain.

9 CHAIRMAN MOORE: And this is

10 going to cause a problem because I

11 will say yes. So we have two 'yes'

12 votes, a 'no' vote, and an

13 abstention and we don't have

14 sufficient votes to carry the

15 motion. So we are now in limbo.

16 We would have to take another vote

17 to entertain a variance. And I

18 seriously object to that.

19 I believe the only way to
20 rectify the situation is if the
21 interpretation from 2013 was
22 incorrect. It could be taken up
23 for reconsideration, but that would
24 require a unanimous vote of the
25 Board and I don't think that's

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2 going to happen.

3 MEMBER SALADINO: Well,
4 perhaps maybe a little more
5 discussion and maybe we could come
6 to a resolution. Perhaps if the
7 building inspector gave her
8 motivation for rejecting this
9 application.

10 I don't want to put you on the
11 spot, but --

12 MS. WINGATE: I just wanted to
13 make sure you received the drawings
14 of the before and the after of what
15 was approved in the first place.

16 MEMBER GORDON: I don't think
17 so. I certainly received the
18 interpretation from 2013.

19 MS. WINGATE: In your original
20 package? Can you doublecheck
21 because I know it's there.

22 CHAIRMAN MOORE: Are you
23 talking about the --

24 MEMBER SALADINO: I have the
25 drawings here if you want to review

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2 them.

3 MEMBER GORDON: Can I see

4 them?

5 MEMBER SALADINO: Sure.

6 MR. MARTINS: I also have a
7 copy of them as well. David
8 Martins.

9 CHAIRMAN MOORE: In the Notice
10 of Disapproval -- I'm just reading
11 the facts here -- the second floor
12 deck is proposed over an existing
13 one-story reconstructed
14 mudroom/powder room and is located
15 .6 feet from the north property
16 line.

17 Is that a difference from the
18 distance of the actual structure
19 from the north property line or is
20 it the same?

21 MS. WINGATE: No. It's above
22 the roof.

23 CHAIRMAN MOORE: So it's not
24 one-tenth closer to the property
25 line?

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2 MS. WINGATE: It's not there
3 yet.

4 CHAIRMAN MOORE: It's not
5 there yet, but it's proposed, the
6 proposed.

7 MS. WINGATE: But it should
8 not be one inch, one-quarter of an
9 inch larger.

10 CHAIRMAN MOORE: So we're not
11 increasing the nonconforming
12 setback?

13 MEMBER SALADINO: So if they
14 built the plan, it wouldn't
15 increase the setback, or decrease
16 the setback?

17 MS. WINGATE: Correct.

18 CHAIRMAN MOORE: And we do
19 not, from our interpretation,

20 entertain increase in volume of a
21 building based upon --

22 Welcome. Please join us.

23 (Member Neff joins the meeting.)

24 MEMBER NEFF: Sorry I'm late.

25 MR. PROKOP: I don't

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2 understand why there's no motion on
3 the table for this application.

4 (Inaudible) set up as one hundred
5 percent pass or fail

6 interpretation. There's an

7 application to the Board for a

8 variance. So how did we end up in

9 a situation where somebody decides

10 yea or nay on the interpretation

11 and no variance?

12 CHAIRMAN MOORE: Well, the

13 point is that the evidence produced

14 to us doesn't meet the standards
15 required in a variance. And it
16 would be -- I think the Zoning
17 Board would be -- it wouldn't be in
18 our interest to be issuing
19 variances for proposals which don't
20 a require variance. I think we
21 have that option of interpretating
22 a proposal.

23 It's just as important, I
24 think, to protect the applicant
25 when a variance isn't needed, as to

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2 when one might be and it's
3 justified.

4 MR. PROKOP: You just had that
5 vote. There was an agreement on
6 that.

7 CHAIRMAN MOORE: There was an

8 agreement to return. So we're in
9 kind of limbo. I mean, we haven't
10 taken a vote to take up the
11 variance. We could do that. We
12 have full membership here now.

13 I can inform you, Ms. Neff,
14 that we had a vote considering the
15 Rosa property and the deck
16 addition.

17 MEMBER NEFF: Yes.

18 CHAIRMAN MOORE: That it does
19 not increase nonconformance and,
20 thus, doesn't require a variance.
21 And we had a vote to return it to
22 the building inspector for her
23 consideration for a building
24 permit.

25 Our votes were one abstention,

♀

2 one 'no' vote, and two 'yes' votes
3 in your absence. Which means if we
4 took it up again, we could revote
5 it. But currently we don't have
6 sufficient votes to send it back.
7 And, at the same time, I don't know
8 that we're bound to consider a
9 variance.

10 MEMBER SALADINO: To give her
11 a few seconds to think, could I
12 just ask the attorney?

13 We received this because the
14 rejection by the building inspector
15 was specific to the roof deck, that
16 the roof deck increased the
17 nonconformity. And, by reading the
18 code -- and Joe, I want you to
19 correct me if I'm wrong. And by
20 reading the code, the roof deck,
21 because it fits in the footprint

22 and because the code is specific
23 about what doesn't increase
24 nonconformity, my opinion was that
25 the roof deck shouldn't have been

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2 violated, that particular portion
3 of the project shouldn't have been
4 violated. What is it I'm not
5 seeing?

6 MR. PROKOP: We just had that
7 vote to -- excuse me. I don't mean
8 to -- we just had the vote on that
9 and the Board disagreed. Two
10 members of the Board expressed that
11 opinion and the Board does not
12 agree.

13 So I just asked the question,
14 I don't understand why we're not
15 moving ahead. And it's not for me

16 to say. I'm sorry. I'm just
17 trying to keep constructive motion
18 on the application of --

19 MEMBER SALADINO: Well, we had
20 one member that was missing.

21 MR. PROKOP: And if I could
22 just make a suggestion to the
23 Board, what I consider to be sound
24 advice: If you determine that the
25 addition of a roof deck is

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1 SEPTEMBER 16, 2015
2 basically a nothing, as far as
3 you're concerned, you know, that's
4 something that will have impact
5 throughout the Village and people
6 can come in and force us to get
7 building permits for that, whether
8 they're in a setback or not.

9 And I think that by hiring a

10 variance lawyer, you can maintain
11 control over things like, you know,
12 the size of the deck and things
13 like that. You're in a much better
14 position as far as --

15 MEMBER SALADINO: Well, I've
16 asked this question before: Is
17 there a prohibition against roof
18 decks in the village?

19 MR. PROKOP: Not that I'm
20 aware of.

21 MEMBER CORWIN: Look at that
22 application on Fifth or Sixth
23 Street when the guy wanted a porch
24 and the deck on the roof. I mean,
25 they're going to line up, as the

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1 SEPTEMBER 16, 2015
2 attorney says. They're going to
3 line up and say, "Hey, I get a roof

4 deck on my porch."

5 MEMBER SALADINO: But that

6 application is different. That

7 was on the street.

8 CHAIRMAN MOORE: That

9 application, there is no basis for

10 the code to reject the roof deck.

11 In fact, it was made as a

12 suggestion to reduce the impact of

13 the porch and our consideration of

14 the variance. But there's nothing

15 in the code that prevents a roof

16 deck from being applied for in

17 construction.

18 I don't believe that we should

19 start making excursions, extensions

20 of the code, to satisfy concerns

21 for new applications coming in. If

22 they meet the code, people should

23 be able to apply for things. There

24 may be other boards, the Historic
25 Board and the Historic District,

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2 that can deal with that, but can we
3 over apply the code to prevent
4 things from happening? That's my
5 question.

6 MR. PROKOP: I think you just
7 did. People came in for an
8 application for a variance.
9 They're entitled to a hearing for a
10 variance.

11 CHAIRMAN MOORE: Right. But
12 if the code doesn't support it,
13 what if somebody --

14 MR. PROKOP: I'm sorry. I
15 don't mean to be disrespectful.

16 CHAIRMAN MOORE: Not at all.
17 I'm just having a dialogue.

18 If there is something that is
19 clearly within the code, I suppose
20 one of the avenues is that the
21 applicant can file an appeal based
22 on the Notice of Disapproval. That
23 is another alternative.

24 The applicant can do two
25 things: They can disagree with the

♀

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2 action of the building inspector or
3 they can ask for a variance if it
4 does not meet the code.

5 And, in this case, it's coming
6 to the Zoning Board. And I don't
7 know if we can revote the issue to
8 include our late-arriving board
9 member or not, but the vote may
10 have gone differently if we had a
11 full membership present when we

12 took the vote.

13 Is that something the Board

14 can do?

15 MR. PROKOP: Well, I think you

16 need a unanimous vote of the

17 members present.

18 CHAIRMAN MOORE: Yes, we would

19 have to do that and that's likely

20 not to happen either.

21 MEMBER CORWIN: But the

22 applicant has an avenue to do what

23 they want to do. They apply for a

24 variance, then the neighbor has the

25 opportunity to make any comments

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2 they might have.

3 MEMBER SALADINO: But, David,

4 you're going on the premise that

5 the building inspector speaks in ex

6 cathedra [sic]. She may or she may
7 not. I mean, you know, sometimes
8 it's possible, the way the Zoning
9 Board, it's possible for us to
10 perhaps misinterpret the code and
11 not agree with the attorney's
12 position.

13 It's also possible that
14 perhaps the building inspector
15 misinterpreted the code and
16 progressed this to a point where it
17 really didn't have to come here.

18 MEMBER CORWIN: Well, we
19 couldn't make up our minds on that,
20 so the building inspector
21 apparently wasn't wrong in what she
22 did.

23 CHAIRMAN MOORE: Does the
24 Zoning Board of Appeals have the
25 obligation to take into

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2 consideration anything a building
3 inspector directs to them? I guess
4 that's the point we're at.

5 MR. PROKOP: Well, you get the
6 application from -- the only thing
7 that the building inspector can
8 direct to you is a request for
9 interpretation. Anything else
10 comes by way of an application by
11 the owner, by the applicant.

12 CHAIRMAN MOORE: So who is at
13 fault? Is the owner at fault for
14 listening to the recommendation of
15 the building inspector through a
16 Notice of Disapproval? I'm just,
17 you know, trying to bang this
18 around and understand where this
19 comes from.

20 You know, we've made the
21 interpretation the same way on two
22 previous occasions and there was no
23 protest, and it's based on the
24 code. And I have great difficulty
25 in proceeding with something that

♀

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1 SEPTEMBER 16, 2015
2 the code doesn't support.
3 We'll start making
4 interpretations of reasonable --
5 somebody is in compliance, but if
6 they get a Notice of Disapproval,
7 we're going to start giving
8 variances for compliant
9 construction proposals? That
10 doesn't make sense.

11 So what would you suggest the
12 alternative is here?

13 MR. PROKOP: I would consider

14 it as a variance.

15 CHAIRMAN MOORE: I'm not sure.

16 Is there any way we can recess

17 this?

18 MEMBER SALADINO: Why don't

19 you call for a revote?

20 CHAIRMAN MOORE: I don't know.

21 Can we call for a revote on this?

22 I mean, we voted to just not do

23 something. We could take up a vote

24 to consider this for a variance,

25 but we're always presented with

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2 that.

3 MR. PROKOP: What happened was

4 it was denied. When you don't have

5 three votes in favor of something,

6 it's denied.

7 CHAIRMAN MOORE: Yes. We had

8 a vote to just simply send it back
9 to the building inspector. We
10 weren't simply voting to proceed.
11 But my question is now: What can
12 we do? because I'm not inclined to
13 entertain proceeding with this
14 application.

15 MR. PROKOP: So is the motion
16 to return to the building inspector
17 appealed? So that was denied. So
18 now the appeal is here.

19 CHAIRMAN MOORE: Okay.

20 MR. PROKOP: So that's where
21 we're at. So really now, you
22 either accept the appeal or not.

23 CHAIRMAN MOORE: You mean
24 accept the appeal for a variance?

25 MR. PROKOP: Yes.

♀

2 MEMBER GORDON: For a hearing?

3 MR. PROKOP: No. It's an

4 appeal for a variance.

5 CHAIRMAN MOORE: We haven't

6 yet opened the public hearing at

7 this point. It has been noticed.

8 MS. WINGATE: You haven't

9 accepted the application.

10 CHAIRMAN MOORE: We haven't

11 accepted the application. Because

12 that's where we were is if this

13 hasn't been accepted for a

14 variance.

15 MEMBER SALADINO: What if we

16 denied the application?

17 CHAIRMAN MOORE: If we denied

18 the application, we say we won't

19 accept it based on a "no basis for

20 a variance". May we do that?

21 Because we had not yet accepted

22 this for consideration.

23 Historic Board has done their

24 duty and we had not yet decided

25 whether we'll accept it. Perhaps

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2 that's the proper, you know, the

3 proper motion is to vote whether

4 this is accepted for consideration.

5 MR. PROKOP: Well, you voted

6 on an interpretation, which was

7 not --

8 CHAIRMAN MOORE: Yes, we --

9 MR. PROKOP: So now it's on

10 your agenda to accept it.

11 CHAIRMAN MOORE: Okay.

12 MR. PROKOP: And as long as

13 you don't have that interpretation

14 in it that was just not approved,

15 you could vote not to accept it.

16 MEMBER SALADINO: That's the
17 next step.

18 CHAIRMAN MOORE: Yes, that
19 seems to be the next step.

20 MR. PROKOP: But then the
21 people are kind of stuck because
22 they can't -- the building
23 inspector has already determined
24 that that can't be built.

25 CHAIRMAN MOORE: They could

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2 file an appeal of the Notice of
3 Disapproval. They can do that.
4 That's part of the regular process.

5 MR. PROKOP: Yes. They can
6 come back with an appeal of the
7 Notice of Disapproval.

8 CHAIRMAN MOORE: You know, I
9 don't know how comfortable the

10 Board is moving forward to accept
11 this, so I would just do the simple
12 thing. This is the very first part
13 of the process, is to make a motion
14 that the Zoning Board of Appeals
15 accept the application for a
16 variance from Jeffrey Rosa for the
17 construction of a roof deck.

18 And I note that a 'yes' vote
19 is accepting the application for
20 consideration of the variance, and
21 a 'no' vote is that we'll not
22 accept it.

23 So we're back again to that
24 motion, which I will make and ask
25 for a second.

♀

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2 MEMBER GORDON: Second.

3 MEMBER CORWIN: You have to do

4 the motion again because I was a
5 little slow.

6 CHAIRMAN MOORE: Okay. I'm
7 sorry. I'm trying to write
8 initials at the same time.

9 So I make the motion that the
10 Zoning Board of Appeals does not
11 accept the appeal for an area
12 variance for a roof deck over an
13 existing mudroom and powder room at
14 506 Main Street, Greenport,
15 New York. So moved.

16 MEMBER CORWIN: I don't
17 understand this. Does not accept?

18 CHAIRMAN MOORE: Okay. You
19 want to accept or not to accept?

20 MEMBER CORWIN: We want to
21 accept the application --

22 CHAIRMAN MOORE: Okay.

23 MEMBER CORWIN: -- for the

24 appeal so we can have a public
25 hearing so they can present their

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2 case so we can vote.

3 CHAIRMAN MOORE: However, we

4 cannot accept it. So I will make

5 the motion that we accept the

6 application of Jeffrey Rosa for

7 construction of a second floor roof

8 deck at the premises at

9 506 Main Street, Greenport,

10 New York. So moved. May I have a

11 second?

12 MEMBER CORWIN: I second it.

13 CHAIRMAN MOORE: So now we

14 will take a roll call, whether to

15 accept the application or the

16 appeal.

17 MR. PROKOP: Can I?

18 CHAIRMAN MOORE: Yes?

19 MR. PROKOP: I'm sorry. Just
20 so we don't go off into some other
21 protracted discussion.

22 What about considering this an
23 amendment to the original
24 application with the deck, the
25 original, accepting it as, with the

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2 permission of the owner, accept it
3 as an amendment of the original
4 application of the deck. Since
5 that's really the problem here,
6 that it wasn't part of the original
7 application.

8 CHAIRMAN MOORE: And it's not.
9 Yes. It's not part of the original
10 application. That was actually --

11 MEMBER SALADINO: The problem

12 is that the building inspector
13 believes it adds to the
14 nonconformity of the project. And
15 that's contrary to the code.

16 CHAIRMAN MOORE: I would be
17 reluctant.

18 MR. PROKOP: I lost the logic.

19 CHAIRMAN MOORE: Okay.

20 MR. PROKOP: I'm sorry. It
21 was a great idea. It didn't work
22 out.

23 CHAIRMAN MOORE: It was a
24 thought.

25 All right. So we're at the

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2 point of voting. It has been moved
3 and seconded, so we'll take a roll
4 call vote to accept the
5 application.

6 Mr. Corwin?

7 MEMBER CORWIN: Yes.

8 CHAIRMAN MOORE: Mr. Saladino?

9 MEMBER SALADINO: I don't

10 believe they need a variance, so

11 I'm going to vote no.

12 CHAIRMAN MOORE: Ms. Gordon?

13 MEMBER GORDON: Yes.

14 CHAIRMAN MOORE: Ms. Neff?

15 MEMBER NEFF: Yes.

16 CHAIRMAN MOORE: And I vote

17 no, so we're accepting that

18 application for a variance.

19 And, you know, pending any

20 other appeals, we will move forward

21 with it. And it troubles me that

22 we will now apply the code which

23 does not restrict this application.

24 So we will schedule an applicant

25 hearing.

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2 MEMBER CORWIN: So you have to
3 schedule a public hearing.

4 CHAIRMAN MOORE: A public
5 hearing for next month in October.
6 We will do a site visit and look at
7 the proposed place where the roof
8 deck will presumably end up. And
9 we can do that next month before
10 the meeting at 4:30. I don't
11 believe we had any new
12 applications, so nothing else will
13 be site inspections. So that will
14 be October 21.

15 MS. WINGATE: You're going to
16 have another site visit.

17 CHAIRMAN MOORE: Yes. The
18 site visit at 4:30 and the public
19 hearing will be on October 21 at

20 our next regular meeting.
21 Hopefully we can decide what to do
22 at that point. I don't think we
23 need a motion for that, so that's
24 on the schedule.

25 MEMBER SALADINO: You said

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2 site visit 4:30?

3 CHAIRMAN MOORE: 4:30 at the
4 Rosa property, yes. Okay. So
5 we've done that.

6 And as I understand it, the
7 H.P.C. did not declare lead agency
8 as they might have, so that will be
9 another item on the agenda that we
10 would declare that. Since it's a
11 Type II action, it would not have
12 any coordinated review.

13 MEMBER NEFF: May I ask a

14 question?

15 CHAIRMAN MOORE: Yes.

16 MEMBER NEFF: Is the house in

17 the Historic District in that

18 section of town?

19 CHAIRMAN MOORE: It is.

20 MEMBER NEFF: That's what I

21 thought. They don't want to look

22 at the application?

23 CHAIRMAN MOORE: The H.P.C.

24 has considered and approved the

25 materials for the roof deck.

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2 MEMBER NEFF: Okay.

3 CHAIRMAN MOORE: That was the

4 only other agency requirement at

5 this point. And there would be no

6 coordinated review in this case, so

7 we can move to Item No. 4, I hope.

8 Motion to accept an appeal for
9 an area variance publicly noticed
10 and schedule a public hearing for
11 Marta Thomas to 11 Bridge Street,
12 Suffolk County Tax Map
13 1001-2-2-10.1.

14 The applicant seeks a building
15 permit for a new detached accessory
16 building for a structure which has
17 already been constructed. The
18 property is located in the R-1
19 Residential District.

20 There's one question that --
21 and I'll just read that the
22 accessory building is located two
23 feet from the south property line,
24 requiring an area variance of three
25 feet for the rear setback.

♀

2 Section 150-13A (1.b) of the
3 Village Greenport code requires a
4 five-foot setback from the rear
5 and/or side yard lot lines.

6 Just one question I have
7 concerning this is that this was
8 presented as a completed structure,
9 and it's my understanding that it's
10 still under construction. So are
11 we in a position to accept a
12 variance for something that's being
13 done without a building permit and
14 is currently proceeding?

15 MS. WINGATE: I sent the code
16 enforcement officer out today.
17 There is no further construction.
18 It is complete. It has been
19 complete.

20 CHAIRMAN MOORE: One of our
21 members observed the sections of

22 the building --

23 MS. WINGATE: Today, that's

24 what he told me today.

25 CHAIRMAN MOORE: That was

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2 today?

3 MEMBER CORWIN: What's the

4 others?

5 MEMBER SALADINO: I was there

6 today. I was there today. The

7 eaves on the building are still

8 open.

9 CHAIRMAN MOORE: Is the

10 applicant present?

11 MS. WINGATE: And the builder.

12 CHAIRMAN MOORE: And the

13 builder?

14 MS. THOMAS: Yes.

15 MR. CORNELL: Yes.

16 CHAIRMAN MOORE: Okay. Is
17 there work proceeding on the
18 building currently?

19 MR. CORNELL: No.

20 MEMBER SALADINO: Is the
21 building tight? Is the building
22 complete?

23 MR. CORNELL: I'm not sure.
24 As far as -- yes.

25 MEMBER SALADINO: Are the

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2 eaves on the second floor on?

3 MR. CORNELL: Yes.

4 MEMBER SALADINO: The front
5 and back eaves?

6 MR. CORNELL: Yes.

7 MEMBER CORWIN: Would you
8 please give your name for the
9 record?

10 MR. CORNELL: My name is Tom
11 Cornell.

12 MS. WINGATE: Would you step
13 up, Tom?

14 (Whereupon, Mr. Cornell
15 approaches podium.)

16 MR. CORNELL: Everything has
17 been framed and sheathed, but as
18 far as, like, doors on the front,
19 we don't have them yet.

20 CHAIRMAN MOORE: So it's an
21 incomplete structure. It's not at
22 all finished and now you're asking
23 for a variance. I just find
24 this -- we're in suspension here.
25 That there's something being built,

♀

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1 SEPTEMBER 16, 2015
2 yet we're being asked to issue a
3 variance for it.

4 If it were fully complete and
5 there it is, I think we could
6 consider it, but I'm reluctant to
7 accept an application for an
8 incomplete building that, perhaps,
9 if it weren't complete, could be
10 taken back down.

11 MR. CORNELL: Well, it's far
12 and long enough that we have
13 footing to board. And it's done,
14 you know, everything is
15 structurally sound.

16 CHAIRMAN MOORE: This is
17 sitting on an actual concrete
18 footing?

19 MR. CORNELL: Concrete piers
20 for a deck.

21 MEMBER SALADINO: Okay. I
22 just -- unless I'm looking at the
23 wrong building, which I'm

24 reasonably certain I'm not. And I
25 looked at it from the back of the

♀

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1 SEPTEMBER 16, 2015

2 building. The upper portion of the
3 building, under the rake boards,
4 there is no sheet. I see framing
5 metals. I see 2-by-4s.

6 MR. CORNELL: Okay.

7 CHAIRMAN MOORE: Is that the
8 design of the building?

9 MR. CORNELL: Well, no. I
10 mean, you know --

11 MEMBER SALADINO: According to
12 your plan, that's not the design of
13 the building.

14 MR. CORNELL: No, no. I mean,
15 you know, we have, it's, you know,
16 the siding is the sheathing. It's
17 called Section 111. So the pieces

18 are made, which I can put them up.

19 We still don't have the front doors

20 on them.

21 MEMBER SALADINO: My point is,

22 your application says it's a

23 completed building. When I drive

24 by, I can see through the building.

25 MR. CORNELL: Mm-hmm.

♀

69

1 SEPTEMBER 16, 2015

2 MEMBER SALADINO: Unless

3 that's the design.

4 MR. CORNELL: No.

5 MEMBER SALADINO: In my mind,

6 it's not a complete building.

7 MR. CORNELL: Okay. It's not

8 complete.

9 (Ms. Marta Thomas approaches

10 podium.)

11 MS. THOMAS: In that sense,

12 it's not complete.

13 MEMBER SALADINO: Is there a

14 different sense, or another sense?

15 I'm not even sure if I'm allowed to

16 debate this, but you have to

17 understand we can only go by what's

18 written here.

19 MR. CORNELL: We just want to

20 make it right at this point.

21 CHAIRMAN MOORE: We

22 understand.

23 MR. CORNELL: We need the

24 building --

25 MS. THOMAS: It's not

♀

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1 SEPTEMBER 16, 2015

2 completed enough that we would

3 just, like, take some screws out

4 and take the whole structure down.

5 It's completed enough that it would

6 be, you know, somewhat of a
7 hardship to pick it up and move it.

8 CHAIRMAN MOORE: Well, if --

9 MS. THOMAS: We can't pick it
10 up and move it.

11 MEMBER NEFF: Can I ask a
12 question, Chairman?

13 CHAIRMAN MOORE: Yes.

14 MEMBER NEFF: My question is
15 your point is the timing. Is
16 there -- well, actually for the
17 building inspector. Is there a
18 present stop work?

19 MS. WINGATE: Well, Marta has
20 been to court because of issued
21 violations. So, yes, there is a
22 stop work order.

23 MEMBER NEFF: There is a stop
24 work, okay.

25 MS. WINGATE: Joe would know

1 SEPTEMBER 16, 2015

2 better.

3 MR. PROKOP: There's no --

4 there's violations. It's not

5 officially a stop work order.

6 MEMBER NEFF: What would it

7 take for a stop work order?

8 MR. PROKOP: Just a piece of

9 paper issued. There will be one

10 there tomorrow.

11 MEMBER NEFF: Okay. And my

12 other question is, it would make

13 more sense, in my opinion, and I

14 think I certainly have been

15 present, a long time in the past,

16 at Z.B.A. meetings where something

17 was in the middle, or even

18 finished, and then it was in front

19 of this body, as it was constituted

20 at that time.

21 In other words, I'm asking the
22 chairman: Doesn't it make more
23 sense to deal with it incomplete --
24 it is incomplete, the work is not
25 ongoing -- to make a determination

♀

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1 SEPTEMBER 16, 2015

2 whether they get a variance or not?

3 CHAIRMAN MOORE: Oh, I
4 understand what you're saying. But
5 I find it, I guess I should just
6 say annoying that we're dealing
7 with an ongoing project requesting
8 a variance.

9 I mean, it should be either
10 proposed to be built or it should
11 be finished and asking for a
12 variance. But to catch it while
13 it's under way, I don't think we

14 should be considering ongoing
15 projects.

16 I think if there was a stop
17 work order and there was no further
18 work done, we could then take it
19 into consideration. But I don't
20 think that I would be inclined to
21 accept an application for an
22 ongoing project. I just don't see
23 that as appropriate.

24 We've had discussions in the
25 press about other projects in the

♀

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1 SEPTEMBER 16, 2015

2 Village that, while under violation
3 and stop work orders, have
4 proceeded and that shouldn't
5 happen.

6 MEMBER NEFF: Well, we're
7 talking about this one.

8 CHAIRMAN MOORE: Right.

9 MEMBER NEFF: Where the stop
10 work order has not been issued, but
11 we're assured that it will be
12 issued.

13 CHAIRMAN MOORE: Are we?

14 MEMBER NEFF: Yes.

15 CHAIRMAN MOORE: It's
16 possible.

17 MEMBER NEFF: The attorney
18 just said tomorrow.

19 CHAIRMAN MOORE: A piece of
20 paper?

21 MS. WINGATE: There was a
22 complaint that was lodged against
23 the building that was too close to
24 the property line. It's
25 substantially complete, instead of

♀

2 the stop work order, because it's a
3 shed. It didn't have to be -- I
4 haven't been out there in a very
5 long time.

6 CHAIRMAN MOORE: Mm-hmm.

7 MS. WINGATE: It was
8 substantially complete enough to
9 not stop the work but just to go
10 straight to the violation.

11 CHAIRMAN MOORE: Yes. Okay.

12 MS. WINGATE: For illegal
13 construction.

14 CHAIRMAN MOORE: Okay. Then
15 you can deal with them like that
16 and deal with it on a building
17 permit basis. Why are we hearing
18 it here in appeals?

19 MS. WINGATE: Because she
20 would like to keep it. And when
21 they submitted plans, I turned them

22 down. She filled out a Z.B.A.

23 application and here we are.

24 CHAIRMAN MOORE: I think the

25 difficulty is that it's a

♀

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1 SEPTEMBER 16, 2015

2 formality, at this point, to get a

3 variance because we're just going

4 to finish it anyway. And I object

5 to that.

6 And I, you know, won't make a

7 motion to accept this unless we

8 have some assurance that there will

9 be no further work. I don't think

10 there's any danger to the building

11 at this point. And we'll take it

12 up next month, but not until we

13 have some assurance that there is a

14 continuing process as stopped. Do

15 you understand?

16 MS. THOMAS: I just want to
17 say we -- as soon as I got the
18 letter from the Building Department
19 talking about the building permit,
20 which was June -- I believe the
21 original date was June 6. No work
22 has been done on the building. So
23 I didn't -- we didn't get an
24 official stop work order, but we
25 stopped working.

♀

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1 SEPTEMBER 16, 2015
2 CHAIRMAN MOORE: You mean
3 since June there has been no
4 further work on the building?
5 MS. THOMAS: No.
6 CHAIRMAN MOORE: It's just
7 been sitting there since June?
8 MS. THOMAS: Yes. And I
9 believe --

10 MEMBER SALADINO: That's not
11 factual.

12 CHAIRMAN MOORE: This
13 was architect designs?

14 MS. THOMAS: I'm just putting
15 it out there.

16 MEMBER SALADINO: But that's
17 not factual.

18 MS. THOMAS: I didn't even
19 know that there was a real thing, a
20 stop work order. I just know we
21 got it and we stopped, so.

22 MEMBER SALADINO: Well, again,
23 in my travels today, driving by,
24 going someplace down there, the
25 only reason I noticed the building

♀

1 SEPTEMBER 16, 2015
2 was because there was somebody on a
3 ladder on the roof.

4 MS. THOMAS: Today?

5 MR. CORNELL: No, that's

6 not --

7 MS. THOMAS: No. Then maybe

8 it was a different building. We

9 have a ladder that goes up there

10 because we throw things for

11 storage. But we were not up there

12 today.

13 CHAIRMAN MOORE: Okay.

14 MS. THOMAS: It couldn't have

15 been the right house.

16 MR. CORNELL: There are still

17 roofing boards on there to put the

18 shingles on, but we, you know, when

19 we were told stop, we stopped.

20 CHAIRMAN MOORE: The Notice of

21 Disapproval is only dated

22 September 1. So I don't know what

23 was going on since June to

24 September.

25 The other thing is, this

♀

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1 SEPTEMBER 16, 2015

2 architect design. I mean, you have

3 a drawing here from a local design

4 consulting?

5 MS. THOMAS: Nancy Dwyer.

6 CHAIRMAN MOORE: Nancy Dwyer.

7 MEMBER CORWIN: From a

8 draftsman. It's not from an

9 architect.

10 CHAIRMAN MOORE: Okay. A

11 draftsman.

12 MR. PROKOP: There are no

13 building plans yet because it

14 doesn't have a building permit.

15 CHAIRMAN MOORE: I see. But,

16 I mean, at no time was there any

17 interaction with the Building

18 Department? You're a local
19 builder, I take it? You're not
20 from out of town?

21 MR. CORNELL: I used to be a
22 local builder.

23 CHAIRMAN MOORE: You used to
24 be a local builder.

25 MR. CORNELL: So we had an

♀

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1 SEPTEMBER 16, 2015
2 existing shed there. So we just --
3 we're building off of what was
4 originally, what we thought was
5 originally there.

6 MR. PROKOP: You need a set of
7 plans.

8 MS. THOMAS: We have plans
9 from Nancy Dwyer.

10 MR. CORNELL: Our shed, our
11 original shed, is on the plans.

12 MEMBER CORWIN: This is your
13 plans?

14 MS. THOMAS: No. There's
15 another set.

16 MEMBER SALADINO: This?

17 CHAIRMAN MOORE: That's the
18 site plan drawing.

19 MEMBER SALADINO: The site
20 plan.

21 CHAIRMAN MOORE: There's one
22 drawing for --

23 MEMBER SALADINO: But it says
24 the shed that was there has been
25 moved. It shows us nothing about

♀

80

1 SEPTEMBER 16, 2015

2 what you have.

3 MS. WINGATE: I don't have
4 Nancy's plans.

5 MS. THOMAS: I thought you --

6 no. As soon as we got the
7 paperwork that we needed a building
8 permit, we called Nancy Dwyer and
9 she drew up the papers. So maybe
10 they're not in your packet, but
11 she --

12 MR. PROKOP: They're not in
13 the Village.

14 CHAIRMAN MOORE: Well, let's
15 have a full packet. Otherwise, I
16 don't think we're going to accept
17 anything tonight. And I would like
18 to see that there is an official
19 stop work order.

20 MR. PROKOP: What is the
21 height of the building?

22 MS. WINGATE: 15 feet exactly.
23 I went out and measured it.

24 CHAIRMAN MOORE: And it's over
25 100 square feet. It's 100 and --

1 SEPTEMBER 16, 2015
2 MEMBER SALADINO: -- 92.
3 MEMBER CORWIN: 192.
4 CHAIRMAN MOORE: 192 square
5 feet, so it's fully deserving of a
6 building permit, obviously.

7 I would say I don't know what
8 our motion would be, but pending a
9 full set of plans that goes with
10 the building permit, I would say we
11 will consider it next month.

12 Would that suit the Board? I
13 don't know if we need a motion. We
14 could reject the plans.

15 MEMBER SALADINO: Are we
16 rejecting this application? Is
17 that what we're doing?

18 CHAIRMAN MOORE: Is that the
19 proper process?

20 MR. PROKOP: It's a motion not
21 to accept. It's a motion not to
22 accept everything. It's a motion
23 to table the acceptance of the plan
24 until next month.

25 CHAIRMAN MOORE: Okay.

♀

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1 SEPTEMBER 16, 2015

2 MR. PROKOP: And submission of
3 a full set of plans.

4 MEMBER GORDON: Does that mean
5 we wouldn't have a hearing for two
6 months?

7 MR. PROKOP: Yes.

8 CHAIRMAN MOORE: It could be.

9 MR. PROKOP: If we do that,
10 it --

11 CHAIRMAN MOORE: Yes, that's
12 the way it would be. I would say
13 that would be appropriate. May I

14 make that motion then?

15 MEMBER CORWIN: Before we make
16 a motion, can I ask?

17 CHAIRMAN MOORE: Yes.

18 MEMBER CORWIN: The existing
19 deck on the building, was that
20 permitted?

21 MS. WINGATE: Yes. And the
22 front deck as well. The front deck
23 received a zoning code.

24 MEMBER SALADINO: Well, just
25 to expand on that, what was the

♀

83

1 SEPTEMBER 16, 2015
2 variance then that was requested in
3 2006?

4 MS. WINGATE: A front deck,
5 which didn't meet front/rear
6 setbacks, and a side deck to get
7 out of the garage was too close to

8 the property line, so they received
9 a variance, I think, it's 3 by 4 at
10 the side --

11 MEMBER SALADINO: So both
12 variances were approved?

13 MS. WINGATE: Yes.

14 CHAIRMAN MOORE: And were they
15 approved prior to the work or were
16 they approved after the work was
17 done.

18 MS. WINGATE: Prior to the
19 work.

20 CHAIRMAN MOORE: Prior to the
21 work. Do you have the dates on
22 that?

23 MS. WINGATE: The side deck
24 was under way. The front deck was
25 not.

♀

2 CHAIRMAN MOORE: So the work
3 had already commenced. So we've
4 been through this process before?

5 MS. WINGATE: We've been
6 through this process.

7 CHAIRMAN MOORE: That's very
8 interesting.

9 MR. PROKOP: I just want to
10 point out, when the time comes,
11 whatever she does to get a C.F.O.,
12 wherever this thing is going to be
13 located, 5 feet or 2 feet, she's
14 going to have a significantly
15 higher cost for the building permit
16 and the C.F.O. because our code --
17 it's an existing structure that
18 she's applying for.

19 And the second thing is that
20 she will be paying significant
21 fines to court. I don't mean -- I

22 don't want -- I know that it's
23 being built and it's not a question
24 that the owner will just be skating
25 through. It's not that situation.

♀

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1 SEPTEMBER 16, 2015

2 CHAIRMAN MOORE: So what the
3 Board --

4 MEMBER SALADINO: Can I ask
5 one more question? Just so that
6 there's no problems next month.
7 And I don't have to ask you next
8 month. I'm looking at your E.A.F.
9 and there's not going to be any
10 water in the building?

11 MR. CORNELL: No.

12 MEMBER SALADINO: But you also
13 say that there's not going to be
14 any storm water discharge runoff.
15 How do you -- you're 2 feet from

16 the property line. How are you
17 going to propose to keep the storm
18 water on your property? I don't
19 see anything for gutters,
20 downspouts, drywells.

21 You answered 'no' to both
22 questions on the E.A.F. as far as
23 storm water discharge directed to
24 establish conveyance systems.

25 CHAIRMAN MOORE: What's the

♀

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1 SEPTEMBER 16, 2015

2 basis for --

3 MR. CORNELL: A shed needs
4 gutters in the Village?

5 MEMBER SALADINO: Well, you
6 have to control the storm water
7 runoff.

8 CHAIRMAN MOORE: I have a
9 question. What is the basis of

10 filling out an E.A.F. in the first
11 place? Is there a requirement for
12 a building permit?

13 MS. WINGATE: There is a
14 requirement to be before the Zoning
15 Board and the Planning Board.

16 CHAIRMAN MOORE: For a Type II
17 action?

18 MR. PROKOP: Yes.

19 MEMBER SALADINO: For the
20 short forms.

21 MR. PROKOP: Short form is
22 Type II.

23 CHAIRMAN MOORE: Okay. I just
24 want to be sure we understood. So
25 do we have, just generally from the

♀

1 SEPTEMBER 16, 2015
2 Board, do we have enough
3 information to move ahead with this

4 application next month if we accept
5 it? We don't have true drawings.
6 We have, you know, a schematic of
7 the appearance of the shed. Is
8 there anything missing that's
9 required on the plans?

10 MEMBER CORWIN: I want to see
11 the height of the building. The
12 Zoning Board of Appeals has had
13 that problem before. According to
14 the State of New York, because it's
15 over 144 square feet, it needs an
16 architect's approval.

17 CHAIRMAN MOORE: Okay.

18 MEMBER CORWIN: And, bear in
19 mind, we're in 120 mile an hour
20 wind zone. So you kind of can't
21 just put up what you want to put
22 up.

23 CHAIRMAN MOORE: Could we be

24 confident that this information, if
25 it's acceptable, that it could be

♀

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1 SEPTEMBER 16, 2015

2 submitted to us until next month?

3 And that we would accept the

4 application, pending that

5 information being submitted? Would

6 that be --

7 MEMBER SALADINO: It may not

8 be a question of that they --

9 MEMBER CORWIN: I have no

10 problem letting them move along by

11 accepting it this month, as long as

12 we --

13 CHAIRMAN MOORE: You have a

14 problem?

15 MEMBER CORWIN: I have no

16 problem.

17 CHAIRMAN MOORE: Okay. Sorry.

18 I misunderstood. I would be
19 agreeable to that.

20 So why don't we just do a
21 motion to accept an appeal for an
22 area variance, publicly noticed.

23 And schedule a public hearing for
24 Marta Thomas, 211 Bridge Street,
25 Suffolk County Tax Map

♀

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1 SEPTEMBER 16, 2015
2 1001-2-2-10.1. The applicant seeks
3 a building permit for a new
4 detached accessory building for a
5 structure which has already been
6 constructed. The property is
7 located in the R-1 Residential
8 District.

9 I make that motion and ask for
10 a second.

11 MEMBER GORDON: Second.

12 CHAIRMAN MOORE: All in favor?

13 MEMBER GORDON: Aye.

14 MEMBER NEFF: Aye.

15 MEMBER CORWIN: Aye.

16 CHAIRMAN MOORE: Aye.

17 Any abstentions or no's?

18 MEMBER SALADINO: No.

19 CHAIRMAN MOORE: You vote no.

20 MEMBER SALADINO: I think this

21 application is wrong on so many

22 levels, so I'm going to vote no.

23 CHAIRMAN MOORE: All right.

24 Four to one vote is noted. The

25 motion carries.

♀

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1 SEPTEMBER 16, 2015

2 So we'll schedule a visit at 4

3 next month?

4 MS. WINGATE: At 4.

5 CHAIRMAN MOORE: At 4. So it

6 will be 4 for the shed and 4:30 for
7 the deck.

8 MS. THOMAS: Okay. So between
9 now and then, I just have to make
10 sure that Eileen gets to you guys
11 on that day the plans?

12 CHAIRMAN MOORE: That
13 information, yes.

14 MS. WINGATE: I need two weeks
15 in advance, so you have to really
16 get it done.

17 CHAIRMAN MOORE: We need to
18 see --

19 MS. THOMAS: I have them.
20 I'll get them to you.

21 CHAIRMAN MOORE: You know,
22 elevation with dimensions and any
23 other required --

24 MEMBER CORWIN: You need the
25 height of the building, you need

1 SEPTEMBER 16, 2015
2 leaders and gutters, and you need
3 an engineer and an architect to
4 stamp the plans.

5 You can't bring in some plans
6 from an architect.

7 And bear in mind, it's 120
8 mile hour winds.

9 MS. THOMAS: I believe that
10 Nancy Dwyer --

11 MEMBER CORWIN: She's not a
12 licensed professional, so all she
13 is is a draftsman. Don't even
14 mention her name to me.

15 CHAIRMAN MOORE: So she'll
16 have to get it stamped.

17 MS. THOMAS: So she's saying
18 the Zoning Board -- she said the
19 Zoning Board isn't reviewing

20 structure, so the plans, as shown,
21 is acceptable for their review.

22 MEMBER CORWIN: What did I
23 just say? She's not a licensed
24 professional, so I don't care what
25 she says. She's a draftsman.

♀

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1 SEPTEMBER 16, 2015

2 MS. THOMAS: Well, she came
3 recommended from the Village.

4 MEMBER CORWIN: So the
5 building inspector told you to go
6 to Nancy Dwyer?

7 MS. THOMAS: Well --

8 MEMBER CORWIN: Is that what
9 you're saying?

10 MR. PROKOP: -- is not able to
11 make recommendations, so there must
12 be some kind of misunderstanding.

13 MS. THOMAS: Yes.

14 CHAIRMAN MOORE: Just get the
15 drawing stamped and we need
16 elevations with dimensions because
17 if this building is higher than
18 fifteen feet and we approve it,
19 we've approved something that's not
20 permitted and that would have to be
21 included in the variance.

22 MS. THOMAS: Just so you guys
23 know where I'm coming from, she
24 said, "I typically don't send the
25 plans to them for stamping until

♀

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1 SEPTEMBER 16, 2015
2 after the Zoning Board approves the
3 variances."

4 MR. PROKOP: She can't stamp
5 plans because she's not --

6 CHAIRMAN MOORE: -- a licensed
7 engineer. She'll have to ask

8 someone.

9 MS. THOMAS: I didn't realize.

10 I thought she was.

11 CHAIRMAN MOORE: There are
12 people around that stamp plans, so.

13 MS. THOMAS: Okay.

14 CHAIRMAN MOORE: Okay. So we
15 have voted to accept that
16 application.

17 So we can move to Item No. 5.
18 There's a motion to accept the ZBA
19 minutes for August 19. On reading
20 the minutes, I see many misstated
21 words.

22 In fact, I apparently
23 responded to your long response on
24 one of the issues as referring to
25 your mass comments. I did not say

♀

2 that. I apologize if I did. I
3 think it was last comments, but
4 there are many words out of place
5 and I think I would like to ask the
6 stenographer from last month's
7 meeting to review the tape and read
8 through the minutes and make sure
9 they are correct.

10 So I'm proposing we don't
11 accept the minutes at this point.
12 So I make a motion to accept them,
13 as for a second.

14 MEMBER SALADINO: Second.

15 CHAIRMAN MOORE: All in favor?

16 MEMBER CORWIN: No.

17 CHAIRMAN MOORE: Any against?

18 (No verbal response.)

19 CHAIRMAN MOORE: I say no,
20 everyone says no, so we're sending
21 them back.

22 Motion to approve the minutes
23 for July 15, so moved.

24 Second please.

25 MEMBER NEFF: Second.

♀

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1 SEPTEMBER 16, 2015

2 CHAIRMAN MOORE: All in favor?

3 MEMBER GORDON: Aye.

4 MEMBER NEFF: Aye.

5 MEMBER SALADINO: Aye.

6 CHAIRMAN MOORE: Aye.

7 Any abstentions or

8 declinations?

9 MEMBER CORWIN: I abstain.

10 CHAIRMAN MOORE: Mr. Corwin

11 abstains.

12 Motion to schedule the next
13 meeting for October 21. We note
14 that we will be visiting Bridge
15 Street at 4 and Main Street at

16 4:30. So I make that motion that
17 our meeting will be on October 21.

18 MEMBER GORDON: Second motion.

19 CHAIRMAN MOORE: All in favor.

20 MEMBER GORDON: Aye.

21 MEMBER NEFF: Aye.

22 MEMBER SALADINO: Aye.

23 MEMBER CORWIN: Aye.

24 CHAIRMAN MOORE: Aye.

25 Motion carries. Before

♀

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1 SEPTEMBER 16, 2015

2 adjourning, I would just like to
3 mention that I will not be able to
4 attend the meeting next month. So
5 one of the first items on the
6 agenda will have to be appointing
7 an acting chair. With that comment
8 I would make a motion --

9 MEMBER CORWIN: Well --

10 CHAIRMAN MOORE: Yes?

11 MEMBER CORWIN: Before you
12 close the meeting, let's appoint an
13 acting chair now because the acting
14 chair will have to interact with
15 the building inspector --

16 CHAIRMAN MOORE: Okay. So
17 motioned. I would ask somebody
18 else to make that motion, since I
19 won't be here.

20 Anybody want to do that?

21 MEMBER CORWIN: I make a
22 motion that John Saladino --

23 MEMBER SALADINO: No. No,
24 David --

25 MEMBER CORWIN: -- conducts

♀

1 SEPTEMBER 16, 2015

2 the meeting next week.

3 MEMBER SALADINO: I'm not

4 prepared to do that.

5 MEMBER CORWIN: Next month.

6 MEMBER SALADINO: I vote no.

7 CHAIRMAN MOORE: We didn't ask

8 for a vote yet.

9 Any second for that motion?

10 MEMBER NEFF: I think, we're

11 not voting on John. If John is

12 saying he doesn't want to do it,

13 why would we do that?

14 MEMBER SALADINO: I'm

15 uncomfortable doing that. I don't

16 feel I have the experience to do

17 that, to be the chairman, even for

18 one meeting.

19 CHAIRMAN MOORE: Well, I guess

20 he could decline to accept the

21 responsibility. So do we have any

22 volunteers before we form a motion?

23 MEMBER SALADINO: Isn't that

24 the prudent thing to do if you say
25 you're not experienced enough? I

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1 SEPTEMBER 16, 2015

2 mean, why step into something you
3 don't feel you have the experience
4 to do?

5 CHAIRMAN MOORE: I think
6 you're underrating yourself, but
7 that's acceptable. You don't want
8 to do it.

9 MEMBER NEFF: I volunteer for
10 one meeting.

11 CHAIRMAN MOORE: All right.
12 So with that volunteering, I make a
13 motion that Ellen Neff be the
14 acting chairperson for the meeting
15 in October.

16 MS. WINGATE: I missed that.
17 I'm sorry.

18 CHAIRMAN MOORE: Ellen Neff is
19 going to be the acting chairperson
20 for the meeting.

21 MS. WINGATE: Ellen Neff.
22 Good choice.

23 CHAIRMAN MOORE: As for a
24 second?

25 MEMBER SALADINO: Second.

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2 CHAIRMAN MOORE: All in favor?

3 MEMBER GORDON: Aye.

4 MEMBER NEFF: Aye.

5 MEMBER SALADINO: Aye.

6 MEMBER CORWIN: Aye.

7 CHAIRMAN MOORE: Aye.

8 Any abstentions or

9 declinations? You're allowed to

10 say no. Anyway, that carries. So

11 Ms. Neff will be the chairperson

12 next month.

13 MEMBER NEFF: Formally, I want
14 to state that, by the turn of this
15 year, we'll be considered
16 experienced for chairmanship.

17 CHAIRMAN MOORE: Yes.

18 MEMBER GORDON: Chairman?

19 CHAIRMAN MOORE: Yes.

20 MEMBER GORDON: The Holy
21 Trinity Church provided us with
22 these financial documents that we
23 asked for. Do we simply
24 incorporate those into the -- are
25 the discussion votes incorporated

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2 into our postponement?

3 CHAIRMAN MOORE: Well, they
4 will be up for discussion next
5 month.

6 MEMBER GORDON: Okay. So
7 that's part of what we will do.

8 MEMBER SALADINO: Is that part
9 of the public record, Joe?

10 MR. PROKOP: Yes.

11 MEMBER SALADINO: So somebody
12 that would want to know their
13 financial information can go and
14 get it?

15 MR. PROKOP: Can request it.

16 CHAIRMAN MOORE: It doesn't
17 look particularly sensitive.

18 Anyway, thanks everybody for
19 being here. Any other unofficial
20 discussions before we adjourn?

21 (Time noted: 6:22 p.m.)

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1 SEPTEMBER 16, 2015

2 C E R T I F I C A T E

3 STATE OF NEW YORK)

) ss:

4 COUNTY OF NEW YORK)

5 I, Tracy Newman, Shorthand Reporter and Notary

6 Public within and for the State of New York, do

7 hereby certify that the within is a true and

8 accurate transcript of the proceedings taken on

9 September 16, 2015.

10 I further certify that I am not related to any

11 of the parties to this action by blood or marriage,

12 and that I am in no way interested in the outcome of

13 this matter.

14 IN WITNESS WHEREOF, I have hereunto set my hand

15 this 25th day of September, 2015.

16

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Tracy Newman

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