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VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

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ZONING BOARD OF APPEALS

REGULAR SESSION

-----x

Old Schoolhouse
Greenport, New York

December 18, 2018
6:08 p.m.

B E F O R E:

JOHN SALADINO - CHAIRMAN

DAVID CORWIN - MEMBER

ELLEN NEFF - MEMBER

DINI GORDON - MEMBER

ARTHUR TASKER - MEMBER

ROBERT CONNOLLY - ATTORNEY

KRISTINA LINGG - BUILDING CLERK

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1
2 CHAIRMAN SALADINO: This is the
3 regular meeting of the Village of
4 Greenport Zoning Board of Appeals.

5 Item Number 1 is a motion to
6 accept the minutes of the October 16,
7 2018 Zoning Board of Appeals meeting.

8 So moved.

9 MR. TASKER: Second.

10 CHAIRMAN SALADINO: All in favor?

11 MS. GORDON: Aye.

12 MR. TASKER: Aye.

13 MR. CORWIN: Aye.

14 MS. NEFF: Aye.

15 CHAIRMAN SALADINO: Any opposed?

16 (No response.)

17 Item Number 2 is motion to approve
18 the minutes of September 18, 2018
19 Zoning Board of Appeals meeting.

20 So moved.

21 MR. TASKER: Second.

22 CHAIRMAN SALADINO: All in favor?

23 MR. TASKER: Aye.

24 MS. GORDON: Aye.

25 MS. NEFF: Aye.

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2 CHAIRMAN SALADINO: I'll vote aye.

3 Any abstentions?

4 MR. CORWIN: Abstain.

5 CHAIRMAN SALADINO: One
6 abstention.

7 Item Number 3 is a motion to
8 schedule the next Zoning Board of
9 Appeals meeting for Tuesday January 15,
10 2019 at 6:00 p.m. at the Third Street
11 Fire Station, Greenport, New York
12 11944.

13 So moved.

14 MR. TASKER: Second.

15 CHAIRMAN SALADINO: All in favor?

16 MR. CORWIN: Aye.

17 MR. TASKER: Aye.

18 MS. GORDON: Aye.

19 MS. NEFF: Aye.

20 CHAIRMAN SALADINO: And I'll vote
21 aye.

22 Item Number 4, I don't see the
23 applicant or the attorney, so I'm going
24 to go to Item Number 5; and if they
25 come later, we can --

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2 I'm sorry. I got ahead of myself.

3 Item Number 4 is a motion to
4 accept the findings and determinations
5 in the matter of the application of
6 James Olinkiewicz for the property
7 located at 412 Third Street, Greenport,
8 New York 11944.

9 And the Suffolk County Tax Map
10 Number was 1001-4-2-4.6.

11 So moved.

12 MR. TASKER: Second.

13 CHAIRMAN SALADINO: All in favor?

14 MR. CORWIN: Aye.

15 MR. TASKER: Aye.

16 MS. GORDON: Aye.

17 MS. NEFF: Aye.

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

20 You have that Kristina, right?

21 MS. LINGG: Yes.

22 CHAIRMAN SALADINO: So everything
23 I said about Item Number 4, I'm gonna
24 apply to Item Number 5. It's a motion
25 to accept an application. The attorney

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1
2 and the applicant aren't here yet, or
3 aren't here, so we move to Item Number
4 6.

5 Item Number 6 is a motion to
6 accept the application, schedule a
7 public hearing and arrange a site visit
8 for the application of Frank Macken for
9 the property located at 138 Sterling
10 Avenue, Greenport, New York 11944.

11 Suffolk County Tax Map number is
12 1001-3-4-29.

13 Is the applicant here?

14 MR. WILLIAMSON: Nigel Williamson,
15 architect for the applicant. Mr.
16 Macken is also here, sir.

17 The existing one- and two-story
18 framed accessory structure was granted
19 a variance in 1986 for an artist studio
20 and has been in existence --

21 MR. CORWIN: You're going to have
22 to speak up.

23 CHAIRMAN SALADINO: There are no
24 microphones, so if you could just speak
25 up a little bit.

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2 MR. WILLIAMSON: Okay.

3 CHAIRMAN SALADINO: Before you get
4 into the application.

5 We have two applications.

6 MR. WILLIAMSON: One was --

7 CHAIRMAN SALADINO: One, we tabled
8 your application in June, I believe.

9 MR. WILLIAMSON: Correct
10 because --

11 CHAIRMAN SALADINO: At your
12 request.

13 MR. WILLIAMSON: Because the
14 original, what I submitted as an area
15 variances, I thought, was a use
16 variance, hey said. Mr. Connell [sic]
17 and I had a discussion, and it came up
18 as an area variance; it's not a use
19 variances for the property.

20 I'm sure Mr. Connell will remember
21 it. You sent me a text.

22 MR. CONNOLLY: Right. It was
23 going to be an area variance
24 application.

25 MR. WILLIAMSON: Right.

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2 Then we resubmitted again for an
3 area variance because the original
4 forms I got were for a use variance.

5 CHAIRMAN SALADINO: We're going to
6 ask the attorney, perhaps, the logic --

7 MR. CONNOLLY: When I spoke with
8 the Village attorney, Mr. Pallas, we
9 looked through the code and we came to
10 the determination that it's not a use
11 variance because it's a residential use
12 in a residential zoning district; but
13 for the addition of the cottage, it
14 would be an area variance application.
15 The structure would need to meet all
16 setbacks and dimensional regulations in
17 the code.

18 CHAIRMAN SALADINO: Just one
19 moment.

20 MR. WILLIAMSON: All right.

21 CHAIRMAN SALADINO: Just so it's
22 clear in my mind, this is -- a second
23 dwelling unit on the property is not an
24 approved use in R-2 District.

25 We have had applications in front

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2 of us for buildings in the R-1 District
3 to go from a single-family residence to
4 two-family residence and even though
5 there's a residential component in the
6 R-1 District, those buildings still had
7 to get a use variance; so maybe it's
8 just me that's confused.

9 MR. TASKER: No. I'm with you,
10 John.

11 MR. CONNOLLY: When I discussed
12 it, I was told that similar
13 applications in the past have be
14 prosecuted as area variance
15 applications.

16 CHAIRMAN SALADINO: Okay.

17 Anybody --

18 MS. GORDON: Is this because the
19 area variance is a sort of catchall
20 for -- what? Because certainly there
21 are more than one perspective on
22 whether this is use or area variance.

23 MR. CONNOLLY: That determination
24 usually would be made by the Building
25 Department; they would tell you which

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1 application they --

2 MS. GORDON: This may be one of
3 the pieces of evidence that it matters
4 that we don't have a building inspector
5 at the moment.
6

7 MR. CORWIN: This is traditionally
8 the way we have handled these things
9 that are a little hard to figure out,
10 call it an area variance. And I can
11 see the argument that it's not a use
12 variance because it's a two-family use,
13 R-2 and the gentleman is saying, well,
14 it's gonna be R-2; and we have to make
15 a determination of whether something
16 that's not a two-family house which is
17 kind of an area thing is going to be --
18 it not allowed under the code, we have
19 to make a determination as to whether
20 we're going to give it a variance or
21 not.

22 CHAIRMAN SALADINO: Okay.

23 Like Mr. Connolly said, these
24 things are adjudicated at, what to
25 apply for is done at the Building

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1 Department. It might -- we don't get
2 to -- well, we do get to agree or
3 disagree; but we have to act on the
4 application that's in front of us.
5

6 If I was the building inspector, I
7 would progress this as a use variance;
8 but I'm not the building inspector and
9 the current application we have in
10 front of us is for an area variance.

11 MR. TASKER: We get to accept it
12 or not, correct.

13 CHAIRMAN SALADINO: And our
14 opinions will be expressed in our vote.

15 MS. GORDON: And the Notice of
16 Disapproval says it requires a use
17 variance.

18 CHAIRMAN SALADINO: That was the
19 first one. The second notice --

20 MS. GORDON: Do you have another
21 Notice of Disapproval?

22 CHAIRMAN SALADINO: The second
23 Notice of Disapproval on the --

24 MS. GORDON: Do you have another
25 one?

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MS. NEFF: No.

MR. TASKER: I've got a May 30
Notice of Disapproval, it says requires
a use variance.

CHAIRMAN SALADINO: I read
another -- I thought there was another
Notice of Disapproval.

MR. CONNOLLY: I thought there was
too, some time in June.

CHAIRMAN SALADINO: Yeah, I do
have it, and the Notice of Disapproval
--

MS. NEFF: The date of it, please?

CHAIRMAN SALADINO: 5/30/18.

MR. TASKER: That's the one I'm
looking at.

MS. NEFF: -- we're all looking
at.

MS. GORDON: One that says use
variance, requiring a use variance.

CHAIRMAN SALADINO: The two
Notices of Disapproval that I have,
both dated, 5/30/18, just so there is
no confusion, the second Notice of

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1 Disapproval on the area variance
2 application says the proposed accessory
3 apartment creates a second dwelling
4 unit on the lot requiring a use
5 variance.
6

7 MS. NEFF: Correct.

8 MR. TASKER: That's the May 30,
9 right?

10 MS. NEFF: Right.

11 CHAIRMAN SALADINO: The other
12 Notice of Disapproval that I have on
13 the application for an area variance
14 says the same thing.

15 MS. NEFF: With the same date.

16 CHAIRMAN SALADINO: With the same
17 date.

18 MR. TASKER: So there is only one
19 Notice of Disapproval, and it has been
20 used twice in two different
21 applications which were rejected. In
22 one case for a use variance and --

23 CHAIRMAN SALADINO: It wasn't
24 rejected. The applicant --

25 MR. TASKER: I'm sorry, not

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1
2 rejected, disapproved.

3 CHAIRMAN SALADINO: No.

4 The applicant tabled this
5 application last June, I believe.

6 MR. TASKER: After disapproval by
7 the Building Department, correct?

8 MR. WILLIAMSON: No.

9 MR. TASKER: How did you get
10 before us if you hadn't been
11 disapproved by the Building Department?

12 CHAIRMAN SALADINO: You're right,
13 Arthur, there is a Notice of
14 Disapproval. He came, we scheduled
15 the -- we took up this application in
16 June and because of some questions that
17 we had, the applicant agreed to table
18 the application.

19 MR. WILLIAMSON: Correct.

20 CHAIRMAN SALADINO: He was going
21 to come back the next month with
22 additional information.

23 MR. WILLIAMSON: Correct.

24 CHAIRMAN SALADINO: At his request
25 again, if I'm recalling correctly, we

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1
2 tabled the application again.

3 MR. WILLIAMSON: Correct.

4 CHAIRMAN SALADINO: And you were
5 going to resubmit the application.

6 MR. WILLIAMSON: Correct because
7 Mr. Pallas wanted to review the file.

8 CHAIRMAN SALADINO: That's where
9 we stood up until now.

10 MR. WILLIAMSON: Why we tabled it
11 also was because Mr. Connell was at
12 that one meeting and then he was gonna
13 be at the other and then it was the
14 area variance and not a use variance
15 came into play with this.

16 MR. TASKER: Without pulling out
17 the ordinance, the permitted uses in
18 the R-2 District include a two-family
19 dwelling and any other uses that are
20 also permitted in the R-1 District. It
21 includes a one-family dwelling; it does
22 not include accessory apartments; it
23 does not include second dwelling units
24 as a listed permitted use, nor does it
25 include either of those as a

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1 conditional use; so I don't see how it
2 isn't a use variance.
3

4 And the rubric of area variance as
5 a catchall is not a useful or helpful
6 way to look at these matters.

7 CHAIRMAN SALADINO: Well, Arthur,
8 we don't --

9 MR. TASKER: So I'm gonna vote
10 with my feet.

11 CHAIRMAN SALADINO: Okay. We
12 don't --

13 MS. GORDON: You don't need to
14 vote with your feet, you can vote with
15 your vote.

16 MR. TASKER: I'm sorry. I was
17 being flip.

18 CHAIRMAN SALADINO: We don't get
19 to write the Notice of Disapproval.
20 What we get to do is act as arbitrators
21 between the Village and the applicant.

22 So we can listen to applicant and
23 if the members feel the application is
24 complete and correct, we can accept it
25 or we can reject it. Those, I believe

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1
2 are our options.

3 MR. CONNOLLY: I think also the
4 confusion came from, there was an
5 approved artist studio on the property.

6 CHAIRMAN SALADINO: A nonhabitable
7 accessory building.

8 MR. CORWIN: I think it's been --

9 CHAIRMAN SALADINO: Lived in
10 illegally.

11 MR. TASKER: Yes, by the owner who
12 was renting out the main house.

13 CHAIRMAN SALADINO: We're not
14 gonna bring that up unless he brings it
15 up.

16 MR. WILLIAMSON: Mr. Chairman,
17 just for the record and Mr. Connell,
18 there seems to be like a disagreement
19 among certain board members about
20 whether they're seeing this as an area
21 variance. I don't know if it's the
22 duty of the ZBA attorney to direct them
23 what it was. I mean, I've gone through
24 this, and I went back the last time to
25 make sure --

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2 MR. CONNOLLY: I thought you were
3 asked to put in a new application
4 asking for an area variance.

5 MR. WILLIAMSON: I did put in a
6 new application.

7 CHAIRMAN SALADINO: He did put --
8 I have a second application, and it's
9 on the form for an area variance.

10 MR. CONNOLLY: But they didn't
11 give you a new Notice of Disapproval?

12 CHAIRMAN SALADINO: The problem
13 the members are having is, you didn't
14 get a new Notice of Disapproval. The
15 Notice of Disapproval says that the
16 proposed accessory apartment creates a
17 second dwelling unit on the lot,
18 requiring a use variance.

19 So according to the Notice of
20 Disapproval, that makes the application
21 incorrect.

22 MR. WILLIAMSON: I understand,
23 Mr. Chairman, I understand; but from my
24 perspective and my client's, this was
25 meant to come from the Village, not

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1
2 from the ZBA.

3 And I'm not saying anything other
4 than that.

5 CHAIRMAN SALADINO: I certainly
6 understand.

7 MR. WILLIAMSON: And I'm just
8 wondering at this point, Mr. Chairman,
9 if my client should table this motion
10 again until we get firm direction from
11 the Village, which I thought we already
12 had, and there seems to be some
13 confusion still, I believe.

14 CHAIRMAN SALADINO: Well, you have
15 two options. You have that option,
16 that's always your option.

17 MR. WILLIAMSON: Right.

18 CHAIRMAN SALADINO: Or you can
19 make pre-application addressed to the
20 Board.

21 MR. WILLIAMSON: Right.

22 CHAIRMAN SALADINO: When this
23 Board goes to training, the first thing
24 they tell is to accept an application,
25 it has to be complete and correct.

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2 MR. WILLIAMSON: Right.

3 MR. COTUNGO: So right now this
4 application is in conflict with the
5 Notice of Disapproval. This Board can
6 overlook that and schedule a public
7 hearing or vote to schedule a public
8 hearing and perhaps by that time, the
9 Building Department could correct it;
10 but again, the members' opinions is
11 going be expressed in their vote.

12 MR. WILLIAMSON: Correct, Mr.
13 Chairman, but through their opinion on
14 the vote, it's being prejudged and
15 prejudiced.

16 CHAIRMAN SALADINO: No.

17 MR. WILLIAMSON: Absolutely.

18 CHAIRMAN SALADINO: No. No. The
19 only question in front of this Board
20 now is, is this application complete or
21 correct, making no determination on the
22 merits of the application. That's the
23 only question this Board is talking
24 about now.

25 MR. WILLIAMSON: Okay.

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1
2 The gentleman's name here on the
3 Board (indicting)?

4 MR. TASKER: Tasker, Arthur
5 Tasker.

6 MR. WILLIAMSON: Mr. Tasker, is it
7 prudent upon everyone, including the
8 Board, that we go back, do we table
9 this and go back to the Village and
10 have some firm definition of what all
11 of this is because you're at a loss and
12 I'm certainly at a loss and my client's
13 at a loss that this has gone on for
14 months; and I thought this was all
15 straightened out.

16 I met with Mr. Pallas, I've gone
17 over it with him ad nauseam; and I
18 thought we were all on the same train
19 going forward and that I was just
20 presenting.

21 MR. CONNOLLY: I thought -- now
22 that I'm remembering this more, this
23 was tabled, I thought, originally for
24 the Notice of Disapproval to get
25 amended and then --

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2 CHAIRMAN SALADINO: No, it was
3 tabled -- because I looked at the
4 minutes again. It was tabled to let
5 the applicant -- when it was tabled,
6 the application was for a use variance,
7 it was tabled to allow the
8 applicant --

9 MR. CONNOLLY: To make the
10 application.

11 CHAIRMAN SALADINO: -- to gather
12 more information to provide the
13 necessary information, the necessary
14 financial information that's needed for
15 a use variance to bring back to this
16 Board for the next meeting.

17 What transpired between June and
18 July was another meeting was held. At
19 the applicant's request, we tabled this
20 application again without any
21 explanation, without any -- he
22 requested --

23 I believe your client was away.

24 MR. WILLIAMSON: No, my client was
25 here. It was the night up in the fire

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2 department. It was raining. I came in
3 and I spoke with you and spoke with
4 Mr. Connell and Mr. Corwin came in the
5 later and you spoke with him and you
6 said you were going to put this on the
7 next agenda. At which point Mr. Pallas
8 got involved and he wanted a meeting
9 and he wanted to see an updated survey.

10 CHAIRMAN SALADINO: So the
11 original meeting was in June. July is
12 what happened, what you just relayed;
13 and then, If I'm wrong maybe we're
14 gonna have to check the minutes, but I
15 remember deferring for a month because
16 your client was gonna be away for the
17 month of August and you requested a
18 September --

19 MR. WILLIAMSON: Correct.

20 CHAIRMAN SALADINO: We didn't see
21 you in September because you were
22 working it out with the Village.

23 MR. WILLIAMSON: Right.

24 I don't know that came about
25 because my understanding from my

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2 conversation, not my conversation, my
3 e-mails with Mr. Connell was, I was
4 good to go with an area variance. All
5 I had to do was get all my paperwork
6 together and submit it.

7 CHAIRMAN SALADINO: Well, you
8 know, again you have two options, you
9 can table this, at your request, you
10 can table it; or you can go through
11 with what you would like to relay to
12 this Board.

13 MR. WILLIAMSON: Right.

14 CHAIRMAN SALADINO: This Board --
15 Arthur, before you shake your head,
16 this Board can listen to what you have
17 to say. We can either agree or
18 disagree that it's a clerical error
19 with the Notice of Disapproval. It was
20 supposed to say area and for some
21 reason in transcription it says use,
22 and we can --

23 MS. NEFF: Can I just point out
24 that what we have is the Notice of
25 Disapproval 5/30. We don't have one in
Flynn Stenography & Transcription Service
(631) 727-1107

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1
2 response to this application. That is
3 what seems to me there may be several
4 other items that need to get addressed,
5 but there is no Notice of Disapproval
6 that addresses this application which
7 is dated 7, December '18.

8 CHAIRMAN SALADINO: I understand.

9 MS. NEFF: I think you can just
10 slash it out and rewrite the date, but
11 I think --

12 CHAIRMAN SALADINO: Not rewrite
13 the date, rewrite use or area.

14 MS. NEFF: Absolutely, so we
15 actually need a Notice of Disapproval
16 for this application.

17 MR. WILLIAMSON: I concur --

18 CHAIRMAN SALADINO: One second.

19 MR. WILLIAMSON: Sorry.

20 CHAIRMAN SALADINO: You're right.
21 To progress an application to get in
22 front of the Zoning Board, you need a
23 Notice of Disapproval.

24 MR. TASKER: And the only one we
25 have is for a use variance.

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2 MS. NEFF: From 5/30.

3 MR. TASKER: From May 30 and an
4 unmatched area variance application, an
5 unresponsive area variance application.

6 MR. CORWIN: Can I make a motion?

7 CHAIRMAN SALADINO: Not yet.

8 MR. TASKER: In terms of timing,
9 whether we table it so he can go back
10 and argue with Paul and the building
11 person who signs off on building
12 inspections or he can start fresh and
13 if he's diligent, he can be before us
14 at the next meeting with a fully
15 consistent serious of application,
16 denial, application for variance.

17 CHAIRMAN SALADINO: That's true,
18 Arthur, but from reading -- and you're
19 right and --

20 MR. TASKER: Than let's do it.

21 MR. CORWIN: Can I make a motion?

22 CHAIRMAN SALADINO: People that
23 know me know that I'm kind of like a
24 black-and-white stickler-for-the-rules
25 guy; but we're going to ask the

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2 applicant, do you want to table this or
3 do you want us to vote about accepting
4 the application?

5 MR. CORWIN: How do you table
6 something we didn't even accept?

7 MR. TASKER: Yeah.

8 MR. CORWIN: I want to make a
9 motion --

10 CHAIRMAN SALADINO: Because he has
11 an application in front of us, he has
12 --

13 MR. CORWIN: I want to make a
14 motion --

15 CHAIRMAN SALADINO: One second.
16 He has an application in front of
17 us from June. He has an amended
18 application that he submitted to us for
19 tonight. The application from June
20 hasn't been withdrawn. All it's been
21 is tabled.

22 MR. TASKER: Which is probably an
23 incorrect procedure to table it. It
24 was not accepted, how can we table it?

25 MR. CORWIN: I make a motion that

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1
2 we reject this application as presented
3 without prejudice.

4 MR. WILLIAMSON: Under what
5 criteria, Mr. Chairman, I have to ask?

6 I personally am in favor of Mr.
7 Tasker, I'm not in my head the same way
8 as him, but he's prejudice against the
9 application.

10 MR. TASKER: No.

11 MR. WILLIAMSON: Absolutely, and I
12 can understand why, because you don't
13 have a Notice of Disapproval, a
14 relevant Notice of Disapproval; we can
15 all agree on that.

16 But where does it leave me now?
17 I've got to go back to the Building
18 Department when Mr. Pallas, he told me
19 I had to meet him before I submitted my
20 application.

21 CHAIRMAN SALADINO: My suggestion
22 would be in your conversation with Mr.
23 Pallas or whoever in the Building
24 Department is going to have this
25 conversation with you is, first and

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1
2 foremost, get the correct Notice of
3 Disapproval.

4 MR. WILLIAMSON: Right.

5 CHAIRMAN SALADINO: Once you get
6 the correct Notice of Disapproval, I'm
7 not sure what in the application the
8 members have a problem with, but right
9 now, the front of the application has a
10 Notice of Disapproval that doesn't
11 correspond to the application.

12 MR. WILLIAMSON: Right.

13 CHAIRMAN SALADINO: So that would
14 be my suggestion; but we have a motion
15 on the table.

16 Can you repeat it?

17 MR. CORWIN: I make a motion to
18 reject the application as presented
19 without prejudice.

20 MR. TASKER: I second that.

21 CHAIRMAN SALADINO: Okay.

22 I'll ask the members for a vote.

23 Dini?

24 MS. GORDON: Yes.

25 CHAIRMAN SALADINO: Ellen?

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2 MS. GORDON: I wanted to say
3 something, but I don't think it's very
4 important, so I'm gonna go ahead and
5 vote yes.

6 CHAIRMAN SALADINO: Okay.

7 Ellen?

8 MS. NEFF: Yes.

9 CHAIRMAN SALADINO: David?

10 MR. CORWIN: Yes.

11 CHAIRMAN SALADINO: Arthur?

12 MR. TASKER: Yes.

13 CHAIRMAN SALADINO: And I'll vote
14 yes.

15 We're going to need a correct
16 Notice of Disapproval. What you put
17 behind that Notice of Disapproval, it's
18 your application. When you come back
19 here with the correct Notice of
20 Disapproval and I know this is -- then
21 we'll take up the subject of the
22 application.

23 If the application is complete and
24 correct, we'll schedule a public
25 hearing, we'll schedule a site visit

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1
2 and we'll go from there.

3 MR. WILLIAMSON: Okay.

4 MR. TASKER: Mr. Chairman, might I
5 also suggest that consistent with some
6 communications that has been floating
7 between the individual members of the
8 Board, it would be very helpful if
9 notices from the Village official who
10 purports to be a code enforcement
11 officer put a legible signature with a
12 printed name beneath it.

13 MR. CORWIN: And the date.

14 MR. TASKER: And the date.

15 MS. NEFF: The date.

16 MR. TASKER: It's dated at the
17 top, David.

18 MR. CORWIN: That doesn't mean
19 anything, does it?

20 MR. TASKER: The date on which
21 it's signed?

22 CHAIRMAN SALADINO: I can make
23 that request but --

24 MR. TASKER: That has nothing to
25 do with you, sir.

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2 MR. WILLIAMSON: I know it
3 doesn't.

4 Now we're getting to even more.

5 CHAIRMAN SALADINO: I can make
6 that request to the Building
7 Department, to the codes enforcement
8 officer and perhaps a signature with a
9 printed name underneath would satisfy
10 you.

11 MR. TASKER: The record.

12 CHAIRMAN SALADINO: Okay.

13 Unless there is something else.

14 MR. WILLIAMSON: I just need to
15 know if, and I guess this may be a
16 question for the ZBA attorney, whether
17 I can just attach the new notice, if
18 I'm gonna get one from the Village and
19 to --

20 MR. CONNOLLY: Yeah, as long as
21 the Notice of Disapproval matches what
22 the application is asking for.

23 MR. WILLIAMSON: Okay.

24 MR. CONNOLLY: You don't have to
25 redo the application.

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2 MR. WILLIAMSON: Okay.

3 CHAIRMAN SALADINO: Okay. Thank
4 you.

5 MR. WILLIAMSON: Is the Village or
6 is the ZBA attorney going to speak with
7 Mr. Pallas; or two whom am I speaking
8 to when I'm looking for a Notice of
9 Disapproval?

10 MR. CONNOLLY: Mr. Pallas.

11 MR. WILLIAMSON: Mr. Pallas, okay.

12 CHAIRMAN SALADINO: Thank you.

13 MR. WILLIAMSON: Thank you,
14 Mr. Saladino. Thank you members of the
15 Board.

16 Before I leave, Mr. Saladino,
17 sorry.

18 CHAIRMAN SALADINO: Sure.

19 MR. WILLIAMSON: Can this request
20 for a Notice of Disapproval go through
21 Mr. Connell or not, or is that
22 something I have to make myself or can
23 it go back through --

24 CHAIRMAN SALADINO: He doesn't
25 write Notices of Disapproval.

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2 MR. CONNOLLY: I know he doesn't
3 write but can --

4 CHAIRMAN SALADINO: The Village
5 attorney and Mr. Pallas do the Notice
6 of Disapproval.

7 MR. WILLIAMSON: Okay. So you're
8 not going to -- all I'm asking is --

9 MR. CONNOLLY: I'm going to talk
10 to Mr. Pallas about it; you have to
11 make the request.

12 MR. WILLIAMSON: Okay.

13 Just for clarification.

14 Thank you very much. Have a Happy
15 Christmas. I'll see you in the new
16 year.

17 CHAIRMAN SALADINO: Item number 7
18 is 412-414 Carpenter Street. Motion to
19 accept the application, schedule a
20 public hearing and arrange a site visit
21 for the application --

22 Can you give your name?

23 MR. ARIIZUMI: Hideaki Ariizumi.

24 MR. CORWIN: Can you spell it?

25 MR. ARIIZUMI: H-I-D-E-A-K-I

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A-R-I-I-Z-U-M-I.

CHAIRMAN SALADINO: For the property located at 412-414 Carpenter Street, Greenport, New York 11944.

Suffolk County Tax Map number 1001-5-1-0.

MR. ARIIZUMI: I guess I need to just briefly what is happening, explain.

By the way the owner is here too.

CHAIRMAN SALADINO: Okay.

MR. ARIIZUMI: Project itself is the existing building is two-family residence; and new owner just try to make it usable. So they are doing, planning to outline the upstairs as well as on the first floor to make it pleasurable, livable.

The difficulty is the site is so tight and unfortunately the existing is, north side of existing building is right on the boundary; so everything is difficult just to make it -- like the existing apartment has now two unit

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1
2 that have bedrooms on the north side
3 facing to the nextdoor; but I don't
4 think -- I really strongly recommended
5 not to keep it that way, for example,
6 and put the correct safe window on
7 that, not the north side; therefore
8 that makes it so difficult to make
9 (unintelligible).

10 The process was a little
11 complicated because by some reason, we
12 already have original building permit,
13 mistake or not, and the contractor
14 started to work and partially demolish
15 the north side of, I mean, east side,
16 back side.

17 MS. NEFF: The back?

18 MR. ARIIZUMI: The back.

19 MS. NEFF: East side.

20 MR. CORWIN: Excuse me, ladies and
21 gentlemen, appears to me, this
22 application is in order and this
23 testimony, I think, should be for the
24 public hearing, not for the acceptance
25 of the application.

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2 MR. ARIIZUMI: Okay.

3 CHAIRMAN SALADINO: We're going to
4 let him talk a few minutes and, you
5 know, it's his application, he's
6 explaining why he is in front of us.
7 If he wants to repeat it again for the
8 public hearing for the record, that's
9 fine. I don't think we should --

10 MR. ARIIZUMI: So anyway, the back
11 side of the building was really lack.
12 The ex-owner somehow -- it seems like
13 it had a fire and just put things back
14 on top of it; and, therefore, the owner
15 decided to just cover it live with it
16 on back of it.

17 At the same time, they realize
18 that the problem, as we were proceeding
19 just doesn't have enough openness. It
20 feels all enclosed; so it's a big
21 decision, but they decided to put
22 addition to make it a little open to
23 the backyard; and so there are two
24 things, activities kind of overlapped.

25 Basically the disapproval is for
Flynn Stenography & Transcription Service
(631) 727-1107

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1
2 the addition to add to the south side
3 of the building which they tried the
4 keep the existing; but if you calculate
5 setback, side setback, it will be out
6 of the --

7 CHAIRMAN SALADINO: Well, right
8 now for this Board, the consideration
9 is, do we accept the application, is
10 the application correct. I have a
11 couple of questions about the
12 application.

13 MR. ARIIZUMI: Sure.

14 CHAIRMAN SALADINO: You quote the
15 Notice of Disapproval is for 150-13 E1;
16 and it's for an undersized lot; and we
17 know, we compute the combined setbacks,
18 the combined sideyard setbacks for an
19 undersized lot is four-tenths of the
20 width of the lot; but no side yards can
21 be less than ten feet; so for me,
22 you're asking for a six-foot eight-inch
23 side yard setback when that's contrary
24 to what the code says. The code says
25 it can't be less than ten feet.

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2 MR. TASKER: On each side,
3 correct?

4 CHAIRMAN SALADINO: No side yard
5 can be less than ten feet.

6 MR. ARIIZUMI: Well, it's existing
7 and the complication of the process,
8 yes, we need to rebuild; so I don't
9 know how to --

10 CHAIRMAN SALADINO: My contention
11 is, from reading the code, is that it's
12 not six point eight feet that you would
13 need, and it might sound -- it's to
14 legitimize, in my mind, the correct
15 sideyard setback, the variance for the
16 correct sideyard setback would
17 legitimize the property, the setback in
18 the future.

19 So I would make that argument.

20 And the other question I would
21 have for you as far as the application
22 before we vote to accept or deny the
23 application; do you have in your notes
24 the percent of lot coverage before the
25 addition?

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2 MR. ARIIZUMI: Before the
3 addition, I should.

4 CHAIRMAN SALADINO: With the
5 addition, the coverage of the lot is
6 going to be thirty-four percent. The
7 maximum lot coverage in that area is
8 thirty percent.

9 MR. ARIIZUMI: No. No. For
10 two-family, it's different.

11 MS. NEFF: It's a two-family
12 house.

13 CHAIRMAN SALADINO: It's a
14 two-family house?

15 MR. ARIIZUMI: Yes, existing.

16 MS. NEFF: It says it's an
17 existing two-family house.

18 MS. GORDON: Nonconforming.

19 MS. NEFF: Definitely
20 nonconforming.

21 CHAIRMAN SALADINO: Again, my
22 question still stands; is this
23 thirty-four percent before the addition
24 or after?

25 MR. ARIIZUMI: After.

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2 MS. NEFF: It's after.

3 CHAIRMAN SALADINO: Where does it
4 say that?

5 MS. NEFF: Right here (indicating).
6 I have a question. Is there a survey
7 that is part of this application that I
8 don't have?

9 AUDIENCE MEMBER: I gave a survey
10 to Mr. Pallas.

11 CHAIRMAN SALADINO: You're gonna
12 have to --

13 MR. TASKER: Here's the survey.

14 MR. ARIIZUMI: That is the old
15 one, not proposed one (handing).

16 CHAIRMAN SALADINO: She has it.

17 MS. NEFF: Okay.

18 CHAIRMAN SALADINO: Okay.
19 That would be my question about
20 this application.

21 MR. TASKER: Well, the error seems
22 to be in the Notice of Disapproval, not
23 the application. Three or four
24 paragraphs down, it says, the Notice of
25 Disapproval states this would require a

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1 zoning variance of six feet eight
2 inches for a combined side yard
3 setback; that's incorrect.
4

5 But the application --

6 MS. NEFF: It says sixteen, it
7 should say six.

8 MR. TASKER: Where does it say
9 sixteen, Ellen?

10 MS. NEFF: Here (indicating).

11 MR. TASKER: It should say
12 sixteen.

13 MS. NEFF: Well, down here, it
14 says six.

15 MR. TASKER: I see. Correct the
16 typo.

17 MS. NEFF: Yes.

18 MR. TASKER: Let the Building
19 Department correct the type and
20 conditionally off we go.

21 CHAIRMAN SALADINO: My contention
22 is, it's not a six-foot eight-inch
23 setback that's required. My contention
24 is, it should be ten because the north
25 side yard can be less than ten feet.

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2 MR. TASKER: Yes.

3 Which side, you got ten feet on
4 the south side, you got an as-built
5 zero on the north side?

6 CHAIRMAN SALADINO: Unless I'm
7 reading this wrong.

8 Isn't there new construction
9 behind the house; isn't there a new
10 foundation?

11 MR. TASKER: It doesn't --

12 MR. ARIIZUMI: Originally --

13 MR. TASKER: Doesn't decrease that
14 sideyard setback; it's within the
15 existing ten-foot setback on the south
16 side, the bumpout in the back.

17 CHAIRMAN SALADINO: Okay.

18 If the members are on board with
19 that.

20 MR. TASKER: This is ten, there
21 the new bumpout (indicating).

22 CHAIRMAN SALADINO: Yeah, but his
23 is gone, this the gone (indicating).

24 MS. NEFF: No. That's new. This
25 is old (indicating).

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2 MR. TASKER: This is old --

3 CHAIRMAN SALADINO: This is gone
4 (indicating).

5 MR. TASKER: -- existing proposed.

6 CHAIRMAN SALADINO: This is gone
7 (indicating).

8 MR. TASKER: Yeah.

9 (Speaks in a low voice.)

10 CHAIRMAN SALADINO: I apologize.

11 MS. NEFF: (Speaks in a low
12 voice.)

13 CHAIRMAN SALADINO: Right now,
14 we're looking at an artist's rendering.
15 If you were to have driven by the
16 property, you would have saw that this
17 portion of the building is no longer
18 there (indicating).

19 Is it being rebuilt?

20 MS. NEFF: This part (indicating).

21 (Whereupon, Mr. Ariizumi
22 approaches the podium.)

23 MR. ARIIZUMI: Yes, this is
24 completely (unintelligible.)

25 MS. NEFF: But this (indicating),

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you're proposing to renew it?

MR. ARIIZUMI: Yes.

MS. NEFF: And add onto it?

MR. ARIIZUMI: No.

MS. NEFF: No?

MR. ARIIZUMI: No.

It's a little complicated because
this original proposal.

So this is original (indicating).

MS. NEFF: Existing second floor,
proposed.

MR. ARIIZUMI: This is --

MS. GORDON: Hideaki, can you
speak louder because the reporter can't
--

MR. ARIIZUMI: I'm sorry.

This part, this plan is original
(indicating).

MS. NEFF: Yes.

MR. ARIIZUMI: And the first
proposal we submitted with a little
addition in here, on the first floor
(indicating), and yes. Not, it's not
here, not yet, to fill up this existing

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1 porch, covered porch and that was the
2 first proposal.

3 MS. NEFF: That's the second
4 floor?

5 MR. ARIIZUMI: Yes.

6 It's too little. We are making a
7 little building here; but it was behind
8 (unintelligible).

9 CHAIRMAN SALADINO: Let me ask you
10 this.

11 MR. ARIIZUMI: Yes.

12 CHAIRMAN SALADINO: Is this
13 rendering what you're proposing to do?

14 MR. ARIIZUMI: This is latest,
15 yes.

16 CHAIRMAN SALADINO: Is this there
17 now (indicating)? That's there
18 (indicating)?

19 MR. ARIIZUMI: That's there,
20 but --

21 CHAIRMAN SALADINO: And destroyed
22 and --

23 MR. ARIIZUMI: Demolished.

24 CHAIRMAN SALADINO: And this is,

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that's rebuilt as that (indicating)?

MR. ARIIZUMI: Exactly.

CHAIRMAN SALADINO: And this is being constructed also (indicating)?

MR. ARIIZUMI: Yes.

CHAIRMAN SALADINO: So doesn't that increase the footprint?

MS. NEFF: Yes.

CHAIRMAN SALADINO: Doesn't that increase the amount of nonconformity?

MR. ARIIZUMI: No.

CHAIRMAN SALADINO: Doesn't that --

MR. ARIIZUMI: Because this new part on the second floor we're talking about is behind the entry. We carefully planned not to be on the, making incompliance bigger.

But the problem is, yes, this part is needed to be enlarged, it's completely wrong.

CHAIRMAN SALADINO: We're not here to talk about that. That's between you and the Building Department.

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MR. ARIIZUMI: Well, you're saying
this is --

CHAIRMAN SALADINO: No, I'm saying
--

MR. ARIIZUMI: -- increasing the
incompliance this is not right. This
incomplete, this part is. That is what
I'm saying.

CHAIRMAN SALADINO: I'm looking at
this here (indicating); is this new
construction, does this add to the
footprint of the current house?

MR. ARIIZUMI: Footprint is still
okay. There is nothing incompliance to
code.

MS. NEFF: This here (indicating).

MR. ARIIZUMI: No. No. No.
Are we talking about this one?

CHAIRMAN SALADINO: No.

Let me turn this. I'll turn the
map around.

This is the building as it
was(indicating)?

MR. ARIIZUMI: Yes.

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2 CHAIRMAN SALADINO: This is the
3 building as it's proposed (indicating)?

4 MR. ARIIZUMI: Yes.

5 CHAIRMAN SALADINO: This was
6 destroyed; this was rebuilt in kind
7 (indicating)?

8 MR. ARIIZUMI: This part is
9 destroyed, yes (indicating).

10 CHAIRMAN SALADINO: This part was
11 rebuilt in kind (indicating)?

12 MR. ARIIZUMI: It will be.

13 CHAIRMAN SALADINO: Will be
14 rebuilt in kind?

15 MR. ARIIZUMI: Yes.

16 CHAIRMAN SALADINO: That part is
17 new (indicating)?

18 MR. ARIIZUMI: That part is.

19 CHAIRMAN SALADINO: Does it
20 increase the footprint of the house?

21 MR. ARIIZUMI: Yes. But
22 footprint -- no, not footprint, the
23 floor area.

24 MS. NEFF: Yes. Which is the same
25 thing.

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2 MR. ARIIZUMI: The floor area.

3 MS. NEFF: It's the same thing,
4 it's an misunderstanding in
5 translation.

6 MR. ARIIZUMI: It's not code
7 in compliant.

8 CHAIRMAN SALADINO: The code says
9 that you can do anything within the
10 current footprint.

11 MR. ARIIZUMI: Yes.

12 CHAIRMAN SALADINO: Once you
13 increase the footprint, now you have to
14 abide by the code.

15 MR. ARIIZUMI: Therefore, this is
16 ten feet from the boundary for this
17 part (indicating); this is, yes, new
18 part (indicating).

19 CHAIRMAN SALADINO: This build is
20 going to be ten feet from the sideyard?

21 MR. ARIIZUMI: This part
22 (indicating)?

23 CHAIRMAN SALADINO: Yes.

24 MR. ARIIZUMI: This part, yes,
25 that's what I'm saying.

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2 MR. TASKER: No. That's zero feet

3 --

4 MR. ARIIZUMI: No. Zero feet is
5 here (indicating). We are talking
6 about this one (indicating).

7 MS. NEFF: I think when you say --
8 you're talking about this (indicating).

9 MR. ARIIZUMI: This one is this
10 one.

11 MS. NEFF: Yes, but this is going
12 to be right on the property line.

13 MR. ARIIZUMI: No. No.

14 MS. NEFF: How many feet off of
15 it?

16 MR. ARIIZUMI: Ten feet or more.
17 This spot is this point
18 (indicating); and the zero feet is this
19 point (indicating).

20 So we're trying not to, you know,
21 violate the code.

22 MS. NEFF: What I would need to
23 see is sketched, if not complete final
24 survey which I understand you would do
25 after you finish it, is on a survey to

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1
2 show exactly where this lies
3 (indicating), where this lies
4 (indicating) and their dimensions.

5 MR. ARIIZUMI: Okay.

6 MS. NEFF: That's what I don't
7 see. I find I difficult to understand
8 from the --

9 MR. ARIIZUMI: I see. I didn't
10 indicate the second floor.

11 MS. NEFF: Both -- I mean, we have
12 to start with the ground floor.

13 MR. ARIIZUMI: Ground floor is
14 here already, this is the new proposed
15 footprint; and that is -- yes, that
16 point is zero and the second floor is
17 where we started talk about it, this
18 one is around here (indicating).

19 MS. NEFF: Is this part there now,
20 right here (indicating)?

21 MR. ARIIZUMI: Yes, it is.

22 I mean, demolished.

23 MS. NEFF: I'm still confused
24 about whether this is what's demolished
25 (indicating) or this (indicating).

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2 CHAIRMAN SALADINO: This is what's
3 demolished.

4 MS. NEFF: Yes, but that --

5 CHAIRMAN SALADINO: This is gonna
6 be --

7 MS. NEFF: -- addition --

8 CHAIRMAN SALADINO: It does, and
9 he admits it --

10 MR. ARIIZUMI: Yes, that is what
11 I'm --

12 CHAIRMAN SALADINO: -- and he
13 admits it is.

14 MR. ARIIZUMI: I don't see it on
15 the survey. Normally, it doesn't
16 appear, second floor.

17 MS. NEFF: We're not talking about
18 the second floor; we're talking about
19 the building from the ground up.

20 MR. ARIIZUMI: It' here
21 (indicating).

22 MS. NEFF: From the ground up.

23 MR. ARIIZUMI: It's here. I mean
24 the covered porch is here, so it is
25 already under the footprint existing.

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2 MR. CONNOLLY: Is there a survey
3 that shows all proposed and existing
4 structures?

5 MR. ARIIZUMI: We can't make it,
6 that's the problem. Survey, we tried
7 to actually make a survey, but nobody
8 (unintelligible) so what proposed
9 (unintelligible) with my sign and
10 signature with the old survey; but even
11 though the second floor may not be up
12 here, it's in survey.

13 MR. TASKER: Is your concern the
14 area or the setback?

15 CHAIRMAN SALADINO: Well, no.
16 We're assured by the site plan and the
17 architect that the lot coverage is
18 under the required lot coverage.

19 My concern is that the new
20 addition increases the nonconformity --

21 MR. ARIIZUMI: For setback.

22 CHAIRMAN SALADINO: -- for
23 setbacks.

24 MR. TASKER: On the north side --

25 MR. ARIIZUMI: No north side.

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CHAIRMAN SALADINO: I rest my case.

MR. ARIIZUMI: No north side, only south side.

MR. TASKER: South side you've got a ten foot --

MR. ARIIZUMI: Yes, and --

MR. TASKER: -- do not -- the addition that you call the kitchen on the first floor is set back --

MR. ARIIZUMI: That's the south side.

MR. TASKER: -- ten feet, it's within that ten-foot line.

MR. ARIIZUMI: Yes.

MR. TASKER: So you have not increased the degree of --

First of all, there is no nonconformity on the south side.

MR. ARIIZUMI: Therefore --

MR. TASKER: It's conforming.

MR. ARIIZUMI: Therefore, the building inspector says total.

MR. TASKER: So he is looking at

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2 the total setback --

3 MR. ARIIZUMI: Total --

4 MR. TASKER: -- all has to come
5 off the north side because your in
6 conformity --

7 MR. ARIIZUMI: If you do so --

8 MR. TASKER: Well, but you can't
9 do it so --

10 MR. ARIIZUMI: Building --

11 CHAIRMAN SALADINO: That's why you
12 need a variance.

13 MR. ARIIZUMI: I just tried to
14 make that point cleaner.

15 MS. NEFF: Staking this for a site
16 visit, I can see that some of my
17 confusion can be cleared up, but I
18 still do not --

19 CHAIRMAN SALADINO: Then that will
20 be the question. Are we prepared to
21 make a motion to accept this
22 application?

23 MR. TASKER: So moved.

24 MR. CORWIN: Second.

25 CHAIRMAN SALADINO: That was easy.

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All in favor?

MR. CORWIN: Aye.

MR. TASKER: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: All right.

We're gonna accept this application.

MR. ARIIZUMI: Thank you.

CHAIRMAN SALADINO: Wait.

MR. CORWIN: You may need some fine tuning.

CHAIRMAN SALADINO: We're going to schedule a public hearing for --

MS. LINGG: January 15.

CHAIRMAN SALADINO: January 15 at 6:00 p.m.

MS. GORDON: But it will be dark.

MS. NEFF: We have to schedule the site visit earlier.

CHAIRMAN SALADINO: I thought I just said, we're gonna schedule the public hearing for 6:00 p.m.

MS. GORDON: Okay.

CHAIRMAN SALADINO: Then we're

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1
2 gonna schedule a site visit for January
3 15 at -- what time is it still light
4 out?

5 MS. GORDON: 4:00.

6 MS. NEFF: 4:00.

7 CHAIRMAN SALADINO: We're gonna
8 schedule a site visit at the property
9 for 4:00 p.m. And if you could, we
10 would like the area staked out.

11 MR. ARIIZUMI: Okay.

12 MR. CORWIN: That's very
13 important.

14 CHAIRMAN SALADINO: Is there
15 anybody else that has a question?

16 MR. TASKER: Are we gonna get the
17 Notice of Disapproval corrected as to
18 the required variance for setback?

19 MS. GORDON: You mean the typo,
20 what is presumably a type?

21 MR. TASKER: No. I don't think
22 so. I think we're looking at two
23 different things.

24 There's a statement in the Notice
25 of Disapproval that calculated

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2 required, calculated required combined
3 setback is sixteen feet, eight; that's
4 forty percent of twenty. Right? But
5 it has to be at least ten feet on each
6 side. On the south side, there is a
7 ten-foot setback existing and they're
8 not gonna go beyond that with the
9 bumpout of the kitchen.

10 MS. GORDON: I see.

11 MR. TASKER: On the north side,
12 there is zero setback, so they need a
13 ten-foot setback variance on the north
14 side; so the paragraph below that
15 reads, this would require a zoning
16 variance of six foot eight inches for a
17 combined sideyard setback should be
18 changed to read a zoning variance of
19 twenty feet, ten feet for a combined
20 sideyard setback.

21 CHAIRMAN SALADINO: I thought
22 that's what I said.

23 MR. TASKER: You may have, but we
24 want to get the Notice of Disapproval
25 corrected.

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2 MR. ARIIZUMI: But I don't -- I'm
3 not quite sure if there is another way
4 to see if keep zero point on north
5 side, they can request us to recess
6 sixteen feet from south; but I think
7 that is how he understood and he wrote
8 it.

9 CHAIRMAN SALADINO: I'm not sure I
10 agree with that. The code is clear.
11 The code says forty percent,
12 four-tenths of the lot width; and the
13 combined sideyard setback would be
14 sixteen-feet eight inches; but the
15 code -- you can't stop there. You have
16 to read the second sentence, the codes
17 goes on to say --

18 MR. ARIIZUMI: -- code will apply
19 to existing unit.

20 CHAIRMAN SALADINO: The code, the
21 current variance doesn't legitimize the
22 zero-foot setback on the north side of
23 the building.

24 MR. ARIIZUMI: I understand.

25 CHAIRMAN SALADINO: Six foot eight

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2 inches won't do it either because you
3 need at least ten feet on either side.

4 MR. ARIIZUMI: For new building.

5 MR. TASKER: No.

6 You're increasing the degree of
7 nonconformity on the north side by --

8 MR. ARIIZUMI: South side.

9 MR. TASKER: No. Let me finish,
10 please.

11 You're increasing the degree of
12 nonconformity on the north side.

13 MR. ARIIZUMI: No.

14 MR. TASKER: You're up against the
15 property line with the existing
16 building, and you're going to extend
17 the existing building along --

18 MR. ARIIZUMI: No. I'm explaining
19 about it.

20 The new part of the second floor
21 addition is recessed more than ten
22 feet.

23 MR. TASKER: On the north side?

24 MR. ARIIZUMI: North side, yes.

25 That is I'm explaining to you.

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2 (Whereupon, Mr. Ariizumi
3 approached the podium.)

4 Actually, it is my fault that I
5 I'm not adding in compliance on north
6 side.

7 Actually, it is my
8 (unintelligible) second floor addition,
9 the back setback plan, the only thing I
10 can show you is the dimension or recess
11 from here is nine-foot nine and that
12 is -- the boundaries is slightly
13 angled, so when I was planning, this
14 was completely out (unintelligible).
15 Otherwise, just exactly same as it is.

16 CHAIRMAN SALADINO: Is this roof
17 deck there already?

18 MR. ARIIZUMI: Roof deck is not;
19 roof is there, flat roof is there
20 (unintelligible).

21 MS. LINGG: You need to speak up.

22 CHAIRMAN SALADINO: Well, we made
23 the motion to accept it. We set the
24 time for the public hearing. We
25 requested the area be staked out. The

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1
2 Building Department wrote the Notice of
3 Disapproval, some of us have expressed
4 concerns about some of the Notices of
5 Disapproval. We can only deal with
6 what God gives us, you know, right now,
7 this is what we have in front of us.

8 MR. TASKER: Okay.

9 CHAIRMAN SALADINO: Thank you.

10 MR. ARIIZUMI: Do I need to talk
11 to the building inspector, or what is
12 the procedure to do that?

13 MS. LINGG: I'll be in contact
14 with you.

15 MR. ARIIZUMI: Okay.

16 We have, I guess our Fourth Street
17 application is not going to --

18 MS. LINGG: I e-mailed her, but
19 got no response.

20 CHAIRMAN SALADINO: I guess
21 they're not gonna show up, so we're
22 going to table that. If she decides to
23 show up --

24 MR. CORWIN: Why do you need to
25 table it?

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1
2 MR. TASKER: We haven't accepted
3 it.

4 MS. NEFF: Right.

5 CHAIRMAN SALADINO: Then we'll
6 just --

7 MR. CORWIN: If there is something
8 wrong with it, we don't accept it; if
9 it's complete we accept it whether
10 she's here or not.

11 Right?

12 CHAIRMAN SALADINO: No. I'm
13 uncomfortable doing that without the
14 applicant here or her attorney. I have
15 some questions about the application.

16 MR. CORWIN: All right, well we
17 can raise it.

18 CHAIRMAN SALADINO: That's my
19 motive, that's my logic in tabling the
20 application. I have some questions
21 about the application; there's no one
22 here to answer them. We'll wait 'til
23 next month when somebody shows enough
24 interest to show up.

25 MS. NEFF: I'm going to assume the
Flynn Stenography & Transcription Service
(631) 727-1107

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1
2 applicant and his attorney will get
3 notice that it was not accepted at this
4 meeting.

5 MS. LINGG: Of course.

6 MR. CORWIN: Could you share a
7 little on the questions you have?

8 CHAIRMAN SALADINO: No. They
9 would be the for the attorney.

10 All right, so moving on, we
11 have --

12 MS. GORDON: When you say they'll
13 be for the attorney, does that mean
14 there will be more information about
15 this application whether we decide next
16 month or whether we're gonna accept it
17 or not.

18 CHAIRMAN SALADINO: I have
19 questions for the attorney about the
20 application, about her narrative. I
21 really don't want to get into it now
22 because she is not here.

23 MS. NEFF: So what we're doing is
24 tabling it rather than we're not
25 accepting -- we're not rejecting the

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application.

CHAIRMAN SALADINO: Absolutely.

MS. GORDON: We're simply tabling it.

CHAIRMAN SALADINO: Absolutely not.

MS. GORDON: I just wanted to be clear.

CHAIRMAN SALADINO: Listen, you know, again everybody knows that how the Board works, our opinion is expressed in our vote. If somebody wants to make a motion to accept this application without either the applicant or the attorney being here, I'm only one vote.

MR. TASKER: Or look at it the other way, if someone was to make a motion not to accept the application.

CHAIRMAN SALADINO: I don't think -- I mean, that's a little harsh, don't you think, to reject the application without the applicant or the attorney being here to ask?

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1
2 Shouldn't -- the same reason that I was
3 just asked, why I want to table it, I
4 mean, shouldn't she have the right to
5 say, why are you rejecting this
6 application? Is not showing up at a
7 Zoning Board meeting reason enough to
8 reject an application?

9 Listen, in the past we have
10 always, if the applicant wasn't here,
11 we always put it on the side until they
12 showed up the next month. Again, not
13 that it should reflect on us, but they
14 do on the other two statutory boards in
15 the Village, not that we're obligated
16 to follow the other two statutory
17 boards. I just think it's good
18 practice to have the applicant here and
19 if the application, barring any
20 emergency, God forbid, auto accident,
21 health emergency, if the application
22 was important enough to them, they
23 would have been here.

24 MR. TASKER: Than, let's do this,
25 I move that we postpone consideration

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1 of acceptance of the application until
2 the next meeting, our next meeting with
3 the expectation that the applicant or
4 the applicant's attorney will be
5 present to address the questions that
6 we may have.
7

8 CHAIRMAN SALADINO: I think that's
9 a little overkill, but sure, I second.

10 Well, somebody else will second
11 it.

12 MS. NEFF: Second.

13 CHAIRMAN SALADINO: All in favor?

14 MR. CORWIN: Aye.

15 MR. TASKER: Aye.

16 MS. GORDON: Aye.

17 MS. NEFF: Aye.

18 CHAIRMAN SALADINO: Okay.

19 Item Number 8, we have a little
20 bookkeeping that should have been taken
21 care of a little while ago, it's an
22 interpretation that the Zoning Board
23 made, and we're going to, it was the
24 Zoning Board made an interpretation.
25 It was voted on, and for some reason

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1
2 from the trip from the meeting to
3 Village Hall, it just never got there.

4 All we're doing is, reaffirming
5 our interpretation and I'm gonna sign
6 it and give it to the building clerk
7 and she is going to -- in my
8 conversation with the clerk, she said
9 the procedure would be that the
10 interpretation would be attached to the
11 minutes of that particular meeting and
12 there would with a file, a record of it
13 wherever these things are kept in
14 Village Hall.

15 MR. TASKER: As a point of
16 information, can I ask the clerk, how
17 are these cross referenced, these
18 interpretations cross referenced to the
19 code? In other words, how can somebody
20 find this?

21 MS. LINGG: I have a binder with
22 interpretations.

23 MR. TASKER: And it's cross
24 referenced by code?

25 MS. LINGG: I don't know of a way

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1 that it is cross referenced.

2
3 MR. TASKER: It's a house-to-house
4 search?

5 MS. LINGG: Yeah, at this point.

6 MS. NEFF: So this document would
7 be with the minutes and in your binder?

8 MS. LINGG: Yes, in both places.

9 MR. TASKER: But unless you knew
10 that it was in the minutes, unless you
11 knew that there had been an
12 interpretation, you wouldn't even begin
13 to look for it.

14 MS. NEFF: You would never find
15 it.

16 MR. TASKER: And B you would never
17 find it except for a house-to-house
18 search through the minutes of every
19 meeting from whatever timeframe you're
20 looking at or you aren't gonna find it
21 by looking in the code because it is,
22 will not be noted in the code that
23 there was an interpretation on X date.

24 MS. LINGG: I'm saying that I
25 don't, but I would have to speak to the

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2 clerk and the administration to see if
3 they have. I don't know the system
4 they have in place for something like
5 that; I don't currently.

6 MR. TASKER: Okay. Fine.

7 CHAIRMAN SALADINO: I don't want
8 to comment on the clerk's filing
9 system. I mean, that's outside our
10 area of authority; what the clerk does
11 is what the clerk does.

12 This original interpretation never
13 got to the clerk; it was misplaced from
14 the time it left the meeting to -- I'm
15 not gonna say it. From the time it
16 left the meeting to the time it got to
17 Village Hall.

18 All we're doing is just, this is
19 part of the public record; it's in the
20 minutes. We're giving a copy to the
21 building clerk so she can insert it
22 into her file or ledger and then
23 hopefully it will be attached to the
24 June, previous June's minutes and that
25 will be that.

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1
2 If anybody has any questions, any
3 other business? Anybody have a
4 question?

5 (No response.)

6 Then I'm gonna make a motion --
7 Any members have anything to say,
8 questions, any comments?

9 (No response.)

10 CHAIRMAN SALADINO: No.

11 I'm gonna make a motion to
12 adjourn.

13 MS. NEFF: Second.

14 CHAIRMAN SALADINO: All in favor?

15 MR. CORWIN: Aye.

16 MR. TASKER: Aye.

17 MS. GORDON: Aye.

18 MS. NEFF: Aye.

19 CHAIRMAN SALADINO: I'll vote aye.

20 Everyone have a merry Christmas.

21 Thank you.

22 (Time noted: 7:18 p.m.)

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