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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

Third Street Firehouse
Greenport, New York

July 17, 2018
6:04 p.m.

- JOHN SALADINO - CHAIRMAN
- DAVID CORWIN - MEMBER
- ELLEN NEFF - MEMBER
- DINI GORDON - MEMBER
- ARTHUR TASKER - MEMBER

- ROBERT CONNOLLY - VILLAGE ATTORNEY
- KRISTINA LINGG - BUILDING CLERK

1 ZBA - July 17, 2018

2 CHAIRMAN SALADINO: Folk, we're
3 gonna start the Regular meeting of the
4 Village of Greenport Zoning Board of
5 Appeals.

6 Item number 1 is a motion to
7 accept the minutes of the June 19, 2018
8 Zoning Board of Appeals meeting.

9 So moved.

10 MS. GORDON: Second.

11 CHAIRMAN SALADINO: All in favor?

12 MR. CORWIN: Aye.

13 MS. GORDON: Aye.

14 MS. NEFF: Aye.

15 MR. TASKER: Aye.

16 CHAIRMAN SALADINO: And I'll vote
17 aye.

18 Item Number 2 is a motion to
19 approve the minutes of the May 15, 2018
20 Zoning Board of Appeals meeting.

21 So moved.

22 MR. TASKER: Second.

23 CHAIRMAN SALADINO: All in favor?

24 MS. GORDON: Aye.

25 MS. NEFF: Aye.

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MR. TASKER: Aye.

CHAIRMAN SALADINO: I'll vote aye.

Any abstentions?

MR. CORWIN: Abstain.

CHAIRMAN SALADINO: Item Number 3 is a motion to schedule the next Zoning Board of Appeals meeting for Tuesday, August 21, 2018 at 6:00 p.m. Third Street Fire Station, Greenport, New York 11944.

So moved.

MS. NEFF: Seconds.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Item Number 4 is a public hearing regarding the area variance of the property located at 150 Sterling Avenue, Greenport, New York 11944.

The Suffolk County Tax Map number

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ZBA - July 17, 2018
is 1001-3-4-27.

For the public that's interested,
for those of you interested, the public
notice is attached so you can see.

Is the applicant here.
Name and address, please.

MS. DI CAPUA: Vector East, the
property is at 150 Sterling Avenue,
Greenport 11944.

CHAIRMAN SALADINO: I think we
have a corrected notice of disapproval.
Last month it was Sterling Street and I
--

MS. DI CAPUA: Right. Yeah.

CHAIRMAN SALADINO: -- I think we
have that correction.

MS. DI CAPUA: Right.

CHAIRMAN SALADINO: Just to let
the public know, the Zoning Board made
a site visit this afternoon, and we saw
what we had to see.

If you have nothing else. Thank
you.

Is there anybody from the public

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2 that like to comment on this.

3 (No response.)

4 I'm sorry. I'm getting ahead of
5 myself here because this was relatively
6 simple. There's a couple of things I
7 have to do here.

8 We convened. We conferred with
9 the applicant to make the application.
10 We did that. Notice was published,
11 right?

12 MS. LINGG: Yes.

13 CHAIRMAN SALADINO: I'm gonna read
14 the mailings. The applicant already
15 spoke; but let me read the mailings and
16 then we'll move on to the public to
17 speak.

18 Notified was Eric Heiman, 146
19 Sterling Avenue; Donna Belleseur Cohen,
20 608 Carpenter Street, Greenport, New
21 York 11944; Steven Golden (phonetic),
22 35-71 Melody Lane, Palm Springs,
23 California; Eugene Pacholk, 618
24 Carpenter Street, Greenport, New York;
25 the applicant, Frank Macken, 229 East

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2 Fourth Street, New York; Gregory Tuck,
3 287 Clinton Avenue, Brooklyn, New York;
4 and Delores Arembrosio (phonetic),
5 1550 York Avenue, New York, New York.

6 The applicant said what he had to
7 say. We have no letters. We'll open
8 it up to the public.

9 I'm sorry, did you have anything
10 else to add?

11 MS. DI CAPUA: Not unless there is
12 something you would like to hear.

13 CHAIRMAN SALADINO: Do any members
14 of the Board have anything?

15 MS. GORDON: I'd like to hear the
16 justification which I think I probably
17 know, but I'd like to hear it from you
18 for the area variance of this nine and
19 a half feet.

20 MS. DI CAPUA: They're dealing
21 with an old house and, you know, built
22 the way they were, they didn't really
23 have a proper kitchen or laundry room,
24 so they really just want to make a
25 modest addition just to be able to fit

1 ZBA - July 17, 2018

2 the laundry room in the back of the
3 house and have a slightly bigger
4 kitchen just to entertain.

5 CHAIRMAN SALADINO: Anyone else,
6 any member have anything else for the
7 applicant?

8 Ellen?

9 MS. NEFF: No.

10 CHAIRMAN SALADINO: Arthur?

11 MR. TASKER: No.

12 CHAIRMAN SALADINO: David?

13 MR. CORWIN: No.

14 CHAIRMAN SALADINO: Thank you.

15 If there's no further comment from
16 the public, I make a motion to close
17 the public hearing.

18 MR. TASKER: Second.

19 CHAIRMAN SALADINO: All in favor?

20 MR. CORWIN: Aye.

21 MS. NEFF: Aye.

22 MS. GORDON: Aye.

23 MR. TASKER: Aye.

24 CHAIRMAN SALADINO: I'll vote aye.

25 Item Number 5, by agreement

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2 between the applicant and the Village,
3 we're going to table this application
4 until next month and we'll take up the
5 corrected application at that time.

6 The applicant was here, the applicant's
7 representative was here, and we saw no
8 need for him to stay, so we let him go
9 only because we're tabling the
10 application.

11 So I'm gonna make a motion to
12 table this until our August 21 meeting.

13 So moved.

14 MS. GORDON: Second.

15 CHAIRMAN SALADINO: All in favor?

16 MR. CORWIN: Aye.

17 MS. NEFF: Aye.

18 MR. TASKER: Aye.

19 MS. GORDON: Aye.

20 CHAIRMAN SALADINO: I vote aye.

21 Item Number 416 South Street.

22 Motion to accept the application,
23 schedule a public hearing and arrange a
24 site visit for the application of Laura
25 Di Capua for the property located at

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ZBA - July 17, 2018
416 South Street, Greenport, New York
11944.

Suffolk County Tax Map Number is
1001-4-5-12.

Is the applicant here?

MS. DI CAPUA: Yes, I am.

CHAIRMAN SALADINO: Name and
address.

MS. DI CAPUA: Laura Di Capua, 416
South Street, Greenport.

Okay. Well, I wrote you
individually and if you didn't get to
your mail, I publically apologize for
not being here last meeting. I wasn't
aware, it's my first time, I'm a
newbie, I wasn't aware that I was
supposed to be here. I'm here now.

In the meantime, I added some more
papers to the application because I'm
trying to get to the goal of some kind
of decision, so I've added the site
plant that I submitted last time. The
original application was a revision of
the site plan that the architect had

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2 signed and submitted to the Village
3 office; so he very nicely, each one of
4 you received an original stamped and
5 signed site plan, and also gave out the
6 survey after my addition was put onto
7 the house a couple years ago in 2012,
8 more than a couple years; and the
9 papers from that application.

10 I have a little something extra
11 for you today. I've been a busy bee
12 these weeks that have passed. I
13 approached my immediate neighbors and
14 they very kindly have written letters
15 to you folk. I have the originals for
16 Kristina.

17 CHAIRMAN SALADINO: Would you like
18 to, we can enter it into the record now
19 or we can read them at the public
20 hearing.

21 MS. DI CAPUA: I'm know. Whatever
22 is supposed to be done, I'm more than
23 happy to go with that.

24 CHAIRMAN SALADINO: We can make it
25 part of the record.

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2 MS. DI CAPUA: Do I need to give
3 you a copy, I do have another one.

4 (Handing copies to the
5 stenographer.)

6 CHAIRMAN SALADINO: So the members
7 last month had a question about the
8 survey which we have. They had a
9 question about the previous variances.

10 MR. CORWIN: You're correct.

11 CHAIRMAN SALADINO: You had a
12 previous application for a variance.

13 MS. DI CAPUA: From 2012 and I've
14 given the files to all of you, I had it
15 reproduced and give it to you.

16 CHAIRMAN SALADINO: The only
17 reason I think we're questioning it, I
18 read somewhere that you answered no.

19 MS. DI CAPUA: Okay. I think the
20 confusion on my part was the way that
21 question was written, I thought the N-0
22 meant no, but then I thought it meant
23 number. I was a little confused with
24 that question, so I would say you have
25 to look at it. Then what I thought it

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2 was the number, I try to get that, and
3 was told to just submit it without it;
4 but now I have the application so that
5 the number is right there at this point
6 okay.

7 So can I make a suggestion for the
8 suggestion box? Do you have one?
9 Maybe if the word number can be written
10 instead of N-O, because that said, and
11 there was a line after it because they
12 wanted the number, but it looked like
13 it was no, you know, put a check or X
14 on it or something. Just a thought
15 from the retired school teacher. When
16 you write test questions you'd be
17 surprised how they can be interpreted
18 by people.

19 CHAIRMAN SALADINO: Can you put
20 that in the suggestion box. Okay.

21 Do any of the members have any
22 questions for the applicant?

23 (No response.)

24 We'll give them a second.

25 MS. DI CAPUA: Of course. It's

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raining outside, I'm in no hurry.

CHAIRMAN SALADINO: Arthur,
anything for the applicant.

MR. TASKER: Just with respect to
the 2012, you completed the work as you
finally got your permits for it; is
that correct?

MS. DI CAPUA: Yes.

CHAIRMAN SALADINO: Ellen.

MS. NEFF: No.

CHAIRMAN SALADINO: David and
Ellen?

MR. CORWIN: I have something to
say about the whole package and the
application. Maybe it's more
appropriate at the end of the meeting
or after the acceptance of the
application.

CHAIRMAN SALADINO: But do you
want to express your opinion with a
vote or you have a comment to make.

MR. CORWIN: I have a comment
about the process and how it gets here.

CHAIRMAN SALADINO: Okay.

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2 Then I'll make a motion that we
3 accept this application?

4 MR. CORWIN: Second.

5 CHAIRMAN SALADINO: All in favor?

6 MR. CORWIN: Aye.

7 MS. GORDON: Aye.

8 MS. NEFF: Aye.

9 MR. TASKER: Aye.

10 CHAIRMAN SALADINO: And I'll vote
11 aye.

12 We'll schedule the public hearing
13 for August 21 at 6:00 p.m. which is
14 when we schedule them all, and we'll
15 schedule a site visit for 5:30.

16 MS. DI CAPUA: Of that day?

17 CHAIRMAN SALADINO: Of that day.

18 MS. DI CAPUA: Do you require
19 anything of me; do I need to do
20 anything.

21 CHAIRMAN SALADINO: Yes. Usually
22 we ask the applicants to stake out the
23 proposed construction.

24 MS. DI CAPUA: I'll ask the
25 handyman to do it because I can't, and

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2 the architect had surgery, so I
3 wouldn't impose on him. I'll get it
4 done one way or another.

5 MS. NEFF: Post the notice.

6 CHAIRMAN SALADINO: That she will
7 work out with the building department.
8 You'll talk to the Building Department
9 and she'll tell you about the notice
10 you have to put out, you would place
11 the sign, there's a fee involved.

12 MS. DI CAPUA: Kristina and I are
13 old friends now.

14 It's stakes, just stakes or do I
15 have to put a rope from stake to stake?

16 MR. CORWIN: Just the corners.

17 MS. DI CAPUA: Just the corners.
18 Thank you so much.

19 CHAIRMAN SALADINO: Item Number 7
20 is 412 Third Street.

21 Motion to accept the application
22 and schedule a public hearing and
23 arrange a site visit for the
24 application of James Olinkiewicz for
25 the property located at 412 Third

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ZBA - July 17, 2018
Street, Greenport, New York 11944.
Suffolk County Tax Map number
1001-4-2-4-6.

MS. MOORE: Good evening, Patricia
Moore on behalf to Mr. Olinkiewicz.

We're ready to proceed.

CHAIRMAN SALADINO: And I know
this is like a crazy question, but you
got the new notice of disapproval?

MS. MOORE: Yes. The revised
notice of disapproval and we understand
why it was written the way it was, but
at did hearing I'd like to address how
we believe the setback should be
interpreted; but we get to the hearing
on that, but we need to start somewhere
with the notice of disapproval.

When you're ready, I have two
documents that last meeting you asked,
the title search of when Mr.
Olinkiewicz sold the property and
acquired the property back, so I have
that if you want it now for your
records. I can give that to you here

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2 or wait for the hearing.

3 CHAIRMAN SALADINO: Honestly, I
4 don't remember me asking --

5 MR. TASKER: That was my question.

6 MS. MOORE: I'm sorry, Mr. Tasker,
7 I thought it came from the chair.

8 CHAIRMAN SALADINO: Whatever
9 you -- sure, I think now is better than
10 later.

11 MS. DI CAPUA: That way you'll
12 have it. I have one original for your
13 records. It was just a clarification,
14 Mr. Tasker, I guess you asked when it
15 was sold by Mr. Olinkiewicz; and it was
16 sold in ninety, excuse me, it was
17 acquired on ten ninety-eight from Mr.
18 Sealy (phonetic) to Mr. Stinky
19 (phonetic), and his wife was the name
20 of the owner and then he sold it to Mr.
21 Belly (phonetic) and others in 2002 and
22 thereafter he re acquired the property
23 in 2004. I had given the property card
24 and I highlight it and therefore, it's
25 just been internal transfers, corporate

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2 LLC transfers, so I have the title
3 search as well to substantiate the
4 transfers. I'll put it in your files
5 whoever would like the refer to it.

6 (Handing.)

7 CHAIRMAN SALADINO: Thank you.

8 Arthur, do you want to look
9 through it now.

10 MS. MOORE: Did you want it?

11 MR. TASKER: I'll take a look at
12 it, there's no need --

13 MS. MOORE: Not right now. Okay.

14 CHAIRMAN SALADINO: Anyone have
15 any questions for that Ms. Moore.

16 (No response.)

17 No.

18 What is the pleasure of the Board?

19 (No verbal response.)

20 I'm going to make a motion to
21 accept this application.

22 MR. TASKER: Second.

23 CHAIRMAN SALADINO: All in favor?

24 MR. TASKER: Aye.

25 MR. CORWIN: Aye.

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MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: You sounded hesitant.

Do you have a question?

MS. GORDON: I have a question I guess about the procedure.

Your position is really that no variance is necessary.

MS. MOORE: Right.

MS. GORDON: I don't understand whether we should be talking about that before we have the hearing because presumably we might make a decision on the that issue that will complicate the hearing.

CHAIRMAN SALADINO: I -- I'm sorry, Dini.

MS. GORDON: But it may be approved, but it maybe that's it part of, maybe it's the first thing we talk about at the hearing.

MS. MOORE: At the hearing.

CHAIRMAN SALADINO: I have a

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2 notice of disapproval and I have an
3 application from you.

4 MS. MOORE: I would just clarify
5 that.

6 We first made the application --
7 not the application, submitted a letter
8 with a memorandum of law that said that
9 this property was the beneficiary of a
10 variance in '98, and at that time it
11 was before the planning board was in
12 existence, the Zoning Board at the time
13 addressed all the variances that would
14 have been necessary for the granting of
15 the variance, and based on that, all we
16 needed to do at this point is go to the
17 planning board because the planning
18 board exists today and finish that
19 process.

20 There was some disagreement about
21 that on the Board, so rather than -- I
22 have to exhaust my administrative
23 remedies and come to this board with
24 all of the arguments and go from there.
25 So we, I want to say -- it's

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2 inappropriate to say under protest, but
3 we got the notice of disapproval based
4 on the, let say, assuming no variance
5 had ever been granted, these are the
6 variances that the administrative
7 Building Department would consider to
8 be applicable, and that's why we
9 submitted the paperwork, so again we
10 think the variances are already in
11 place.

12 CHAIRMAN SALADINO: The reason
13 that I say this is because here and now
14 I was under the assumption that the
15 Village's position, not the zoning
16 board, the Village's position is that
17 there is no variance because of a
18 procedural error, or because of
19 something were actually in effect. If
20 you're still contesting that --

21 MS. MOORE: Absolutely, we're
22 making that as the point, as your
23 Village attorney will advise you, in
24 order for me to challenge it, I have
25 to, again, exhaust my administrative

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2 remedies. The building inspector said
3 no, go for variances. Okay, we'll go
4 for variances but our arguments are
5 multifaceted and we do not need a
6 variances and if we end up in court,
7 the first argument will be, we don't
8 need a variance, here the original
9 variance says we don't need. And
10 hopefully the Court will determine that
11 you're right, the variances was granted
12 and therefore no further variances are
13 necessary, proceed to the Planning
14 Board; but I can't get there
15 immediately, I have to complete the
16 process with this board.

17 CHAIRMAN SALADINO: Isn't part of
18 the process that you're looking to
19 file, your original memorandum of law,
20 you know, kind of illudes to, well, it
21 actual says that variance follows the
22 land.

23 MS. MOORE: Run with the land,
24 right.

25 CHAIRMAN SALADINO: Nobody on this

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2 Board disputes that?

3 MS. MOORE: You can throw it out,
4 usually a Zoning board has to decide
5 whether or not it's necessary. You
6 could have come to the conclusion that
7 based on that memorandum, you're right,
8 go back, finish your process with
9 planing board. That's it.

10 CHAIRMAN SALADINO: But that's not
11 what happened.

12 MS. MOORE: You didn't do
13 anything, you directed me to the
14 Building Department.

15 CHAIRMAN SALADINO: No, we asked
16 you if you wanted an interpretation on
17 that contention, and you seemed to
18 decide that you didn't.

19 MS. MOORE: No.

20 CHAIRMAN SALADINO: We all admit
21 that New York State and Village law
22 says that a variance, when granted runs
23 with the land.

24 MS. MOORE: Okay.

25 CHAIRMAN SALADINO: The Village's

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2 contention in this case was that the
3 variances wasn't in effect, isn't in
4 effect because of a procedural error.
5 If you would want us to take that
6 question up outside, outside the -- or
7 make it part of our discussion outside
8 the question of the variances --

9 MS. MOORE: I thought that's what
10 you guys have been pondering for long
11 time. I have been waiting several
12 months to get that.

13 CHAIRMAN SALADINO: My impression
14 was that it was settled.

15 MS. MOORE: No.

16 We don't agree with the Building
17 Department and that's why we started
18 with the fact that the applicant went
19 directly to the planning board.

20 CHAIRMAN SALADINO: No, I
21 understand.

22 MS. MOORE: Right. You understand
23 the whole process.

24 CHAIRMAN SALADINO: -- applicant
25 did and -- I'm sorry. Go ahead.

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2 MS. GORDON: It seems to me that
3 last month there was uncertainty about
4 whether the variance had actually been
5 granted and we were expecting the
6 lawyer to provide evidence that it had
7 been granted; and it seems to me, this
8 the certainly not dispositive of the
9 whole issue but it seems to me that the
10 these background documents she provided
11 did that, and that's not, or at least
12 it did provide evidence of what took
13 place and the votes that were made in
14 that zoning board meeting twenty years
15 ago. Now, whether that's enough,
16 whether it's, you know signed sealed
17 and delivered, I don't know. It may
18 have been signed but not sealed and
19 delivered. I don't know, but it seems
20 to me that you did provide --

21 MS. MOORE: I did.

22 MS. GORDON: -- additional
23 information on which to base a decision
24 about whether this is an issue that
25 sort of proceeds the consideration of

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2 the area variance. I don't know.

3 MR. TASKER: If I may, further on,
4 if this Board says, yes, it's an
5 additional issue, but I'm not sure this
6 is the forum for you to address it.

7 MS. MOORE: What forum would you
8 suggest?

9 MR. TASKER: Well, I'm not sure,
10 but if the question is were the
11 procedural steps of issuing a variances
12 determination, et cetera, et cetera
13 followed, that's not for this, I don't
14 think that's for this Board to decide
15 frankly, and that a threshold question
16 to being here. As I said in my note
17 that the chairman read at the meeting
18 back in April, if it's been suggested
19 the board determined there's a
20 pre-existing condition validly granted
21 procedurally and substantively ant that
22 remain in effect today, the inquiry may
23 well end there, but I don't believe
24 this Board is the forum to decide that.

25 MS. MOORE: I apologize --

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2 MR. TASKER: I think that if the
3 question is, did the Village, and I use
4 that collectively, whether the Board or
5 officials, did the Village fail to
6 complete the process, is the, I think,
7 a judicial determination.

8 MS. MOORE: If you would like me
9 to sue the Board, we're happy to. I'm
10 trying to be --

11 MR. TASKER: Well, don't sue this
12 Board because we haven't done anything.

13 MS. MOORE: By not giving me
14 recognition of your variance, the
15 Building Department is not recognizing
16 the previous variance, then my choice
17 is to bring a mandate in this action
18 the compel the build inspector to
19 proceed to give me -- I mean, honestly
20 the planning board should have
21 addressed this application, they sent
22 it to the Zoning Board, so I'm in this
23 crazy circular issue so --

24 CHAIRMAN SALADINO: They sent it
25 to the Zoning Board because there was a

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2 question if the variance was actually
3 in effect eighteen years later, not
4 because they were unsure if variances
5 in general follow the land. I assume
6 they know that like we know that. But
7 if procedurally the process was
8 completed and their advise, the advise
9 they were given, was given to them by,
10 not this board but the Village attorney
11 or --

12 MS. MOORE: I don't know the
13 advise you're -- obviously, I'm not
14 privy to the advice you're being given,
15 but a variances was granted,
16 procedurally there was nothing more
17 that could be done, the procedures were
18 write a decision, the zoning doesn't
19 write decision, they just did it by way
20 of the resolution and that's the reason
21 we learned of it because in reading the
22 transcript, that was the decision of
23 the zoning boar and that's how this
24 board has continued to act on decision
25 even 'til recently because I know I

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2 have not gotten written decisions in
3 the past before counsel is now the
4 Board's attorney, so I know that it's
5 being done correctly with filed
6 discissions, but up 'til then there are
7 no discissions, so that is the
8 variances that runs with the land. We
9 think we're done, but the choice was,
10 at least at the last meeting, it was
11 not, the directive we got was, go back
12 to the Building Department for a notice
13 of disapproval, or administrator for a
14 notice of disapproval. You don't have
15 a build inspector, so here we are.

16 CHAIRMAN SALADINO: The advise
17 that this Board is getting from the
18 Village is that this is the way to
19 proceed, you know, so that tells me or
20 suggests to me that there of the
21 opinion that, again, procedurally the
22 variances somehow was not, that was
23 granted or suggested to be granted
24 eighteen years ago is not in effect
25 today.

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2 MR. TASKER: I have to dispute a
3 particular factual assertion that you
4 make that decisions were not issued
5 back in those days because I can point
6 specifically to one in 1992 wherein the
7 zoning board of appeals after extended
8 hearings, denied a permit for a
9 commercial marina on the back side of
10 Sandy Beach and that was followed with
11 same kind of determination --

12 CHAIRMAN SALADINO: I never said
13 that. Oh you're talking about --

14 MS. MOORE: No. Put it this way,
15 the applications that I've had have not
16 resulted in written decisions, so that
17 has been a point of contention that
18 we've raised, but none the less,
19 whether there've been created or not in
20 1998, as far as evidence goes, the only
21 evidence I could provide for you was
22 the transcript of the hearing that said
23 that the variances was granted and that
24 is in and of itself enough to then go
25 to the next step. Now whether the

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2 original request to the planning board
3 was to say we don't need the planning
4 board because in 1998, the variance was
5 granted, the Zoning Board acted in the
6 shoes of the planning board as well,
7 they subdivided the property, so the
8 applicant believe that that was it, it
9 was done. We should at this point just
10 have two properties. However, because
11 that is a matter of interpretation on
12 whether or not what the law is today
13 applies or no, it's -- we took the
14 position, all right, we couldn't get
15 the planning board to make a decision,
16 nobody was making a decision, so I
17 advised the client, let's file an
18 application to the planing board
19 because an application will generate
20 some action. We did that, and then
21 here we are back to you; so it's -- I
22 don't know who on the inside -- I mean
23 how to resolve this, other than to
24 proceed with this appeal, come in with
25 the arguments that we've got two

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2 houses, we've got prior to variances,
3 no facts have changed, nothing has
4 changed here. Why are we here, but if
5 we must be here, let's finish the
6 process.

7 MR. TASKER: Am I recalling
8 incorrectly that there was testimony or
9 an assertion made at an earlier hearing
10 on this that the applicant then, Mr.
11 Olinkiewicz had assumed that it had
12 been denied.

13 MS. MOORE: Yes. He was not given
14 a decision and he heard --

15 (Mr. Tasker and Ms. Moore spoke
16 simultaneously.)

17 MS. MOORE: -- in the grapevine,
18 it was denied.

19 MR. TASKER: -- reliance on the
20 fact -- in reaching that conclusion,
21 his reliance on the fact no decision
22 had been generated, okay.

23 MS. MOORE: Yes, and?

24 MR. TASKER: So we're back at, did
25 the process finish up, and Mr.

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2 Olinkiewicz believed it did not because
3 he thought it had been denied --

4 (Mr. Tasker and Ms. Moore spoke
5 simultaneously.)

6 MS. MOORE: -- but the opposite
7 way.

8 MR. TASKER: Where are we with
9 this thing? Was there a variance?
10 That's why I don't think that -- this
11 discussion is why I don't think the
12 determination belongs in this forum.
13 Okay. The nature of this very
14 discussion.

15 CHAIRMAN SALADINO: What I was
16 gonna suggest is, perhaps Mr. Connolly
17 can direct us, is do what Ms. Moore
18 suggests, we act on the application, we
19 render a decision. If she agrees with
20 it, we --

21 MS. MOORE: We'll proceed to the
22 planning Board.

23 CHAIRMAN SALADINO: If she doesn't
24 agree to it --

25 MS. MOORE: We're gonna be in
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(631) 727-1107

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2 court anyway. Exactly. I think that
3 was --

4 MR. CONNOLLY: I think that's the
5 only way to deal with it at this point,
6 I mean, unless you want to bring a --

7 MS. MOORE: That's what Mr. Tasker
8 is suggesting, but, you know, certainly
9 we're gonna be in the same place in the
10 end so.

11 CHAIRMAN SALADINO: And if we
12 accept the application, which I think
13 we're inclined to do, we accept the
14 application, how we rule, you know,
15 maybe, you know, sometime you win,
16 sometimes you lose. So you'll get the
17 decision from this Board, if you like
18 it, that's fine.

19 MS. MOORE: Correct.

20 CHAIRMAN SALADINO: You know, you
21 have recourse.

22 So are we thinking that's what we
23 would like to do here.

24 MR. CORWIN: Take a vote on it,
25 Mr. Chairman.

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2 CHAIRMAN SALADINO: I just want to
3 get a -- before we take a vote on it,
4 let's just agree to what we're voting
5 on.

6 MR. CORWIN: We already took a
7 vote.

8 CHAIRMAN SALADINO: No, I didn't
9 vote.

10 MR. TASKER: If we accept the
11 application, how are we going to
12 proceed? Seriatim. First decide is
13 there a valid --

14 CHAIRMAN SALADINO: No, I think --

15 MR. TASKER: -- is it still in
16 effect, the answers are yes or no or
17 whatever, then do we then go on to the
18 next step which is, all right, let's
19 consider this variances application de
20 novo.

21 CHAIRMAN SALADINO: I thought it
22 would be the opposite. I thought we
23 would address the variance, vote on
24 this, and if the variances request is
25 approved, if these variances are

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2 approve, there is no need for the
3 second step. If for some reason
4 they're denied, Ms. Moore has already
5 indicated that she would be looking for
6 a judicial review.

7 Am I getting that right?

8 MS. MOORE: I have given you, at
9 this point, as far as confirming that
10 the ZBA ruled. I gave you the
11 transcript. I've given you the title
12 now. I've given you, just to show you
13 the number of owners in between, I
14 think that was the question, which was
15 only one, and that's -- then we
16 proceed.

17 CHAIRMAN SALADINO: I don't think
18 the question about accepting the
19 application --

20 MS. MOORE: It's helpful for me to
21 know --

22 Pardon me.

23 It's helpful for me to know if you
24 want to hear on the record the entire
25 presentation of the prior variance.

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2 It's been put in writing in the
3 memorandum of law, so that issue is
4 before the Board. There's not much
5 more to say about it because there's
6 really no other procedural or side
7 issue to it. It either is or is not a
8 variances that runs with the land.

9 CHAIRMAN SALADINO: The simplest
10 terms, the simplest process would be
11 for this Board to --

12 MR. CORWIN: Tell them to do
13 whatever they want to do.

14 MS. MOORE: I'm sorry, what?

15 CHAIRMAN SALADINO: What?

16 The simplest thing that I can
17 think of is for this Board to -- if
18 Arthur wants to address that head out,
19 we can decide that. I thought what I
20 was suggesting was we deal with the
21 variances, and if you agree, the
22 process ends, if you don't agree, you
23 would go forward.

24 MR. TASKER: With never addressing
25 the question of the validity of the

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2 prior variance application.

3 MS. MOORE: It would be moot at
4 that point because you granted the
5 variance, so why --

6 MR. TASKER: What if w deny it.
7 Well, wait a minute I already have
8 valid --

9 MS. MOORE: Absolutely.

10 MR. TASKER: Of course you will.

11 MS. MOORE: Of course. But that's
12 an issue that still remains on the
13 table, that's always -- but here's the
14 issue, if you say the variances does
15 not run with the land --

16 MR. TASKER: No, absolutely not.

17 MS. MOORE: No. I guess, if you
18 determine that by of determination that
19 we have to proceed to the next hearing,
20 so you give me if final decision on the
21 first issue, then my thirty day
22 timeline begins to run from that
23 determination, so to the extent Mr.
24 Saladino is setting a practical
25 approach here, I agree in that both

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2 issues should be decided simultaneously
3 and in a sense, they because if you're
4 granted the variance than, as a matter
5 of fact and law, you determined that
6 the variances for whatever reason is
7 not in effect, correct. Both issues
8 are being decided at the same time.

9 CHAIRMAN SALADINO: Does that --

10 MR. TASKER: I have nothing to
11 add.

12 MS. MOORE: Okay.

13 CHAIRMAN SALADINO: Anybody else?

14 (No response.)

15 I made the motion.

16 It was seconded.

17 MS. GORDON: Could you repeat it?

18 MS. NEFF: Sure.

19 I'm gonna make a motion that we
20 accept this application.

21 MR. CORWIN: Second.

22 CHAIRMAN SALADINO: All in favor?

23 MR. CORWIN: Aye.

24 MS. GORDON: Aye.

25 MS. NEFF: Aye.

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MR. TASKER: I abstain.

CHAIRMAN SALADINO: I'll vote aye.

Schedule a public hearing for August 21 at 6:00 p.m. and we're gonna do the site visit at -- we have a site visit at 5:30.

MS. MOORE: 5:40 quarter of, it usually takes five, ten minutes.

CHAIRMAN SALADINO: Before or after, you want 5:15, 5:30.

MR. CORWIN: 5:20.

CHAIRMAN SALADINO: Okay. We're going the schedule the site visit for 5:20 on the 21st.

MS. MOORE: You got it.

Very good.

CHAIRMAN SALADINO: Fifty.

MS. GORDON: And it will all be mark off?

MS. DI CAPUA: It's a --

MS. MOORE: You're right.

CHAIRMAN SALADINO: Actually, it's not. What we would like the see, perhaps, I think what Dini's asking for

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2 is the physical separation of the two
3 properties.

4 MS. NEFF: Where is that line.

5 CHAIRMAN SALADINO: Not so much
6 the right of way, but the two
7 properties.

8 MS. MOORE: Let me show you. That
9 line right there.

10 CHAIRMAN SALADINO: Or is it this
11 line.

12 MS. MOORE: Well, that the right
13 of way on one side, that the center
14 line and that the right of way on the
15 other side.

16 MS. GORDON: It's two flag lots.

17 MS. MOORE: Two flag lots with a
18 common driveway.

19 I wanted to make sure I gave you
20 the right line.

21 CHAIRMAN SALADINO: You want to
22 separate those tow lines. We're not
23 concerned about the right of way that's
24 west of there behind, next to
25 basketball court.

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MS. MOORE: I'll have it marked or we'll mark it. That's fine.

CHAIRMAN SALADINO: Item Number 8 is 150 Sterling Avenue, discussion and possible motion on the area variance sought by Paul Livesy and Sally Grant for the property located at 150 Sterling Avenue, Greenport New York 11944.

Suffolk County Tax Map number 100-3-4-27.

Members, do we have something that we want to add to this?

(No response.)

Everybody's satisfied with the applicants explanation.

SEQRA, I'll make a motion that the ZBA is lead agency for purposes of SEQRA.

So moved

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MR. TASKER: Aye.

MR. CORWIN: Aye.

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MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: I'll vote aye.

I'll make a motion that it's a
type two action.

So moved.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: I'll vote aye.

We have these questions, the five
questions.

Question one, whether an
undesirable change has been produce and
the character of the neighborhood or a
detriment to nearby property will be
produced by granting this area
variance.

Mr. Corwin?

MR. CORWIN: No.

CHAIRMAN SALADINO: Diana?

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MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: And I'll vote
no.

Whether the benefit sought by the
applicant can be achieved by some
method feasible for the applicant to
pursue other than an area variance.

David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Diana?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

And I'll vote no.

Whether did requested area
variance is substantial.

David?

MR. CORWIN: Yes.

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2 CHAIRMAN SALADINO: Diana?

3 MS. GORDON: No.

4 CHAIRMAN SALADINO: Ellen?

5 MS. NEFF: No.

6 CHAIRMAN SALADINO: Arthur?

7 MR. TASKER: Yes.

8 CHAIRMAN SALADINO: I'll vote no.

9 Whether the proposed variance will
10 have an adverse effect or impact on the
11 physical or environmental condition of
12 the neighborhood or district.

13 David?

14 MR. CORWIN: No.

15 CHAIRMAN SALADINO: Diana?

16 MS. GORDON: No.

17 CHAIRMAN SALADINO: Ellen?

18 MS. NEFF: No.

19 CHAIRMAN SALADINO: Arthur?

20 MR. TASKER: No.

21 CHAIRMAN SALADINO: I'll vote no.

22 Whether the difficulty is self
23 created which consideration shall be
24 relevant to the decision of the Board
25 of appeal, and shall not necessarily

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preclude the granting of the area
variance.

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Dini?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

CHAIRMAN SALADINO: Arthur.

MR. TASKER: Yes.

CHAIRMAN SALADINO: I'll vote yes.

I'm gonna make a motion that we
grant this area variance.

MR. TASKER: Second.

CHAIRMAN SALADINO: David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Dini?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

CHAIRMAN SALADINO: Arthur.

MR. TASKER: Yes.

CHAIRMAN SALADINO: I'll vote yes.

AUDIENCE MEMEBER: We have a

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2 question. Do we have to wait for a
3 resolution before we submit the
4 application for a permit?

5 MR. CONNOLLY: Yes. It will be
6 signed at the next meeting, and the
7 building department will issue that.

8 AUDIENCE MEMEBER: Hoping to get a
9 little ahead of the game, but if that's
10 not the case.

11 MR. CORWIN: Can I make a motion
12 before you close.

13 CHAIRMAN SALADINO: David would
14 like to say something.

15 MR. CORWIN: In the past what has
16 happened is you have to wait to approve
17 an application, past practice was the
18 building inspector then issued the
19 building permit so this is a change in
20 policy and we really haven't discussed
21 if we have to wait for the
22 (unintelligible).

23 CHAIRMAN SALADINO: Is that within
24 our power?

25 MR. CONNOLLY: I don't believe it

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2 would be; however the Building
3 Department handles it, that's fine.
4 Just been my experience the Building
5 Department is the one who determines
6 first.

7 AUDIENCE MEMEBER: (Unintelligible
8 .)

9 CHAIRMAN SALADINO: If you're
10 gonna talk, your gonna have to talk
11 from up here.

12 The other thing is, I'm don't know
13 if we can dictate policy to the
14 building department. That's something
15 the building department decides. Right
16 now, we know that the building
17 department at this particular moment in
18 time, we don't have a building
19 inspector who would normally be part of
20 that conversation, so I don't know.

21 We can certainly take it up at the
22 next, we can certainly make a
23 suggestion to the Village that on
24 simpler, easier applications that a
25 building permit could be issued buy.

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2 AUDIENCE MEMEBER: Is there
3 somebody we could speak to in the
4 meantime; is there anybody that we can
5 speak to.

6 CHAIRMAN SALADINO: You can speak
7 to the Village administrator, he's the
8 head of the Building Department, he has
9 the latitude to do it.

10 AUDIENCE MEMEBER: Again, anything
11 we can do to be able the start break
12 ground.

13 CHAIRMAN SALADINO: You have to
14 realize we out of that loop, the Zone
15 board is out of that loop. We don't
16 make policies in the Building
17 Department.

18 AUDIENCE MEMEBER: I can
19 appreciate that.

20 CHAIRMAN SALADINO: I'm reluctant
21 to tell you, yeah, that sounds easy
22 then they come and --

23 MR. TASKER: If I may, I see this
24 as a slippery slope. A few minutes ago
25 with Ms. Moore's application, we're

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2 looking at an application from twenty
3 years ago where there was no
4 determination and twenty years later
5 we're arguing about it.

6 CHAIRMAN SALADINO: That why I
7 said the building department, we don'
8 make policy so, David, did that kind of
9 satisfy you.

10 MR. CORWIN: No.

11 Past practice is when the
12 application is approved, the building
13 inspector issues a building permit, so
14 obviously this is approved unanimously.
15 The finding of facts are gonna be
16 approved unanimously, I would wager, I
17 personally don't see why the applicant
18 can't go ahead. If the Village
19 administrator wants to change past
20 practice, fine let him, if he wants to
21 consult with us and say what do you
22 guys think, fine.

23 CHAIRMAN SALADINO: I think we're
24 all in agreement with that. If he's
25 asking our advise, nobody here has a

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2 problem, perhaps Arthur has different
3 concerns, but I'm not about to make
4 policy here. I'm not gonna tell the
5 application go ahead and break ground.

6 MR. CORWIN: Of course not, one
7 way or another building permit has to
8 be produced, so the applicant can go to
9 the Building Department and ask.

10 CHAIRMAN SALADINO: We said that.
11 You can speak with Mr. Pallas, he is
12 the reasonable guy, and he might see it
13 your way.

14 AUDIENCE MEMEBER: I think we'll
15 give that a shot.

16 CHAIRMAN SALADINO: Anybody else
17 have something to say?

18 (No response.)

19 A Then item Number 9 is a motion to
20 adjourn.

21 MR. CORWIN: Excuse me. There's
22 something I want to bring up.

23 CHAIRMAN SALADINO: Okay. We're
24 gonna table that motion to adjourn.

25 MR. CORWIN: This application 416

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2 South Street, DiCapua, I didn't know if
3 I said that correctly. When I
4 researched this application, there was
5 some question on what needed to be
6 there. One thing I brought up was the
7 survey and I went through my records
8 and found an old survey, but it wasn't
9 really appropriate because it was the
10 survey for the changes which didn't
11 show the changes, and what i discovered
12 was the village hands out an
13 instruction sheet on how an application
14 should proceed, and unfortunately I
15 didn't bring it with me this evening,
16 but as I read the instructions, the
17 applicant had complied with everything
18 on the instruction sheet, but there was
19 no survey. Well that was because there
20 were errors in the description of the
21 instructions. One notable error was
22 that the instructions call an engineer
23 an architect and a surveyor the same
24 thing implying an engineer and
25 architect can produce a survey. They

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2 cannot. The only person that deal with
3 property lines is a surveyor. An
4 engineer and architect can produce site
5 plans from the survey the surveyor
6 gives, so the instruction sheet has to
7 be corrected in my opinion.

8 CHAIRMAN SALADINO: So just so
9 we're all on the same page, the
10 comments you're making is to simplify
11 or correct the instruction sheet that
12 the Building Department hands out to an
13 applicant?

14 MR. CORWIN: To correct it.

15 CHAIRMAN SALADINO: Okay.

16 MS. LINGG: We're already in the
17 process of that.

18 CHAIRMAN SALADINO: So does that
19 answer that concern?

20 MR. CORWIN: We'll see what it
21 looks like when it's corrected.

22 CHAIRMAN SALADINO: Okay.

23 David watching, make sure it's
24 right.

25 I'm going to try this again, Item

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Number 9 is a motion to adjourn.

So moved.

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: I'll vote aye.

Thank you.

(Time noted: 6:56 p.m.)

AUDIENCE MEMEBER: [7]
46/24 47/7 48/6 48/25 49/9
49/17 51/13

CHAIRMAN SALADINO: [129]
MR. CONNOLLY: [3] 34/3
47/4 47/24

MR. CORWIN: [36] 2/11 3/4
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53/13 53/19 54/6

MR. TASKER: [43] 2/14 2/21
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MS. DI CAPUA: [20] 4/7 4/14
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MS. GORDON: [29] 2/9 2/12
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MS. LINGG: [2] 5/11 53/15

MS. MOORE: [47] 16/4 16/10
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MS. NEFF: [24] 2/13 2/24 3/12
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North Fork Housing Alliance, Inc.

(FORMERLY THE GREENPORT HOUSING ALLIANCE)

116 SOUTH STREET

GREENPORT, NEW YORK 11944

(631) 477-1070

FAX (631) 477-1769

SECTION 8 DEPARTMENT (631) 477-8888

NFHA@OPTONLINE.NET



ADEQUATE HOUSING FOR ALL

BARRY LATNEY, PRESIDENT

TANYA PALMORE, EXECUTIVE DIRECTOR

July 13, 2018

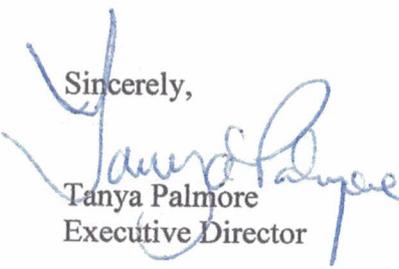
Village Zoning Board of Appeals
Village of Greenport
236 Third Street
Greenport, NY 11944

Re: 416 South Street Addition

Dear Ladies and Gentlemen:

The North Fork Housing Alliance, Inc. owns the property (412 South Street) next door to Ms. Laura DiCapua. Ms. DiCapua discussed the fact that she wanted to add a carport that would come close to the property line. We do not have any objections to Ms. DiCapua adding a carport.

Sincerely,


Tanya Palmore
Executive Director

6/4/18

To Whom This May Concern:

I think the porch and carport is a good idea and will help the owner out. Laura has problems with her back and walking. She needs to pave her driveway because she parks her car in the driveway and uses her side door all the time.

She did a great job renovating her house. It was in really bad shape and she brought it back to life. I'm sure she will make this project look good too.

Thank you,

A handwritten signature in black ink, appearing to read "John Gagen", with a long horizontal flourish extending to the right.

John Gagen
304 5th Avenue
Greenport, NY 11944

June 15, 2018

Dear ZBA Members,

I, Joseph Hollid, live directly across the street from the Di Capua residence. I have seen the transformation of Laura's house from the beginning. The original place was a dump when she bought it. She had the house renovated down to the studs, then replaced and rebuilt everything inside and out.

I am sure that she will make the additions look as beautiful as the house. I look forward to seeing it across the way.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Hollid", written over a printed name.

Joseph Hollid

415 South Street

Greenport, NY

June 21, 2018

To The Greenport Zoning Board:

I am in favor of Laura Di Capua's carport and front porch addition. An improvement to any house increases the value of all the homes in the area.

Bill Kranker
248 5th Avenue
Greenport, NY

Bill Kranker
248 FIFTH *7/15*