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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

September 15, 2020  
6:00 p.m.

B E F O R E:

- JOHN SALADINO - CHAIRMAN
- DAVID CORWIN - MEMBER
- JACK REARDON - MEMBER
- DINI GORDON - MEMBER
- ARTHUR TASKER - MEMBER
  
- PAUL PALLAS - VILLAGE ADMINISTRATOR
- ROBERT CONNOLLY - ATTORNEY
- AMANDA AURICHIO - CLERK TO THE BOARD

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CHAIRMAN SALADINO: Good evening, Folks. This is the Regular meeting of the Village of Greenport Zoning Board of Appeals.

Item Number 1 is motion to accept the minutes of the August 18, 2020 Zoning Board of Appeals meeting.

So moved.

MS. GORDON: Second.

All in favor.

(Chorus of ayes.)

CHAIRMAN SALADINO: And I'll vote aye.

Item number 2 is motion to approve the minutes of the July 21, 2020 Zoning Board of Appeal meeting.

So moved.

MR. CORWIN: Second.

All in favor?

(Chorus of ayes.)

CHAIRMAN SALADINO: I'll vote aye.

David, any abstentions?

MR. CONNOLLY: I will abstain.

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CHAIRMAN SALADINO: Okay. And  
one abstention.

Item three is a motion to  
schedule the next Zoning Board of  
Appeals meeting for October 20, 2020  
at 6:00 p.m. at Station 1 of the  
Greenport Fire Department Third and  
South Street, Greenport, New York  
11944.

So moved.

MR. CORWIN: Second.

CHAIRMAN SALADINO: All in  
favor?

(Chorus of ayes.)

I'll vote aye.

Item Number 4, 624 First  
Street. It's a public hearing  
regarding the area variances applied  
for by Janice Claudio, Revocable  
Trust, Contract Vendee.

The applicant proposes a small  
expansion of the existing structure  
as well as the construction of a new  
garage. This property is located in

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the R-2, One and Two-Family District,  
and is located in the Historic  
District.

This property also requires  
approval from the Historic  
Preservation Commission.

Front yard setback variance of  
18 feet, 8 inches. Side yard setback  
variance of 7 feet, 8 inches. Lot  
coverage variance of 5.5. Accessory  
Structure setback variance of 2 feet.  
Accessory Structure height variance  
of 3 feet, 6 inches, 18 feet,  
8 inches.

MS. GORDON: I am recusing  
myself from discussion and decision  
on this matter, and will sit down  
here. I'm close to the family that  
lives in the structure.

CHAIRMAN SALADINO: We're going  
to ask the building clerk, was this  
properly noticed and advertised in  
the newspaper?

MS. AURICHIO: Yes.

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CHAIRMAN SALADINO: And we have  
the mailings?

MS. AURICHIO: Yes.

CHAIRMAN SALADINO: Do we have  
a printed copy of these?

MS. AURICHIO: No.

CHAIRMAN SALADINO: I'll read  
them off. There's a lot of them.

Anthony Mortillo, 609 First  
Street, Greenport, New York 11944.  
Adam King, 612 First Street,  
Greenport, New York 11944. Margaret  
McDonald, 629 Main Street, Greenport,  
New York 11944. Jack Pollack, 630  
First Street, Greenport, New York  
11944. David Corwin, 639 Main  
Street, Greenport, New York. Baptist  
Church, Post Office Box 297,  
Greenport, New York 11944.  
5 Pheasant Lane, Shelter Island, Inc,  
Post Office Box 591, Shelter Island  
Heights, New York, 11965. Caroline  
Dowling, 617 First Street, Greenport,  
New York. Joseph Valaski (phonetic),

1  
2 Post Office Box 372, Acquebogue,  
3 New York 11931. Patricia Haames,  
4 603 Main Street, Greenport, New York  
5 11944. Sterling Rentals, LLC,  
6 145 Spoon Drive, Southold, New York  
7 11971. Scott Gavin (phonetic),  
8 770 Island Road, Cutchogue, New York  
9 11935. Bruce Grossman (phonetic),  
10 220 Madison Avenue, Unit 2C,  
11 New York, New York, 10016. Jack  
12 Rowland or J. Rowland, 621 First  
13 Street, Greenport, New York 10016.  
14 Shawn Rogers, 611 First Street,  
15 Greenport, New York. Beachy Blond,  
16 LLC, 121 Grohmans Lane, Plainview,  
17 New York 11803. Stanley Corwin  
18 634 First Street, Greenport, New  
19 York. Marissa Carney (phonetic), 380  
20 West 12th Street, New York, New York  
21 10014. Robert Osman (phonetic), Post  
22 Office Box 129, North Bennington,  
23 Vermont 05257. Marissa Kevin  
24 (phonetic), 401 East 64th Street,  
25 New York, New York, and Gwendolyn

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Wilcox Main Street, Greenport, New  
York.

These are for the clerk?

MR. CORWIN: Just as a point on  
interest, Mr. Chairman, you read my  
name, but I never get any notice in  
the mail. I'm not complaining  
because I know about the application.

But I did get a notice last  
week, a month later of the hearing  
for the cast for the former Methodist  
Church, so sometimes, I think the  
mail is a little slow.

CHAIRMAN SALADINO: We'll bring  
that to the Building Department's  
attention, and we'll ask them to  
address it in the future.

Thank you.

Is the applicant here?

MR. CORWIN: Take the mic.

MS. CLAUDIO: So I'm Janice  
Claudio, Contract Vendee for the  
property looking for the variances as  
posted in the notice.

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Those mailings went out, David, I believe on August 28, it was prior to the required date. I believe they're stamped there.

MR. TASKER: Excuse me. Can you speak a little closer to the make?

MS. CLAUDIO: I'm never accused of being quiet so.

Can I answer any questions for anyone?

CHAIRMAN SALADINO: You can just tell us -- the public, us a little bit about what you intend to do --

MS. CLAUDIO: Sure.

CHAIRMAN SALADINO: -- with the application.

MS. CLAUDIO: Sure.

So I am looking to renovate the home by taking it apart, basically, and rebuilding it. It is the style of a Victorian farmhouse, it will remain in it's image, a Victorian



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2 farmhouse. The siding will be  
3 changed. The windows will be  
4 changed. The roof will be changed.  
5 The interior structure will be  
6 changed. It will be a white  
7 structure with black metal windows.  
8 It will have a single-car garage. It  
9 will have a gravel driveway leading  
10 to that garage. It will then have a  
11 path that will allow for K turn in  
12 the driveway with flowers on either  
13 side of it. There will be a porch  
14 around the front door.

15           There will be a master bedroom  
16 downstairs as an addition, which I  
17 will live downstairs and there will  
18 be three bedrooms upstairs when  
19 family visits, is the intent of the  
20 plan. There will actually be a door,  
21 kind of at the top of the stairs.  
22 The top will only be open when family  
23 comes.

24           And I hope to make it a legacy  
25 house that has all the bells and

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whistles in it, that's very beautiful  
and will make the community proud.  
I'm looking forward to the adventure  
of building.

CHAIRMAN SALADINO: Thank you.

Do the member have any  
questions?

MR. CORWIN: I would like to  
note that we discussed the runoff  
from the roof on the north side, and  
I think it should apply to the south  
side, that all runoff of water be  
contained on the property.

MS. CLAUDIO: I spoke --

MR. CORWIN: -- or rain garden,  
something of that nature, but not  
have the opportunity to run off into  
the street.

MS. CLAUDIO: I spoke with the  
builder following our walk-around.  
He said it's a formula-driven process  
where you determine square footage by  
2 inches of rain the drywell capacity  
builds on that. He fully intends to

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address that issue.

I have worked with this man in past on my current home, and I will tell you that I have drywells on the property, serious, so I assure that you that will happen.

CHAIRMAN SALADINO: The amount of drywells, like you said, is part of a formula, we're going to rely on the Building Department to decide how many, how big. I'm not sure if they decide where they're placed. All we're concerned with is that obviously the property has to contain the storm water?

MS. CLAUDIO: Right.

So apparently, a surveyor can do that or an architect if the Village is going along with the -- I guess there is a standard based on square footage and the 2 inches of rain.

CHAIRMAN SALADINO: We're gonna leave that in the hands of the

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Building Department.

MS. CLAUDIO: Okay.

CHAIRMAN SALADINO: The other -- I have a simple question before my colleagues.

Did we request all these mailings?

MS. CLAUDIO: Um-hum.

CHAIRMAN SALADINO: We requested the extended mailings?

MS. CLAUDIO: Yes. You sent me an e-mail with that specific list of addresses.

MR. PALLAS: I can review it, but I'm sure it's accurate.

CHAIRMAN SALADINO: Okay. Okay. I'm sorry. It's normally just adjacent homes, sometimes if it's a really controversial application, we'll ask for an extra couple of address be included, but that's fine.

MR. REARDON: Janice, you mentioned you were going to change the siding, change the windows,

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change the roof, all that stuff; and I know you are going to replace them with new, and I'm not familiar with the Historic review process, but I'm sure you're going to replace them with current time-era-appropriate material.

MS. CLAUDIO: Yes, that's correct.

MR. REARDON: The look is not gonna change is what I'm getting at --

MS. CLAUDIO: True.

MR. REARDON: -- generally the same outside?

MS. CLAUDIO: It's gonna be an improved version of what is there.

MR. REARDON: That's all I have.

CHAIRMAN SALADINO: Are you in front -- you're in front of HPC or --

MR. PALLAS: Thursday.

MS. CLAUDIO: Thursday.

CHAIRMAN SALADINO: So they'll

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-- I'm sure they'll --

MS. CLAUDIO: Yes.

CHAIRMAN SALADINO: Arthur,  
anything?

MR. TASKER: I have one  
question, unfortunately, I was unable  
to attend the site visit this  
evening, but I notice on the -- on  
this plan here, which is a site plan  
proposed here, underneath the  
eastern-most portion that says  
proposed addition, there is a bilco  
door in the back corner there.

MS. CLAUDIO: Yes.

MR. TASKER: Is that to a  
basement, of course?

MS. CLAUDIO: To a basement,  
yes.

MR. TASKER: So the proposed  
addition -- the area marked proposed  
addition will have a basement?

MS. CLAUDIO: That is true.

MR. TASKER: Okay. Does any  
other part of the house have a

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basement as well?

MS. CLAUDIO: There is a small basement that currently exists to the right of that bay window. It's -- you know, the house was, we believe, was built in 1910. It's one of those, like, stone kind of, steep steps down and it a small structure, 10 by 10, no larger than.

MR. TASKER: I'm sorry. Can you identify for me where that is located?

MS. CLAUDIO: Yes. So behind the proposed porch where it says one twenty.

MR. TASKER: Yes.

MS. CLAUDIO: It's there.

MR. TASKER: Okay. So that's the existing cellar, okay.

One of the reasons that you proposed the separate garage and storage building in one of your earlier submissions, I don't know exactly which one it was, was because

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there was no basement or attic storage.

I'm wondering about the possible inconsistency there.

MS. CLAUDIO: So the small basement does not allow for a great number of mechanicals. I am trying to enlarge the storage in the home, that's part of my thinking and planning.

MR. TASKER: You can never have too much.

MS. CLAUDIO: Particularly me. I mean, you can never have too much, so I am working to expand this basement, I am working to create the expanded garage space. The yard is small, the actual property is small, so that side garage that juts out will be opened to the backyards by either sliding doors or bifold doors.

MR. TASKER: The section that's marked proposed addition?

MS. CLAUDIO: The part down in



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the corner that is 12 by 16, this will actually open to the a yard. It just a design element to create a party space there. An outside table will be there.

MR. TASKER: What I'm focusing on for now is the basement.

MS. CLAUDIO: Right.

MR. TASKER: I'm not sure we're talking about --

MS. CLAUDIO: No, we're not talking about that.

MR. TASKER: That's in the same place.

CHAIRMAN SALADINO: Arthur, if I could?

MR. TASKER: Yes.

CHAIRMAN SALADINO:  
(Indicating.)

MR. TASKER: Okay. So the 12 by 16 on the garage is storage.

MS. CLAUDIO: The top floor of it is storage. That particular 12 by 16 space is going to be like a -- it

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will have in there a dining table and then in the winter -- it would have the standing structure of eight chairs and a dining table, and then in the winter, the outside patio furniture will move in there. It's a way to give me more storage space for the patio furniture, and a way to have an outside venue, not dependent on weather.

MR. TASKER: I see.

MS. CLAUDIO: I see bay doors, like 11-foot doors there.

MR. TASKER: That two stories, that section?

MS. CLAUDIO: No.

MR. TASKER: All right.

MS. CLAUDIO: Would you like to see a picture.

MR. TASKER: I've pursued this far enough. Thank you.

MS. CLAUDIO: Sorry if I wasn't clear.

CHAIRMAN SALADINO: I have

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another question and maybe for the Board and for the public, you could explain or share with us the reasoning that the garage can't be 12 feet wide.

MS. CLAUDIO: Okay.

CHAIRMAN SALADINO: I wrote it down, a single car garage 12 by 24 is a fair-sized garage, and it would get two variances off our plate if they were five from --

MS. CLAUDIO: In standing on the sidewalk after we did the site review, I just noted and the survey shows it that the garage next door is 1.6 feet off the property line, and then as you look down the line, looks like the garage behind it is on the property line. It is a space issue. It is a desire to store the garbage cans and snow blower, the shop vac, you know, all that big equipment that goes in it. It's a -- I've never had a one-car garage in my life frankly,

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2 and it's just an attempt to give it  
3 some functionality. And item afraid  
4 that I'm gonna pull that car in and  
5 slam the doors into the walls, and  
6 I'm trying to avoid that, and, hence,  
7 the request for a variance.

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CHAIRMAN SALADINO: And the  
9 height, 18 feet, the height of it is  
10 18.

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MS. CLAUDIO: That is the back  
12 portion of the garage. It's the  
13 second story. The front portion is  
14 lower where the -- as the garage --  
15 as you lead into the garage.

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CHAIRMAN SALADINO: We're going  
17 to have the admit this is one  
18 building.

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MS. CLAUDIO: Yeah.

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CHAIRMAN SALADINO: Two uses,  
21 one building.

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MS. CLAUDIO: And two shapes,  
23 two pitches of the room, that's  
24 why -- that's what I'm trying to say.

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CHAIRMAN SALADINO: Again, it's

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one building with two uses, garage  
and --

MS. CLAUDIO: An all-season  
room and an upstairs solid storage  
space, yes.

MR. TASKER: So there is an  
upstairs in the building called  
proposed garage slash storage?

MS. CLAUDIO: Yes, in the back  
of it.

MR. TASKER: Which portion of  
the building is there an upstairs. I  
don't think we've seen the 3 the --

CHAIRMAN SALADINO: I have it  
here Arthur.

MS. CLAUDIO: I can show it to  
you.

MR. TASKER: Here it is, I'm  
look at it.

MS. CLAUDIO: May I come over  
or no?

I have a fuller rendition  
that's been made that I'm submitting  
to Historic Society.

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CHAIRMAN SALADINO:

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(Indicating.)

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I just gave him the page.

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MS. CLAUDIO: It might simplify  
looking at it.

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MR. TASKER: I just did, and  
I'm satisfied.

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MS. CLAUDIO: Okay.

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CHAIRMAN SALADINO: David,  
anything?

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MR. CORWIN: No.

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CHAIRMAN SALADINO: Anybody  
else?

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Thank you.

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MS. CLAUDIO: Thank you.

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CHAIRMAN SALADINO: Is there  
any member of the public that would  
like to speak?

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Name and address for the  
stenographer.

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MR. BROWN: Good evening,  
Patrick Brown. I live at 620 First  
Street.

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I think it's great that Janice

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wants to restore and improve the parsonage, and I'm confident that she is going to do a great job with it.

Janice reached out to me and shared her drawings and her intent with the project, and I appreciate that, so thank you.

And we have a wonderful family there not who I will miss, and I will look forward to Janice if she decides to go forward with this.

I have a concern about the setback for the accessory building. The zoning codes requires 5 feet and for practical reasons, I just want to make sure that the Board considers a couple things.

One is, there is increased fire hazard risk for structures that are built close together on the property line, and New York State Building Code recognizes this because at 5 feet, 3 feet, and 2 feet, they trigger different elements of the

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codes to try to keep it fire spread across properties.

The other issue is just storm water and I think that the touched on already, but structures that are close to the property line can shed storm water on to adjacent properties. It sounds like there is a plan to mitigate that.

The last is just a property maintenance issue. So as you get accessory structures closer to the side yard, it can be difficult to maintain, you know, set up a ladder, clean the gutters, paint, that kind of thing.

Those are my concerns, and thank you for your time.

CHAIRMAN SALADINO: Thank you.

Is there anyone else from the public that would like the speak?

(No response.)

Last chance.

What is the pleasure of the



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Board?

MR. CORWIN: Are you gonna read the letters sent to us pertaining to this, Mr. Chairman?

CHAIRMAN SALADINO: I wasn't going to but now that you brought it to everyone's attention, I will.

Are the people here, is Mr. Neuland (phonetic) or --

MR. CORWIN: Both seem to be reluctant to expose themselves to the --

CHAIRMAN SALADINO: Okay. As requested by Mr. Corwin, I'll read it into the record.

Ladies and gentlemen, we reside at 603 First Street and are concerned that proposed variances being sought for 624 First Street may permit increase in the size of the existing parsonage structure or a change in the proximity to First Street. We believe that either of these results would detract from the character of

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the 600 block on First Street.

We have no objection to the proposed accessory building or requested variances associated with it, nor do we have any objection to the requested variances associated with the existing parsonage structure being approved as a one-family dwelling.

We would object, however, to any variances that permit an increase in the size the parsonage structure or it's location closer to First Street than it currently is.

Respectfully, Anthony Neuland and Alexandra Simones (phonetic).  
Did I get that right? If not, I apologize.

We have a second letter I believe. It's dated today to the Zoning Board.

I predicate this by saying that I look forward to any new neighbors, and I hope they will understand my

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sentiments, even they don't share them.

I appreciate that the is undoubtedly a hopeless plea; however, at a time when we all should be considering our burden on the environment, Greenport Village is almost frantically accepting more and more large buildings. We are burdening our electric grid and our sewer and water supplies, but apparently there is little attention being paid to the consequences. Possibly the only important thing is the yummy tax base.

I am speaking, well writing because I have a relatively compromised immune system, so I prefer not to sit in during the meeting at the firehouse, so I'm writing today specifically about the construction and additions requested to be made at 624 First Street.

This is the third major

1  
2 construction on this one block within  
3 the year. All expensive large  
4 houses. As this is also the Historic  
5 District, I begin to wonder how it  
6 could be regarded as such with  
7 multiple new houses not adhering to  
8 any of the construction methods of  
9 any of the previous periods. Now, I  
10 recognize that this aspect should  
11 rightfully be brought up to two days  
12 from now at the Historic Committee's  
13 oversight on this building,  
14 nevertheless, even if this Historic  
15 section of town, we as a community  
16 are unable to control the size of our  
17 homes, we should just give up. Let's  
18 just jump ahead and build luxury  
19 apartments with built in swimming  
20 pools, parking lots, saunas, et  
21 cetera, and stop the pretence of any  
22 form of historic authenticity as a  
23 small maritime village with diversity  
24 of incomes and occupations and  
25 cultures and houses.

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I assume the architectural professionalism for this house is up to current standards, but I question filling up all the open area in the Village and, in particular, on this block. So I ask that the southern addition to the sun room be disallowed and that the garage storage building be built without variance to the required smaller height and width. I hope this might partially keep the whole block from looking like it has been stuffed like a goose being gotten ready for pate de foie gras.

Thank you for your attention.

Jada Rowland, six two one First Street, Greenport, New York 11944.

Those are the letters we have.

Did I ask about -- what's the pleasure of the Board?

MR. CORWIN: I make a motion we close the public hearing.

MR. REARDON: I'll second it.

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CHAIRMAN SALADINO: All in favor?

(Chorus of ayes.)

I'll vote aye.

Item Number 5 coincidentally is a discussion and possible motion on the area variances applied for by Janice Claudio, Contract Vendee for the property located at 624 First Street, Greenport, New York 11944 and the Suffolk tax map number is 1001-2-6-49.1.

What are we thinking about this, folks?

I'll start. In my tenure on the Zoning Board, I can remember training session that the advice always was, it's not good practice to give a variance where one is not needed.

I look at the plans, I'm having a tough time with -- with the accessory building. I mean the applicant says that it's gonna be a

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single-car garage. 12 feet by 24 feet is an ample, in my opinion, single-car garage; and historic building would break down to 12 feet by 14 feet.

MR. CORWIN: 12 by 16.

MR. TASKER: 12 by 16, yeah.

CHAIRMAN SALADINO: Well, if there was no variance with a five-foot setback, it would be 12 by 14.

MR. TASKER: You're suggesting taking the 2 feet variance off of the --

CHAIRMAN SALADINO: I'm suggesting making the building to conform to code.

MR. TASKER: Yeah.

CHAIRMAN SALADINO: And as far as the height, I think -- I think the height is an you issue for me also. I think -- I think 18 feet, the potential for a two-story accessory building, and I'm not saying this is

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what's gonna happen, I'm saying the potential is -- is not good.

MR. TASKER: You took the words right out of my mouth, Mr. Chairman.

CHAIRMAN SALADINO: As far as the porch addition and the north side addition, to me that's almost a nonissue. The bedroom, I think if the applicant wants a big house, and if it falls within the code and reducing the size of the accessory building, I didn't do the math as far as how many square feet that would be, lot coverage might not even come into play.

So those are kind of like my thoughts. I'd be anxious to hear from David maybe.

MR. CORWIN: I'm pretty much on Board with the chairman about the accessory structure.

CHAIRMAN SALADINO: Do we have an issue with be bilco door? We were gonna bring it to the Building



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2 Department's attention that years ago  
3 we -- bilco doors, we didn't consider  
4 bilco doors for lot coverage or side  
5 yards, but in the past few years, we  
6 have -- we started doing that, so I'm  
7 gonna, maybe, let David address that  
8 or the Building Department as far as  
9 that side yard setback. I believe  
10 it's -- the new bilco door are on the  
11 north side?

12 PODIUM SPEAKER: Yes.

13 CHAIRMAN SALADINO: On the  
14 north side which, I don't think any  
15 of have a problem but --

16 MR. CORWIN: The thing is to  
17 make it legitimate with any motion we  
18 might pass because it was not  
19 originally asked for in the  
20 application.

21 CHAIRMAN SALADINO: Anybody --  
22 I got a few more things.

23 MR. PALLAS: Mr. Chairman, if I  
24 may on that question. The side yard  
25 variance is along the same side yard

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as the bilco door, and it's further away from where the variance is being requested.

MR. REARDON: I think the chairman was referring to calculation -- to using it as calculation for lot coverage.

CHAIRMAN SALADINO: Well, I think if it falls within the footprint, I mean, wouldn't have a problem with lot coverage. I thought, for some reason -- I see it's even with the portion of -- so the side yard setback with the main portion of the building would be 3.4 feet and with the bilco door, it would be the same 3.4 feet, right, so the bilco door would --

MR. PALLAS: Just to correct that, the side yard setback is 2.4 feet. Further west -- further west on the site plan, it's actually 2.4 feet, there's one foot difference between the two bump-outs on that

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side of the building.

CHAIRMAN SALADINO: No. I see that.

I was talk about the proposed addition, the rear portion of the house, and then the addition of that bilco door on the north side. For some reason in my mind it had extended past the side of the building. It doesn't, so I don't have an issue with it.

Anyone else?

(No response.)

No.

MR. REARDON: I share your concerns with the utility building with the garage and it's height and it's potential uses. It's a very -- it's a generous garage and storage building.

CHAIRMAN SALADINO: Also, we further learned that there is gonna be a basement under the new bedroom and there's usable space on the north

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side of the house for mechanicals, so storage becomes less of an issue.

MR. TASKER: Particularly, the applicant has projected the use of that as an outdoor living room, essentially; and the storage contemplated is that of the outdoor furniture that would be in the yard adjacent to it.

CHAIRMAN SALADINO: Okay.

MR. TASKER: I share Mr. Reardon's concern about alternative uses.

MS. CLAUDIO: Not in my lifetime.

CHAIRMAN SALADINO: David, anything?

MR. CORWIN: Other than rainwater and legitimizing the bilco door, no.

MR. TASKER: I'm sorry, Ms. Claudio, I didn't mean to suggest that that was your intention.

MS. CLAUDIO: I know. It

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isn't.

MR. TASKER: Things happen.

Things change --

MS. CLAUDIO: Yes, they do.

MR. TASKER: Properties change hands.

MS. CLAUDIO: That's true.

That's in no way my intention.

MR. TASKER: And, you know, the three bedrooms upstairs prospective use of those by another owner and so forth is always of concern.

CHAIRMAN SALADINO: The problem we have is the variance run with the land, and right now it's you, tomorrow it might be someone else.

MS. CLAUDIO: It was built because of the truncated piece of land with the subdivision that was -- the minor subdivision that was done with the church and then the flag lot and the parking lot and the parsonage were made for it and all the homes on First Street, the yard dept, so it's

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an attempt -- whatever it's -- I  
can't argue.

CHAIRMAN SALADINO: The  
subdivision -- we didn't handle the  
subdivision because the lots were  
conforming, they were all over  
7,500-square feet, so in the  
Village's mind, there was no relief  
from the Zoning Board.

MS. CLAUDIO: I was just try to  
go back and preserve as much of the  
property as I could. I understand  
your point. I'm arguing a dead  
horse. I get that.

CHAIRMAN SALADINO: Are we  
going to vote on this evening?

MR. CORWIN: Yes. Let's vote  
on it. Let's break it up and make  
one vote for the accessory building  
and one vote for the house.

CHAIRMAN SALADINO: Well, the  
accessory building would be height  
and side yard setback for south and  
north side, and east side.

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Let me ask Rob. That would be okay.

MR. CONNOLLY: Absolutely.

CHAIRMAN SALADINO: So the first -- we'll do five questions, if we're gonna break it up, we'll go five questions twice.

MR. CORWIN: Should we do SEQRA first?

CHAIRMAN SALADINO: We're gonna do SEQRA before we do the five questions.

I'm gonna make a motion that the Zoning Board of Appeals declares itself lead agency for purposes of SEQRA.

So moved.

MR. CORWIN: Second.

CHAIRMAN SALADINO: All in favor?

(Chorus of ayes.)

I'm gonna make a motion that this a type II action for the purposes of SEQRA.

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So moved.

MR. CORWIN: Second.

CHAIRMAN SALADINO: All in  
favor?

(Chorus of ayes.)

All right. The first vote  
we'll take -- we'll do five questions  
and the first vote we'll take is a  
front yard setback of a variance of  
18 feet, 8 inches, a side yard  
setback of a variance of 7 feet,  
8 inches, and lot coverage is going  
the change perhaps so we can --

MR. REARDON: John, you have  
side yard setback at 7 feet,  
8 inches.

CHAIRMAN SALADINO: Side yard  
setback 7 feet, 8 inches, yeah they  
have three point, 2 point --

MR. PALLAS: Four.

CHAIRMAN SALADINO: -- four and  
they need 10.

MR. REARDON: All right.

CHAIRMAN SALADINO: Not, it's



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right.

MR. REARDON: What I have say  
8 feet, 8 inches.

CHAIRMAN SALADINO: I have  
7 feet, 8 inches. Well let me look  
at the Notice of Disapproval.

MS. CLAUDIO: Here's the  
turn-down letter.

CHAIRMAN SALADINO: Well, let  
me look at the Notice of Disapproval.  
The Notice of Disapproval is 8 feet,  
8 inches. So I don't remember what  
was on the side.

MR. PALLAS: Mr. Chairman, the  
Notice of Disapproval was updated  
August 26, I apologize if you don't  
have a copy in your files, but the  
update Notice of Disapproval does  
read at 7 feet, 8 inches.

CHAIRMAN SALADINO: Is there  
anything else on the updated Notice  
of Disapproval we should know about?

MR. PALLAS: No. I'll see if  
we can find the original.

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MS. CLAUDIO: Here.

MR. PALLAS: The only the additional item was the accessory building height, which you have already discussed, that's the only difference between the two.

CHAIRMAN SALADINO: Okay.

All right, so again I didn't -- I find it hard to -- because it's gonna be inaccurate perhaps. Why don't we do front yard, side yard setbacks first and then we can get the lot coverage and accessory structure after that.

So I'll ask whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by the granting of the area variance?

David?

MR. CORWIN: Now we're talking about just the house?

CHAIRMAN SALADINO: We're

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talking about front yard setback  
18 feet, 8 inches side yard setback  
variance 7 feet, 8 inches.

MR. CORWIN: No.

CHAIRMAN SALADINO: Jack?

MR. REARDON: Negligible  
impact, 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: Jack?

MR. REARDON: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: I'll vote  
no.

Whether the requested area

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variance is substantial.

David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Jack?

MR. REARDON: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: And I'll

vote no.

Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Jack.

MR. REARDON: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: I'll vote

no.

Whether the alleged difficulty was self created which consideration

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shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of an area variance.

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Jack?

MR. REARDON: Yes.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: I'm not sure it's yes but yes, I'll vote yes.

I'm going to make a motion that we grant the front yard setback variance of 18 feet, 8 inches and the side yard setback variance of 7 feet, 8 inches.

So moved.

MR. CORWIN: Can I add on to that, Mr. Chairman, with the stipulation that all roof runoff be maintained on the property.

CHAIRMAN SALADINO: That all storm water -- we'll add that all

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roof runoff will be can contained on  
the property.

We're gonna leave that to the  
Building Department because I'm not  
going back there to check.

All right, I made a motion to  
grant this area variance.

David.

MR. CORWIN: Second.

CHAIRMAN SALADINO: David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Jack?

MR. REARDON: Yes.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: And I'll  
vote yes.

The next two would be an  
accessory structure setback variance  
of 2 feet and then an accessory  
structure height variance of 3 feet,  
6 inches. If this Board decides that  
this variances is not granted, the  
lot coverage will change.

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I'm gonna look to Mr. Connolly.  
How would we without --

MR. CONNOLLY: You would need a  
calculation of the amounts of  
variance you're going to give for lot  
coverage.

CHAIRMAN SALADINO: Well, we  
can tell you the amount of square  
feet that might be reduced.

MR. CORWIN: To do it your way,  
Mr. Chairman, 76 square feet.

And then I would ask what if  
the applicant says, well, I'm just  
gonna move the whole thing over  
2 feet?

CHAIRMAN SALADINO: Well, we  
can't do that.

MR. CORWIN: So the only option  
to applicant is to make --

CHAIRMAN SALADINO: To move the  
building --

MR. CORWIN: -- make the  
building 2 feet less in length and  
width; is that correct?

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CHAIRMAN SALADINO: Well, the code enforcement -- we can -- we can say yes or no to the variance is what we can do. What the applicant does after that is between her and the building department.

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The pitfall is that to move the whole building over -- to keep the same dimensions to move the building over, it would be closer than 10 feet to the principal residence which, according to 150-13 is not permitted either, so all work do is vote of variance. How the applicant works out the accessory building with the building department, again fall on shoulder of the Building Department.

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Am I kind of getting the right?

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MR. PALLAS: Sounds right to me, John.

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CHAIRMAN SALADINO: How about you, sound right to you?

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MR. CONNOLLY: Yes.

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CHAIRMAN SALADINO: And then



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lot coverage we can -- all right.  
I'm gonna to -- o these two  
variance -- these two variances are  
for the accessory structure setback  
of 2 feet and the accessory structure  
height variance of 3 feet, 6 inches,  
so I'll ask these questions:

Whether an undesirable change  
will be produced in the character of  
the neighborhood or detriment to  
nearby properties will be created by  
the granting of the area variance?

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Jack?

MR. REARDON: Yes.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: And I'm  
gonna vote yes.

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

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David?

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MR. CORWIN: Yes.

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CHAIRMAN SALADINO: Jack?

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MR. REARDON: Yes.

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CHAIRMAN SALADINO: Arthur?

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MR. TASKER: Yes.

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CHAIRMAN SALADINO: And I'll

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vote yes.

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Whether the requested area

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variance is substantial.

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David?

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MR. CORWIN: Yes.

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CHAIRMAN SALADINO: Jack?

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MR. REARDON: No.

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CHAIRMAN SALADINO: Arthur?

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MR. TASKER: Yes.

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CHAIRMAN SALADINO: I'll vote

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no.

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Whether the proposed variance

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will have an adverse effect or impact

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on the physical or environmental

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conditions in the neighborhood or

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district.

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David?

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MR. CORWIN: No.

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CHAIRMAN SALADINO: Jack?

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MR. REARDON: No.

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CHAIRMAN SALADINO: Arthur?

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MR. TASKER: No.

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CHAIRMAN SALADINO: And I'll

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vote no.

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Whether the alleged difficulty was self created which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of an area variance.

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David.

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MR. CORWIN: Yes.

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CHAIRMAN SALADINO: Jack?

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MR. REARDON: Yes.

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CHAIRMAN SALADINO: Arthur.

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MR. TASKER: Yes?

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CHAIRMAN SALADINO: I'll vote

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yes.

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I'm going to make a motion that we grant these two variance -- these two area variances.

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So moved.

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MR. CORWIN: Second.

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CHAIRMAN SALADINO: David?

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MR. CORWIN: No.

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CHAIRMAN SALADINO: Jack?

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MR. REARDON: Yes.

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CHAIRMAN SALADINO: Arthur?

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MR. TASKER: No.

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CHAIRMAN SALADINO: I'm going

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to vote no.

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The last thing we have on our

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plate with this application is lot

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coverage.

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Were you doing the math, David?

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MR. CORWIN: Well, the way

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you're talking is 76 square feet, and

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I'm looking for --

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MS. CLAUDIO: Can I give you

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square footage, little chart?

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MR. CORWIN: That would be

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great, yes.

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MS. CLAUDIO: (Handing.)

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CHAIRMAN SALADINO: Do you have

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the number?

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MR. CORWIN: The number is  
76 square feet.

MR. PALLAS: Mr. Chairman, are  
you trying to figure the lot coverage  
without the accessory structure at  
all.

CHAIRMAN SALADINO: No, she  
loses -- she increases lot coverage  
she -- the lot coverage that's being  
requested is with the accessory  
structure. Right now there are no --  
the accessory structure as it  
displayed is not permitted.

MR. PALLAS: Right.

CHAIRMAN SALADINO: We don't  
know how that's going to affect lot  
coverage, so this Board can't grant a  
variance of 5.5 percent lot coverage  
if there is no building to bring it  
to that number, so I I've never been  
in this position before.

MS. CLAUDIO: Can you do it not  
to exceed, like, accept it not to  
exceed 35 and you know it's less?

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Just a thought.

CHAIRMAN SALADINO: We could --  
actually, what we have to do is, go  
by the Notice Of Disapproval.

MR. CORWIN: I can't really do  
this stuff in my head, I'm just  
playing really.

MR. TASKER: Well, what's the  
practical effect of bringing the  
accessory into spec with regard to  
the setback?

CHAIRMAN SALADINO: Well, it's  
76 square feet.

MR. TASKER: Okay.

CHAIRMAN SALADINO: David did  
that number. If you reduce the size  
of the building where its not --  
where it's still more than 10 feet  
from the principal dwelling and it's  
5 feet from each side yard from  
the --

MR. TASKER: It might get  
locked in a little bit. I  
understand.

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CHAIRMAN SALADINO: I don't --

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do you have a suggestion?

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MR. PALLAS: Me? If you're

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asking for a suggestion, I don't

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know -- I guess it's more a counsel

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question. You can, as the applicant

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suggested a not to exceed number; or,

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you know, take -- I think you were

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heading towards talking 2 feet off

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each side of the building and

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calculate that square footage. I

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assume that's what you were trying to

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do.

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MR. CORWIN: That's what I was

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talking about 76 square feet, yes.

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MR. PALLAS: So right, so

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it's -- yeah, 48 and 52.

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CHAIRMAN SALADINO: So we would

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have to subtract the 76 square feet

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from the total amount of square feet

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and then get that percentage of

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above --

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MR. CORWIN: Total lot area is

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7558, and the new lot coverage would

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be, if I got this right, the

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calculation from the architect, 2604,

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so it's numerator 2604 denominator

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7558. I can't do that in my head,

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and I don't have a calculator.

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MR. TASKER: Give me the

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numbers Mr. Corwin, please.

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MR. CORWIN: 7604 numerator,

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divided by 7558.

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MR. TASKER: 7604?

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MR. CORWIN: Yes.

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MR. TASKER: Divided by?

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MR. CORWIN: 7558.

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MR. TASKER: 7558, that is --

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wait a minute.

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Did you say 7604 or 2604?

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MR. CORWIN: 2604.

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MR. TASKER: 2604 divide by --

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MR. CORWIN: 7558.

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MR. TASKER: 7558 is

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34.45 percent.

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MR. PALLAS: Mr. Chairman if I

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may. I think it appears to me that

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96 square foot difference, and I can



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just take that over the lot area then give you a percentage of 1.3 percent, so it reduces the lot coverage 1.3 percent.

CHAIRMAN SALADINO: So it would be 4.2 percent, lot coverage variance of 4.2 percent.

MR. PALLAS: To cut off 2 feet rather than move the building.

CHAIRMAN SALADINO: If we do that, than it's a lot coverage variance of 4.2.

MR. PALLAS: Correct 24 feet times 2 feet which is 48 square feet, other side would be, again, 26, you're taking 2 foot off so 24, again, 48, so 96 square feet and whatever the number is multiplication and division.

CHAIRMAN SALADINO: Okay. I'm good with that just -- I'm good with that morning.

MR. PALLAS: Just giving you a number.

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CHAIRMAN SALADINO: I don't have a clue if it's right or if it's wrong, but I'm good with it.

The bottom line is that once this build -- once he applicant decides what to do with this building and if the applicant decides to build it with five-foot side yard setbacks, it's as of right and then the lot coverage would be decided by the --

MR. PALLAS: No, it would still have a lot coverage variance requirement.

CHAIRMAN SALADINO: You suggest we vote tonight?

MR. PALLAS: No.

CHAIRMAN SALADINO: You don't want to get involved?

MR. PALLAS: That's exactly right.

All I'm telling you is, if you take off 2 feet off the build on each side to meet the setback requirement,

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the lot coverage goes from 35.5 to  
whatever I said before 34.2.

MR. CORWIN: 34.2.

CHAIRMAN SALADINO: So, again,  
just to make it clear in my mind, if  
we grant the variance of 4.2 percent,  
the applicant could go to the  
Building Department and build that  
building?

MR. PALLAS: Two foot smaller  
on each said, correct.

CHAIRMAN SALADINO: And not  
have to come in to the ZBA again?

MR. PALLAS: Correct.

CHAIRMAN SALADINO: All right.  
I'm going to go through the five  
questions for this?

MR. CORWIN: I think so, yes.

CHAIRMAN SALADINO: Whether an  
undesirable change will be -- so does  
the Board understand -- the members  
understand what's going on?

MR. REARDON: We're doing lot  
coverage now.

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CHAIRMAN SALADINO: Lot

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coverage.

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MR. REARDON: And we're looking

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at 4.1.

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CHAIRMAN SALADINO: 4.2.

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MR. PALLAS: 4.2.

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CHAIRMAN SALADINO: 4.2.

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Arthur, you're on board with

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this?

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MR. TASKER: Yes.

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CHAIRMAN SALADINO: Apparently,

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I'm the only guy that doesn't

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understand.

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MR. TASKER: That's why you're

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the chairman.

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CHAIRMAN SALADINO: Exactly.

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Whether an undesirable change

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will be produced in the character of

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the neighborhood or detriment to

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nearby properties will be created by

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the granting of the area variance?

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David?

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MR. CORWIN: No.

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CHAIRMAN SALADINO: Jack?

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MR. REARDON: No.

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CHAIRMAN SALADINO: Arthur?

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MR. TASKER: No.

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CHAIRMAN SALADINO: And I'll

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vote no.

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Whether the benefit sought by

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the applicant can be achieved by some

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method feasible for the applicant to

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pursue other than an area variance.

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David?

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MR. CORWIN: Yes.

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CHAIRMAN SALADINO: Jack?

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MR. REARDON: Yes.

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CHAIRMAN SALADINO: Arthur?

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MR. TASKER: Yes.

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CHAIRMAN SALADINO: I'll vote

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yes.

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Whether the requested area

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variance is substantial.

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David?

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MR. CORWIN: No.

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CHAIRMAN SALADINO: Jack?

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MR. CORWIN: No.

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CHAIRMAN SALADINO: Arthur?

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MR. TASKER: No.

CHAIRMAN SALADINO: I'll vote  
no.

Whether the proposed variance  
will have an adverse effect or impact  
on the physical or environmental  
conditions in the neighborhood or  
district.

David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Jack?

MR. REARDON: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: I'll vote  
no.

Whether the alleged difficulty  
was self created which consideration  
shall be relevant to the decision of  
the Board of Appeals, but shall not  
necessarily preclude the granting of  
an area variance.

David?

MR. CORWIN: Yes.

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CHAIRMAN SALADINO: Jack?

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MR. REARDON: Yes.

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CHAIRMAN SALADINO: Arthur?

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MR. TASKER: Yes.

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CHAIRMAN SALADINO: I'll vote

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yes.

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Make a motion to grant the area

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variance.

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So moved.

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MR. CORWIN: Second.

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CHAIRMAN SALADINO: David.

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MR. CORWIN: Yes.

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CHAIRMAN SALADINO: Jack.

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MR. REARDON: Yes.

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CHAIRMAN SALADINO: Arthur.

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MR. TASKER: Yes.

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CHAIRMAN SALADINO: I'll vote

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yes.

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Thank you.

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Item number 6 is 326 discussion

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and possible motion on the area

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variances applied for by ANVK

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Holdings Trust for the property

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located at 326 Front St., Greenport,

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NY, 11944.

Suffolk County Tax Map Number  
1001-4-8-29-30-31.

We started the conversation --  
we had a member missing last month,  
and we started this conversation  
about this application last month.

MR. TASKER: May I speak to my  
absence. I have had an opportunity  
to review all of the document and so  
forth that have been submitted since,  
well, in the past couple months and  
up until most recently, but most  
importantly, I did have an  
opportunity the listen twice to the  
public hearing meeting with regard to  
this application a month ago, so I'm  
fully familiar with what's going on  
with it.

CHAIRMAN SALADINO: Okay.  
There been some, some discussion  
about this application, numerous  
e-mails, petitions. In the normal  
course of business, I don't usually



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do this, but I'm going to read some of these tonight and just for the public, to let the public know that don't know what the Zoning Board, how we address an application.

The first -- when I was appointed to the Zoning Board six or seven years ago, five or six years ago, whatever it was, seven years ago, the very first training seminar that I went to, the instructor -- not instructor.

MR. CORWIN: Presenter.

CHAIRMAN SALADINO: The presenter was someone from a municipality up island, and he told us what to do and what not to do. A lot of the communication that we got was -- and we read it all and a lot the communication we got had to do with things that aren't related to land use; and the public should understand that what this Board does is about land use. So I had asked

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that man to print this out, and he was nice enough to send it to me years ago, and I have kept it, and I've only read it once or twice before in my tenure on the Zoning Board.

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It says, what not to do. The following reasons that should never be used to justify a variance: The applicant is a good person or a good guy; the variance is reasonable; the variances makes common sense; the variance -- the applicant needs a variance to grow a business and compete; to deny a variance would have an adverse economic impact upon the community for will cost jobs; the applicant has been a good corporate citizen, has paid taxes.

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I'm not going to read -- there's 20 more of them, I'm not going to read them all, I'm kind of thinking the people get the idea. Our job is about land use, it's not

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2 about personality, it's not about a  
3 person's position in the community,  
4 so I'm going to close this book and  
5 ask the members if they have any  
6 comments. The public hearing is  
7 closed, this time is for the members.

8 And just one more thing, all  
9 the e-mails that we received after  
10 the public hearing was closed and  
11 after the record was closed will go  
12 into this particular file; but  
13 they're not part of the record of the  
14 public hearing, so the e-mails we got  
15 today will go into a file but won't  
16 be in the record of the public  
17 hearing. I just wanted to make that  
18 clear too.

19 Anyone on the Board have  
20 something to say. No? David?

21 MR. CORWIN: I started  
22 discussion last month and said what I  
23 had to say, so I don't know if you  
24 want to repeat or not.

25 CHAIRMAN SALADINO: David, it's

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you -- it's your time, you can say whatever is on your mind. If you would rather not, that's fine too.

A. We can refer to the -- I have a few questions for my colleagues. I'm still not -- I have a problem -- I don't have a problem with a third floor. I don't have a problem with a few of the other things, loading zones and stuff, I am open to discussion a conversation about it.

I do have a problem with the applicant's contention about parking. The plan shows there will be 53 guest rooms and five staff members. The Notice of Disapproval says there's 31 spots shown on the proposed plan, and two of those spaces are restricted, so by code -- actually the 31 spaces, by code, aren't spaces. We know that in -- when the new addition was built, there was a sit plan and the planning Board allocated 31 parking spaces. They're 9 feet by 20 feet, they're substandard. It's my understanding that the Planning Board can't issue variances, so although no one was cited

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for it, no one was -- a 9 foot by 20 foot space is not a conforming space in the Village of Greenport.

The plan shows two parking spaces are obstructed by piping and AC units, so we would have to issue a variance for the require length of those spaces.

We don't know -- in my mind, the bottom line is, we don't know exactly how many parking spaces this property has. We know what the applicant contends, but we don't know the reality of the situation.

So we can address the parking first or the lesser one, loading zone.

MR. CORWIN: Let's address the easy ones first, loading zone and the height above 35 feet.

CHAIRMAN SALADINO: The Village says the loading zone can't be in the front yard. This loading zone is in the front yard right now. This particular business doesn't receive a lot of deliveries, doesn't ship anything, so a loading zone in the

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front yard is not an issue until --  
until it might become an issue.

Again these variances run with  
the land, so with what we decide here  
tonight is kind of also -- all though  
variances don't have the weight of  
precedents, they should be  
consistent.

What do we think of the loading  
zone in the front yard? Do the Board  
members have a preference?

MR. TASKER: Well, one way to  
look at it is any hardship in terms  
of appearance alone, shall we say, is  
going to be borne by the hotel owners  
and a reflection on their operation.

CHAIRMAN SALADINO: Do we think  
that's what the code -- do we think  
that what -- do we think appearance  
was what was in the mind of the guys  
that wrote the code, you know, how it  
looks from the street?

MR. TASKER: How the  
appearance of trucks look in front of

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the building, yes, I suspect it was.

CHAIRMAN SALADINO: David, what do you think about the loading zone?

MR. CORWIN: It would be nice if it was in the back, but just to accommodate the application, I can go along with the plan.

MS. GORDON: That's the way I feel.

CHAIRMAN SALADINO: I'm sorry.

MS. GORDON: That's the way I feel, to go along with the plan. I can imagine that it might be better if it might be in the back, but it doesn't seem to me -- I don't find it a sticking point for this.

CHAIRMAN SALADINO: Well, if it was if the back of the property, it wouldn't be a problem so.

Jack, what do you think?

MR. REARDON: The loading zone, it's unfortunate that it has to be a dual purpose situation, can the loading zone be in the center of the

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parking lot; can that be a dedicated zone.

CHAIRMAN SALADINO: Reality of all this is, once everything leaves this building, once this the settled where the truck takes the stuff off the truck is, you know, should it be in the approved loading zone, of course it should be. Is that the reality of the situation, probably not.

MR. TASKER: Well, that's consistent with what I'm saying, it's what the building owner is going to enforce on deliveries.

MR. REARDON: Does the loading zone have to be adjacent to the building or can it be separated from it.

CHAIRMAN SALADINO: On a separate piece of property?

MR. REARDON: The center of the lot, you know. We're worried about the loading zone being in front of



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the building.

CHAIRMAN SALADINO: No. From listening to the rest of the Board, I don't think anybody's worried about the loading zone be in front of the building. Where the loading zone actually -- where the truck actually unloads is, you know, it's kind of like what you get away with.

But we're here to deal with the code. The code say it's got to be in back. Right now the applicant is asking us, can it be in the front. That's for us to decide. Do we think it's a big deal that it's in the front? I personally don't.

MR. TASKER: Having said what I said, I don't either.

CHAIRMAN SALADINO: I'm sorry.

MR. TASKER: Having said what I said already, I don't either think it is a problem.

MR. REARDON: Right, and the number of deliveries that this

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business gets is negligible. It's not like a grocery store that's receiving deliveries all day long.

Q. That's true but right now -- my dad used to say that was then, this is now.

What we have to look at is down the road what happens down the road if sometime somehow, the property changes hands, there's a different business model, there's a different mindset of the new owner that, you know, perhaps come in front of the Zoning Board to get permission to open the restaurant, now deliveries are more frequent, do those deliveries -- is it appropriate to have those deliveries in the front yard. You know, we can't foresee the future, but we can see the potential of what could happen. No ownership is carved in stone, and who knows what's on the next owner's mind a year from now, five years from now, ten years from now. I don't know.

Burt right now, this is what's in front of us now; is this the big deal? I don't --

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MS. GORDON: Are we going to vote on these individual or as a group?

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MR. TASKER: Individually.

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MS. GORDON: Individually I would suspect.

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CHAIRMAN SALADINO: Yeah, we did that with most -- the last one was Manhattan, we made it our business to take each variance individually, so if there was any disagreement, you know it could be addressed.

Do we want to -- do we want to consider voting on this loading zone now, do we think there has been enough discussion on the loading zone?

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MR. TASKER: Yeah, but I don't see any harm in, you know -- we seem to be aligned in sitting tight on voting on a variance until we look at the others because there may be some exchange related between that and

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some of the other variances.

CHAIRMAN SALADINO: You mean  
compromise?

MR. TASKER: What?

CHAIRMAN SALADINO: We can put  
a pin in this and vote on it.

David said, we'll do the easy  
ones first, what is the next easy  
one?

MR. CORWIN: Height over  
35 feet, kind of an open question  
what the bulk means, but I think we  
all agree that it can include three  
stories, so it's just a question of  
the heights, or I think it's just a  
question of the solar panels and the  
other vent equipment that kind of  
possibly be 37 feet.

CHAIRMAN SALADINO: No,  
actually, we got some new information  
from the Building Department, and I  
think we have a revision from --  
didn't you revise the --

MS. BERRY: Yeah, it was

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slightly less than a three-inch difference, so previously, we had asked for a 4 feet variance just to make sure of any chimney or something like that so --

CHAIRMAN SALADINO: Exhaust vent.

MS. BERRY: So if you want to keep it at that or if you went to add a foot to make sure those 3 inches get covered but the roof itself, the structure is still under the 35 feet, it's just whatever the protrusions could be. That the only -- so either a four or five foot request.

CHAIRMAN SALADINO: And it was because of the height of Front Street as oppose to --

MS. BERRY: Right.

CHAIRMAN SALADINO: Because we decided -- or the Building Department decided that Front Street was the closest road.

MS. BERRY: Right.

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CHAIRMAN SALADINO: And, Paul,  
you have that number.

MR. PALLAS: I can pull it from  
the file.

CHAIRMAN SALADINO: Would it be  
within -- in your mind, would it be  
within Glynis' best estimation.

MR. PALLAS: Yes, I would say  
so.

CHAIRMAN SALADINO: So what did  
we say 37 feet?

MS. BERRY: We asked for an  
extra four. We originality asked  
for --

CHAIRMAN SALADINO: Extra four,  
so the variance would be 39 feet.

MS. BERRY: Right.

CHAIRMAN SALADINO: Are we  
comfortable with that.

MR. CORWIN: No.

What is the extra height time  
for, why isn't it 37 feet now.

MS. BERRY: Because of the  
chimney which you raised, actually;

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and there are different kinds the chimneys and we haven't designed the HVAC, so we just want to make sure that we don't have to come back to you.

MR. CORWIN: We're talking about a vent pipe.

MS. BERRY: I know.

MR. CORWIN: An exhaust pipe, not a chimney, right.

MS. BERRY: But I don't know which one is actually going on the building so we we're asking for the 4 feet just for if anything sticks up, so we don't have to come back.

MR. TASKER: Am I understanding correctly, that the height that we're talking about is not the height of the roof itself, but to allow for the mechanical electrical protrusions above the roof itself; am I correct about that; am I understanding?

CHAIRMAN SALADINO: Yes. Some kind of -- I was gonna use the word

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chimney, but apparently chimney is not the right word.

MR. TASKER: So we're talking about the roof level is gonna be limited to 35 feet about Front Street, I think.

CHAIRMAN SALADINO: The question --

MR. TASKER: It doesn't matter. The roof level is 35 feet.

MR. REARDON: I heard the architect say it was just under 35 feet, the hard roof, correct?

MS. BERRY: Yes.

MR. REARDON: Then the plan shows railing and plantings and other protrusion.

MR. TASKER: Protrusions.

CHAIRMAN SALADINO: Not plantings, railings. And solar panels and exhaust chimney.

MS. BERRY: Yes, any mechanical thing that might stick up, that kind of thing.



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CHAIRMAN SALADINO: They're permanently affixed to the roof.

MR. TASKER: As far as I'm concerned, as long as it's perfectly that the roof itself doesn't exceed 35 feet. The if variance of 3, 4, I'm not sure where we are with that, I'm comfortable with.

MR. REARDON: My concern would be more like air conditioning compressors and things that can easily be 6 feet tall being put up there to vent all the rooms up there.

CHAIRMAN SALADINO: Once we decide what -- once we agree or dis -- once -- the architect is asking for 4 feet, if we grant 4 feet, anything above 4 feet it would be the Building Department, the CEO to decide they're in violation. Right? You know, we'll give you what you ask for.

MS. BERRY: Right. And then we have to come back if there was

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something like that.

CHAIRMAN SALADINO: If you exceed it, then you would have to do --

MS. RIVERA-PITTORINO: Can I answer --

CHAIRMAN SALADINO: I'm sorry.

MS. RIVERA-PITTORINO: We won't have a compressor to because I'm using what's called PTAC in all the rooms --

CHAIRMAN SALADINO: Okay. We're getting into the weeds with that. We'll deal with the 4 feet and then how you heat the building or what --

MS. BERRY: And my question is: Do you want it 4 or 5 feet because of those extra little inches?

CHAIRMAN SALADINO: You tell me.

MS. BERRY: Okay. Say 5 feet and we won't come back to you, if it's a little bit off.

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CHAIRMAN SALADINO: Because the recalculation of the height of Front Street, the architect is, instead of 4 feet is asking for 5 feet; is that --

MR. CORWIN: That's what I'm hearing. I want to see -- I'm not comfortable with all of the sudden it's 5 feet, when it was 2 feet for a year, and we have to include one way or another the rails and the solar panels, if I'm correct, and those were 37 feet, those were just 2 feet.

CHAIRMAN SALADINO: We're within our right to grant the 2 foot variance to make the total height of the building 37.

MR. CORWIN: Which I'm not -- not the total height of the building but to call the rails and the solar panel something separate and then the exhaust vent for the --

CHAIRMAN SALADINO: So you want to break out -- you want to break out

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the solar panels and the rails and then address an exhaust vent separately?

MR. CORWIN: That's kind of what I'm saying, yes.

CHAIRMAN SALADINO: Why would we do that?

MR. CORWIN: Because for the last year it's been 2 feet, 37 feet, okay fine. Now tonight, it's 39 feet.

MS. BERRY: It was --

MR. CORWIN: It's not 39 feet tonight, it's 35 plus 5 is 40 feet, you're getting to the point where I want to say no.

CHAIRMAN SALADINO: We can vote on what it says on the Notice of Disapproval, it shows a proposed new height of 37 feet with solar panels and rails. This would require a two-foot variance.

MS. BERRY: We did increase it to 4 feet right at the very first

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site meeting when you -- actually because you raised the whole issue of the vent, so we raised it right at the start of this process.

MR. TASKER: I don't think so.

MR. CORWIN: I may have an old Notice of Disapproval. I do have an old Notice of Disapproval. This is over a year ago, so I'm working off the wrong thing.

CHAIRMAN SALADINO: It's only a month difference it's 9/19/2019, your's is August.

MR. CORWIN: August '19.

So what does that one say in terms of height?

CHAIRMAN SALADINO: 37 --

MR. CORWIN: 37 feet, that's what I'm saying.

CHAIRMAN SALADINO: But it all fairness -- in all fairness to the applicant, I do remember Glynis raising -- after you brought up -- we brought up the question of exhaust

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vents -- because there is still going to be a kitchen, we brought up the question of vents on the roof that this, you know, 37 foot height wasn't representative of what was really going to be there.

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MR. CORWIN: Well, it was hedging my guess is what it was because the architect wasn't sure.

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CHAIRMAN SALADINO: Well, I don't know how to resolve it.

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MS. GORDON: Seems to me we're sort of concerned with mission creep is the wrong phrase, but this height creep or something, and it seem to me we can say, okay, 4 feet is the absolute maximum and if there is a problem later on, she does have to come back to us, but that's not our concern at the moment.

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CHAIRMAN SALADINO: I believe that's what I said, we're agree to --

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MS. GORDON: 3 feet or 4 feet, if you accept that idea.

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CHAIRMAN SALADINO: The truth of the matter is, I would rather she didn't come back.

MS. GORDON: Of course.

CHAIRMAN SALADINO: I mean if granting a 4 foot variance as opposed to 2 foot variance, it would put the responsibility of being the watchdog on the Building Department, I would be okay with that. Me personally.

MR. CORWIN: But a straight up four foot variance leaves the applicant the opportunity to put other things on the roof four foot high, unless you break it out to rails and the solar panel from the roof -- the exhaust vent, that's what I'm trying to say.

CHAIRMAN SALADINO: I'm just -- and you're right, David. I'm just -- I just can't -- maybe you have an example, but I don't have -- I can't think of anything that would be that big a hazard to add to the roof that

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would make us think twice about it.

MR. CORWIN: Well, I have in my mind, American Beech and the east side of American Beech and they put up the most awful -- can I use the word or will I get in trouble.

CHAIRMAN SALADINO: No, you can't say it.

MR. CORWIN: I take that back. The craziest vent I ever saw went out over Village property and made turns, they eventually corrected it, but it's a little sketchy to me.

CHAIRMAN SALADINO: Well, that's the bottom line. They built it. It wasn't in compliance. The Building Department inspected it, and they were forced to change it. It was, you know, kind of like how the process works, I think, Rob, did you want to --

Rob, did you want to tell us something?

MR. CONNOLLY: You could



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condition the approval to accommodate mechanicals that are used to service the hotel.

MR. CORWIN: The problem with that in my mind is three things, the rail, solar panel and exhaust fan, and once you put them all together, well, the rail can be 4 feet and the solar panels, hey, we pick the wrong one, they can be 4 feet, so where does it end? I want to make sure it ends someplace.

CHAIRMAN SALADINO: It ends the 39 feet, it ends if we issue a variance for 4 feet which accommodates the revises height of Front Street and it adds the few inches to what the applicant had asked for --

Again, to be fair to the applicant, I can remember Glynis coming back here and saying, let's change it from 2 feet to 4 feet after the question of exhaust vents were

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MS. GORDON: Yes.

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MR. CORWIN: Yeah, if we say

rails 2 feet, solar panels 2 feet,

exhaust vents are maybe 4 feet,

nothing else.

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MS. BERRY: Can you also

include the elevator shaft in case --

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MR. CORWIN: There we go now

it's another thing.

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CHAIRMAN SALADINO: I think it

would be safer for us it -- it would

be safer for us to issue a variances

or vote on a variance for a specific

number. You've explained why you

need a variance for railings, for

solar panels for whatever.

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MS. BERRY: The equipment  
that's not inside.

CHAIRMAN SALADINO: Right now,  
it's like there this is what I need,  
I need 4 feet for mechanical  
equipment and other things.

I just would rather -- David, I  
would just rather not comprise a list  
of what's allowed to go up there or  
not, I would rather leave that, if it  
doesn't exceed the 4 foot height and  
it doesn't jeopardize the health,  
welfare, and safety of the Village.  
I have do be honest with you, I don't  
honestly care what goes up there, so,  
you know, can we, at least agree that  
4 feet is not unreasonable?

Arthur, what do you think?

MR. TASKER: My greatest  
concern is -- and I've expressed is  
keeping the building, the roof itself  
height limited; in other words, no  
variance to the roof height itself,  
35 feet, right?

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MS. BERRY: Correct.

CHAIRMAN SALADINO: Well, that I think we would be able to say, the roof shouldn't exceed 35 feet and 4 feet additional for mechanicals and railings and -- see I'm even uncomfortable saying railings and solar panels. I don't want to define it. The building's got to be 35 feet and mechanicals on the roof not to exceed 4 additional feet.

MS. RIVERA-PITTORINO: I think that's the way --

CHAIRMAN SALADINO: Deborah votes yes, what about the rest of you?

MS. RIVERA-PITTORINO: I'll take it.

CHAIRMAN SALADINO: David, what do you think?

MR. CORWIN: I don't want to discuss it anymore.

CHAIRMAN SALADINO: Okay. Is that the last easy one? Do you have

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another easy one?

MR. CORWIN: Apparently not.

MR. TASKER: 4 feet is what --

CHAIRMAN SALADINO: I'm thinking 4 feet. I'm thinking that would be no unreasonable.

So it only took a week and a half to do loading zone and 4 feet, should be out of here by October.

Do you need five minutes or so?

The next thing we have -- we addressed the loading zone and the height of the building, the plan shows a proposed third story, requires a third story -- a variance for third story.

It's kind of like a big deal. We have done it before. We've done it -- for the people in the audience that don't agree to 35 feet or three stories, this Board made an interpretation -- previous board for one hotel, this Board for the latest hotel, interpretation said that you

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did need a variance for a third story, that's what we are going by.

MR. TASKER: I'm sorry, you said we did need a variance for third story?

CHAIRMAN SALADINO: Yes.

What do we think about a third story?

MR. TASKER: I favor permitting it.

CHAIRMAN SALADINO: What?

MR. TASKER: I favor permitting a third story.

MS. GORDON: If we've got -- if we've exceeded 35 feet, I think ipso facto we've agreed essentially to a third story.

CHAIRMAN SALADINO: Unfortunately, that's not the code. The code --

MS. GORDON: Well, our job is to be flexible about the code.

CHAIRMAN SALADINO: That's the reason we are considering granting

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the third story, not that it's as of right.

MS. GORDON: No, I wasn't suggesting that.

CHAIRMAN SALADINO: So what do we think about the third story? Jack, what do you think?

MR. REARDON: All these decisions, it's very difficult, you know, having been in the Village, if you walked by the hotel the last two/three weeks, you see the parking lot was maxed out over the weekend. So granting more rooms is only gonna max out -- you're already maxed out, so what are you gonna do. It's pretty evident what the dilemma is for me. If you grant a third floor, you grant more rooms, you don't have the parking to support it, so I'm working with that, that's my dilemma.

MS. RIVERA-PITTORINO: Can I answer that or no?

MR. REARDON: I'm sorry.

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MS. RIVERA-PITTORINO: Can I answer, Jack?

CHAIRMAN SALADINO: We're just trying to get through this, so if we start a back and forth.

MR. REARDON: You don't need to. I've made all my observations, I've listened to too all the discussion and trust me, I've read all of the e-mails that have come. I know the situation here, it's more here that the problem lies, not as the community and what's physically going on. I'm aware that -- I'm aware of your situation in Village, I'm aware that the Village has to grow and we all have to, you know, we all have to work along, but like a statement that was made a little earlier which is enough, and I'm concerned that we're going to strangle ourselves based on our success and this a symptom of that, there's so much success there's no



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place -- so busy, nobody goes there anymore kind of place.

Anyway, I'm working on that.

CHAIRMAN SALADINO: Do you have an opinion about third floor?

MR. CORWIN: I'm not good with it, but I'll go along with it.

CHAIRMAN SALADINO: Well, we have -- this application is different, almost the same but different. The last third floor that we granted was for the Manhattan, I'm guessing everybody in this room knows that. The thing that makes it different was, it had a 50-foot movie theater next to it, it had the 40 foot hotel next to that, and in that particular location on that particular corner, the third story wasn't -- there was the three-story building across the street, the Sterlington Hotel, we took that into consideration too, third-story building. This even though it's only

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2 one block away, then you have to take  
3 into consideration that a one-family  
4 house can be 35 feet tall and, you  
5 know, two and a half stories. So the  
6 third story in that spot, on that  
7 corner, maybe, maybe might be not the  
8 best choice, but then again, the  
9 design is such that, in my mind --  
10 again when I'm saying this, I'm  
11 talking for myself, I speak for  
12 myself, that might not be that  
13 intrusive. I think -- I think that's  
14 something we can probably decide here  
15 tonight, I'm thinking.

16 So now we come -- can we put  
17 that on the side for a second and  
18 bring up the big issue, parking?

19 I have a problem with parking.  
20 I understand your contention as well  
21 as most in this room that one portion  
22 of this property was developed prior  
23 to the 1991. I don't go along with  
24 the architects interpretation that  
25 it's developed as a unit, that the

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two un-improved pieces of property,  
you're allowed to do anything you  
want on them because they're owned by  
the same applicant as the improved  
piece of property from 19- -- that  
was developed prior to 1991.

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I've said this before at a  
public hearing, I consulted with  
Southold Town, Southampton Town, they  
used -- that portion of the code is  
in every municipality's code. They  
use it as a planning tool so they  
can -- they can have one site plan  
instead of a hotel owning four  
contiguous pieces of property and  
wanting to put a swimming pool on one  
and a parking lot on the other or a  
bathhouse on the other instead of  
issuing four or five different site  
plans, it's only one site plan, but  
the applicant is not absolved from  
zoning, so you have two unimproved  
pieces of property and one improved  
piece of property. There was no

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2 contention about this in 2002. The  
3 applicant never raised the issue in  
4 2002 when the hotel expanded, no one  
5 ever brought up that, well, this is  
6 an adjacent lot owned by the same  
7 applicant and that property was  
8 improved, so we're allowed to do  
9 anything we want as far as parking  
10 and building on this piece of  
11 property.

12 The people that wrote this  
13 code, there is no doubt in my mind,  
14 they never had the intention of being  
15 able to take two unimproved pieces  
16 of property and expand them and use  
17 the same rules and regulations for  
18 the improved piece of property on  
19 those two unimproved pieces of  
20 property.

21 I read the letter that was sent  
22 that the applicant's attorney deposed  
23 a former official that in his  
24 experience being across the street,  
25 he's always seen cars parked there.

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I mean if you own a vacant lot next to your home and you had a big barbecue and your friends came and they parked on that vacant lot, that doesn't make that lot improved, that just make someplace for somebody to park their car.

So I think that -- I think the first thing that this Board should have is the real amount of parking that this property has. I dispute these figures. I don't think we should -- I don't think that -- I certainly don't think we should reduce the size of a parking space from 9 feet which -- which they're really not entitled to. No one granted a variance for a 9 foot parking space. The Planning Board doesn't have the authority the grant variances, so because it wasn't enforced doesn't make it legal, so I don't think we should go from -- I don't think we should go from 10 feet

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2 to 9 feet and then I certainly don't  
3 think we should go from 9 feet to  
4 8 feet, so until we find out exactly  
5 how many parking spaces with all the,  
6 the restricted spaces and -- I think  
7 we should find out exactly how many  
8 parking spaces this property  
9 supports, and we should go from  
10 there. There's 53 guest rooms and  
11 five employees. Even if we  
12 discount -- if we take into  
13 consideration the 11 original rooms  
14 and what was added to that, we would  
15 still need to know exactly how many  
16 parking spaces the applicant is  
17 asking for that she doesn't have.

18 Am I kind of making myself  
19 clear? No? David?

20 MR. CORWIN: I hear you, but  
21 what are we going to do. The  
22 applicant isn't going to change the  
23 plan and say, yeah, I got to find  
24 more parking spaces.

25 CHAIRMAN SALADINO: Why not?

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MR. CORWIN: Because I don't

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think they're particularly

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accommodating. They want what they

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want, they want what everybody else

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got.

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CHAIRMAN SALADINO: There is an

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avenue to get that. It's here or if

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you don't get it here, you can go

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somewhere else and get it.

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That's not the question in

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front of us. The question in front

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of us right now should be how many

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actual parking spaces are there on

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the property? We know what the

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architect tells us, but in my mind --

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Glynis, I apologize, that's kind of

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like fuzzy math to me.

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MS. BERRY: Pardon?

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CHAIRMAN SALADINO: That's kind

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of like fuzzy math to me, I just --

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MS. BERRY: If you just said

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something, we would have provided you

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with that number.

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CHAIRMAN SALADINO: I think I

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have been saying this since this application first came in front of us.

MS. GORDON: I don't understand why we don't accept the proposal, on the plan, we are shown 31 spots, so why are we not accepting that as the base information?

CHAIRMAN SALADINO: Because I dispute that because those spots are computed at 9 feet. Where did you get 9 feet from -- who gave you 9 feet?

MR. ARIIZUMI: Can I explain.

CHAIRMAN SALADINO: No. The code says 10 feet.

MR. ARIIZUMI: Can I comment on the --

CHAIRMAN SALADINO: This is not a public hearing.

MR. ARIIZUMI: I know.

CHAIRMAN SALADINO: This is our discussion.

MR. ARIIZUMI: I know. This is



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just -- I can explain about 9 feet,  
that's all.

CHAIRMAN SALADINO: Do you have  
a -- the only thing I'll entertain  
is, do you have a variance from the  
Zoning Board of Appeals from 2002  
that granted you a 9 foot parking  
space?

MR. ARIIZUMI: No.

CHAIRMAN SALADINO: Then you're  
not entitled to a 9 foot parking  
space.

MR. ARIIZUMI: I'm not talking  
about any history, I'm not talking  
about --

CHAIRMAN SALADINO: You're not  
talking about what?

MR. ARIIZUMI: 9 feet. I'm  
just try to explain where the 9 feet  
came from.

CHAIRMAN SALADINO: It came --  
we know where it came from.

MR. ARIIZUMI:  
(Unintelligible).

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CHAIRMAN SALADINO: I didn't understand.

MR. ARIIZUMI: For example, Southold Town has 9 foot --

CHAIRMAN SALADINO: We're not in Southold Town Greenport --

MR. ARIIZUMI: I know that.

CHAIRMAN SALADINO: Greenport's code says 10 feet. I don't want to debate it with you. The code is the code. That's why we're here.

MR. ARIIZUMI: I know. I understand.

MS. GORDON: If it s feet, it would be 27.9 spaces, say 28 spaces instead of 31. Would you accept that?

CHAIRMAN SALADINO: And the two restricted spaces that they're asking for a variance for?

MS. GORDON: I haven't got the two restricted spaces. I was looking at the 31 spaces which is what the original proposal set forth, if you

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modify that for 10 feet spaces, we  
get 28.

MR. TASKER: If I may, you  
can't decrease the area of the lot.  
You can't increase the area of lot,  
obviously, so they're left with the  
available space for parking whether  
you carve it up in 9 foot slices or  
ten-foot slices, it doesn't change  
the amount of space available.

Someone used the word  
compromise earlier, so I will follow  
their lead and suggest that a  
possible solution to this is to get  
an accurate number of 10 foot parking  
places that is permitted -- could be  
constructed on the property. With  
that number, and it's going be  
substantially smaller than the  
required number of spaces based on  
just the number of guest rooms alone,  
and I'm using kind of random numbers  
here and you go to the Planning Board  
and say, I want to buy some parking

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spaces, and you do that and you come back to the Zoning Board and say, I'm still shy 8, 10, 12, however many it is, may I have a variance?

CHAIRMAN SALADINO: Arthur, if some of us remember, I suggested that to the applicant eight months ago, the applicant's representative at that time told me it was totally inappropriate, they wouldn't consider it, so I dropped it.

MR. TASKER: It's not even completely -- it's not even inconsistent really if cars --

CHAIRMAN SALADINO: I agree with you.

MR. TASKER: -- Village Code with respect to the two apparently conflicting portions of the code 150-12C that says that use of a building before January 1921 shall be entirely exempt from any off-street parking requirement which is problem 1 of the argument. The other side of

1  
2 the argument is, 150-16G which say  
3 you can go to the Planning Board and  
4 require an order and deposit a cash  
5 payment in lieu of any parking  
6 requirements set forth in 150-12.  
7 Well, the parking requirement in  
8 150-12 is no parking, but they can  
9 still by 150-16, the Planning Board  
10 can still require a payment in lieu  
11 as part of the requirements overall  
12 in aggregate of the parking  
13 restrictions within the veiled for  
14 the number of parking places that are  
15 required in the Village.

16 So there is no necessarily an  
17 inconsistency or a violation, for  
18 want of a better word, of the  
19 exemption for the off street parking  
20 requirement by having the Planning  
21 Board require payment in lieu.

22 I didn't suggest compromise --  
23 doing a compromise, but that is a  
24 compromise that could be done.

25 CHAIRMAN SALADINO: You don't

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2 think -- you don't think before  
3 anything is done, we should know  
4 exactly how many parking spaces there  
5 are and how many guest rooms there  
6 will be and how many parking spaces  
7 would be required for that amount of  
8 guest rooms and staff and wouldn't  
9 the amount that the Village  
10 determines that they're actually  
11 entitled to subtracted from the  
12 amount of staff of guest rooms would  
13 be the required -- but right now, we  
14 don't have that information.

15 MR. TASKER: Yes, and it's  
16 astonishing to me, John, as I know it  
17 is frustrating to you that we don't  
18 have that because I think that's a  
19 ten-minute calculation.

20 CHAIRMAN SALADINO: Well,  
21 everything that we have here -- the  
22 narrative by the applicant is based  
23 on 9 foot parking spaces. I'm not  
24 prepared to accept that. It's also  
25 saying that they have 31 spaces and

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the proposed plan shows two parking spaces that are obstructed by piping and AC units that would require these two spots to obtain a variance, so now I dispute the total number that they have and now we have to add two to that because they don't conform.

I -- we -- I'm almost -- I really don't want to say this, don't we have a professional planner, don't we pay a professional planner?

MR. PALLAS: Yes.

CHAIRMAN SALADINO: Doesn't the Village employ a planner?

MR. PALLAS: Yes.

CHAIRMAN SALADINO: Who would decide, other than the applicant's architect who doesn't work for the Village, works for the applicant, who would decide -- who would be the best person to decide exactly how many parking spaces there would be in that particular portion of the --

MR. PALLAS: That would not --

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I don't, Counsel would agree, it's not appropriate for the Village or a Village consultant to determine how many parking spaces fit. That's a design question that would be done by the applicant to send in to the Village to for review.

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I think you framed it properly, that once that is submitted, then a decision would be rendered by this Board as to what relief they would grant. I think you framed that properly. I thought you did.

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MS. BERRY: I mean, just by looking at it, if you took two off of each line, you're down to 27 and then the issue is, do you allow slightly shorter ones for two of them, so you're talking 25 or 27.

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CHAIRMAN SALADINO: Well, I could -- I could -- Glynis, that sounds reasonable to me; but, again I would -- I'm only one. 25 -- the two spaces that we are talking about in



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reality, we all know are unusable  
regardless of what kind of variance  
we give you. I think they're 14 feet  
long or 15 feet long.

MR. PALLAS: I would have to  
look at it.

CHAIRMAN SALADINO: I don't  
know how many cars are 15 feet long.

MR. CORWIN: Wide?

CHAIRMAN SALADINO: I didn't  
hear you.

MR. CORWIN: You're talking  
about --

CHAIRMAN SALADINO: No, the  
length is restricted.

If they agree to 25, I would --  
I personally am okay with 25 as the  
number. My colleagues on the Board  
they're opinion is --

Jack, what do you think?

MR. REARDON: I think the  
disparity is so treat, it doesn't  
matter what the number is. I  
certainly take 25, I would also take

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31.

CHAIRMAN SALADINO: I'm not prepared to take 31, but if you're in agreement to 25.

Diana, what do you think?

MS. GORDON: I think it's sort of the arbitrary, given the rest of the analysis we have to do.

CHAIRMAN SALADINO: You mean as far as the amount of rooms, you mean the amount of parking that would be required?

MS. GORDON: Right, the amount that would be required, whether any would be required at all and whether we would be considering something like what Arthur suggested which is that we require that the applicant buy some spaces and we make a compromise about allowing a variance for the rest.

CHAIRMAN SALADINO: Well, okay. We all know every journey starts with the first step.

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MS. GORDON: Just chose a number.

CHAIRMAN SALADINO: So the first step would be if we agree on a number, if 25 is agreeable.

MR. TASKER: Well, I think Jack -- I'll go along with Jack, whether it's 25 or 31, the disparity is so great between the number that the code would require for that number of rooms, et cetera, it doesn't matter.

MS. GORDON: Yeah.

CHAIRMAN SALADINO: Well, David, 25, what to you think?

MR. CORWIN: If that moves it along tonight, say 25.

CHAIRMAN SALADINO: Okay. So that's the first step up the mountain. Now we have to decide how many spaces that property requires, if it's 25, our job is easy. If it's --

MS. GORDON: Well, maybe we get

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to the bottom of what the standard is, of what is require. I mean, are we talking about following the code religiously and saying, what is required? Is that calculation of how many you need for five staff members and how many you need for 53 rooms?

MS. RIVERA-PITTORINO: It's 50 rooms and --

CHAIRMAN SALADINO: Wait. We have 53 rooms.

MS. RIVERA-PITTORINO: Three are for staff and --

CHAIRMAN SALADINO: No, but New York State law says, if it's in the hotel, even if someone else lives there it's still a rental unit and has to be computed as such. That's the law that I read, so we're gonna go by -- we're gonna go by that unless you can show me case law that doesn't say that. Okay?

MS. GORDON: But the idea of what is required do -- what is

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2 said -- what is used as a standard  
3 for requirement in the -- in this  
4 Notice of Disapproval is what the  
5 Village code says, which is an awful  
6 lot of parking spaces. It would have  
7 required a variance of 27 if we had  
8 accepted the 31, but now that we've  
9 got only 25 spaces, that would mean a  
10 requirement of 31 plus 6.

11 CHAIRMAN SALADINO:  
12 Twenty-seven plus six, so it would is  
13 33.

14 MS. GORDON: It would be 33.  
15 That's what the code, as written  
16 would require.

17 CHAIRMAN SALADINO: But the  
18 applicant --

19 MS. GORDON: That's obviously  
20 absurd.

21 CHAIRMAN SALADINO: The  
22 applicant take exception to that, and  
23 that's what we're here to decide.  
24 The applicant says, no, I don't have  
25 to provide that many parking spaces.

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MS. GORDON: Well, yes because the applicant is not using the definition of requirement as the strict -- the language the meaning of the code. The applicant is saying the requirement ought to be something different that takes into account the context in which she is planning this project, a hotel that has groups that come in vans.

Do you remember that discussion?

CHAIRMAN SALADINO: We do.

MS. GORDON: That would require fewer parking spaces and all that, so she has a different standard of requirement than the traditional standards set out by the code; and I think we have to consider that as well. Assuming we're not just saying Section 12C applies and there is not requirement at all.

CHAIRMAN SALADINO: I don't remember anybody saying that except

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the applicant.

MS. GORDON: The exemption.

CHAIRMAN SALADINO: Can we stop. I know it's been a long time, folks, we have been here two hours, can we stop five minutes and give everybody a five-minutes break. I don't want to drag this out any longer than we have to, but I don't think five minutes is unreasonable. Let's call this for five minute.

(Whereupon, a brief recess was taken; after which the proceedings continued as follows.)

CHAIRMAN SALADINO: We got past the hurdle of how many spaces of kind actually be on the property, I think we're in agreement with the architect and Zoning Board.

MS. GORDON: And if you go by the 16, when you say 16, it's presumably 58 spaces that the code would require, which is absurd, 53 for rooms or --

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CHAIRMAN SALADINO: 53 for the rooms.

MS. GORDON: 53 for the room and five for five employees.

CHAIRMAN SALADINO: So what part -- and I'm not -- what part of that is absurd.

MS. GORDON: I guess I think just -- I mean that's as many spaces as if it -- it would make a very large ugly parking lot.

CHAIRMAN SALADINO: Well, the applicant is here, the applicant is here so they can get relief, so if they actually needed. Which they contend they don't, but if they actually needed 58 parking spaces, you can't put 58 parking spaces in a 25 car parking lot?

MS. GORDON: Of course not.

CHAIRMAN SALADINO: The solution is, you come to the Zoning Board for relief. The Zoning Board grants what they think is reasonable



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2 or moderately tailored relief and  
3 then perhaps, if the applicant -- it  
4 doesn't serve their shall needs, they  
5 can perhaps buy parking. If that's  
6 not an option. If the Planning Board  
7 won't sell them parking like we had  
8 with the hotel before this hotel, the  
9 Planning Board didn't sell them  
10 parking, that applicant came back to  
11 the Zoning Board, and the Zoning  
12 Board gave them relief because they  
13 didn't want to lose the project is my  
14 understanding. Well, I was there, so  
15 that's my recollection so. But, I  
16 mean the same thing would possibly  
17 happen here.

18 I think -- I think in my mind,  
19 maybe because I'm not a big tinker,  
20 but in my mind, it's almost  
21 impossible to go forward. We found  
22 out how many parking spaces the  
23 property supports, now we're gonna  
24 have to find out exactly how many  
25 rooms are subject to the required

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2 parking. I don't think we can  
3 dispute -- I don't think the  
4 applicant can even dispute five  
5 employees, you have a 55 room hotel,  
6 five employees, anything less than  
7 that in my head makes it -- I think  
8 you would need five people to run a  
9 55-room hotel, is what I'm saying. I  
10 didn't think that the question.

11 Now the question comes up, 53  
12 guest rooms, how many of those guest  
13 rooms -- because of a portion of our  
14 code, how many of those guest rooms  
15 actually needs a parking space?

16 MR. TASKER: Or is it how many  
17 parking spaces are needed for 53  
18 guest rooms according to the code?

19 CHAIRMAN SALADINO: 53.

20 MR. TASKER: Right. Now we  
21 know the answer to that part of the  
22 question.

23 MS. GORDON: One space for each  
24 guest room, one space for each  
25 employee, so 53 plus 5 is 58 spaces.

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CHAIRMAN SALADINO: Right, and they have -- and they have 25, so using a mathematical equation --

MR. TASKER: Shy 33.

CHAIRMAN SALADINO:  
Thirty-three parking spaces.

MS. GORDON: So it looks to me as though our alternatives are to grant a variance for 33 spaces, which is 13 more spaces than we granted for Menhaden Hotel, remember we granted a variance for 26.

CHAIRMAN SALADINO: We did. We compromised with the owner to get to the number that most people involved thought -- thought that -- we compromised to get to the number 20, where the owner could get his relief and be able to buy 20 parking spaces because that this maximum they were able to buy from the Planning Board. Everyone was in agreement. The owner, the Village at the Zoning Board meeting, the only one that

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wasn't in agreement was the Planning Board; so then it came back to the Zoning Board and the Zoning Board granted a 20-space relief.

In the interest of full disclosure, I voted no. I thought 20 was too many. I didn't think it was moderately --

MS. GORDON: So the second alternative is to do something like what Arthur was saying, try to compromise, chose a number and do sort of what we tried to do with Menhaden; and the third alternative, which is what I support and I think I'm the only one, is to say that 150-12C does apply and this property as a commercial use in the CR District is -- which has been there in existence and has been there since 1991 and for which both parcels were improved because parking is such an integral part of the whole Enterprise that there exception applies in which

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case, you leave it to the applicant to work out a plan for parking that may get crowded when she has more, more hotel guests than now.

CHAIRMAN SALADINO: But is the tenet of the Zoning Board -- isn't the tenet of the Zoning Board that the benefit to applicant shouldn't be greater than the detriment to the Village. The applicant doesn't suffer if she's.

MS. GORDON: Do we know what detriment to the Village would be? We don't know.

CHAIRMAN SALADINO: Well, we do know. If the applicant it overwhelmed with excessive parking, who suffers? The surrounding community. Who is the surrounding community? The Village.

MS. GORDON: By maybe she isn't overwhelmed, maybe she has a plan.

Actually, during the Hearing, I asked, do you have a plan for those

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moments when there is just too many vehicles, and she said valet parking, and I forgot some other things.

CHAIRMAN SALADINO: But that's unrealistic. Valet parking is not a plan. Valet parking is violating the Village's parking laws. You can't stack cars five wide, 20 deep and expect a valet to -- hey, get me that car in the back, move ten cars. That's not how the works, we work by code here, we don't live on a prairie; there is a code.

MS. GORDON: Well, valet parking isn't necessarily stacking cars, maybe --

CHAIRMAN SALADINO: What, that was the solution to it.

MR. TASKER: Yes.

CHAIRMAN SALADINO: I mean, what difference does it make if you park your car in a vacant space or you drop your keys off to somebody in front of the hotel and he parks your

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car in a vacant space? How does that alleviate a lack of parking. It just alleviates the lack of me having to walk from my car because somebody parked it for me.

And Dini, you and I disagree. I don't think parking a car -- and we have gone through this about improved properties and unimproved properties. We just had an application on South Street to decide if this property was improved or it wasn't; and it involved you utilities, septic, water, electricity. A vacant parking lot, those two parcels never had septic, never had water, there was electric lights, but there was never septic and water; so how can we consider those two parcels improved?

MS. GORDON: I guess I think that the fact that parking is such the integral part of an enterprise like this, that parking should be considered an improved -- I agree

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that's a difference in perspective.

Okay. I don't want the  
dominate this. I'm going to stop  
now.

MR. TASKER: What the we turn  
this on its head and let's just take  
the numbers that we have been banding  
about without worrying about with  
precise accuracy.

We need -- there is a  
requirement for 58 parking spaces, 53  
guest rooms and five employees.  
There is room for 25. They're shy  
33. What if we granted a variance  
for 13 spaces of the 33 that they're  
shy? That says you got two choices,  
you go to the Planning Board or you  
go to another arbiter.

CHAIRMAN SALADINO: David, you  
were going to say something?

So the choices they would have  
is go to the Planning Board and try  
to buy spaces --

MR. TASKER: Yep.



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CHAIRMAN SALADINO: -- or  
judicial review.

MR. TASKER: Another arbiter.  
We can grant a variance for one  
space. That would be silly.

CHAIRMAN SALADINO: Jack, what  
do you think?

MR. REARDON: Partial relief is  
a step in the right direction and a  
trip back to the Planning Board is  
probably a good idea.

MR. TASKER: As Jack pointed  
out earlier, the difference is so  
great, it doesn't really matter the  
precision of the number that we  
banding about.

CHAIRMAN SALADINO: Well, not  
that we should consider it, but it  
would make a difference -- and I  
don't want anybody to think I'm  
advocating for anybody except the  
Zoning Board, the difference -- six  
spaces does make a difference to the  
applicant if they go the Planning

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Board because now six spaces translates into a considerable cash outlay, you know, so we should have our numbers right, and this way, you know.

MR. TASKER: Well, we know it's more than 20.

MS. GORDON: Arthur gave pretty precis numbers, very precise numbers.

CHAIRMAN SALADINO: No. I agree. If we grant -- if we granted -- if we decide that 25 spaces is what they have and we grant a variance of 13 spaces, that would give the applicant the option, like you said judicial review, because they disagree or a trip to the Planning Board the buy 20 spaces.

MR. TASKER: Yeah.

CHAIRMAN SALADINO: If we decide that they have 31 spaces, which I don't agree with, but if we decide they have 31 spaces, now they would have to go to the Planning --

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and we grant 13, they would have to go to the Planning Board for six less --

MR. TASKER: 14 spaces.

Is that a good result?

CHAIRMAN SALADINO: I don't know. I don't know. I would be -- I would be willing to put it to a vote, you know somebody had suggest -- do we need more information? Do we have enough information to vote?

MR. TASKER: Well, if we accept the requirement of 58 based on the guest rooms and the employees and we accept that they have 25, quote, legal spaces which I guess they're 10 by 20 -- right, is that how we arrived at 25 spaces we believe they have?

CHAIRMAN SALADINO: That was the number, yes.

MR. TASKER: Okay. Those are accurate numbers, the difference is 33 that they're shy.

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CHAIRMAN SALADINO: I

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understand that, and if it was this

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cut and dry, it wouldn't be --

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Let me ask a question. Do we

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have --

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MR. TASKER: That's my idea.

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CHAIRMAN SALADINO: No, I think

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it's a good idea, don't get me wrong

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I'm not shooting it down, I'm willing

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to vote on it; but I want to make

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sure we're not stepping on toes.

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Is there -- should we be

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considering anymore information from

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the applicant, Rob?

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MR. CONNOLLY: If they have

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information that I would like to

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present to the Board, the Board can

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obviously accept that to help them

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make their decision.

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I don't know if they have any

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other information.

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CHAIRMAN SALADINO: We would

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have to adjourn and wait for that.

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MR. CONNOLLY: Right.

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LEFT SIDE ATTY: Are we willing

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to do that? Would we rather take

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care of this business tonight?

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So we're gonna take that,

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David, you would rather take care of

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this tonight?

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MR. CORWIN: Yes.

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CHAIRMAN SALADINO: Jack?

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MR. REARDON: As long as we

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agree with the, all the numbers,

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yeah.

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CHAIRMAN SALADINO: All right.

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I'm willing -- I agree with Arthur.

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I think that's a plan forward. I

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didn't know -- I don't know how -- I

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don't know how -- I think it's a plan

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forward. I don't know what the end

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result is. I don't know how it would

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work out down the road, but I'd be

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willing to propose that or you could

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propose it and we can vote on it.

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I believe that's the only thing

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left on our plate.

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MR. TASKER: Note quite but.

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CHAIRMAN SALADINO: Wait,  
except for conditions.

MR. TASKER: Right.

MR. CORWIN: The size of the  
parking spaces has to be settled too,  
are they gonna be --

MR. TASKER: David, I'm not  
hearing you clearly.

MR. CORWIN: The size of the  
parking places has to be decided, are  
they gonna be 9 foot or 10 foot?

Last month, I said I had no  
problem with 9 foot because I  
measured the Village of Greenport's  
parking places outside of the IGA,  
and I can park my vehicle in parking  
spaces in the IGA as long as the  
other cars are parked properly.

CHAIRMAN SALADINO: But the  
applicant is not asking for 9 feet,  
the applicant is asking for 8 feet.

MS. BERRY: No. 9 feet.

MS. GORDON: If we accepted  
9 feet, then we would go back to what

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the proposal suggested and then we would only have to --

CHAIRMAN SALADINO: No, the applicant -- on the Notice of Disapproval, the applicant was asking for 8 feet. They claim --

MS. BERRY: No.

We always asked for 9 feet, the existing was 8 feet.

CHAIRMAN SALADINO: No. You have it backwards.

MS. BERRY: No, I don't.

CHAIRMAN SALADINO: The existing --

MS. BERRY: I have drawn it at 9 feet.

CHAIRMAN SALADINO: The existing is 9 feet.

MS. BERRY: No.

CHAIRMAN SALADINO: That's what was granted, supposedly, by the Planning Board.

The Notice of Disapproval says the proposed plan shows that parking

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spots as 9 feet by 20 feet. This would require the one-foot variance for each parking space.

MS. BERRY: Yeah, we're proposing 9 feet. We're proposing 9 feet by 20, that's what we were proposing and that's what we drew.

MR. BROWN: And there were two parking places where they could be slightly shorter, the 17 and a half feet, 17 4 feet.

CHAIRMAN SALADINO: I think the to go to 9 feet is a slippery slope. David, you may be able to park your truck, I think if the Village Board wants 9 foot parking spaces, they should change the code. I think every applicant on the planet will be in front of us --

MR. CORWIN: But the Village -- the Village supplies parking. Most of business owners, shop owners do not provide any parking. The Village said, make them 9 feet, so the



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Village is a little hypocritical when they drawing 9 feet. That's what we should be voting on.

CHAIRMAN SALADINO: No, we should --

MR. CORWIN: Can the applicant have 9 foot parking places --

CHAIRMAN SALADINO: I would be forced to vote no.

MR. CORWIN: I am wanted to for ready to vote for that, you are not.

CHAIRMAN SALADINO: I would be forced to vote not for that. I think it's a slippery slope.

MR. CORWIN: All right. Well, it's gotta be voted on.

CHAIRMAN SALADINO: The other thing is -- the other thing is, the next applicant comes in front of the Board and tries to squeeze an extra parking space into the substandard lot, and they say, oh, you granted 9 feet over there, why can't we get 9 feet here? Then I heard David

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Corwin say he can fit his truck is only 6 and a half feet wide -- he can fit in a 6 in a half foot spot.

MR. CORWIN: Well, yeah --

CHAIRMAN SALADINO: I think if Village wants 9 foot parking spaces, the Village Board on Thursday night will propose to change the code from parking the space as 9 feet by twenty -- actually, the code says the parking space the 300 square feet, so do we really want to get into that?

MR. CORWIN: I do. I want to take a vote on that.

CHAIRMAN SALADINO: We'll vote on it.

MR. CORWIN: What do the other members say; do the other members say 9 feet?

CHAIRMAN SALADINO: Well, we're gonna vote and see what they say. Their opinions will be expressed in their vote.

MR. CORWIN: That's what I'm

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saying, we got to vote on that.

CHAIRMAN SALADINO: Okay. Are we prepared to bring this to a conclusion? I'm not even sure how to do that. We can take these one at the time.

MR. TASKER: I just want to add into the consideration, I'm looking at a memorandum from the Planning Board dated November 19, 2019, considering several requests for variances for this project and they speak of parking, it says, it says, the Planning Board believes that the required parking should be considered, assuming that the restaurant is operating, parentheses, as is likely at some point in the future, someone may desire to reopen the restaurant, parentheses. At a minimum, the Planning Board believes that the payment in lieu of parking provision should apply in respect of any shortage of parking spaces from

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that requirement.

So they have already suggested they're amenability to payment in lieu of parking.

CHAIRMAN SALADINO: Is there a preference that the members have how we do these? The last time we did a hotel, the applicant had a preference.

MR. TASKER: No.

MR. REARDON: Is there one that is going to preclude the others from going forward? We should do that one first.

MS. GORDON: Yeah, probably this one, the parking.

CHAIRMAN SALADINO: Yeah, I guess.

MR. CORWIN: I think we should vote on the new height, et cetera first, and then I think we should vote last on parking requirements which we don't seem to know how the vote is gonna turn out.

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Let me make another note. I was under the impression that the applicant's attorney wasn't going to be here or couldn't be here today, so we seem like we didn't bring the right papers ore aren't completely prepared, at least on my part, I didn't do a lot of homework today, one, because we weren't going to vote on this, I wasn't under the impression.

CHAIRMAN SALADINO: Okay.

That's my fault. We were notified -- just for the public. We were notified that -- that perhaps we wouldn't be voting tonight if the applicant was in agreement, was willing to grant extra time because the 62-day time limit was running out. Up until 6 o'clock, we were going on that notion that we weren't gonna vote on this application tonight. We were gonna discuss it and because the applicant was more

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comfortable with the attorney being

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here, we were told the attorney

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wouldn't be here, so we would discuss

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it and vote next month, if the

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applicant agreed and the Zoning Board

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agreed to the additional time. As it

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turns out, the applicant's attorney

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is here.

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ATTORNEY: So just in fairness

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to my client, I was in the hospital

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until 12 noon today.

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CHAIRMAN SALADINO: We make no

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judgment.

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ATTORNEY: I just want to say

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that she asked me to come, so that's

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why I'm here. I was not able to

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come normally, but she asked and I

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did so.

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CHAIRMAN SALADINO: We have

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never questioned the reason. We

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never, ever questioned why or when.

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ATTORNEY: I'm just saying, I

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appreciate your comments, but I

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wanted to explain why I came.

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CHAIRMAN SALADINO: Okay.

Again, David would like to do the building end, Jack's suggestion is, the variance that matters, we do that first.

The other two members, what are we thinking.

MS. GORDON: I like Jack's suggestion.

CHAIRMAN SALADINO: We'll do SEQRA.

MR. CONNOLLY: I believe the Planning Board declared themselves lead agency.

CHAIRMAN SALADINO: Oh, they declared themselves lead agency.

MR. CONNOLLY: Right.

CHAIRMAN SALADINO: So we don't have to do SEQRA.

MR. CONNOLLY: Right.

CHAIRMAN SALADINO: Even for the variance, you don't have to --

MR. CONNOLLY: Yeah, they declared themselves lead agency,

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declared it an unlisted action in  
2019.

CHAIRMAN SALADINO: Just for  
curiosity, what type of action is  
this?

MR. CONNOLLY: It's unlisted.

CHAIRMAN SALADINO: Did we do a  
coordinated review?

MR. CONNOLLY: I believe back  
in June of 2019.

CHAIRMAN SALADINO: Well,  
it's -- Arthur doesn't care and I  
don't care, so Jack and Dini want to  
do parking first, David wants to do  
height first, it's two to one. We'll  
do parking first.

Which -- the size of space,  
item number 4?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Item number  
4 is, the parking spots will be  
required to be standard sizing.  
Sizes of space is 300-square feet  
shall be considered one parking space



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to provide room for standing area in aisles for maneuvering. Entrance and exits -- Entrance and exit lanes shall be -- not to be computed as parking space except the driveways of one-family homes. Residence minimum parking stall width shall be 10 feet and the minimum length shall be 20 feet.

The proposed plan shows that parking spots shown are 9 feet by 20. This would require a one-foot variance for each parking space.

The proposed plan shows two parking spaces that are obstructed by piping and AC units. This would require these two spots to obtain a variance for the required length.

So we would be voting on reducing the size of the parking space to 9 feet from 10 feet, and allowing to substandard parking spaces to exist.

Is that understood by everyone?

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MR. REARDON: In one vote?

CHAIRMAN SALADINO: In one  
vote.

MR. REARDON: Okay.

CHAIRMAN SALADINO: All right.  
Whether an undesirable change  
will be produced in the character of  
the neighborhood or detriment to  
nearby properties will be created by  
the granting of the area variance?

David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Jack.

MR. REARDON: No.

CHAIRMAN SALADINO: Din.

MS. GORDON: No.

CHAIRMAN SALADINO: Arthur.

MR. TASKER: No.

CHAIRMAN SALADINO: I 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?

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MR. CORWIN: No.

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CHAIRMAN SALADINO: Jack?

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MR. REARDON: No.

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CHAIRMAN SALADINO: Dini?

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MS. GORDON: No.

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CHAIRMAN SALADINO: Arthur?

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MR. TASKER: No.

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CHAIRMAN SALADINO: I vote yes.

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Whether the requested area

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variance is substantial.

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David?

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MR. CORWIN: No.

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CHAIRMAN SALADINO: Jack?

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MR. REARDON: Yes.

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CHAIRMAN SALADINO: Dini?

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MS. GORDON: No.

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CHAIRMAN SALADINO: Arthur?

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MR. TASKER: Yes.

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CHAIRMAN SALADINO: I vote yes.

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Whether the proposed variance

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will have an adverse effect or impact

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on the physical or environmental

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conditions in the neighborhood or

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district.

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David?

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MR. CORWIN: No.

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CHAIRMAN SALADINO: Jack?

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MR. REARDON: No.

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CHAIRMAN SALADINO: Dini?

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MS. GORDON: No.

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CHAIRMAN SALADINO: Arthur?

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MR. TASKER: No.

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CHAIRMAN SALADINO: I'm going

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vote yes.

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Whether the alleged difficulty

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was self created which consideration

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shall be relevant to the decision of

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the Board of Appeals, but shall not

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necessarily preclude the granting of

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an area variance. To area variance.

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David?

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MR. CORWIN: Yes.

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CHAIRMAN SALADINO: Jack?

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MR. REARDON: Yes.

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CHAIRMAN SALADINO: Diana?

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MS. GORDON: Yes.

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CHAIRMAN SALADINO: Arthur.

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MR. TASKER: Yes.

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CHAIRMAN SALADINO: I'll vote

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yes.

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I'm gonna make a motion to

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grant the area variance.

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David?

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MR. CORWIN: Yes.

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CHAIRMAN SALADINO: Is there a

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second?

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MR. CORWIN: Second.

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CHAIRMAN SALADINO: David, how

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do you vote?

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MR. CORWIN: Yes.

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CHAIRMAN SALADINO: Jack?

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MR. REARDON: Yes.

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CHAIRMAN SALADINO: Dini.

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MS. GORDON: Yes.

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CHAIRMAN SALADINO: Arthur?

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MR. TASKER: Yes.

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CHAIRMAN SALADINO: I vote no.

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Which one are we going to do

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next? Number 3?

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MS. GORDON: Well, are we -- if

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we vote on number 3, are we gonna

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vote on number 3 as said here with

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the variance of 27 parking spaces, or  
are we gonna take Arthur's idea and  
vote for a variance 13 spaces?

CHAIRMAN SALADINO: No. If we  
vote on number 3 -- what just  
happened is, you allowed for 20 foot  
parking spaces. Now you're gonna  
have to recompute the amount of  
parking space that they have. It's  
not 25 anymore, now you're gonna  
have.

MS. GORDON: It's 31.

CHAIRMAN SALADINO: It's 31.

MS. GORDON: Yes.

CHAIRMAN SALADINO: So now  
you're have to recompute it on that  
number. Subject 31 from 58 and then  
adjust whatever number you want from  
there.

MR. TASKER: It's 27, so we  
grant a variance for seven spaces.

CHAIRMAN SALADINO: If that's  
what the Board choses.

MR. CORWIN: My preference is

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that -- I suppose before I say this  
or after I say this maybe --

MS. GORDON: A little louder,  
David.

MR. CORWIN: My preference is  
it goes to Planning Board first, they  
do the payment in lieu of parking,  
then it comes back to the Zoning  
Board for the 13 space or whatever it  
is.

CHAIRMAN SALADINO: We can't do  
that now. We have it in front of us.

MR. CORWIN: Okay. All right.

CHAIRMAN SALADINO: Did we  
decide what --

MR. TASKER: Well, you mean as  
to the number, did we decide, John?

If we use the same formula,  
it's a variance of seven with 27 shy,  
so that leaves 20 to be resolved,  
possibly by the Planning Board.

CHAIRMAN SALADINO: Would we  
have to -- would we have to vote  
twice? Would we have to -- so to

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vote on this variance, the vote would be to grant seven parking spaces.

MR. TASKER: Yes.

MR. CORWIN: Which personally I don't want to do it their way. I want to turn the whole thing down, go to the Planning Board, see what they say, come back to Zoning.

CHAIRMAN SALADINO: You want to deny the whole request?

MR. CORWIN: For 27, yes. So at that point it's the Planning Board's thing. Are they gonna say 20 --

Let me just make it clear because the applicant has said on several occasions, I just want what everyone else got. Mr. Pennessi, when he came in with plans for the Menhaden, from day 1 was ready to write the check for however many spaces; and just because of the way the vote went on the Zoning Board of Appeals on that particular parking



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situation which was two against,  
three for, and maybe that was just  
luck because Mr. Pennessi was always  
ready to go to the Planning Board.

CHAIRMAN SALADINO: Let me ask  
the members.

Does David's suggestion, we can  
deny this, it would go to -- it would  
add a step to the process. We can  
deny this. It would go to the  
Planning Board. They would grant  
whatever they want to grant, and the  
balance of what they can't grant of  
won't grant would come back done to  
the Zoning Board.

The alternative is, the Zoning  
Board can vote for X amount of  
spaces. It can go to the Planning  
Board and not come back to Zoning  
Board unless the Planning Board turns  
it down, which their letter indicates  
--

MR. TASKER: Suggests that  
they're willing to --

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CHAIRMAN SALADINO: They're willing to sell some parking.

What would the members think of that solution.

We'll ask Jack. Jack, what do you think?

MR. REARDON: I think we should continue with our current track of actually showing a little relief and having them go the back to the Planning Board. I'm not really willing to readdress if they come back to us. I don't want to add an extra step. We're here, we can address this, go to the Planning Board. Planning Board, they're gonna take up to -- what they feel is appropriate. Shouldn't be a reason to come back here.

CHAIRMAN SALADINO: Unless they're not willing -- unless they're not willing to sell what the applicant needs.

MR. REARDON: We just said what

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we're willing to do.

If they come back, where does that put us?

CHAIRMAN SALADINO: Between a rock and a hard place.

MR. REARDON: Right.

CHAIRMAN SALADINO: Diana, what do you think?

MS. GORDON: I agree with Jack.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Also agree with Jack.

CHAIRMAN SALADINO: Okay. So number 3 will be 150-16 Hotel parking regulations, hotels and motels one space for each guest room plus one space for each employee.

The plans show that there will be 53 guest rooms 5 staff members, 31 spots are shown on the proposed plan.

74-seat restaurant is specified for guest only and not accessible to the public.

This would require a

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variance of 27 parking spaces plus all ADA parking regulations and requirements.

So 27 reflects the previous vote with 9 foot spaces and the two substandard spaces, so the Zoning Board would like to grant -- the variance would be for seven spaces. That's what we would be voting on.

MR. REARDON: We're granting relief of 13 or for the relief of seven spaces, right?

MR. TASKER: Yes.

CHAIRMAN SALADINO: Okay.

Is there -- I'll ask Mr. Connolly, when it comes time to vote on this, is there -- to convey the message without it being -- When it comes to vote on this variance, if the Zoning Board agrees, the intention is to grant relief for seven spaces.

MR. CONNOLLY: Right. The Notice of Disapproval says they need

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27 spaces, but the Zoning Board is willing to grant a variance of seven space.

CHAIRMAN SALADINO: Is that how we would --

MR. CONNOLLY: I think that's how you would word it.

CHAIRMAN SALADINO: We'll do the five questions.

MS. GORDON: Is there any way -- Can I just.

CHAIRMAN SALADINO: Sure.

MS. GORDON: Is there any way to send a message through the vote to the Planning Board to get off the stick and consider this? I mean you can't -- there's no way to condition it.

MR. TASKER: I think the applicant will convey that.

CHAIRMAN SALADINO: I think the Planning Board is gonna be -- in next 15 or 20 minutes, will be well aware of what went on here. I would be

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willing to bet on that. If not, I'm sure Mr. Pallas will tell them.

MR. PALLAS: I'm fairly certain I'll remember.

CHAIRMAN SALADINO: We'll do the five questions.

Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by the granting of the area variance?

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Jack?

MR. REARDON: No.

CHAIRMAN SALADINO: Dini?

MS. GORDON: No.

CHAIRMAN SALADINO: Arthur.

MR. TASKER: No.

CHAIRMAN SALADINO: I'm gonna vote yes.

Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to

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pursue other than an area variance.

David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Jack?

MR. REARDON: Yes.

CHAIRMAN SALADINO: Dini?

MS. GORDON: No.

CHAIRMAN SALADINO: Arthur.

MR. TASKER: No.

CHAIRMAN SALADINO: I'm gonna  
vote yes.

Whether the requested area  
variance is substantial.

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Jack?

MR. REARDON: Yes.

CHAIRMAN SALADINO: Dini?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: I'll vote  
yes.

Whether the proposed variance

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will have an adverse effect or impact  
on the physical or environmental  
conditions in the neighborhood or  
district.

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Jack?

MR. REARDON: No.

CHAIRMAN SALADINO: Dini?

MS. GORDON: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: I'll vote  
yes.

Whether the alleged difficulty  
was self created which consideration  
shall be relevant to the decision of  
the Board of Appeals, but shall not  
necessarily preclude the granting of  
an area variance.

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Jack?

MR. REARDON: Yes.



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CHAIRMAN SALADINO: Diana?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Arthur.

MR. TASKER: Yes.

CHAIRMAN SALADINO: I'll vote  
yes.

The motion will be the Zoning  
Board of Appeals grants the applicant  
seven -- relief from seven spaces.

MR. REARDON: Seven of the 27  
required spaces.

CHAIRMAN SALADINO: The Zoning  
Board grants relief from seven spaces  
of the 27 parking space required?

I'm looking at the attorney.

MR. CONNOLLY: Granting relief  
for seven spaces.

MR. TASKER: For the provision  
of seven spaces.

MR. CONNOLLY: Right, yeah.

CHAIRMAN SALADINO: Can we say  
it again for the record?

MR. CORWIN: You can, yes.

CHAIRMAN SALADINO: Yeah, but I

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heard two different definitions.

MR. CONNOLLY: You're granting  
a variance of seven spaces of 27  
required.

CHAIRMAN SALADINO: The Zoning  
Board is going to grant the variances  
for seven of the required 27 spaces.

MR. CONNOLLY: Yes.

CHAIRMAN SALADINO: So moved.

MR. CORWIN: Second.

CHAIRMAN SALADINO: David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Jack?

MR. REARDON: Yes.

CHAIRMAN SALADINO: Diana?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: And I'll  
vote yes.

What's next? Start at  
number 1.

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Number 1,

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the proposed height of the addition exceeds what is permitted. 150-12D bulk and parking regulations for commercial uses permitted in the CR Commercial District, General Commercial District, Water zone Commercial District, building height two stories or 35 feet.

The plan shows the proposed new height 37 feet --

Wait. 39 feet.

MR. TASKER: Yes?

CHAIRMAN SALADINO: 39 feet.

The plan shows -- the revised plan shows proposed new height of 29 feet for solar panels and railings. This would require a 4 foot variance.

Are we going to take this also, the second part of it as part of -- or no. All right. We'll do it one at a time.

MR. TASKER: Yes, let's take it broken down.

CHAIRMAN SALADINO: Okay.

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Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by the granting of the area variance.

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Jack?

MR. REARDON: No.

CHAIRMAN SALADINO: Dini?

MS. GORDON: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: I'm gonna 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: Yes.

CHAIRMAN SALADINO: Jack?

MR. REARDON: No.

CHAIRMAN SALADINO: Dini?

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MS. GORDON: No.

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CHAIRMAN SALADINO: Arthur?

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MR. TASKER: Yes.

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CHAIRMAN SALADINO: I'm gonna

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vote yes.

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Whether the area variance is

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substantial.

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David?

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MR. CORWIN: Yes.

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CHAIRMAN SALADINO: Jack?

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MR. REARDON: Yes.

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CHAIRMAN SALADINO: Dini?

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MS. GORDON: Yes.

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CHAIRMAN SALADINO: Arthur?

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MR. TASKER: Yes.

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CHAIRMAN SALADINO: I'll vote

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yes.

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Whether the proposed variance

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will have an adverse effect or impact

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on the physical or environmental

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conditions in the neighborhood or

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district.

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David?

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MR. CORWIN: Yes.

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CHAIRMAN SALADINO: Jack?

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MR. REARDON: No.

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CHAIRMAN SALADINO: Dini?

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MS. GORDON: No.

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CHAIRMAN SALADINO: Arthur?

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MR. TASKER: No.

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CHAIRMAN SALADINO: I'm gonna

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vote no.

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Whether the alleged difficulty

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was self created which consideration

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shall be relevant to the decision of

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the Board of Appeals, but shall not

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necessarily preclude the granting of

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an area variance.

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David?

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MR. CORWIN: Yes.

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CHAIRMAN SALADINO: Jack?

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MR. REARDON: Yes.

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CHAIRMAN SALADINO: Dini?

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MS. GORDON: No.

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CHAIRMAN SALADINO: Arthur?

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MR. TASKER: Yes.

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CHAIRMAN SALADINO: I'll vote

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yes.

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I'll make a motion we approve  
the area variance.

MR. CORWIN: Second.

CHAIRMAN SALADINO: David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Jack?

MR. REARDON: Yes.

CHAIRMAN SALADINO: Dini?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: And I'm  
gonna vote yes.

Number 2, the proposed number  
of stories exceeds what is permitted.

150-12D Bulk and parking  
regulations. Bulk and parking  
regulations for commercial uses  
permitted in the CR Commercial  
District, General Commercial  
District, and Waterfront Commercial  
District, building height two stories  
or 35 feet.

The plan shows a proposed three

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story. This would require a variance to have a third story building, a three story building.

Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by the granting of the area variance?

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Jack?

MR. REARDON: Yes.

CHAIRMAN SALADINO: Dini?

MS. GORDON: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: I'm gonna 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.



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CHAIRMAN SALADINO: Jack?

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MR. REARDON: No.

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CHAIRMAN SALADINO: Dini?

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MS. GORDON: No.

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CHAIRMAN SALADINO: Arthur?

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MR. TASKER: No.

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CHAIRMAN SALADINO: I'll vote

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no.

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Whether the requested area

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variance the substantial.

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David?

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MR. CORWIN: Yes.

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CHAIRMAN SALADINO: Jack?

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MR. REARDON: Yes.

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CHAIRMAN SALADINO: Dini.

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MS. GORDON: Yes.

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CHAIRMAN SALADINO: Arthur?

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MR. TASKER: Yes.

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CHAIRMAN SALADINO: I'll vote

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yes.

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Whether the proposed variance

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will have an adverse effect or impact

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conditions in the neighborhood or

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district.

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Jack?

MR. REARDON: No.

CHAIRMAN SALADINO: Diana.

MS. GORDON: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: I'm gonna  
vote no.

Whether the alleged difficulty  
was self created which consideration  
shall be relevant to the decision of  
the Board of Appeals, but shall not  
necessarily preclude the granting of  
an area variance.

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Jack.

MR. REARDON: Yes.

CHAIRMAN SALADINO: Dini.

MS. GORDON: Yes.

CHAIRMAN SALADINO: Arthur.

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MR. TASKER: Yes.

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CHAIRMAN SALADINO: I'll vote

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yes.

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We did three, we did four.

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MR. TASKER: We got to grant

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the variance, don't we?

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CHAIRMAN SALADINO: What?

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MR. TASKER: We've just done

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the five questions.

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CHAIRMAN SALADINO: I'm sorry,

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folks. Folks, I apologize. I'm

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tired.

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Lucky thing Arthur is here.

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MR. TASKER: You may not say

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that tomorrow.

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CHAIRMAN SALADINO: I make a

18

motion to grant the area variances.

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Is there a second?

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MS. GORDON: Second.

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CHAIRMAN SALADINO: David?

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MR. CORWIN: Yes.

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CHAIRMAN SALADINO: Jack.

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MR. REARDON: Yes.

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CHAIRMAN SALADINO: Dini.

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MS. GORDON: Yes.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: And I'll  
vote yes.

We did three. We did four.  
Loading zone, is that next on the  
jukebox?

Off street requirements,  
off-street loading berths, opened or  
enclosed, are permitted accessory to  
any use except one and two family  
residents subject to the following  
provisions: Location and access,  
unobstructed access at least 10 feet  
wide to and from the street shall be  
provided. Such access may be  
combined provided with access to a  
parking lot. All permitted or  
required loading berths shall be on  
the same lot as the use for which  
they are accessory, except as  
provided in subsection B4 below. No  
entrance or exit for any off-street

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loading berth shall be located within  
50 feet of any street or  
intersection. No off-street loading  
berth shall be located in any front  
yard.

The plan shows the loading dock  
is currently located in the front  
yard on Front Street. This location  
for the loading is not permitted.

Question 1, Whether an  
undesirable change will be produced  
in the character of the neighborhood  
or detriment to nearby properties  
will be created by the granting of  
the area variance?

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Jack.

MR. REARDON: Yes.

CHAIRMAN SALADINO: Dini.

MS. GORDON: No.

CHAIRMAN SALADINO: Arthur.

MR. TASKER: No.

CHAIRMAN SALADINO: I'm gonna

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vote yes.

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: Yes.

CHAIRMAN SALADINO: Jack.

MR. REARDON: No.

CHAIRMAN SALADINO: Dini.

MS. GORDON: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: I'm gonna vote yes.

Whether the requested area variance is substantial.

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Jack.

MR. REARDON: No.

CHAIRMAN SALADINO: Diana.

MS. GORDON: No.

CHAIRMAN SALADINO: Arthur.

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MR. TASKER: No.

CHAIRMAN SALADINO: I'll vote  
no.

Whether the proposed variance  
will have an adverse effect or impact  
on the physical or environmental  
conditions in the neighborhood or  
district.

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Jack.

MR. REARDON: No.

CHAIRMAN SALADINO: Diana.

MS. GORDON: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: I'm sorry. I was  
distracted, John.

CHAIRMAN SALADINO: Did you  
want me to repeat it.

MR. TASKER: No.

CHAIRMAN SALADINO: You don't  
want me to repeat it.

MR. TASKER: Which question,  
yes, please repeat the question, i

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was distracted.

CHAIRMAN SALADINO: Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

MR. TASKER: No.

CHAIRMAN SALADINO: I'm gonna the vote no.

Whether the alleged difficulty was self created which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of an area variance.

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Jack.

MR. REARDON: Yes.

CHAIRMAN SALADINO: Dini.

MS. GORDON: Yes.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: I'll vote



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yes.

I make a motion to grant the  
area variance.

Is there a second?

MR. CORWIN: Second.

CHAIRMAN SALADINO: David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Jack.

MR. REARDON: Yes.

CHAIRMAN SALADINO: Diana.

MS. GORDON: Yes.

CHAIRMAN SALADINO: Arthur.

MR. TASKER: Yes.

CHAIRMAN SALADINO: And I'll  
vote yes.

That's all we have.

MR. TASKER: Are we going to  
address conditions?

CHAIRMAN SALADINO: Conditions.  
I think -- I think the most obvious  
condition would be about the  
restaurant.

MR. TASKER: Yes.

CHAIRMAN SALADINO: Do you have

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a suggestion?

MR. TASKER: Yes I do. I think that we need to propose a restriction that the applicant has imposed on themselves from the beginning of this, and that is to limit the use of the restaurant to only those who are guests of the restaurant. I'm referring to specifically to --

CHAIRMAN SALADINO: Guest of hotel.

MR. TASKER: Guests of the hotel, yes. Did I say restaurant? Sorry. Yes, guests of the hotel.

I'm referring to the application that was submitted in August of 2019 by the applicant in which it spoke to the need for perking et cetera, and it said as follows: The demand for parking spaces is only increased by four spaces over the current use -- well, we've seen it differently -- as the onsite restaurant is permitted for

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2 full-time use as an independent  
3 restaurant. The owner intends to use  
4 the restaurant for client use, mostly  
5 breakfast with luncheons available  
6 for guest meetings. Occasionally,  
7 undefined, the restaurant may be used  
8 for functions or benefits, usually  
9 four times per year. The hotel  
10 offers, also offers valet parking so  
11 more car can be accommodated onsite  
12 when needed. Well, we all know  
13 whether that last statement is  
14 correct, but it doesn't affect the  
15 restaurant use in any case.

16 CHAIRMAN SALADINO: I had asked  
17 the owner to better define event last  
18 month, you know, define --

19 MR. TASKER: Yes, I recall  
20 that.

21 CHAIRMAN SALADINO: And she  
22 did. I have no problem with that  
23 explanation, definition of events in  
24 her mind, in my mind.

25 MR. TASKER: Well, there's a

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number of them that we need to address if we're going to put a convenient, there restriction.

MR. CONNOLLY: That might be a Planning Board issue to determine.

CHAIRMAN SALADINO: Yeah, I thought the only condition we could impose was that the restaurant be for hotel guests only as far as what events or --

MR. TASKER: Well, then all of a sudden it's not just hotel guests, it's events, how did you make that leap, of an undetermined nature and number.

CHAIRMAN SALADINO:  
Mr. Connolly, are we overstepping our bounds here?

MR. CONNOLLY: You can make that recommendation to the Planning Board, but I think that's a Planning Board determination than the Zoning Board.

MR. TASKER: Are you addressing

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my entire objection or simply events?

MR. CONNOLLY: Events.

CHAIRMAN SALADINO: So --

MR. TASKER: I'm very  
uncomfortable with that.

You said that from the time --  
you addressed that, I believe, in  
context of a possibility that  
somewhere down the road the present  
owner, the applicant is no longer  
gonna the owner or the applicant,  
it's no necessarily going to be  
someone who would like to restrict  
the restaurant use only to hotel  
guests.

CHAIRMAN SALADINO: Yeah, but  
If we condition that the restaurant  
is for hotel guests only, which the  
applicant agreed to, but if we  
condition that, that covenant would  
go with the property, wouldn't it?  
If they wanted to change it, wouldn't  
they have to come back to the Zoning  
Board.

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MR. CONNOLLY: If it was a recorded covenant.

MR. TASKER: It should be a recorded covenant, otherwise, it's no force.

MR. CONNOLLY: The Planning Board is going to determine what use is.

MR. PALLAS: And if I may, use is -- Planning Board determines based on the application that use is for hotel guests for breakfast and occasional lunch, it's not independent of the hotel operation if someone decided to open a formal restaurant, it would trigger a Planning Board review anyway which would then bring up the issue of parking, so everything is tied together with the use of that space as a restaurant versus what the applicant had said they were using.

MR. TASKER: I'm not sure what you're suggesting.

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MR. PALLAS: That's the process that would happen if they ever changed it to a restaurant.

MR. TASKER: You're saying, even though the owner tells it will only -- that it will not be a restaurant open to the public, some day it may be open to the public.

MR. PALLAS: If they did that, it would require both Planning Board review and relief from additional parking. That would be the steps that would --

CHAIRMAN SALADINO: It would trigger, you know, that -- I thought we -- especially since the applicant agreed that, you know, that the restaurant was -- I thought we had the authority to say it was limited or restricted to hotel guests only, registered guests only, but if our attorney is uncomfortable with that and believes that, since he is the Planning Board attorney also,

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believes that the Planning Board could impose those restrictions or conditions on the property --

MR. TASKER: We can't?

CHAIRMAN SALADINO: You're an attorney, he's an attorney. I'm not an attorney.

MR. TASKER: We had the applicants --

CHAIRMAN SALADINO: I just said that. If the applicant agreed, I didn't see any reason why we shouldn't, but our attorney is advising us that that would be better left to the Planning Board.

MS. GORDON: Is it part of the site plan --

MR. PALLAS: Yes.

MS. GORDON: -- to determine the restaurant issue because -- I'm trying to distinguish what the role of the two committees are. I think the Planning Board is dealing the site plan, so is this part of the



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site plan?

MR. PALLAS: Yes, it is.

CHAIRMAN SALADINO: Well, some of our decisions were made on the basis that there was no restaurant.

MR. TASKER: That's right. Parking.

CHAIRMAN SALADINO: If it ever came to be that the restaurant from somebody miles down the road decided that they wanted to open a restaurant there, the Zoning Board would have the -- it would have to come in front of the Zoning Board for additional relief for parking?

MR. TASKER: -- covenant running with the land. Talking about variances running with the land. If you put a restriction or covenant on the variance, it runs with the land.

CHAIRMAN SALADINO: I don't know.

MR. CONNOLLY: Usually, I mean Zoning Board doesn't require a

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covenant to restrict uses.

MR. TASKER: Certainly it did.  
That's been done before.

CHAIRMAN SALADINO: I have to  
be honest here. I'm in the woods  
here. I don't know. What do you  
think.

MR. CORWIN: I like Arthur's  
ideas.

CHAIRMAN SALADINO: Jack?

MR. REARDON: I'm not an  
attorney, but I think making a  
restriction or a covenant and make it  
part of our motion is probably good  
enough.

CHAIRMAN SALADINO: Dini.

MS. GORDON: I'm not sure.

CHAIRMAN SALADINO: Let me ask  
our attorney, what are the  
repercussions?

MR. CONNOLLY: There has to be  
a logical nexus between the condition  
and the application.

CHAIRMAN SALADINO: Well, the

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nexus is part of the relief that was granted or part of the process that the applicant didn't have to apply for additional parking was because the agreement that there would be no restaurant. Isn't that a connection?

MR. CONNOLLY: That's what their application is, that there's not gonna be a restaurant. They're not -- so if they open a restaurant, they would be in violation of the Zoning Board determination, that's a Village Code violation in and off itself.

CHAIRMAN SALADINO: What do you recommend?

MR. TASKER: And would that carry on to a successor owner.

MR. CONNOLLY: Of course, yes. If a successor owner opens up a restaurant, that's, again, a violation this of determination, a violation of the Village code, they would have to go to site plan

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approval and come back for a  
variance.

MR. TASKER: Okay. I'll take  
that.

CHAIRMAN SALADINO: Is there  
specific wording that you would  
suggest?

MR. TASKER: Yes, I hope.

CHAIRMAN SALADINO: Because I  
don't have a clue.

MR. CONNOLLY: That's what I'm  
saying, I don't think you need the  
wording because by them opening a  
restaurant when it's not in their  
application, that would trigger  
additional need for park, by doing  
that, it's a violation of the  
determination.

CHAIRMAN SALADINO: Can we put  
a pin in that? Can we move past  
that? Is there any other conditions  
anybody would like to suggest or have  
or require?

Arthur, anything else?

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MR. TASKER: In other subjects,  
no.

CHAIRMAN SALADINO: No, Arthur,  
condition wise.

MR. TASKER: Yeah. No, other  
condition subjects.

CHAIRMAN SALADINO: Jack?

MR. REARDON: I'm going to ask  
our attorney, if we are good that the  
restaurant cannot be opened outside  
of hotel guests, we're gonna be solid  
with that?

MR. CONNOLLY: That's what  
their application was.

MR. REARDON: Okay.

MS. GORDON: Plus an occasional  
lunch or event, so we're bound by  
what's in the application which  
includes a somewhat -- somewhat  
expanded role for the restaurant than  
just hotel guests as it says,  
occasional lunches and events four  
times a year, so it would be the  
whole of that statement that would

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constrain.

MR. CONNOLLY: Correct.

MS. GORDON: Okay.

CHAIRMAN SALADINO: Would  
Planning Board have the right to  
tell -- to say to the applicant that  
when you want to have an event, you  
would have to go to the Village or is  
it --

MR. CONNOLLY: I think if  
they -- because the Planning Board is  
going to have a determination like  
the Zoning Board that's gonna  
specifically state what the allowed  
uses are, allowed events and if they  
said it's going to be four events a  
year then.

CHAIRMAN SALADINO: Okay.

We'll rely on the Planning  
Board to do that.

So there is nothing left with  
this.

MR. TASKER: We're done, we  
don't deal with the restaurant

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question formally?

CHAIRMAN SALADINO: I thought we just did. I thought the advice from our attorney was --

MR. TASKER: That's not part of their application. Where is it in their application that say, we're only going to allow registered hotel guests to dine?

CHAIRMAN SALADINO: It doesn't say that, it says they're not gonna have a restaurant.

MR. TASKER: Where does it say that in their application? What I read to you was their rationale for not needing parking. In their -- the applicants information for granting the reason why the applicant feels the area variances should be granted. I'm looking at the document that's the Zoning Board of Appeals application, dated 14 August, 2019 that addresses the Notice of Disapproval of a comparable date and

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it's the argument on the part of the applicant for why they didn't need parking. It's under a paragraph titled parking need.

CHAIRMAN SALADINO: Here's my suggestion because, again, I'm not -- here's my suggestion, word a motion and we'll vote on it. If it holds up, it holds up, if it doesn't hold up, it doesn't hold up; but we got -- we're going back and forth, we got to put an end to it, so word the motion, the members, their opinions will be expressed in their vote and we'll move on to item number 7.

MS. RIVERA-PITTORINO: Do you want clarification on the restaurant from me?

CHAIRMAN SALADINO: Everybody here believes what you say. Really everybody believes you when you say you're not gonna open the restaurant. Arthur's concern is down the road, right?



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MR. TASKER: Right.

CHAIRMAN SALADINO: We're concerned because the variance runs with the land because all this happens, everything that happens here tonight kind of happens forever, so everybody believes you. We just we don't believe her when she buys the restaurant, maybe she wants a restaurant.

MS. RIVERA-PITTORINO: But wouldn't she have to go through the permit process.

CHAIRMAN SALADINO: She would and this is -- Arthur, I think his suggestion is a belt and suspender type of thing.

I'm willing to go along, word a motion, we'll vote on it and move on.

MR. TASKER: Like Jack Benny said, I'm thinking.

CHAIRMAN SALADINO: Okay. I'm not trying to rush you. Just kind of thinking I didn't eat dinner.

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MR. TASKER: I'm going suggest we amend the parking variances to include the language that relates to the restriction of restaurant use. The applicant ties them together, the variances ties them together .

CHAIRMAN SALADINO: You wouldn't consider just coming up with a motion that just worded the way you want, restricts the use of a restaurant.

MR. TASKER: I'm not sure you can pull it out of the air and say, oh, by the way, you can't run the restaurant.

MR. REARDON: How about something to the effect that the hotel restaurant is to be used for hotel guests only, that will cover the day guests, the conference guest, anybody who is participating in the hotel.

MS. GORDON: That doesn't provide the nexus that we're talking

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about.

CHAIRMAN SALADINO: Do we have to amend motion, the variance, can't you include the nexus in your because of the parking requirement because of the preceding vote, the Zoning Board determined that -- could you establish the nexus without amending the vote on the parking. I just don't want to revisit it. I mean, I think we did it. I think so let it be written, so let it be said. If we can just refer to it and.

MR. REARDON: Due parking and area limitations as per ZBA meeting 9/15/20, hotel restaurant should be or is for hotel guests only.

MR. TASKER: Yeah, but what is that resolution, it's not tied to anything, it's just hanging out there in thin air?

MS. GORDON: The variance was granted on the provision that --

MR. CORWIN: Yes, there you go.

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CHAIRMAN SALADINO: Why can't we say that?

MR. TASKER: I'd like to propose an amendment to the seven space variances that we granted a few moments ago that starts -- as Dini suggested --

MS. GORDON: Conditioned on.

MR. TASKER: The granting of this variance is conditioned on the fact that --

MS. GORDON: Use of the restaurant solely for --

MR. TASKER: -- that the restaurant shall be used solely for registered guests only.

MR. CORWIN: But my understanding was the applicant said represented, it was only going to be breakfast and lunch of hotel occupants.

MR. TASKER: For client use, mostly breakfast with luncheons available for guest needs.

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MR. CORWIN: With an occasional use --

MR. TASKER: Occasionally the restaurant may be used for functions or benefits.

MR. CORWIN: That's what I want to hear.

MS. RIVERA-PITTORINO: Do you want clarification on that?

MR. CORWIN: The applicant said, do you want clarification on that?

MR. TASKER: Clarification on what.

MR. CORWIN: Well, let's let the applicant speak to that.

MS. RIVERA-PITTORINO: So for example, I do multiple fundraisers. I do fund raiser for Eastern Long Island Hospital once a year. I do a fund raiser for Cornell once a year, and I've done fundraisers for local charities. I mean that's -- if I need to -- if I can't do them, I

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won't do them anymore.

MR. PALLAS: Mr. Chairman, if I may also just to remind the board that the Village Code has a provision for special even permits for, I forgot the exact number, I think it's six per year beyond the scope of whatever their site plan approval is has been granted, so again, even that ties it back to site plan approval, just for your information.

CHAIRMAN SALADINO: I'm comfortable. Again, I speak for myself. I'm comfortable with the idea that the applicant has to go to the Planning Board. The Planning Board is gonna get their bit at the apple. The Village is going to oversee whatever happens at that property as it relates to the restaurant. If the restaurant opens -- first of all, I think for us to say without taking the future into consideration, right now, for us to

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say that that you're only allowed to have registered guest there, I think is -- to be honest with you, I think it's unenforceable.

MR. TASKER: It's what?

CHAIRMAN SALADINO:

Unenforceable. I don't think the Code Enforcement officer is gonna walk into the restaurant on a Sunday morning, or would I expect him to, on a Sunday morning and say let me see your room key or show me proof that -- I just -- I think -- I personally think we're getting into weeds here, we're kind of overthinking. I think the Zoning Board -- I think the Village is protected as far as the restaurant because of the parking. If someone opens a restaurant there, if the Village decides that's an active restaurant, it's not for guests only, they'll be violated and they'll have to come to the Zoning Board for

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parking.

I'm uncomfortable undoing what's done as far as the variance, the resolution, the variances that we voted on.

But again, I'm only one vote. You guys decide that's what you want to do, we'll vote.

MR. TASKER: I agree that the code enforcement officer is not gonna go in there on a Monday morning breakfast, but he certainly would be there on Saturday night dinner when the place is moving like a conventional restaurant.

CHAIRMAN SALADINO: Even then, even then if --

MR. TASKER: I'm not making this up, the applicant offered it as rational for giving the variance.

CHAIRMAN SALADINO: Okay.

MR. BROWN: The restaurant's been closed for five years.

MR. TASKER: Yeah and?



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MS. RIVERA-PITTORINO: So like I said, I'm happy to, whatever language makes you happy, but I think that to be specific to say that I can only have registered guests, I mean, I couldn't do all the fundraisers anymore and that's only gonna hurt the locals, but if that's what you want, I'll go with it.

MR. TASKER: I will exceed the expectations for periodic events as we have already discussed.

Mr. Pallas points out, special events require a permit.

MR. PALLAS: If it's not built into the site plan approval, yes. In this case, if the site -- if the Planning Board grants site plan approval with that as part of the approval, they would not necessarily need to go back unless they exceeded the number that the Planning Board approved.

All these things are really

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Planning Board questions, just --  
yes, that's my answer. Sorry.

MR. TASKER: All right. I'd  
like continue to propose an amendment  
to the variance that was granted with  
regard to permitting seven spaces,  
seven parking space variance and add  
the language --

MS. GORDON: On the condition.

MR. TASKER: -- on condition  
that the restaurant be operated only  
for registered-guest use and --

MR. REARDON: Can I make a  
suggestion?

MR. TASKER: -- special  
functions -- excuse me -- special  
functions as permitted by the  
planning Board.

CHAIRMAN SALADINO: Do we have  
to -- can we amend the variance  
without going through the questions  
and can we just vote on Arthur's.

MR. CONNOLLY: The amendment,  
yes.

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CHAIRMAN SALADINO: I'll  
second.

MR. REARDON: Discussion.

CHAIRMAN SALADINO: All right.

MR. REARDON: Isn't the goal  
just to not have it as a retail  
restaurant?

CHAIRMAN SALADINO: Yes.

MR. REARDON: That's the goal,  
so is there a way we can make it very  
simplistic to that effect.

MR. TASKER: I think with  
Dini's assistance is what I said, it  
won't be open to the public,  
registered guests with special  
exception.

CHAIRMAN SALADINO: Arthur made  
the motion, I second it.

MR. TASKER: Yes.

CHAIRMAN SALADINO: Arthur's  
satisfied if there is something in  
the minutes, we'll correct it next  
time.

MR. TASKER: Yes.

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CHAIRMAN SALADINO: Are we

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prepared to vote?

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MR. CORWIN: Yes.

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CHAIRMAN SALADINO: David?

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MR. CORWIN: Yes.

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CHAIRMAN SALADINO: Jack?

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MR. REARDON: Yes.

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CHAIRMAN SALADINO: Dini.

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MS. GORDON: Yes.

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CHAIRMAN SALADINO: Arthur.

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MR. TASKER: Yes.

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CHAIRMAN SALADINO: I'm gonna

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vote yes.

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So, all right, we're done with

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that.

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MR. TASKER: Motion the amend

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the variance carried.

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CHAIRMAN SALADINO: To

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include -- I thought added that

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wording.

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MR. TASKER: Yeah.

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MR. REARDON: You're both

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saying the same thing.

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CHAIRMAN SALADINO: Okay.

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Is there anything else we would like to add with is this application?

MS. GORDON: Congratulations.

CHAIRMAN SALADINO: That's it. We're done no more conditions, no more questions.

All right. Item Number 7, any other Zoning Board of Appeals business that might properly come before this Board.

This is your chance, folks.

(No response.)

Okay Item number 8 is a motion to adjourn.

So moved.

MR. CORWIN: Second.

CHAIRMAN SALADINO: All in favor?

(Chorus of ayes.)

And I'll vote aye.

Thank you, folks.

(Time noted: 9:53 p.m.)

