

1 VILLAGE OF GREENPORT
 2 COUNTY OF SUFFOLK : STATE OF NEW YORK
 3 -----X
 4 ZONING BOARD OF APPEALS
 5 REGULAR SESSION
 6 -----X

7 Station One Firehouse
 8 3rd & South Streets
 9 Greenport, NY, 11944

11 March 15, 2022
 12 6:00 p.m.

13 B E F O R E:

- 14 JOHN SALADINO - CHAIRMAN
- 15 DINNIE GORDON - MEMBER
- 16 SETH KAUFMAN - MEMBER

17 NOT PRESENT:

- 18 JACK REARDON - MEMBER
- 19 CONNIE SOLOMAN - MEMBER

20 *****

21 ALSO IN ATTENDANCE:

- 22 PAUL PALLAS - VILLAGE ADMINISTRATOR
- 23 ROBERT CONNOLLY - ZONING BOARD ATTORNEY
- 24 AMANDA AURICHIO - SECRETARY TO THE BOARD

25

1 *(*The meeting was called to order at 6:02 p.m. *)*

2 CHAIRMAN SALADINO: Good evening, folks.
3 This is the Village of Greenport Zoning Board of
4 Appeals Regular Meeting. Tonight we're
5 shorthanded but there's enough of us here to take
6 care of this business.

7 *Item No. 1 is a motion to accept and*
8 *approve the minutes of the February 15th, 2022*
9 *Zoning Board of Appeals meeting. So moved.*

10 MEMBER KAUFMAN: Second.

11 CHAIRMAN SALADINO: All in favor?

12 MEMBER GORDON: Aye.

13 MEMBER KAUFMAN: Aye.

14 CHAIRMAN SALADINO: And I'll vote aye.
15 *(Approved - VOTE: 3-0-0-2 - Not Present: Member*
16 *Reardon & Member Soloman).*

17 Item No. 2 -- and there's a little change
18 with this. *Item No. 2 is a motion to schedule*
19 *the next Zoning Board of Appeals meeting for*
20 *April 19th, 2022 at 6:00 p.m..* Folks, it's going
21 to be at the *School House on First and Front*
22 *Street, Greenport, NY, 11944.* The Fire
23 Department has a little racket going on that
24 night, so they need the firehouse. It's their
25 house, they can do what they want.

1 *Item No. 3 is 145 Central Avenue. It's a*
2 *motion to accept the findings and determinations*
3 *for Tom Innamorato. The property is located in*
4 *the R-2 (One and Two Family) District and is*
5 *located in the Historic District. The Suffolk*
6 *County Tax Map No. Isis 1001-5.-2-2. Everybody*
7 *read the findings? So moved.*

8 MEMBER GORDON: Second.

9 CHAIRMAN SALADINO: All in favor?

10 MEMBER KAUFMAN: Aye.

11 MEMBER GORDON: Aye.

12 CHAIRMAN SALADINO: And I'll vote aye.

13 *(Approved - VOTE: 3-0-0-2 - Not Present: Member*
14 *Reardon & Member Soloman).*

15 *Item No. 4 is 302 Sixth Street. This is a*
16 *motion to accept the application, schedule a*
17 *public hearing and arrange a site visit for the*
18 *application of Alex Bell for the property located*
19 *at 302 Sixth Street, Greenport, New York, 11944.*
20 *This property is located in the R-2 (One and Two*
21 *Family) District, is not located in the Historic*
22 *District. This property requires a use variance.*
23 *I think -- I think that might be a mistake.*

24 Administrator?

25 ADMINISTRATOR PALLAS: Yes, it is.

1 CHAIRMAN SALADINO: He thinks it's a
2 mistake and I think we're going to change that to
3 an area variance. Dinny?

4 MEMBER GORDON: It says, "*This would*
5 *require an area variance of 12 feet on the north*
6 *side*".

7 CHAIRMAN SALADINO: Yeah, it's
8 a scrivener's error.

9 MEMBER GORDON: So this should be correct.

10 CHAIRMAN SALADINO: It's just a scrivener's
11 error on the agenda. We'd have to --

12 MEMBER GORDON: But the scrivener should be
13 more careful.

14 CHAIRMAN SALADINO: I'm going to put that
15 in their efficiency report at the end of the
16 month. Is the applicant here?

17 MR. PORTILLO: Yes.

18 CHAIRMAN SALADINO: Name and address for
19 the stenographer.

20 MR. PORTILLO: Good evening. Anthony
21 Portillo, Architect.

22 CHAIRMAN SALADINO: Do you want to give us
23 your story?

24 MR. PORTILLO: Yeah.

25 CHAIRMAN SALADINO: Give us your story.

1 MR. PORTILLO: So we were here let's say
2 about two months ago, we were asked to go back to
3 the Building Department to revise the denial
4 letter. We've also revised the design to fit the
5 pool so that it was not in the front yard as in
6 the plan. We've also provided calculations for
7 the rear yard plot coverage which wasn't on the
8 existing.

9 We originally were proposing a half
10 bathroom for the current pool house; we've
11 removed that so we're no longer asking for any
12 plumbing, it would be a dry building.

13 We have a storage area behind the pool
14 house that we would like to put the storage and
15 it would be provided with sound insulation in
16 that area to temper down the sound.

17 So, currently the ask from the Board is the
18 12-foot variance in case we are eight feet from
19 that north front line.

20 CHAIRMAN SALADINO: Okay. The first thing
21 I would ask is I don't have -- I'm sure we might
22 have, I don't have an authorization that you guys
23 would be the agent for -- the signed
24 authorization that you would be the agent for the
25 applicant.

1 MR. PORTILLO: Okay. I believe that was
2 provided. If I have to I can --

3 CHAIRMAN SALADINO: I don't have it. Do we
4 have it?

5 ADMINISTRATOR PALLAS: We have it.

6 CHAIRMAN SALADINO: Okay. We're good with
7 that, the Building Department has it.

8 The only other question I would have before
9 my colleagues is I'm looking at your drawing; is
10 there going to be a connection between the pool
11 house and the storage? The east side of the pool
12 house building, I see storage on the new drawing.

13 MR. PORTILLO: Yeah, there -- yes, that
14 would be -- it would be one structure.

15 CHAIRMAN SALADINO: So it would be --

16 MR. PORTILLO: But there would be a
17 devising wall between the storage and the pool
18 house.

19 CHAIRMAN SALADINO: Will there be access
20 from the pool house to the storage?

21 MR. PORTILLO: That's not the plan, just
22 the doors in the rear would access the storage.

23 CHAIRMAN SALADINO: Okay. And the other
24 question I would have is I don't see it here on
25 the line drawing; the present garage is staying,

1 right?

2 MR. PORTILLO: That's correct. We --
3 that's another revision, I apologize. That was
4 something we were -- before proposing an
5 increase, that is staying as an existing
6 building.

7 CHAIRMAN SALADINO: Okay.

8 MR. PORTILLO: No work to be done.

9 CHAIRMAN SALADINO: I don't see -- I see
10 side yard and I see front yard and I see -- I
11 don't see the dimensions between the existing
12 framed garage and the pool house. Do you have
13 that? Can you --

14 MR. PORTILLO: I don't have that.

15 CHAIRMAN SALADINO: It looks to be like a
16 foot or two. If I'm using the scale, one inch is
17 15 feet.

18 MR. PORTILLO: I would say you're correct,
19 two feet. But the frame garage is just a
20 parking structure that they currently use for
21 parking and driveway.

22 MEMBER GORDON: Is the garage going to
23 remain?

24 CHAIRMAN SALADINO: Yes.

25 MR. PORTILLO: Yes, ma'am.

1 CHAIRMAN SALADINO: Well, the only reason
2 we would ask is sometimes when it's inches or,
3 you know, a foot, it kind of becomes easy to
4 connect to.

5 MR. PORTILLO: Sure.

6 CHAIRMAN SALADINO: And now --

7 MR. PORTILLO: It's not the intent.

8 CHAIRMAN SALADINO: I'm not saying you guys
9 would do that.

10 MR. PORTILLO: No, no.

11 CHAIRMAN SALADINO: As hard as it is for
12 you to believe, we've seen that.

13 MR. PORTILLO: I believe it. I've seen it.

14 CHAIRMAN SALADINO: So, maybe you could
15 just those dimensions for us.

16 MR. PORTILLO: Sure. I mean, I don't think
17 there would be any issue if we had to decrease
18 the full house to be further away from the
19 existing garage.

20 CHAIRMAN SALADINO: Well, I'm not sure you
21 would have to. All we would like to know before
22 the public hearing is -- so the public could know
23 also --

24 MR. PORTILLO: Of course.

25 CHAIRMAN SALADINO: Is just that the

1 business.

2 MR. PORTILLO: Sure. Not a problem.

3 CHAIRMAN SALADINO: I'm thinking that's all
4 I have. Do members have any questions? Diana?

5 MEMBER GORDON: Yeah. You know, we do have
6 a provision, is it 153-13B I think, that on
7 corner lots there are two front lots.

8 MR. PORTILLO: Understood.

9 MEMBER GORDON: And this really -- I
10 understand why this is awkward because it's a
11 long, thin lot. And to say that the part that
12 goes east on Brown Street is still a front lot --

13 MR. PORTILLO: Sure.

14 MEMBER GORDON: -- is sort of --

15 CHAIRMAN SALADINO: Front yard.

16 MEMBER GORDON: What?

17 CHAIRMAN SALADINO: A front yard.

18 MEMBER GORDON: Is still a front yard.

19 On the other hand, that's what our Code says.
20 So, what's your justification for -- is it the --
21 with a corner lot there really essentially is
22 nothing except front lots?

23 MR. PORTILLO: So, well, one thing was
24 holding that third foot off that front property
25 line on Brown Street.

1 CHAIRMAN SALADINO: Dinny, maybe -- here's
2 a revised drawing; I don't know why you don't
3 have it. Here's a revised drawing, it shows the
4 defined rear yard, the front yard.

5 MEMBER GORDON: Okay. Well, this -- the
6 plan for the pool shows still in what technically
7 we are defining as a front yard, if this is the
8 line, this is the pool.

9 CHAIRMAN SALADINO: No, I think that this
10 is the line.

11 MEMBER KAUFMAN: It's a 30-foot setback.

12 CHAIRMAN SALADINO: This is coming from --
13 that defines front yard and rear yard.

14 MEMBER KAUFMAN: That's why you're going 30
15 feet back, that's why you need the line. That's
16 why you need the variance because you can't make
17 a 2-foot wide pool.

18 MR. PORTILLO: Yeah. And I think, you
19 know, 12-foot is really minimal for the width,
20 it's really going to be somewhat of a lap pool,
21 essentially.

22 MEMBER KAUFMAN: Yeah.

23 CHAIRMAN SALADINO: Well, we could
24 certainly talk about that at the public hearing.

25 MR. PORTILLO: Sure.

1 MEMBER GORDON: Okay. I just wanted to be
2 sure that I understood and that you understood
3 that, you know, the Code does give us this
4 provision which is a -- which is awkward in your
5 situation --

6 MR. PORTILLO: Sure.

7 MEMBER GORDON: -- where you have such a
8 lengthy lot there. Okay.

9 MR. PORTILLO: One thing I mentioned, when
10 you go to do the site visit you'll notice already
11 they have a pretty hedge blocking, just as a
12 visual, that portion of the yard. Because, in a
13 sense, it's the rear yard of the home. From my
14 understanding, it's the front yard that --

15 MEMBER GORDON: Yeah.

16 CHAIRMAN SALADINO: Is it higher than four
17 feet?

18 MR. PORTILLO: No, I think it's a little
19 less than that. I mean, they keep it groomed.
20 It's not like --

21 CHAIRMAN SALADINO: Well, only because you
22 can't have the hedge height be --

23 MR. PORTILLO: Yeah. There's also fencing.

24 CHAIRMAN SALADINO: But we're not the
25 Zoning police, you know *(laughter)*.

1 MR. PORTILLO: No, it's groomed and they're
2 pretty up -- they keep up with their yard.

3 CHAIRMAN SALADINO: Okay.

4 MEMBER GORDON: Did you say there's also a
5 fence?

6 MR. PORTILLO: Yes, ma'am.

7 MEMBER GORDON: Behind the --

8 CHAIRMAN SALADINO: Hedges.

9 MR. PORTILLO: Yeah.

10 CHAIRMAN SALADINO: I think that's --
11 that's all we have. Right now it's just about
12 the application. I'll ask members of the public
13 if they have a question about the application?
14 Back there? No?

15 (*Laughter*)

16 Okay.

17 MR. PORTILLO: Thank you, Board.

18 CHAIRMAN SALADINO: Thank you.

19 All right, I'm going to make a motion that
20 we -- that we accept this application. So moved.

21 MEMBER GORDON: Second.

22 CHAIRMAN SALADINO: All in favor?

23 MEMBER KAUFMAN: Aye.

24 CHAIRMAN SALADINO: And I'll vote aye.

25 *(Approved - VOTE: 3-0-0-2 - Not Present: Member*

1 *Reardon & Member Solomon*).

2 We'll schedule a public hearing for -- I
3 have it here, for April 19th. We'll set it for
4 six o'clock; we set them all at six o'clock.
5 We would ask you, as we do everyone, to stake out
6 whatever you want us to see, the pool house, the
7 pool. You know, perhaps you could just indicate
8 front yard, rear yard with some stakes.

9 MR. PORTILLO: Sure.

10 MEMBER KAUFMAN: It seems like it should be
11 at five. You said six for the meeting, but five
12 would be for the site visit?

13 CHAIRMAN SALADINO: Did we decide what time
14 the site visit would be?

15 MEMBER KAUFMAN: Well, that's what I'm
16 asking, yeah.

17 CHAIRMAN SALADINO: I was going to --

18 MEMBER GORDON: Five thirty would be okay
19 because it's now light at 5:30.

20 MEMBER KAUFMAN: Yeah, sure. You just
21 started to talk about stakes, so I wanted to get
22 a time.

23 CHAIRMAN SALADINO: I'm getting beat up
24 here (*laughter*). Whatever's convenient; five
25 o'clock, 5:30?

1 MEMBER KAUFMAN: Five thirty is fine.

2 CHAIRMAN SALADINO: Five thirty. We're
3 going to set the site inspection for 5:30, the
4 public hearing is at six o'clock. I'll say it
5 again about staking out the property, whoever
6 wants to be there.

7 MR. PORTILLO: Sure. I'll meet you there.

8 CHAIRMAN SALADINO: And we'll see you at --
9 on April 19th.

10 MR. PORTILLO: Great. Appreciate it.

11 CHAIRMAN SALADINO: My colleagues hold me
12 to task here.

13 MEMBER KAUFMAN: Were you really getting
14 beat up?

15 CHAIRMAN SALADINO: I was.

16 *Item No. 5 is 440 First Street. This is a*
17 *motion to accept the application, schedule a*
18 *public hearing and arrange a site visit regarding*
19 *the application of Eric Urban for the property*
20 *located at 440 First Street, New York --*
21 *Greenport, New York, 11944. This property is*
22 *located in the R-2 (One and Two Family) District,*
23 *is located in the Historic District, and this*
24 *property requires a use variance. The Suffolk*
25 *County Tax Map No. Is 1001-4-7-1. Is the*

1 applicant here? Name and address for the
2 stenographer, please.

3 MR. BRESSLER: Mr. Chairman, members of the
4 board, my name is Eric Bressler, the firm of
5 Wickham, Bressler & Geasa, and I'm here tonight
6 on behalf of the applicants.

7 I understand that this matter, according to
8 the agenda, is on for a motion to accept the
9 application, set a date for inspection and,
10 thereafter, set a date for the public hearing.
11 I would urge the Board to grant that motion,
12 accept the application and we can arrange for a
13 time for inspection and respectfully suggest that
14 the date that the Board gave to the last
15 applicant be set for the date of our public
16 hearing as well.

17 By way of -- by way of background, if
18 you -- Mr. Chairman, if you'd like me to go into
19 this a little bit?

20 CHAIRMAN SALADINO: Sure.

21 MR. BRESSLER: Unless, of course, the Board
22 wants to make a motion and vote on it and grant
23 it, then I won't waste the Board's time.

24 CHAIRMAN SALADINO: Well, as luck would
25 have it, the Board has an extra few minutes, so

1 you're more than welcome to describe the project,
2 if you'd like.

3 MR. BRESSLER: Most people don't take
4 advantage of their extra time that want to hear
5 from me, but I'm happy to address the Board
6 *(laughter)*.

7 CHAIRMAN SALADINO: Well, the more we know
8 the better off it is for everybody.

9 MR. BRESSLER: Yeah, let me first -- let me
10 first address the last portion of the notice.

11 The -- I think the Board dealt with a
12 similar issue in number four when it was pointed
13 out that the statement and the notice that a use
14 variance was required for a swimming pool was not
15 quite right and they were seeking an area
16 variance.

17 CHAIRMAN SALADINO: It wasn't for the
18 swimming pool.

19 MR. BRESSLER: Yes.

20 CHAIRMAN SALADINO: Just to correct the
21 record.

22 MR. BRESSLER: Yes.

23 CHAIRMAN SALADINO: It was for a second
24 dwelling unit that was proposed for the property.

25 MR. BRESSLER: Oh, okay.

1 CHAIRMAN SALADINO: So they withdrew that,
2 but the agenda wasn't updated. Sorry

3 MR. BRESSLER: Here, what's before the
4 Board is not a use variance and we submit that we
5 don't need a use variance. And I'm hoping that
6 the Board, in printing up the notice for this
7 particular hearing, just took the language off
8 the building inspector's Notice of Disapproval.
9 And it's not deemed to be a determination at this
10 point that the building inspector was right
11 because we don't think that the building
12 inspector was right.

13 What is before this Board is an application
14 for reversal. It's not a variance with respect
15 to area, it's not a use variance. It's a
16 reversal and it's based upon the fact that the
17 building inspector was in error when he issued
18 this. That's what's currently before the Board.

19 We have submitted our application and we
20 have submitted the documents in support of the
21 application. We have responded to staff by
22 submitting additional documentation and we think
23 that everything that the Board, at least in terms
24 of setting it down for a hearing, the Board has
25 what it needs.

1 The basis for this particular application
2 and why we've come to the Board and why we think
3 the building inspector is wrong is because the
4 building inspector determined that there's one
5 lot here, but there's really -- there's really
6 two lots here.

7 So I'm sure this Board is aware, having
8 dealt with many similar applications, whether it
9 be for reversal, use or area variances, and that
10 particular area is aware of the filed map that
11 governs the lots in that area. And there are two
12 lots on the filed map that are an issue in this
13 case. They have separate tax map numbers, they
14 have separate deeds, they're in separate
15 ownership.

16 So the issue that's presented to the Board
17 by our appeal is whether or not there's one lot
18 or whether there's two lots. The building
19 inspector apparently determined that there's one,
20 he used a tax map number and it no longer exists
21 and he did not recognize the fact that the lots
22 are in separate ownership off that filed map.

23 So, we urge the Board to go out and look at
24 this. We think that the nature of the
25 neighborhood, the character of the neighborhood

1 supports the conclusion that they're two lots.
2 There are many, many dwellings there that are on
3 the lots that are off the filed map.

4 So, that having been said, we urge the
5 Board to grant the motion, put it down for public
6 hearing and I'd be glad to come back before the
7 Board and make a more formal presentation and
8 address any sort of issues that may come up in
9 the context of the public hearing. That, Mr.
10 Chairman, is what this application is about.

11 CHAIRMAN SALADINO: Okay. Just --

12 MR. BRESSLER: Let me just add one other
13 thing.

14 CHAIRMAN SALADINO: Sure.

15 MR. BRESSLER: Obviously, and I think it
16 can go without saying, certainly I didn't say it,
17 but the reason that this becomes important is
18 there is house in front of the lot and there is
19 another structure, the carriage house, on the
20 other one that wants to be converted to
21 residential, that's why this matters.

22 CHAIRMAN SALADINO: Okay. As much as we
23 would like to accommodate you, we're going to
24 give the building inspector at least the benefit
25 of the doubt and just ask a couple of questions

1 here. We're not going to --

2 MR. BRESSLER: Yeah, I'm sure the Board --
3 right.

4 CHAIRMAN SALADINO: Just throw the Notice
5 of Disapproval out because that would be --

6 MR. BRESSLER: I'd like -- if I may, Mr.
7 Chairman? I'd like to bring up one other thing.

8 CHAIRMAN SALADINO: You said one other
9 thing before, but okay.

10 MR. BRESSLER: I would like to bring up one
11 other thing because I would like to preemptively
12 address this issue. And that is we made our
13 application, we filed it and paid the fees, we
14 addressed the issue that the building inspector
15 addressed in his Notice of Disapproval.

16 About a month ago we got a piece of --
17 another piece of paper from the building
18 inspector that purported to deny this
19 application, a power that obviously rests with
20 this Board rather than the building inspector.
21 And he said it's -- we're denying it because I
22 told you before, you need a use variance and
23 there's several other things. I don't believe
24 that's properly before this Board.

25 But before we move forward with this, I

1 wanted to direct the Board's attention so that we
2 don't waste additional time should this matter
3 come up at the public hearing. I don't know
4 whether the Board has been provided with this,
5 it's our position that it is not a disapproval in
6 the first instance, that the building inspector
7 had no power to disapprove this application
8 before the Zoning Board of Appeals. That's the
9 procedural issue I bring before you.

10 CHAIRMAN SALADINO: So you -- just so it's
11 clear in my mind. I have two Notices of
12 Disapproval, one issued November 15th, 2021 and
13 another one issued February 11th, 2022.

14 MR. BRESSLER: That's what you're referring
15 to --

16 CHAIRMAN SALADINO: Which one is --

17 MR. BRESSLER: I don't believe what you've
18 characterized as a Notice of Disapproval is, in
19 fact, a Notice of Disapproval. The language --

20 MS. WICKHAM: *(Inaudible)*

21 MR. BRESSLER: The language of that
22 document says they are disapproving the
23 application that was made to this Board in
24 January; that's what it says. That is without
25 the power of the building inspector. Only this

1 Board can determine whether a grant and appeal --

2 CHAIRMAN SALADINO: Well, mine says -- mine
3 says that this is an amended Notice of
4 Disapproval.

5 MR. BRESSLER: But it relates to something
6 that he has no jurisdiction over. I'm saying
7 that that is a nullity. If the building
8 inspector wants to issue an amended Notice of
9 Disapproval with respect to our application to
10 the Building Department, he should do so. But he
11 can't issue an amended Notice of Disapproval of
12 an application before your Board, that's a no
13 force and effect, only you have that power.

14 CHAIRMAN SALADINO: Where -- I don't
15 understand why this can't be why this -- and I'm
16 going to ask our attorney why this can't be an
17 extension of the original Notice of Disapproval.

18 MR. BRESSLER: Because it doesn't say that
19 it is, Mr. Chairman.

20 CHAIRMAN SALADINO: Well, it says amended,
21 Notice of Disapproval that the application dated
22 January 14th for the renovations.

23 MR. BRESSLER: But the application of the
24 Building Department was not made in January. He
25 cannot effect the application before you. If

1 that purported to amend something, he should
2 refer to it. That does not relate --

3 CHAIRMAN SALADINO: So -- so are you
4 suggesting that we should grant the approval just
5 because the building inspector didn't word the
6 Notice of Disapproval to --

7 MR. BRESSLER: What I'm saying is that is
8 not an amended Notice of Disapproval.

9 CHAIRMAN SALADINO: Well, how about this?
10 How about this, to satisfy your concern we'll
11 postpone this till next month, we'll let the
12 building inspector issue a new Notice of
13 Disapproval to your satisfaction and we'll take
14 it up again next month.

15 MR. BRESSLER: Well, if determined to do
16 that, then what is this Board's procedure with
17 respect to my application that was filed on his
18 original notice? Is the Board going to require
19 me to go back and pay additional fees and address
20 the additional arguments?

21 CHAIRMAN SALADINO: I don't think so.

22 MR. BRESSLER: You don't think so? Okay.

23 CHAIRMAN SALADINO: Well, I'm going to ask
24 my attorney, number one. But in my mind, if it's
25 agreeable to the Board and it's agreeable to you,

1 we'll just put a pin in this. We'll let him
2 issue a new Notice of Disapproval, one that
3 addresses the dates that you have concerns about,
4 add that amended Notice of Disapproval to the
5 original one and we'll take it up again next
6 month. Or --

7 MR. BRESSLER: Well, my -- my fear is this.
8 That I have not filed with you an application
9 that addresses all the grounds that are set forth
10 in that piece of paper, whether the Board deems
11 it an amended notice or not. We have not
12 submitted an application that addresses those
13 grounds and I don't want the record before the
14 Board to be devoid of that application and those
15 arguments.

16 CHAIRMAN SALADINO: Well, you have 30 days
17 to make those arguments.

18 MR. BRESSLER: Because that would present a
19 jurisdictional problem.

20 CHAIRMAN SALADINO: I don't think -- I
21 don't think there would be an additional -- well,
22 I'll ask the Building Department if there's a fee
23 you're concerned about, I don't think there'll be
24 an additional fee.

25 MR. BRESSLER: Okay.

1 CHAIRMAN SALADINO: But if we don't get the
2 money so we don't make the price.

3 (*Laughter*)

4 We'll ask the building inspector then we'll ask
5 the attorney.

6 COUNSEL CONNOLLY: I don't think that they
7 would have to pay an additional fee.

8 CHAIRMAN SALADINO: So, where -- but just
9 so -- I don't even -- if we're going to table
10 this until next month, I have concerns about --
11 before we got this Notice of Disapproval, I have
12 some concerns about the original application.
13 You can choose to address them since we haven't
14 accepted an application yet. It's about the
15 application. I would ask you these questions or
16 I could save my questions till next month.

17 MR. BRESSLER: Well, if you're going to
18 have questions about all of the aspects of the
19 application --

20 CHAIRMAN SALADINO: No, only the
21 application. In this -- I'm not sure if you know
22 the process. In this municipality, the Building
23 Department only collects the application, the
24 Zoning Board accepts them. The Building
25 Department, unlike other municipalities, they

1 don't accept the application, all they do is
2 collect the form. We accept the application.
3 Whether that's a good thing, whether that's a bad
4 thing, we didn't make the rules. That's how it
5 is here, that's the process we follow.

6 So when we look at an application, the
7 training seminars that we're forced to attend
8 tells us --

9 MR. BRESSLER: Well, is there --

10 CHAIRMAN SALADINO: Tells us -- just let me
11 finish.

12 MR. BRESSLER: May I ask you then, Mr.
13 Chairman, whether --

14 CHAIRMAN SALADINO: Sure.

15 MR. BRESSLER. -- on the Notice of
16 Disapproval, that you have received all of the
17 documents that you need or you need something in
18 addition? Since we did get a request from the
19 Board to submit more things than we did; is there
20 anything else that you need on the original so
21 that -- so that we can address that?

22 CHAIRMAN SALADINO: As a matter of fact,
23 there is.

24 MR. BRESSLER: There is?

25 CHAIRMAN SALADINO: There is.

1 MR. BRESSLER: Okay.

2 CHAIRMAN SALADINO: I kind of made a couple
3 of notes here; should I go through them?

4 COUNSEL CONNOLLY: Yeah.

5 CHAIRMAN SALADINO: One is -- well, we've
6 asked from the previous -- I don't have, perhaps
7 my colleagues have it. I don't have a signed --

8 MR. BRESSLER: Well, okay.

9 CHAIRMAN SALADINO: That's not enough to
10 hold the application up under normal
11 circumstances, but we don't have that, a
12 notarized form saying that you can act as
13 Mr. Urban's agent; we don't have that.

14 MR. BRESSLER: Well, may I make a
15 suggestion then?

16 CHAIRMAN SALADINO: If perhaps you can hold
17 your suggestions until I read my concerns and
18 then we can -- you could address them all at
19 once.

20 MR. BRESSLER: Then could we have the next
21 meeting date by which time we may assume that
22 there will be an attempt to provide a proper
23 amended Notice of Disapproval and then we will
24 take up all the Board's issues at the next
25 meeting?

1 CHAIRMAN SALADINO: Well, if what you're
2 asking is when the next meeting is and would you
3 be on the agenda for that meeting, I would tell
4 you the next meeting is April -- April 19th. And
5 if you're submitting your forms -- if you submit
6 your forms in time to get on that agenda, by all
7 means, we'll see you on April 19th at 6 p.m. at
8 the School House.

9 MR. BRESSLER: So --

10 CHAIRMAN SALADINO: First and Front.

11 MR. BRESSLER: So, when would -- when would
12 this next appear?

13 CHAIRMAN SALADINO: I --

14 MS. WICKHAM: I have April 19th.

15 CHAIRMAN SALADINO: I thought I just said
16 that.

17 MS. WICKHAM: You did. I think he couldn't
18 hear you.

19 MR. BRESSLER: April 19th?

20 CHAIRMAN SALADINO: Should I speak up? I'm
21 sorry.

22 MR. BRESSLER: Yeah, it's a little echoey
23 in here. April 19th?

24 CHAIRMAN SALADINO: April 19th --

25 MR. BRESSLER: Yeah, okay.

1 CHAIRMAN SALADINO: -- in Greenport, April
2 19th at the Old School House on First and Front
3 Street. Our meeting starts at six o'clock. If
4 you get the required information in -- I'll ask
5 the Building Department Clerk; Amanda, 10 days
6 before? To get on the agenda?

7 SECRETARY AURICHIO: Two weeks at least.

8 CHAIRMAN SALADINO: Two weeks before?

9 SECRETARY AURICHIO: Well, is the deadline.

10 CHAIRMAN SALADINO: I'm sorry?

11 SECRETARY AURICHIO: Two weeks is the
12 deadline to go onto the agenda.

13 CHAIRMAN SALADINO: Okay. So if you submit
14 all the information that you think you would need
15 for this application to be accepted two weeks
16 before the 19th, I'm guessing if we use the --

17 MEMBER GORDON: April 5th.

18 CHAIRMAN SALADINO: If we use a
19 mathematical equation, that would be --

20 MEMBER GORDON: April 5th.

21 CHAIRMAN SALADINO: -- April 5th.

22 MR. BRESSLER: Is there other documents
23 that you need on this portion of the application?
24 If you could tell me what they are I could start
25 looking for them.

1 CHAIRMAN SALADINO: I was going to do that
2 but you -- okay.

3 The other thing that I have a concern about
4 is I have a big problem with your EAF, and I
5 could go through it for you.

6 So, I mentioned the notarized written
7 consent from the owner for you to act as his
8 representative.

9 SECRETARY AURICHIO: Mr. Chair, we have
10 that.

11 CHAIRMAN SALADINO: Oh, you do? I don't
12 have it, but I believe you guys if you have it.

13 On your application, I have to ask, where
14 did you get this form? We -- the Village of
15 Greenport doesn't have this form.

16 MR. BRESSLER: Where did I get the form.
17 That's a good question. When I went --

18 CHAIRMAN SALADINO: And I'm dying to hear
19 the answer.

20 MR. BRESSLER: Okay. When I went to the
21 appropriate sites and I looked and I talked to my
22 other sources, I got -- I found two forms; I
23 found a form for an area variance and I found a
24 form for a use variance. I don't want either of
25 those.

1 MS. WICKHAM: He's talking about the EAF.

2 Are you talking about the EAF?

3 CHAIRMAN SALADINO: No. Right now --

4 MR. BRESSLER: No.

5 CHAIRMAN SALADINO: The EAF -- I could
6 address the things on the EAF that you want that
7 I find efficient, but right now I think we're
8 talking about the Zoning Board of Appeals
9 application.

10 MS. WICKHAM: I'm sorry.

11 MR. BRESSLER: Okay. So the answer to your
12 question is there was no form for this specific
13 type of application. Indeed, there's nothing in
14 your fee schedule for this particular
15 application.

16 CHAIRMAN SALADINO: So you made up a form?

17 MR. BRESSLER: So I took your form and I
18 did what I've done in other jurisdictions, like
19 the one right down the road in Southold,; they
20 have no form for this and their fee schedule does
21 not have anything for a reversal. So I made a
22 form that reflects the legal relief that I'm
23 looking for and we made a phone call to determine
24 what the appropriate fee should be. Since it was
25 unlisted, we paid that fee and we coddled up the

1 form to address the issues raised by the
2 application.

3 CHAIRMAN SALADINO: Yes. And you
4 realize -- I'm not sure how things work in
5 Southold. You know, Southold may be a little
6 more sophisticated than us; maybe not as
7 sophisticated, I don't know. But in Greenport,
8 the Zoning Code says for anything that you want
9 you have to submit it on the form that's --
10 that's provide -- that's provided by, prescribed
11 by the Village. This form, I'm here --

12 MR. BRESSLER: If you would --

13 CHAIRMAN SALADINO: I heard your
14 explanation. This form, I've never seen -- I've
15 never seen -- I've never seen an applicant make
16 up his own form. I just -- you know, maybe
17 that's commonplace elsewhere. It's never
18 happened here.

19 MR. BRESSLER: If you have one --

20 CHAIRMAN SALADINO: The other thing -- the
21 other thing I would add is I'm not sure why our
22 forms wouldn't address your need. If you're
23 asking for a reversal, you don't agree that the
24 Building Department says you need a use variance.

25 MR. BRESSLER: Well --

1 CHAIRMAN SALADINO: You would fill out a
2 form, just in my mind --

3 MR. BRESSLER: Well --

4 CHAIRMAN SALADINO: You would fill --

5 MS. WICKHAM: Let him finish.

6 CHAIRMAN SALADINO: You would fill out a
7 form for a use variance, on the form it says
8 you're asking for a variance or an
9 interpretation. You would ask for an
10 interpretation contesting that the building
11 inspector made a mistake as per whatever portion
12 of the Code, 150-AA, 150-7, and you would present
13 your exhibits to the Zoning Board, but you would
14 use the form that's prescribed by the Village.

15 The training seminars that we go say that
16 for us to accept an application it has to be
17 complete and correct; this one is neither. So,
18 I'm not sure -- I'm not sure how -- how the other
19 members feel, but --

20 MR. BRESSLER: I would like to address
21 that. If you look at the front page of the form,
22 that is your form. The only thing that I changed
23 was the line under Zoning Board of Appeals
24 applications. And I can't remember which one I
25 used, whether it was area or use, the front pages

1 are the same; I used your form. Then when I got
2 to the second page, your form for an area
3 variance has the factors for an area variance;
4 none of them apply because I'm not looking for
5 one.

6 CHAIRMAN SALADINO: You could ask for an
7 interpretation.

8 MR. BRESSLER: No, I'm not asking for an
9 interpretation.

10 CHAIRMAN SALADINO: Well, perhaps you
11 should.

12 MR. BRESSLER: I'm asking for a reversal.
13 Your form for the use variance has all the use
14 variance factors, none of which apply to me.

15 So, instead of giving you a page that said
16 N/A, N/A, N/A and then adding my addenda, I took
17 your first page, I added my addenda and put the
18 signature on it. If the Board feels that they
19 would like a page from the use variance or the
20 area variance that says N/A, N/A, N/A, this
21 is not --

22 CHAIRMAN SALADINO: All I'm asking you to
23 do is respect our process.

24 MR. BRESSLER: I don't know what -- I don't
25 know what to do. What are you asking me --

1 CHAIRMAN SALADINO: I just explained to you
2 how to follow process.

3 MR. BRESSLER: What are you asking me to
4 do?

5 COUNSEL CONNOLLY: Eric, aren't you really
6 just asking for an interpretation from the Board
7 for them to interpret what the building
8 inspector -- aren't you challenging the building
9 inspector's determination and asking the Board to
10 interpret the section of the Code that the
11 building inspector said you needed a variance
12 for?

13 MR. BRESSLER: No, I'm not asking him to
14 interpret it. I am asking the Board to reverse
15 it. That -- there's a distinct difference
16 between -- I don't need to tell you that.
17 There's a distinct difference between an
18 interpretation and a reversal and the Board has
19 the power to do both.

20 So, in the absence of a form, I took as
21 much of the form as I could possibly use and
22 added the addenda from reversal.

23 COUNSEL CONNOLLY: Right.

24 MR. BRESSLER: If the Board has a form that
25 is more appropriate to this type of application

1 that I didn't find, I'm happy to use it and I
2 apologize for not finding it. Is there such a
3 form?

4 CHAIRMAN SALADINO: You obviously know
5 there's not.

6 MR. BRESSLER: Right. So I did -- I did
7 the best I could.

8 CHAIRMAN SALADINO: But we can't -- our
9 opinion -- I won't speak for my colleagues, I
10 always get in trouble when I do.

11 My opinion is -- my opinion is that there
12 is a form for you to use, and the form is a use
13 variance form and you would ask for an
14 interpretation. Exactly what the -- if this
15 Board decides that the building inspector, after
16 we review all the exhibits and photographs that
17 you provided us, after we hear from the Village,
18 therefore their opinion of what should be, their
19 side of the story, we decide that that portion of
20 the Code was incorrectly applied. Wouldn't the
21 reversal come from that?

22 MR. BRESSLER: I'm not asking the Board to
23 interpret the section --

24 CHAIRMAN SALADINO: No, you're asking for a
25 reversal of the Building Department.

1 MR. BRESSLER: I am asking for the --

2 CHAIRMAN SALADINO: The denial of it.

3 MR. BRESSLER: Yes, I'm asking for the
4 reversal of the denial.

5 CHAIRMAN SALADINO: But I'm telling you the
6 process that we think, that I think you have to
7 go through to get that. If you keep insisting
8 that this is the road you want to follow -- Mr.
9 Bressler, all I'm going to tell you is we're not
10 going to accept an application that you wrote on
11 a cocktail napkin or a form that you made up. I
12 mean, there is a process involved here. Whatever
13 you think of that process, you can consult with
14 the Village Attorney, you can consult with the
15 Building Department. But me personally, I'm not
16 prepared to accept this application the way it's
17 presented to us.

18 MR. BRESSLER: But there is no form for a
19 reversal which is not an interpretation.

20 CHAIRMAN SALADINO: This is getting
21 circular. We're -- I'm trying to explain to you
22 that -- how you proceed to get what you're
23 looking for and you just -- you insist -- only
24 because in my mind, only because you feel it
25 makes your appeal more focused and more valid

1 than following the process that's here; and
2 that's in your mind, not in my mind.

3 MR. BRESSLER: No.

4 CHAIRMAN SALADINO: So, so all I'm prepared
5 to tell you right now is you can address my
6 concerns. And unfortunately there's only three
7 members here, but there is a quorum, and for one
8 member to dissent means the application doesn't
9 get accepted.

10 We're willing to -- we listened to your
11 concern, we're willing to, at your suggestion,
12 put this off till next month to address what you
13 feel is a deficient Notice of Disapproval; you
14 can get that taken care of. You can listen to
15 the rest of my concerns about the EAF and the
16 site plan, or you can forward with what you have
17 and next month perhaps hear the same argument
18 from the Chairman of the Zoning Board.

19 MR. BRESSLER: Mr. Chairman, the section
20 that was cited by the building inspector is that
21 you can't have --

22 CHAIRMAN SALADINO: We're not having the
23 public hearing tonight. We're not going to
24 discuss this tonight, this is not the public
25 hearing. This is about an application and how

1 you should progress the application; that's what
2 this is about. It's strictly about the
3 application, not about the public hearing, not
4 about the merits of your appeal.

5 MR. BRESSLER: In the absence of an
6 application for the relief that I want, and which
7 is authorized by law and which is separate and
8 distinct from an interpretation, I'm not sure
9 what I'm going to do about that except to speak
10 to your Village Attorney about it.

11 CHAIRMAN SALADINO: That would be my
12 suggestion. You know, work it out, work it out
13 with the attorney. Other than that, I mean, you
14 certainly -- I mean, if you're dissatisfied with
15 what you hear tonight and our attorney can't
16 satisfy you, then -- you know, then you have
17 legal, then you have judicial review.

18 MR. BRESSLER: I do.

19 CHAIRMAN SALADINO: That's fine, that's
20 fine. And trust me when I say, it's not that we
21 welcome it, but we're not afraid of it either.

22 MEMBER GORDON: Could I say something?

23 CHAIRMAN SALADINO: Could my colleague
24 speak? *(Laughter)*.

25 MEMBER GORDON: It seems to me that you're

1 here prematurely. And I realize that's a little
2 unfair because you were here last month, but it
3 seems to me that --

4 CHAIRMAN SALADINO: No, they weren't here.

5 COUNSEL CONNOLLY: They weren't here last
6 month.

7 MEMBER GORDON: Or two months ago.

8 MEMBER KAUFMAN: No one showed up to
9 represent them.

10 MEMBER GORDON: Okay. The application was
11 here --

12 MEMBER KAUFMAN: The application was here
13 but no one showed up.

14 MEMBER GORDON: -- not the human being,
15 okay. But it seems to me that this is premature
16 because there's an underlying dispute here about
17 the nature of the property and that that has to
18 be -- that has to be settled between you and the
19 Village, you and the -- and the Building
20 Department before we can make a decision about
21 whether it's a use variance or an area variance
22 or -- because there are some very nefarious
23 questions here, too.

24 CHAIRMAN SALADINO: Well --

25 MEMBER GORDON: So I don't quite understand

1 why the question of whether it's one lot or two
2 lots hasn't been definitively settled between you
3 and the Village, whether it's you and Mr. Pallas
4 or you and the lawyers.

5 MR. BRESSLER: Because the building
6 inspector issued a Notice of Disapproval. When
7 you don't like a Notice of Disapproval, you have
8 to, within 60 days, go to the Zoning Board of
9 Appeals. The Zoning Board of Appeals determines
10 on all the evidence whether the building
11 inspector was right or whether he was wrong.
12 Whether this is one lot or two lots is in the
13 first instance after the building inspector's
14 issuance is a matter to this Board. It is not an
15 interpretation of the section that says *one*
16 *dwelling structure per lot*; there's nothing
17 ambiguous about that.

18 The question is whether it's one lot or two
19 lots and that calls for the expertise of this
20 Board to be applied to the determination of the
21 building inspector. I don't think I'm premature,
22 I think I had to come here. I had no other
23 remedy. I couldn't go to court, it's premature.
24 You are the appellate body with respect to the
25 decisions of the building inspector.

1 MEMBER GORDON: That is certainly true.

2 MR. BRESSLER: So I'm going to take the
3 Chairman's suggestion and I'm going to talk to
4 Counsel about this. Quite frankly, I don't
5 understand, you know, having brought any number
6 of these reversals in the past and where there's
7 no form for it, it's provided by -- it's provided
8 by law. That's one of the rights of an applicant
9 to seek a reversal, not a variance and not an
10 interpretation but a reversal. So I'm going to
11 take that up with the town -- with the Village
12 Attorney and see if we can't reach some sort of
13 philosophical agreement on this.

14 MEMBER GORDON: I think the whole thing
15 would be much easier if the question of whether
16 it's one lot or two had been determined with all
17 the parties agreeing before -- really before we
18 have a Notice of Disapproval to deal with.
19 Because that -- the Notice of Disapproval is what
20 we're supposed to be working with.

21 MR. BRESSLER: They've already said no. If
22 you're suggesting that no doesn't mean no, I will
23 take that up with the Village Attorney.

24 CHAIRMAN SALADINO: *(Inaudible)*

25 MR. BRESSLER: But if no means no, I have

1 to come to you, that's what the law says. That's
2 why I'm here.

3 CHAIRMAN SALADINO: I think what Dinny's
4 trying to say is that this is an issue. I mean,
5 this is an issue that should have been squared
6 away. I'm not -- and I'm not saying you don't
7 have the right to be here. All I'm saying is in
8 a perfect world, or even a semi-perfect world,
9 this is deciding whether it's one lot or two
10 lots, it could have been squared away between the
11 applicant's attorney, the Village Attorney, the
12 Zoning Board's attorney, the Building Department
13 before it got to this. But since you're content
14 to be here, since you feel this is your only
15 recourse, then so be it.

16 MR. BRESSLER: I've got to know. I'll talk
17 to the Village Attorney and see if we can resolve
18 it. I have to tell you that I don't hold a lot
19 of hope, but I am willing to try. And if the
20 answer is no --

21 CHAIRMAN SALADINO: Hope springs eternal.

22 MR. BRESSLER: Right.

23 CHAIRMAN SALADINO: Right? Hope springs
24 eternal.

25 MR. BRESSLER: And if the answer is still

1 no, we'll be -- you know, we will be in front of
2 you as the appellate body.

3 CHAIRMAN SALADINO: Okay. So I'm just not
4 sure where -- where we've leaving this. Do we
5 want to hear the rest of my concerns before
6 next month or --

7 MS. WICKHAM: *(Nodded head yes)*

8 MEMBER KAUFMAN: No. I think you're going
9 to go, you're going to come back next month. So,
10 you already said we're going to deal with it, I
11 don't think you need to get into it.

12 CHAIRMAN SALADINO: Well, only because if
13 we let -- not to the case. Only because with the
14 physical application, I had some problems with
15 the EAF. If you'd rather hear them next month,
16 that's fine.

17 MS. WICKHAM: Eric, now; I want to hear
18 them now.

19 MEMBER GORDON: We have our own dilemma
20 here which --

21 MR. BRESSLER: Yes, if there's something
22 specific that you want on the EAF, we'd be happy
23 to address it.

24 CHAIRMAN SALADINO: Well, I think -- I
25 think there's four or five questions that were

1 answered wrong. I'll read them to you; if those
2 are your answers and those are the ones you want
3 to put forward, that's fine, too. But right now
4 I kind of dispute some of these answers.

5 Is the proposed action a permitted use
6 under zoning regulation. The notice of
7 disapproval is for the use variance; you said
8 yes; it's not?

9 MR. BRESSLER: Well, that has yet to be
10 determined. We're taking the position that it
11 is. We don't concede that the building inspector
12 is right, that's why we're before you.

13 CHAIRMAN SALADINO: Yeah, but the Notice of
14 Disapproval is what we're looking at. The
15 application -- the appeal, as far as we're
16 concerned at this moment in time is for a use
17 variance.

18 ADMINISTRATOR PALLAS: We're taking the
19 position that it is permitted.

20 CHAIRMAN SALADINO: Okay.

21 MR. BRESSLER: That's why we answered it
22 that way.

23 CHAIRMAN SALADINO: Okay. And question
24 number 12, does the site contain a structure
25 that's listed on either on the State Register of

1 Historic Places. The site is in the Historic
2 District, it is registered, so the answer to that
3 should have been yes, in my opinion.

4 Another question is -- had to do with the
5 non-point source of storm water. It doesn't --
6 it doesn't give me any indication where that
7 might happen.

8 Also, about prior appeal, you answered no,
9 there was no prior appeal. I think we were on
10 the Zoning Board when the applicant came before
11 us on prior appeal for the subdivision for this
12 property in 2016.

13 MR. BRESSLER: I wasn't aware that that
14 went to determination.

15 MS. WICKHAM: Well, you'll look into it.

16 MR. BRESSLER: Yeah, I'll look into it. I
17 thought the purpose of the question was if there
18 is a determination from the Zoning Board that
19 affected the property --

20 CHAIRMAN SALADINO: No, it doesn't say
21 that.

22 MR. BRESSLER: -- you would want to know
23 about it.

24 CHAIRMAN SALADINO: What it says is was
25 there a prior appeal.

1 MR. BRESSLER: The appeal never went
2 through, so that's why we answered it.

3 And let me make one other comment about
4 what you said about is this permitted in the
5 zoning. If we were to answer that question no,
6 then would we not, by coming before the Board and
7 arguing that it is, have put ourselves in an
8 inconsistent position?

9 CHAIRMAN SALADINO: Well, you could have
10 clarified it.

11 MR. BRESSLER: I can't put myself in an
12 inconsistent position.

13 CHAIRMAN SALADINO: Then --

14 MR. BRESSLER: That's why it was answered
15 that way.

16 CHAIRMAN SALADINO: And the other appeal
17 was in front of -- was in front of the HPC, I
18 believe, in 2000 and -- there was another appeal
19 in front of the HPC about this property. It
20 doesn't say what --

21 MR. BRESSLER: Was there a determination
22 issued?

23 CHAIRMAN SALADINO: Yes, there was.

24 MR. BRESSLER: HPC?

25 CHAIRMAN SALADINO: Historic Preservation

1 Commission.

2 MR. BRESSLER: I'll speak to my client, he
3 was not aware of it.

4 CHAIRMAN SALADINO: I believe -- if the
5 Zoning Board was 2016, I believe the HPC was 2017
6 or '18, I believe. You know, so there's only 24
7 meetings. I'm sure it would be easy enough to
8 see that property on their agenda. I'm sorry I
9 don't have the date, but I remember the --

10 MR. BRESSLER: Well, I'm aware --

11 CHAIRMAN SALADINO: And it went to a
12 determination.

13 MR. BRESSLER: Right. I'm aware of what
14 went on. Of course, as you say, it did not go to
15 any sort of determination, so.

16 MS. WICKHAM: No, it did.

17 CHAIRMAN SALADINO: It did.

18 MR. BRESSLER: It did?

19 MS. WICKHAM: He said it did.

20 CHAIRMAN SALADINO: The HPC refused the
21 request; they came to a decision and refused the
22 request.

23 MR. BRESSLER: The HPC?

24 CHAIRMAN SALADINO: Yes.

25 MR. BRESSLER: Oh, the HPC. I was talking

1 about the Zoning Board. I'm not aware of the
2 prior --

3 CHAIRMAN SALADINO: The Zoning Board -- the
4 Zoning Board -- if -- I'm just responding to the
5 way the question's been written.

6 MR. BRESSLER: Okay.

7 CHAIRMAN SALADINO: Was there a prior
8 appeal. It doesn't say was there an appeal and a
9 determination, just was there a prior appeal.

10 MR. BRESSLER: My understanding was that
11 the purpose of that question is to determine
12 whether their Zoning Board of Appeals set a
13 precedent with respect to this property.

14 CHAIRMAN SALADINO: I can only read the
15 words that are on the form. So -- and in zoning,
16 you know for yourself as being a land use
17 attorney, we can't add or subtract any words.

18 MR. BRESSLER: Well --

19 CHAIRMAN SALADINO: -- so we go by the
20 written word.

21 MR. BRESSLER. Like I said, my
22 understanding is since the appeal did not go
23 anywhere that it's not precedent and it's not
24 anything that the Board would be governed by.

25 So, we will take a look at the EAF and I

1 will talk to the -- I will talk to the Village
2 Attorney and try to straighten this thing out.

3 CHAIRMAN SALADINO: Okay. So --

4 MEMBER GORDON: I think you attribute a
5 broader power to us than we have. And that,
6 therefore, we really only have the authority to
7 determine the correctness of that Notice of
8 Disapproval. And yet you're asking us also to
9 deal with the question of whether it's one lot or
10 two lots.

11 I was prepared. You know, I heard you say
12 the various pieces of the evidence that support
13 the two-lot position, but there are -- there are
14 pieces of evidence on the other side. I have the
15 zoning map in front of me and it shows a block
16 that is one lot. It's a big lot, it's bigger
17 than 12,000, I think something like 12,000 square
18 feet which is bigger than an ordinary lot.

19 So, I think that the -- that basic question
20 has to be decided elsewhere and that our role is
21 a pretty narrow one, narrower than you think.
22 But I think it would be good to get --

23 MR. BRESSLER: May I inquire where you
24 think elsewhere might be if not in this Board
25 charged by law with reviewing the building

1 inspector's determinations? Where would I go if
2 not to you?

3 MEMBER GORDON: Well, I don't think we're
4 supposed to be evaluating the buildings -- the
5 building inspector's determination with respect
6 to the dimensions of the lots, that's not our
7 role. Our role is really quite narrow. It's --
8 the applicant asks for a building permit and the
9 building inspector says no and we say whether
10 that's right or wrong. That does not, I don't
11 think, include an evaluation of the property
12 divisions that are here.

13 So, to get that settled with the lawyers,
14 with the Building Department before you come to
15 us, to me makes sense given what I understand to
16 be our role. I think it's narrower than you
17 think it is.

18 MR. BRESSLER: Well, with all due respect,
19 I think that is an unduly narrow view of your
20 jurisdiction. And it's not often that you will
21 hear me say that about a municipal board, but I
22 think you are in error. I think you have much
23 more jurisdiction than you think you do because
24 the Statute says any determination of the
25 building inspector that you don't like comes to

1 you, and I can't go any place else in the first
2 instance. I can't go to the Planning Board, I
3 can't go to the Supreme Court. I can't go --

4 CHAIRMAN SALADINO: But you can enter into
5 a negotiated process to forward your opinion to
6 the Zoning Board Attorney, to the Village
7 Attorney, to the Building Department instead of
8 -- instead -- and deal lawyer-to-lawyer-to-lawyer
9 as opposed to coming in front of a board of
10 laymen and decide on a land use case that -- I
11 agree with Dinny, that I don't really think we
12 should be deciding about the validity of your
13 claim that there's two lots as opposed to the
14 Building Department's claim that it's only one
15 lot.

16 MEMBER KAUFMAN: And I have a question for
17 our attorney which is -- what essentially is a
18 tax map question, right; that's what this is?

19 COUNSEL CONNOLLY: Yeah.

20 MEMBER KAUFMAN: In terms of whether it's
21 one lot or two. Is that a zoning issue?

22 COUNSEL CONNOLLY: Well, I mean, there's
23 a -- there's two tax map numbers now, there was
24 one that's not used anymore, correct? Or is
25 that --

1 MEMBER KAUFMAN: I'm not trying to get --

2 CHAIRMAN SALADINO: We would have to ask
3 the Building Department that.

4 COUNSEL CONNOLLY: Oh, yes.

5 CHAIRMAN SALADINO: I have one tax map
6 number.

7 MEMBER KAUFMAN: I'm not trying to get to
8 figuring this out. All I'm asking is is a tax
9 map issue, which is what this sounds like to me,
10 is that a zoning issue?

11 COUNSEL CONNOLLY: Well, no, that's -- the
12 tax map is assigned by the County.

13 MEMBER KAUFMAN: But it's interpreting --

14 COUNSEL CONNOLLY: Right, so I don't think
15 we can have -- the Zoning Board can't interpret
16 whether or not the County issued the tax map.

17 MEMBER KAUFMAN: But isn't that -- you
18 know, ultimately that's at the root of this.

19 MEMBER GORDON: That's what we're being
20 asked to do.

21 MEMBER KAUFMAN: And that doesn't seem to
22 be covered by zoning laws, it's a complete --
23 it's real estate law but it's not zoning. You
24 know, just the Village -- you know, ultimately,
25 we don't get to decide, you know, who owns a

1 property and where the boundaries are, correct?

2 I mean --

3 COUNSEL CONNOLLY: No, that's not --

4 MEMBER KAUFMAN: I'm not a lawyer, that's
5 why I'm asking. And that's -- ultimately
6 that's -- I agree with you as well, I don't see
7 how a Zoning Board of Appeals is supposed to
8 adjudicate what amounts to a tax map question.

9 CHAIRMAN SALADINO: Could I just ask, did
10 you have these conversations with the -- this
11 particular conversation? Not our conversation
12 but the question of one lot, two lots, three
13 lots, one lot, 1884 tax map. Did you have that
14 conversation with the Village Attorney or the
15 Zoning Board's attorney. Did you's try to reach
16 a decision?

17 MR. BRESSLER: I have not yet spoken to the
18 Village Attorney.

19 CHAIRMAN SALADINO: Okay.

20 MR. BRESSLER: While I take your point that
21 you would like a negotiated settlement, I will
22 try to get a negotiated settlement. But if I
23 don't, I'll just conclude by saying you're the
24 Board that I must go to as a matter of law.

25 So I will speak to the attorney, we'll see

1 you on the 19th at a different location, maybe
2 I'll get something more from the Building
3 Department and we'll move forward.

4 CHAIRMAN SALADINO: Just to remind you,
5 she'll need the information to get on the agenda
6 two weeks before, two weeks before the 19th to be
7 on schedule for that agenda. And if all that
8 happens, we'll see you on the 19th. If not --

9 MR. BRESSLER: Okay. Thank you, Mr.
10 Chairman and the Board for your attention.

11 CHAIRMAN SALADINO: Okay.

12 *Item No. 6, is any other Zoning Board of*
13 *Appeals business that might properly come before*
14 *this board? Anybody, question? This is the time*
15 *to ask. Guys in the back over there? No? Okay.*

16 *Item No. 7 is a motion to adjourn.*

17 So moved

18 MEMBER KAUFMAN: Second.

19 CHAIRMAN SALADINO: All in favor?

20 MEMBER KAUFMAN: Aye.

21 MEMBER GORDON: Aye.

22 CHAIRMAN SALADINO: And I'll vote aye.

23 Jay, roll the credits.

24 **(*The meeting was adjourned at 7:01 p.m. *)**

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1 C E R T I F I C A T I O N

2

3 STATE OF NEW YORK)

4) SS:

5 COUNTY OF SUFFOLK)

6

7 I, ALISON MAHONEY, a Court Reporter and
8 Notary Public for and within the State of New
9 York, do hereby certify:

10 THAT, the above and foregoing contains a
11 true and correct transcription of the proceedings
12 taken on March 15, 2022, at Station One
13 Firehouse, Third & South Streets, Greenport, NY
14 11944.

15 I further certify that I am not related to
16 any of the parties to this action by blood or
17 marriage, and that I am in no way interested in
18 the outcome of this matter.

19 IN WITNESS WHEREOF, I have hereunto set my
20 hand this 29th day of March, 2022.

21

22

23

Alison Mahoney

Alison Mahoney

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25

	5	24:9, 24:12 adjourn [1] - 55:16 adjourned [1] - 55:24 adjudicate [1] - 54:8 Administrator [1] - 3:24 ADMINISTRATOR [4] - 1:22, 3:25, 6:5, 45:18 advantage [1] - 16:4 affected [1] - 46:19 afraid [1] - 39:21 agenda [10] - 4:11, 15:8, 17:2, 28:3, 28:6, 29:6, 29:12, 48:8, 55:5, 55:7 agent [3] - 5:23, 5:24, 27:13 ago [3] - 5:2, 20:16, 40:7 agree [3] - 32:23, 52:11, 54:6 agreeable [2] - 23:25 agreeing [1] - 42:17 agreement [1] - 42:13 Alex [1] - 3:18 ALISON [1] - 57:7 Alison [1] - 57:23 ALSO [1] - 1:21 Amanda [1] - 29:5 AMANDA [1] - 1:24 ambiguous [1] - 41:17 amend [1] - 23:1 amended [8] - 22:3, 22:8, 22:11, 22:20, 23:8, 24:4, 24:11, 27:23 amounts [1] - 54:8 answer [6] - 30:19, 31:11, 43:20, 43:25, 46:2, 47:5 answered [5] - 45:1, 45:21, 46:8, 47:2, 47:14 answers [2] - 45:2, 45:4 Anthony [1] - 4:20 apologize [2] - 7:3, 36:2 appeal [16] - 18:17, 22:1, 37:25, 39:4, 45:15, 46:8, 46:9, 46:11, 46:25, 47:1, 47:16, 47:18, 49:8, 49:9, 49:22 APPEALS [1] - 1:4 Appeals [11] - 2:4, 2:9, 2:19, 21:8, 31:8, 33:23, 41:9, 49:12, 49:15, 53	appear [1] - 28:12 appellate [2] - 41:24, 44:2 applicant [8] - 4:16, 5:25, 15:1, 15:15, 32:15, 42:8, 46:10, 51:8 applicant's [1] - 43:11 applicants [1] - 15:6 application [57] - 3:16, 3:18, 12:12, 12:13, 12:20, 14:17, 14:19, 15:9, 15:12, 17:13, 17:19, 17:21, 18:1, 19:10, 20:13, 20:19, 21:7, 21:23, 22:9, 22:12, 22:21, 22:23, 22:25, 23:17, 24:8, 24:12, 24:14, 25:12, 25:14, 25:15, 25:19, 25:21, 25:23, 26:1, 26:2, 26:6, 27:10, 29:15, 29:23, 30:13, 31:9, 31:13, 31:15, 32:2, 33:16, 35:25, 37:10, 37:16, 38:8, 38:25, 39:1, 39:3, 39:6, 40:10, 40:12, 44:14, 45:15 applications [2] - 18:8, 33:24 applied [2] - 36:20, 41:20 apply [2] - 34:4, 34:14 appreciate [1] - 14:10 appropriate [3] - 30:21, 31:24, 35:25 approval [1] - 23:4 approve [1] - 2:8 Approved [3] - 2:15, 3:13, 12:25 April [14] - 2:20, 13:3, 14:9, 28:4, 28:7, 28:14, 28:19, 28:23, 28:24, 29:1, 29:17, 29:20, 29:21 Architect [1] - 4:21 area [15] - 4:3, 4:5, 5:13, 5:16, 16:15, 17:15, 18:9, 18:10, 18:11, 30:23, 33:25, 34:2, 34:3, 34:20, 40:21 arguing [1] - 47:7 argument [1] - 38:17 arguments [3] - 23:20, 24:15, 24:17 arrange [3] - 3:17, 14:18, 15:12 aspects [1] - 25:18	assigned [1] - 53:12 assume [1] - 27:21 attempt [1] - 27:22 attend [1] - 26:7 ATTENDANCE [1] - 1:21 attention [2] - 21:1, 55:10 attorney [11] - 22:16, 23:24, 25:5, 39:13, 39:15, 43:11, 43:12, 49:17, 52:17, 54:15, 54:25 Attorney [11] - 37:14, 39:10, 42:12, 42:23, 43:11, 43:17, 50:2, 52:6, 52:7, 54:14, 54:18 ATTORNEY [1] - 1:23 attribute [1] - 50:4 AURICHIO [5] - 1:24, 29:7, 29:9, 29:11, 30:9 authority [1] - 50:6 authorization [2] - 5:22, 5:24 authorized [1] - 39:7 Avenue [1] - 3:1 aware [7] - 18:7, 18:10, 46:13, 48:3, 48:10, 48:13, 49:1 awkward [2] - 9:10, 11:4 aye [11] - 2:12, 2:13, 2:14, 3:10, 3:11, 3:12, 12:23, 12:24, 55:20, 55:21, 55:22
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