

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 Third Street Fire Station
 8 Greenport, NY
 9 November 17, 2020
 10 6:00 p.m.

11
 12 B E F O R E:
 13 JOHN SALADINO - CHAIRMAN
 14 DAVID CORWIN - MEMBER
 15 DINNI GORDON - MEMBER
 16 JACK REARDON- MEMBER
 17 *****
 18 ROBERT CONNOLLY - ZONING BOARD ATTORNEY
 19 PAUL PALLAS - VILLAGE ADMINISTRATOR
 20 AMANDA AURICHIO - CLERK TO THE BOARD

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 22
 23
 24
 25

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

2 CHAIRMAN SALADINO: Good evening, folks.
3 This the Village of Greenport Zoning Board of
4 Appeals Regular Meeting. Before we start, we're
5 shy one member. Arthur Tasker recently passed
6 away, and we're going to kind of remember him for
7 the work that he did here and try to muddle
8 through until the Mayor appoints another member.

9 So, Item No. 1 -- anybody interested in
10 serving, you should call Paul Pallas. Anybody
11 interested in volunteering for the Zoning Board
12 of Appeals, call Paul Pallas with your resume.

13 *Item No. 1 is a motion to accept the*
14 *minutes of the September 15th, 2020 Zoning Board*
15 *of Appeals meeting. So moved.*

16 MEMBER CORWIN: Second.

17 CHAIRMAN SALADINO: All in favor?

18 *("Aye" said in unison)*

19 And I'll vote aye.

20 *Item No. 2 is a motion to approve the*
21 *minutes of the August 18th, 2020 Zoning Board of*
22 *Appeals meeting. So moved.*

23 MEMBER CORWIN: Second.

24 CHAIRMAN SALADINO: All in favor?

25 *("Aye" said in unison)*

1 I'll vote aye. Any abstentions?

2 MEMBER CORWIN: Abstain.

3 CHAIRMAN SALADINO: And one abstention.

4 *Item No. 3 is a motion to schedule the next*
5 *Zoning Board of Appeals meeting for December*
6 *15th, 2020 at 6 p.m., Station One, Greenport Fire*
7 *Department, Third and South Streets, Greenport,*
8 *New York, 11944. So moved.*

9 MEMBER GORDON: Second

10 CHAIRMAN SALADINO: All in favor?

11 (*"Aye" said in unison*)

12 And I'll vote aye.

13 *Item No. 4 is 624 First Street, is a motion*
14 *to accept the findings and determinations for 624*
15 *First Street. This property is located in the*
16 *R-2 (One and Two-Family) District and is located*
17 *in the Historic District. The Suffolk County Tax*
18 *Map No. Is 1001-2.-6-49.2. So moved*

19 MEMBER GORDON: Second

20 CHAIRMAN SALADINO: All in favor?

21 (*"Aye" said in unison*)

22 CHAIRMAN SALADINO: I'll vote aye. Dinni,
23 did you vote? I'm sorry.

24 MEMBER REARDON: She did, she seconded.

25 CHAIRMAN SALADINO: Did you vote aye?

1 MAYOR GORDON: Yes.

2 CHAIRMAN SALADINO: Okay, four yes.

3 *Item No. 5 is 326 Front Street, it's the*
4 *Greenporter Hotel, is a motion to accept the*
5 *findings and determinations for 326 Front Street.*
6 *This property is located in the CR*
7 *(Commercial/Retail) District. The property is*
8 *not located in the Historic District. The*
9 *Suffolk County Tax Map No. Is 1001-4.-8-29-30-31.*

10 We normally -- before we -- for the public,
11 before we -- well, I'll ask for a second.

12 So moved.

13 MEMBER GORDON: Second

14 CHAIRMAN SALADINO: All in favor?

15 ("Aye" said in unison)

16 And I'll vote aye.

17 But for the public, I just -- I want to
18 take an extra minute just to read what was
19 approved. In the past we've had questions from
20 the public that they didn't quite understand what
21 was approved and -- what was asked for and what
22 was approved. I'm not going to read the entire
23 finding, that would be crazy, but just the one
24 paragraph, *Relief for Approval sought.*

25 There were a total of five variances, an

1 area variance to permit the proposed height to be
2 39 feet where 35 feet is permitted; an area --
3 and Ms. Claudio, not to diminish yours, it's just
4 that this was an application that generated a lot
5 of interest, you know.

6 So, just so the people out there understand
7 what was asked for and what was approved.
8 Thirty-nine feet where 35 feet was permitted; an
9 area variance to permit a third story where only
10 two stories were permitted; an area variance to
11 permit the parking to contain 27 parking spaces
12 where 54 was required by code; an area variance
13 to permit a proposed parking space to measure
14 9-feet wide by 20 feet in length where the Code
15 says 10-feet by 20; and an area variance to allow
16 off-street loading birth to be located in the
17 front yard.

18 And what was approved and granted was --
19 the height was approved to 39 feet; the third
20 story was approved; the size of the parking
21 spaces, 9-feet by 20-feet, was approved; the
22 loading birth was approved to be -- allowed to be
23 approved to be located in the front yard; and a
24 variance of seven parking spaces of the 27
25 required was approved.

1 I just thought I would read that because
2 I'm going to ask that these minutes be forwarded
3 to the Planning Board. And for anyone that
4 wasn't at the meeting where we approved this
5 stuff, they know now what was there and what we
6 did.

7 Thank you. Thanks for indulging me.

8 *Item No. 6 is a motion to accept the*
9 *application, schedule a public hearing and*
10 *arrange a site visit for the application of LV*
11 *Inn, LLC.; Cynthia Roe, for the property located*
12 *at 102 Broad Street, Greenport, New York, 11944.*
13 *This property is located in the R-2 (One and*
14 *Two-Family) District and is located in the*
15 *Historic District. The property requires a use*
16 *variance and must come before the Historic*
17 *Preservation Commission. The Suffolk County Tax*
18 *Map No. Is 1001-2.-5- 29.*

19 Is the applicant here?

20 MS. ROE: Yes, I am.

21 CHAIRMAN SALADINO: If you would; name and
22 address for the stenographer.

23 MS. ROE: Cynthia Roe, 102 Broad Street,
24 Greenport, New York.

25 Hi. I'm here to -- I have a building

1 permit that was accepted in 2013 for the garage
2 and I am looking to -- and the variances that we
3 had asked for at the time were accepted in 2013.
4 We've reapplied. I have Nick Mazzaferro here who
5 has helped me with the application. And what we
6 like is a height variance, because I want to put
7 my studio -- I'm a professional artist and I have
8 a studio at Ham's Boat Yard which I would like to
9 move to my home in my garage and I would like to
10 have it on the top floor of my garage for light
11 reasons, for space reasons, and because I need
12 the bottom of the garage for parking for my
13 tenants; I have a legal three-family.

14 CHAIRMAN SALADINO: You realize also that
15 the Notice of Disapproval is requiring you to get
16 a use variance.

17 MS. ROE: And didn't we apply for that?

18 MR. MAZZAFERRO: That's -- yes. It's in
19 regards to the bathroom, that's what's --

20 MS. ROE: -- okay.

21 MR. MAZZAFERRO: -- kicking -- there's a --
22 it's part of a sink shown in the artist studio,
23 for obvious reasons, and I think that's kicking
24 in the concept of a use variance.

25 CHAIRMAN SALADINO: Well, the Building

1 Department writes the Notice of Disapproval and
2 you can either agree with it or --

3 MR. MAZZAFERRO: Yeah, we did; we applied
4 for a variance, for the use variance, a five-foot
5 variance --

6 MS. MAHONEY: I'm sorry, can you come
7 closer to the mic, please?

8 MS. ROE: Yeah. Is it all right if
9 Nick comes in and helps answer these questions?

10 CHAIRMAN SALADINO: Absolutely. Is it okay
11 with you?

12 MS. ROE: Oh, very much so. He's going to
13 answer them a littler clearer than I will be able
14 to. Thank you.

15 CHAIRMAN SALADINO: Just name and address
16 for the stenographer.

17 MR. MAZZAFERRO: Nick Mazzaferro, 565
18 Inlet Lane, Greenport.

19 So the artist studio was originally
20 designed and approved with a toilet and a sink in
21 it; it, for obvious reasons, was on the second
22 floor. And back when the building permit was
23 issued that was agreed to, as was a height
24 variance and a setback variance. So we've just
25 duplicated the same concept.

1 What we did do is update the construction
2 to comply with the Energy Code. We put in bigger
3 walls on the second floor and additional
4 insulation all throughout the building, and we
5 did a res check and it passed. So, it's pretty
6 much a replication of what was there.

7 I understand that the -- I checked the Code
8 but I understand there's records that have an
9 issue with accessory structures with bathrooms
10 now, so that's why the variance is required.

11 CHAIRMAN SALADINO: There's an
12 interpretation from a previous Zoning Board, I
13 believe. You can -- that when you add a bathroom
14 it becomes a second dwelling, and the Code says
15 that you can only have one dwelling unit --

16 MR. MAZZAFERRO: Right, that's why we're
17 looking for the variance. Because the studio, in
18 order to do the art work, in order to function as
19 an active studio and then to deal with her
20 clients on consignments and other meetings she
21 must have during the process of her business, the
22 bathroom there is kind of like having a bathroom
23 in an office or any other business that you would
24 deal with.

25 CHAIRMAN SALADINO: Well --

1 MR. MAZZAFERRO: The artist studio is
2 driven towards complying with the Code for the
3 artist concept, the artist Colony, in fact, that
4 the Village has got in its Code.

5 CHAIRMAN SALADINO: Could you tell me where
6 that is in the Village Code?

7 MR. MAZZAFERRO: It's in -- well, the
8 whole idea -- there's a chapter for art galleries
9 and art studios that defines all the different
10 layers.

11 CHAIRMAN SALADINO: Not in --

12 MR. MAZZAFERRO: Like this is not a
13 gallery, this is a studio.

14 CHAIRMAN SALADINO: Not in the Residential
15 District. The artist loft concept was in the CR
16 and the waterfront commercial.

17 MR. MAZZAFERRO: Oh, that's how it --
18 okay, I didn't see that.

19 CHAIRMAN SALADINO: It was never --

20 MR. MAZZAFERRO: I read it in the Code, I
21 didn't notice that part. Okay

22 CHAIRMAN SALADINO: But aside from that,
23 aside from that, I mean, it's your ticket, you
24 can ask for anything you want here. As long as
25 we understand that --

1 MR. MAZZAFERRO: It's not an occupiable
2 space, it's a working art studio.

3 CHAIRMAN SALADINO: What happened in 2013
4 has no bearing on what's happening now.

5 MR. MAZZAFERRO: Agreed

6 CHAIRMAN SALADINO: The application then
7 was progressed as an area variance for whatever
8 reason. Like my Dad used to say, that was then
9 --

10 MR. MAZZAFERRO: And this is now.

11 CHAIRMAN SALADINO: -- and this is now.
12 Right now it's in front of this Board as a use
13 variance, if it progresses past there then we'll
14 have to address the land use issue, setbacks and
15 height.

16 MR. MAZZAFERRO: Right

17 CHAIRMAN SALADINO: Just for myself, use
18 variances have a high, very high standard.

19 MR. MAZZAFERRO: Okay. Are they going to
20 pull that out, I guess.

21 CHAIRMAN SALADINO: Yeah.

22 MR. MAZZAFERRO: Sounds like they are.

23 *(Brief audio disruption)*

24 CHAIRMAN SALADINO: Use variances have a
25 very, very high standard for this Board to grant.

1 Not because we have high standards, it's the
2 Code. So before we go -- before we go through
3 this entire process, you should, first of all,
4 understand that. You should -- if you -- and the
5 option is you can progress your appeal and put it
6 before this board and we'll hear -- we'll have a
7 public hearing and we'll hear it and vote on it.
8 Now, I'm not prejudging this application

9 MR. MAZZAFERRO: Right

10 CHAIRMAN SALADINO: I'm just telling you
11 the standard that you have to meet

12 MR. MAZZAFERRO: Right. Well, there's --

13 CHAIRMAN SALADINO: If you disagree with
14 the Building Inspector or the Building
15 Department's opinion that you do need a use
16 variance, you can ask for an interpretation and
17 we would have a public hearing on that and then
18 decide if, in fact, the CEO, the Code Enforcement
19 Officer of the Building Department was correct in
20 their determination or perhaps made a mistake.

21 I just wanted to -- and the only reason I'm
22 saying this is because people that come before us
23 and ask for use variances, it's a tough road to
24 hoe, and we just want you to understand that
25 before we go forward.

1 MS. ROE: Yeah, I do understand it.

2 MR. MAZZAFERRO: Yes.

3 CHAIRMAN SALADINO: Okay.

4 MS. ROE: And I do understand it. And I am
5 a professional artist, most people here do know
6 that. I have been -- I run a non-profit, I've
7 been in the Village for ten years and I'm a very
8 serious artist and I do not want to have to be
9 paying rent. I do need the space that is -- you
10 know, to work in

11 CHAIRMAN SALADINO: And we certainly
12 understand that and we kind of know that.

13 MS. ROE: Yeah

14 CHAIRMAN SALADINO: But this Board deals
15 with land use.

16 MS. ROE: Okay.

17 CHAIRMAN SALADINO: You know, regardless of
18 what you do and stuff, this is --

19 MR. MAZZAFERRO: Basically, as we said, we
20 think it would be advantageous to progress the
21 application, let you guys evaluate it, make the
22 vote and, you know, subsequent to the vote
23 happening then, you know, we'll decide. I think,
24 you know, we'll deal with it at that time.
25 Because there is, you know, the height, also,

1 which is important, too, right, because you've
2 got to be able to stand up in the studio to work.

3 CHAIRMAN SALADINO: Okay. But -- okay

4 MR. MAZZAFERRO: I mean, are they dealt
5 with -- --

6 CHAIRMAN SALADINO: In my opinion -- in my
7 opinion -- I'm sorry, Dinni, did you --

8 MEMBER GORDON: I just wondered if I could
9 ask a question; may I ask a question?

10 CHAIRMAN SALADINO: Absolutely

11 MEMBER GORDON: My understanding, the way
12 that Code works here, is that if you just had a
13 sink for your art work and not a toilet, would it
14 not then be possible just to be applying for an
15 area variance which is much simpler?

16 CHAIRMAN SALADINO: I believe water is
17 permitted, but once we bring in sanitary
18 facilities it becomes --

19 MEMBER GORDON: Yeah, that's what I
20 thought.

21 CHAIRMAN SALADINO: -- contrary to the
22 Code.

23 MEMBER GORDON: That's what I thought.

24 MR. MAZZAFERRO: Okay.

25 MS. ROE: All right.

1 CHAIRMAN SALADINO: Also --

2 MEMBER GORDON: So you might be thinking
3 about switching to the -- if you could do without
4 the toilet. I realize this is --

5 MS. ROE: It's not ideal, but yes.

6 MR. MAZZAFERRO: So the question --

7 CHAIRMAN SALADINO: Well, the other thing
8 that we just -- the other thing that we should
9 just mention is artist studios, professional
10 studios are not a permitted use in themselves in
11 the Residential District; they're conditional
12 uses, and only, and only in the principal
13 building.

14 So you can have a lawyer's office, you can
15 have a doctor's office, you can have an artist
16 office, a dance teacher, but only in the
17 principal building. There's no mention of a
18 studio outside the principal building in an
19 accessory building.

20 Now, that might, in the Building
21 Department's -- once this all comes out, that
22 might also trigger a non-permitted use in the
23 Residential District.

24 I don't want -- I don't want you to think
25 that I'm trying to burst anybody's bubble here.

1 I just want you to be well-informed before we
2 vote to accept this and we move to the next step.

3 MR. MAZZAFERRO: Right. So one question.
4 I do have. Are the requests for the different
5 variances, like we have a setback variance, we
6 have a height --

7 CHAIRMAN SALADINO: Those are the least of
8 your problems.

9 MR. MAZZAFERRO: No, no, and a height
10 variance and we have a use; are they addressed
11 individually?

12 CHAIRMAN SALADINO: The use variance will
13 be addressed first.

14 MR. MAZZAFERRO: Okay

15 CHAIRMAN SALADINO: You have two
16 applications in front of us, one for a use
17 variance and one for an area variance. If you
18 get through the process and the use variance is
19 permitted, is voted on and accepted, then we'll
20 move on to the area variances; two side yards, I
21 think? Two side yards and a height, is that
22 what --

23 MR. MAZZAFERRO: One side yard. The rear
24 yard and a height, actually, or side yard.
25 There's a staircase in the five-foot clearance

1 space.

2 CHAIRMAN SALADINO: Okay. But the first
3 thing we'll address is the application for the
4 use variance. So you should familiarize yourself
5 with the conditions that -- and this Board, all
6 Boards, all Zoning Boards, I believe, are
7 mandated by New York State Law that if certain
8 answers are given to the four questions for a use
9 variance, we're obligated to reject it. So you
10 should familiarize yourself with the requirements
11 for a use variance. And before we vote, I'm
12 going to ask the members if they have any more
13 questions, any more concerns?

14 MS. ROE: We are going to use this for an
15 office as well.

16 MR. MAZZAFERRO: Yeah, it doesn't matter.
17 No, we have some homework to do, that's all.
18 We'll see what happens with the vote, that's all.

19 CHAIRMAN SALADINO: I would suggest that
20 you do that. You know, there are --

21 MR. MAZZAFERRO: Let me just ask a
22 question. If the bathroom is removed from the
23 design and we are looking for, you know, a height
24 and room for a staircase, does that change this
25 process radically?

1 CHAIRMAN SALADINO: If the bathroom is
2 removed and the Building Department looks at the
3 application, with the new application and they
4 look at the application, again, there is a
5 portion of our Code -- I could read it for you if
6 you want -- that says that any professional
7 studio has to be in the principal building, it
8 can't be an accessory building. So that would
9 trigger another use variance. Am I getting that
10 right?

11 MR. MAZZAFERRO: I'm not sure.

12 CHAIRMAN SALADINO: I'm going to read it.
13 This way you know exactly what --

14 MR. MAZZAFERRO: Right, because I -- yeah,
15 just look that up, because accessory use I
16 wasn't --

17 CHAIRMAN SALADINO: In R-1 Family
18 Residential District, no building or premises
19 shall be used and no building or part of a
20 building shall be erected, shared, arranged,
21 intended to be used. Permitted uses, one-family
22 detached dwellings not to exceed one dwelling
23 lot -- one dwelling on each lot. Building
24 structures and uses owned and operated by the
25 Village of Greenport; those are permitted uses.

1 Conditional uses and the one that would
2 affect you, the one that would -- that would --
3 customary home occupations provide -- and these
4 are conditional uses. Such occupation is
5 incidental to the resident use of the premises
6 and carried on in the principal building by a
7 resident thereof and not more than two
8 resident -- non-resident assistance, and such
9 occupation should be carried on in an area not
10 exceeding 30% of the area of the ground floor of
11 the principal building. And it goes on to
12 list -- give examples, professional office or
13 studio of an architect, artist, dentist, real
14 estate agent, engineer, lawyer, musician,
15 teacher, physician, veterinarian or other
16 professions. Such office or studio is
17 incidental to the residential use of the premise
18 and carried on by a resident thereon with not
19 more than two non-resident assistants; shall not
20 occupy more than 30% of the area of the ground
21 floor of the main building. Studios with dancing
22 or music instruction is often -- that doesn't.
23 So --

24 MR. MAZZAFERRO: Could you read the
25 accessory structure permitted uses?

1 MEMBER CORWIN: Excuse me. Mr. Chairman,
2 you said in an R-1, this is in R-2 and that you
3 didn't know how the two are tied together.

4 CHAIRMAN SALADINO: All right, I'll read
5 that. All the uses and the conditional uses are
6 listed under the R-1 District, but if you go to
7 the R-2, two-family district, it said, *"Permitted*
8 *uses; any use permitted in the R-1, one-family*
9 *district as provided in 150-78" --*

10 MR. MAZZAFERRO: Right.

11 CHAIRMAN SALADINO: -- *"except a two-family*
12 *dwelling."* And then the conditional uses, any
13 uses permitted in the R-1 District and also a
14 conversion of an existing dwelling. They add,
15 *"Any use conditionally permitted in the R-1*
16 *Resident District as provided in 150-7B except*
17 *cemeteries."*

18 MR. MAZZAFERRO: Right, that's just a
19 repeat, it rolls over.

20 CHAIRMAN SALADINO: So, everything in R-1
21 is okay to R-2 except if you want to open a
22 cemetery.

23 MR. MAZZAFERRO: I got you, yeah. No, I
24 understood that. Is there a permitted use for
25 accessory structures defined?

1 CHAIRMAN SALADINO: *"Permitted accessory*
2 *uses; any accessory use permitted in the R-1*
3 *one-family district is provided in 150-7-C."*
4 So you would have to go to -- to -- you would
5 have to read -- (*Brief Pause*). I don't read
6 anything here where --

7 MEMBER CORWIN: You might have to get
8 definitions.

9 CHAIRMAN SALADINO: I just wanted to -- I
10 just wanted to -- we just want to get all our
11 cards on the table here.

12 MR. MAZZAFERRO: Right.

13 CHAIRMAN SALADINO: We just want to make
14 it -- we just want to make it so there's no
15 surprises. You know, you can say, *Well, I didn't*
16 *know that*, you know. This way we give you all
17 the information, the decision is ultimately
18 yours, you know, and --

19 MEMBER GORDON: It does say in 150-C-2,
20 *"Customer permitted accessory uses"* and it does
21 refer to the artist; professional offices,
22 studios of an architect, artist.

23 CHAIRMAN SALADINO: I just read that.

24 MEMBER GORDON: Yeah.

25 CHAIRMAN SALADINO: But it also says it's

1 not -- it's only permitted in --

2 MEMBER GORDON: Right, in the building.

3 MR. MAZZAFERRO: We'll check that, I'll
4 have to check it.

5 MS. ROE: Is that it?

6 MR. MAZZAFERRO: That's it, I guess.

7 Unless they have --

8 CHAIRMAN SALADINO: Another thing -- again,
9 we're prepared to vote on this tonight. And I --

10 MR. MAZZAFERRO: I just -- we
11 discovered -- actually, I just discovered, you
12 know, talking to Cynthia just this week.

13 Back in 2013 she actually started the work
14 on the original project, which was new
15 information that I just got. She tore the floors
16 out of the garage and started doing some
17 excavation for the foundation work. I don't know
18 if that has any impact on the situation, does it?

19 CHAIRMAN SALADINO: No. If the variances
20 weren't acted upon in earnest within six months?

21 MR. MAZZAFERRO: No, they were acted upon
22 back then.

23 CHAIRMAN SALADINO: Yeah, but --

24 MR. MAZZAFERRO: Yeah. When you got your
25 building permit you tore the floors out.

1 MEMBER CORWIN: The building permit
2 expires.

3 CHAIRMAN SALADINO: The building permit
4 expires.

5 MR. MAZZAFERRO: Right, she never renewed
6 it, but she did start the project. I'm just
7 asking if that had any impact. But she tore the
8 floors out instead of working on the corner of
9 the project.

10 CHAIRMAN SALADINO: That would be -- the
11 Building Department took all that into
12 consideration. They're the ones that get -- the
13 Building Department are the people that get the
14 Notice of Disapproval in front of us, so.

15 MR. MAZZAFERRO: Right. Well, see,
16 that --

17 CHAIRMAN SALADINO: For that Notice of
18 Disapproval to get in front of us, they took that
19 into consideration.

20 MR. MAZZAFERRO: Well, that's -- actually,
21 I had -- it was my fault. I had -- Paul did have
22 the courtesy to have a pre-meeting with me when I
23 put the documentation together and he did ask me
24 the question did the work start, and at the time
25 I hadn't raised that question with Cynthia and I

1 had said *No, not that I know of*. But now what I
2 found out just in the last few weeks is that she
3 did tear the floors out and started the work back
4 in 2013 --

5 CHAIRMAN SALADINO: I believe it. But --

6 MR. MAZZAFERRO: -- even though it did
7 lapse.

8 CHAIRMAN SALADINO: But I believe the
9 Building -- the building permit expired, but I
10 also believe the Code reads *diligently pursued*,
11 isn't that kind of like -- so it has to be --

12 MR. MAZZAFERRO: That's right, yeah.

13 CHAIRMAN SALADINO: -- diligently pursued,
14 which seven years later I don't think we could
15 say it was.

16 MR. MAZZAFERRO: Just another piece of
17 information I found out, that's all

18 CHAIRMAN SALADINO: All right, we're not
19 here to like squash your project, we're just --

20 MS. ROE: No, I understand, you're really
21 trying to clarify everything. And if there's
22 anything I can add to the process to clarify it
23 while I'm here, I'm happy to. I mean, I don't
24 know if this is the time to say that we don't
25 want the bathroom.

1 CHAIRMAN SALADINO: We don't want to take
2 testimony -- we don't want to take -- testimony
3 is for the public hearing. Right now it's only
4 about the application.

5 MS. ROE: Okay, I got you. Yeah.

6 CHAIRMAN SALADINO: So the only thing that
7 we would caution you against is moving forward
8 without -- without --

9 MEMBER CORWIN: Without an understanding of
10 what a use variance means.

11 MS. ROE: Yeah.

12 CHAIRMAN SALADINO: It's a tough road to
13 hoe.

14 MS. ROE: Yeah, okay.

15 CHAIRMAN SALADINO: And we're kind of
16 locked in to the questions that we ask and the
17 answers that you give. We don't have a lot of
18 latitude with them. As an -- there's four
19 questions for the use variance, five questions
20 for the area variance. One of the questions for
21 an area variance is the last question, question
22 number five, is the hardship self-created, and
23 you answered yes to that. On a use variance,
24 it's question number four, if you would -- if
25 someone was to answer yes on question number

1 four, the application would have to be rejected.

2 So --

3 MR. MAZZAFERRO: Okay.

4 CHAIRMAN SALADINO: I just --

5 MEMBER REARDON: John, is there any benefit
6 to having the applicant pull the use variance and
7 just pursue the area variance?

8 CHAIRMAN SALADINO: That's not what's in
9 the Notice of Disapproval.

10 MEMBER REARDON: Okay.

11 CHAIRMAN SALADINO: It would be okay with
12 us, I guess, but the Building Department I'm sure
13 would have something to say about it, you know.

14 MEMBER CORWIN: Mr. Chairman, I think we're
15 cutting in the weeds here.

16 CHAIRMAN SALADINO: You think?

17 *(Laughter)*

18 MEMBER CORWIN: This is the applicant's
19 stuff to do. We are here to advise the
20 applicant.

21 CHAIRMAN SALADINO: I agree. David, I
22 agree with you a hundred percent. I just -- I
23 just don't --

24 MS. ROE: No, we agree, you guys, and thank
25 you.

1 CHAIRMAN SALADINO: I just don't want
2 anybody to come in front of us --

3 MS. ROE: Yeah.

4 CHAIRMAN SALADINO: -- and say, *Well, we*
5 *didn't know, you didn't explain it.*

6 MS. ROE: Okay.

7 CHAIRMAN SALADINO: Even though, as David
8 explained, it's not really our job to progress
9 your application.

10 MR. MAZZAFERRO: No, we agree a hundred
11 percent, absolutely.

12 CHAIRMAN SALADINO: But we do it as a
13 courtesy just -- you know, not that it's a whole
14 lot of money, too. I'm not sure what the price
15 is, \$500 for an application or something; nobody
16 wants, you know, to throw --

17 MS. ROE: To spend it. Thank you. I
18 really appreciate it. Thank you

19 CHAIRMAN SALADINO: I'm not sure where
20 we're at here. What do you think, David? We're
21 going to vote to accept this application and --
22 Or, unless you guys --

23 MR. MAZZAFERRO: I mean, is it possible
24 to -- should we table this, or no?

25 MS. ROE: What?

1 MR. MAZZAFERRO: If they vote to accept it
2 we have to pursue it, right?

3 MEMBER CORWIN: You could withdraw your
4 application here and now.

5 MR. MAZZAFERRO: I'm going in the same
6 direction, but I was thinking if we table it or
7 withdraw it and resubmit it based on -- you know,
8 we need to have a conversation. So is it more
9 advantageous to withdraw it and resubmit it or
10 let the vote happen?

11 CHAIRMAN SALADINO: Well, I don't want to
12 be your counsel, but if there's -- in my mind, in
13 my life, if I'm not sure of something, I always
14 step back.

15 MR. MAZZAFERRO: Exactly

16 CHAIRMAN SALADINO: So, but what you decide
17 is your choice. I --

18 MS. ROE: I think we have to step back and
19 withdraw the application.

20 MR. MAZZAFERRO: Yeah, so that's -- yeah.
21 Instead of letting it go to a vote, we can
22 withdraw it and then resubmit it

23 CHAIRMAN SALADINO: Well, what we could do,
24 we could table this, right, or --

25 MEMBER CORWIN: I don't think we can table

1 it. I think we can accept it or withdraw it. If
2 they want to make a change to it, then they bring
3 in a new application.

4 CHAIRMAN SALADINO: Okay. What does the
5 attorney think?

6 MEMBER GORDON: You could -- excuse me.
7 They could also withdraw it, we could do the
8 initial steps and they could withdraw it then if
9 they decided that it didn't -- after the
10 hearing --

11 CHAIRMAN SALADINO: Once we schedule a
12 public hearing, Diana, then they're kind of
13 locked in. You know, they go through the expense
14 of paying for the application --

15 MEMBER GORDON: Yes, but --

16 CHAIRMAN SALADINO: They go through the
17 expense of having the public hearing.

18 MEMBER GORDON: Right.

19 CHAIRMAN SALADINO: They go through the
20 risk of perhaps being rejected and --

21 MEMBER GORDON: But there's no legal
22 barrier to withdrawing this at a later stage.

23 CHAIRMAN SALADINO: Oh, I wasn't talking
24 about anything legal. I was just talking about
25 if there's a question about what you should do,

1 maybe just step back and have another
2 conversation with the Building Department.

3 MEMBER GORDON: Yeah

4 MR. MAZZAFERRO: Okay, we're going to -- we
5 just had a quick consult; we're going to withdraw
6 it just to be safe.

7 MS. ROE: Yeah, we'll withdraw the
8 application.

9 MR. MAZZAFERRO: And to be honest, we're
10 going to pull the bathroom out and resubmit it.

11 MS. ROE: Right.

12 MR. MAZZAFERRO: We understand, you know,
13 the concept of the use. So how do we officially
14 withdraw it?

15 MEMBER CORWIN: You just did.

16 *(Laughter)*

17 MR. MAZZAFERRO: We just did, good.

18 CHAIRMAN SALADINO: Yeah. I'm sure you'll
19 be having that conversation with the Building
20 Department and we're going to --

21 MEMBER GORDON: So we're not voting on
22 accepting the application without the bathroom.

23 CHAIRMAN SALADINO: They withdrew the --
24 there is no application without a bathroom.

25 MR. MAZZAFERRO: That's correct.

1 MEMBER GORDON: Okay. I just wanted to
2 make sure.

3 MS. ROE: Okay, thank you. Thank you,
4 everyone.

5 CHAIRMAN SALADINO: Okay. We're going to
6 move on to *Item No. 7, Any other Zoning Board of*
7 *Appeals business that might properly come before*
8 *this Board.* If anybody has a question, we'll do
9 our best to answer it.

10 If not, I'm going to make *Item No. 8 is a*
11 *motion to adjourn.* So moved.

12 MEMBER CORWIN: Second

13 CHAIRMAN SALADINO: All in favor?

14 (*"Aye" said in unison*)

15 I'll vote aye. Jay, roll the credits.

16 (*Laughter*)

17 (****The meeting was adjourned at 6:35 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 November 17, 2020, at Third Street Fire
13 Station, Greenport, NY.

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

18 IN WITNESS WHEREOF, I have hereunto set my
19 hand this 30th day of November, 2020.

20

21 *Alison Mahoney*
22 _____
23 Alison Mahoney

24

25

26

27

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