

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 Third & South Streets
 9 Greenport, New York 11944
 10 October 17, 2023
 11 6:00 p.m.

12
 13 B E F O R E:
 14 JOHN SALADINO - CHAIRMAN
 15 DINNI GORDON - MEMBER
 16 SETH KAUFMAN - MEMBER
 17 DAVID NYCE - MEMBER
 18 JACK REARDON - MEMBER
 19 *****
 20 ALSO IN ATTENDANCE:
 21 BRIAN STOLAR - COUNSEL TO THE BOARD
 22 MICHAEL NOONE - CLERK TO THE BOARD
 23 ALEX BOLANOS - CODE ENFORCEMENT OFFICER

24
 25

1 (The Meeting was Called to Order at 6:05 p.m.)

2 CHAIRMAN SALADINO: Good evening, folks. It's
3 6:05, and this is the Regular Meeting of the Village
4 of Greenport Zoning Board of Appeals.

5 *Item No. 1 is a motion to accept the minutes*
6 *from the September 19th, 2023 Zoning Board of Appeals*
7 *meeting. So moved.*

8 MEMBER NYCE: Second.

9 CHAIRMAN SALADINO: All in favor?

10 MEMBER GORDON: Aye.

11 MEMBER KAUFMAN: Aye.

12 MEMBER NYCE: Aye.

13 MEMBER REARDON: Aye.

14 CHAIRMAN SALADINO: And I'll vote aye.

15 *Item No. 2 is a motion to schedule the next*
16 *Zoning Board of Appeals meeting for November 21st,*
17 *2023, at 6 p.m. at the Station One Firehouse, Third*
18 *and South Streets, Greenport, New York, 11944.*

19 So moved.

20 MEMBER GORDON: Second.

21 CHAIRMAN SALADINO: All in favor?

22 MEMBER GORDON: Aye.

23 MEMBER KAUFMAN: Aye.

24 MEMBER NYCE: Aye.

25 MEMBER REARDON: Aye.

1 CHAIRMAN SALADINO: And I'll vote aye.

2 *Item No. 3 is 520 Madison Avenue. This is a*
3 *motion to accept the Findings and Determinations for*
4 *Marc Rische on behalf of 67 Sound Cheshire LP. This*
5 *property is located in the R-2, One- & Two-family*
6 *Residential District, and is not located in the*
7 *Historic District. The Suffolk County Tax Map number*
8 *is 1001-4-1-7. So moved.*

9 MEMBER KAUFMAN: Second.

10 CHAIRMAN SALADINO: All in favor?

11 MEMBER GORDON: Aye.

12 MEMBER KAUFMAN: Aye.

13 MEMBER NYCE: Aye.

14 MEMBER REARDON: Aye.

15 CHAIRMAN SALADINO: And I'll vote aye.

16 *Item No. 4 is 424 Second Street. This is a*
17 *continuation of a Public Hearing regarding the*
18 *application of Monika Majewski on behalf of*
19 *Divine Home LLC. The applicant proposes construction*
20 *of a new one-family, two-story house with a*
21 *1,281 square foot footprint. The applicant also*
22 *proposes construction of a 16' x 28' pool.*

23 • *The plan shows a pool setback from the*
24 *property line, the north side, of 11.2 feet. This*
25 *would require an area variance of 8.8 feet.*

1 • *The plan shows a pool setback from the*
2 *property line on the south side of 11 feet. This*
3 *would require an area variance of 9 feet.*

4 *This property is located in the R-2 One- and*
5 *Two-Family Residential District and is also located*
6 *in the Historic District. The Suffolk County Tax Map*
7 *number is 1001-4-2-35.3.*

8 Is there something we should know about this?

9 MR. NOONE: The applicant submitted a new site
10 plan, which is going to need the variances to be
11 changed, which means it's going to have to be
12 renoticed, both placards, letters and the newspaper.
13 So they asked for a continuation until that is done.

14 CHAIRMAN SALADINO: Okay. But this public
15 hearing is open. If there's anyone from the public,
16 they would be allowed to speak.

17 MR. NOONE: The applicant is aware of that.

18 CHAIRMAN SALADINO: Is there anyone from the
19 public that would like to speak? No?

20 (No Response)

21 CHAIRMAN SALADINO: So we're continue -- we're
22 keeping this public hearing open, and they're going
23 to submit a new site plan?

24 ATTORNEY STOLAR: They have submitted a new
25 site plan. It requires a new denial letter, which

1 will lead to a new notice for next month. But what
2 you should do is just continue, in case they go back
3 again, continue this hearing to next month.

4 CHAIRMAN SALADINO: Okay.

5 MEMBER GORDON: How many days do we have?

6 CHAIRMAN SALADINO: To do what?

7 MEMBER GORDON: Is there no time limit on how
8 long the hearing remains open?

9 CHAIRMAN SALADINO: No. The hearing can remain
10 open forever, but once we close it, we have 62 days
11 to make a decision. I'm going to ask the members, do
12 we feel we need a new -- since -- I'm guessing
13 everybody has the new site plan, right? Everybody's
14 got the new site plan?

15 MEMBER GORDON: Yeah.

16 MR. NOONE: But the applicant has indicated
17 that they're going to actually revise the site plan
18 that they just submitted, so within the next couple
19 of days.

20 CHAIRMAN SALADINO: So in the next couple of
21 days this Board will have that revised site plan?

22 MR. NOONE: Correct, and revised Notice of
23 Disapproval from the Code Enforcement Official.

24 CHAIRMAN SALADINO: Okay. My question was
25 going to be, since you jumped the gun --

1 MR. NOONE: Sorry.

2 CHAIRMAN SALADINO: My question --

3 (Laughter)

4 CHAIRMAN SALADINO: My question was going to be
5 do we feel we need to see -- we saw the site plan and
6 it changes stuff considerably. Do we -- do we feel
7 we need to see that, or do we -- do we --

8 MEMBER NYCE: I'd like to see it staked out and
9 the grass trimmed, so that we can actually walk the
10 property and see, right? There's some question from
11 the neighbors about how close it is to their fences.
12 It would be nice to get a real sense of what that
13 actually feels like on the property itself.

14 CHAIRMAN SALADINO: So can we make that -- can
15 we make that ask from the applicant, that they --

16 ATTORNEY STOLAR: Of course.

17 CHAIRMAN SALADINO: -- at least provide a path
18 to get to -- the new site plan, the way I read it,
19 and I know you said it's going to change --

20 MR. NOONE: It's not going to change significantly.

21 CHAIRMAN SALADINO: The new site plan has a
22 pool that's like 8 feet from another neighbor's
23 property. I think that we should be able to get a
24 sense of exactly how close that is to the -- to the
25 property. So I'm going to ask the members, we're

1 thinking we want a site plan -- a site visit?

2 MEMBER GORDON: Yes.

3 MEMBER KAUFMAN: Yes.

4 CHAIRMAN SALADINO: All right.

5 MR. NOONE: Do you want just the pool staked
6 out, or do you want the home and the pool staked out?

7 CHAIRMAN SALADINO: The house. Well, let me
8 ask that --

9 MEMBER NYCE: I'd like to see it in relation to
10 the pool, personally. I mean, I -- there's a lot
11 going on with this small piece of property and it's
12 easier to see it on a piece of paper. It's very
13 different to see it in actuality. And, again, I
14 mean, the numbers are the numbers and the space is
15 the space, but for me, I'd actually -- I'd like to
16 physically walk the space, if that's possible.

17 CHAIRMAN SALADINO: I think that's reasonable.
18 Just as an explanation, the last time we were there,
19 the property was overgrown, it was raining, no one
20 was prepared to get a million ticks on them walking
21 to the back of the property, so we didn't do it. And
22 it was kind of straightforward where the stuff was.
23 Now it's -- it's kind of changing more than we're
24 comfortable with. So we're going to ask that --

25 MR. NOONE: The house and the pool. Anything

1 else?

2 CHAIRMAN SALADINO: Whatever is going to be on
3 the site plan that's not zoning compliant we would
4 like to see.

5 MR. NOONE: Okay. For example, the mechanicals
6 of the pool, like things like that, do you need to
7 see?

8 CHAIRMAN SALADINO: If it's zoning compliant,
9 if it's okay with the Building Department that it
10 meets setbacks and stuff, no, we don't have to see
11 that. All right?

12 MEMBER NYCE: I agree.

13 CHAIRMAN SALADINO: Yes, Jack.

14 MEMBER REARDON: I think the mechanicals for
15 the pool they should stake.

16 CHAIRMAN SALADINO: Okay.

17 MEMBER REARDON: They should, yeah.

18 MR. NOONE: They should stake.

19 MEMBER REARDON: Because that's relative --

20 CHAIRMAN SALADINO: All right.

21 MEMBER REARDON: -- to other neighbors and
22 potential issues that they might have, so it would be
23 nice to know what corner they're putting it in.

24 CHAIRMAN SALADINO: Okay.

25 MR. NOONE: You don't want to know what the

1 dry -- where the dry wells are going to be, do you?
2 I mean, that's not going to be --

3 CHAIRMAN SALADINO: I'm guessing that's going
4 to be underground, right?

5 MR. NOONE: Yes. Just checking, John.

6 CHAIRMAN SALADINO: I don't think we need to
7 see that. I don't think we need to see that.

8 MEMBER GORDON: The site plan has both the pool
9 equipment and an indication of where the dry well is.

10 CHAIRMAN SALADINO: Well, what Jack and David
11 are saying, and myself also, is, you know, we all see
12 it on the plan, we all see it on the site plan, but,
13 you know, to actually see it in person, how close
14 this edge of the pool is to -- actually to that
15 fence, you know, get a true perspective and stuff.

16 MEMBER GORDON: Yeah.

17 CHAIRMAN SALADINO: So that's -- that's what we
18 ask, okay?

19 I'm going to make a motion that we continue
20 this public hearing until -- until November 21st.
21 So moved.

22 MEMBER NYCE: Second.

23 CHAIRMAN SALADINO: All in favor?

24 MEMBER GORDON: Aye.

25 MEMBER KAUFMAN: Aye.

1 MEMBER NYCE: Aye.

2 MEMBER REARDON: Aye.

3 CHAIRMAN SALADINO: All right. And I'll
4 vote aye.

5 Item No. -- *Item No. 5 is 11 North Street.*
6 *This is a continuation of a Public Hearing regarding*
7 *the application of Marc Rishe on behalf of*
8 *11 North Street Sound LLC. The applicant proposes to*
9 *renovate both floors of the existing house and expand*
10 *the first floor by 250 square feet and the second*
11 *floor by 200 square feet. The applicant also*
12 *proposes to demolish the existing garage.*

13 • *The plan shows the front-yard setback of*
14 *7.2 feet. This would require an area variance of*
15 *22.8 feet.*

16 The plan shows a variance of 22.8 feet. Oh,
17 I'm sorry.

18 • *The plan shows the one side-yard setback of*
19 *1.5 feet. This would require an area variance of*
20 *8.5 feet.*

21 • *The plan shows a rear-yard setback of*
22 *25.2 feet. This would require an area variance of*
23 *4.8 feet.*

24 *This property is located in the R-2 One- and*
25 *Two-Family Residential District and is also located*

1 *in the Historic District. The Suffolk County Tax Map*
2 *number is 1001-4-3-22.5.*

3 Is there anyone from the public that would like
4 to speak?

5 (No Response)

6 CHAIRMAN SALADINO: Does the applicant want to
7 say something? Name and address.

8 MARC RISHE: Good evening. Marc Rishe,
9 315 Sutton Place. I believe the Board should have
10 received an updated site plan showing the revised
11 parking layout, and, hopefully, that resolves any
12 open issues you may have. I'm happy to answer any
13 questions.

14 CHAIRMAN SALADINO: Thank you for being -- for
15 compromising with the Building Department. Does
16 anybody have any questions for the applicant?

17 MEMBER REARDON: No.

18 CHAIRMAN SALADINO: No? No?

19 MEMBER KAUFMAN: No, I don't.

20 CHAIRMAN SALADINO: Dinni?

21 MEMBER GORDON: No.

22 CHAIRMAN SALADINO: Are you sure?

23 MEMBER GORDON: Well, yes.

24 (Laughter)

25 CHAIRMAN SALADINO: Thank you. I don't have

1 any questions.

2 MARC RISHE: Oh, I thought -- I'm sorry, I
3 thought she did have a question.

4 MEMBER GORDON: No, no.

5 MARC RISHE: Oh.

6 (Laughter)

7 MARC RISHE: Thank you.

8 CHAIRMAN SALADINO: Is there anyone else from
9 the public that would like to speak?

10 (No Response)

11 CHAIRMAN SALADINO: Hearing none, we'll -- I'm
12 going to make a motion that we close this public
13 hearing.

14 MEMBER REARDON: Second.

15 CHAIRMAN SALADINO: All in favor?

16 MEMBER GORDON: Aye.

17 MEMBER KAUFMAN: Aye.

18 MEMBER NYCE: Aye.

19 MEMBER REARDON: Aye.

20 CHAIRMAN SALADINO: And I'll vote aye.

21 Moving along here.

22 MEMBER REARDON: Hey, John, going back to
23 No. 4, let's set up a time for that site visit.

24 CHAIRMAN SALADINO: Oh, I'm sorry.

25 MEMBER GORDON: And I will write it down.

1 CHAIRMAN SALADINO: I don't know. Seth
2 usually --

3 MEMBER GORDON: It's going to --

4 CHAIRMAN SALADINO: -- tells us when it's going
5 to be dark. Oh.

6 MEMBER GORDON: It's going to be after daylight
7 saving is gone.

8 MEMBER KAUFMAN: Yeah, I don't think we want to
9 do that no later than 5, maybe even 4:30.

10 MEMBER NYCE: That's fine.

11 CHAIRMAN SALADINO: 4:30, is that good for
12 everyone? We're okay, 4:30?

13 MEMBER REARDON: We'll give it a shot.

14 MEMBER NYCE: 4:30 is fine.

15 CHAIRMAN SALADINO: Okay. Okay. We're going
16 to set the site visit for 4:30 at -- at the property
17 on Second Street.

18 Moving on again. *Item No. 6 is 440 First Street.*
19 *This is a continuation of a Public Hearing regarding*
20 *the application of Eric Urban and 1st & Center LLC.*
21 *The applicant is appealing the determination of the*
22 *Building Inspector, specifically the Notice of*
23 *Disapproval dated November 15th, 2021, and the*
24 *amended Notice of Disapproval dated February 11th,*
25 *2022, which denied the applicant's request for a*

1 *building permit to convert the existing accessory*
2 *structure to a single-family dwelling on the property*
3 *located at 440 First Street. The applicant also*
4 *seeks area variances from §150-12 in the ("Schedule*
5 *of Regulations"), for the accessory structure.*

6 *150-8(A)(1) and/or 150-7(A)(1), to permit a*
7 *two -- to permit (2) one-family detached dwellings,*
8 *where only one single-family detached dwelling is*
9 *permitted.*

10 *I was going to read that again, but I get it.*

11 *150-12, to permit a rear yard setback of*
12 *2.5 feet, where a minimum of 30 feet is required, a*
13 *side yard setback of 2.1 feet, where a minimum of 10*
14 *feet is required, and no on-site parking, where a*
15 *minimum of 2 spaces would be required for the*
16 *proposed use.*

17 *The property is located in the R-2 One- and*
18 *Two-Family Residential District and is also located*
19 *in the Historic District. The Suffolk County Tax Map*
20 *Number is 1001-4.-7-1.1 and Suffolk County Tax Map*
21 *Number 1001-4.-7-1.2.*

22 *Is there anyone from the public that would like*
23 *to speak?*

24 *ERIC BRESSLER: For the applicant, please. May*
25 *it please the Board, my name is Eric Bressler of*

1 Wickham, Bressler, & Geasa, Attorney for the
2 applicants. I'm here to speak in favor of the
3 application.

4 Several, several housekeeping matters that I
5 would like to address at the outset. The first is
6 that there was some discussion at the last meeting.

7 COURT REPORTER: Excuse me, can you get closer
8 to the microphone, stand closer?

9 ERIC BRESSLER: How about that?

10 COURT REPORTER: Perfect.

11 ERIC BRESSLER: All right. There was some
12 discussion at the last meeting concerning the issue
13 of parking, and at this time, as I said last time, I
14 did not believe that we were seeking a variance with
15 respect to that. While it's true, the plan didn't
16 show the parking, we have drawn in the parking on the
17 plan that I believe will, will satisfy the Building
18 Department.

19 So I'm going to hand up, Mr. Chairman, our
20 cover letter, together with a number of copies of the
21 plan showing the parking spaces on both lots. And I
22 ask that that be marked into the record. It's a
23 letter dated today, together with a copy of the plan
24 showing two lots and two spaces on each.

25 ATTORNEY STOLAR: We'll mark the submission

1 into evidence as *Applicant's Exhibit 1*, which, as you
2 indicated, contains an October 17th cover letter, and
3 then a plan prepared by Condon Engineering dated
4 October 24th, 2019.

5 ERIC BRESSLER: Thank you. As a second
6 housekeeping matter, I was advised that the Board did
7 a site visit, as it indicated that it would do the
8 last time, and it has come to my attention that the
9 required postings which had been made were not there.
10 And notwithstanding what may have been said, those
11 postings were not removed at the direction of our
12 office. The hearing is still ongoing and we have no
13 knowledge as to what may have happened, nor what may
14 not have happened. However, the postings were made
15 and the affidavits were submitted.

16 CHAIRMAN SALADINO: Just to clarify, we spoke
17 to the applicant, he told us that he removed them at
18 your advice.

19 ERIC URBAN: I did not remove them, I never
20 said that.

21 ERIC BRESSLER: There is -- you know, this is
22 one of the -- this is one of the problems that you
23 run into when you have conversations that aren't on
24 the record. My client says he did not say that. My
25 client was not directed to remove them, he says he

1 didn't remove them. Our office didn't give a
2 direction that they be removed, and --

3 CHAIRMAN SALADINO: Are they at your office?

4 ERIC BRESSLER: I didn't remove them.

5 CHAIRMAN SALADINO: Because --

6 ERIC BRESSLER: I didn't remove --

7 CHAIRMAN SALADINO: Because we were told they
8 were at your office, also.

9 ERIC BRESSLER: We did not. We don't remove
10 signs.

11 CHAIRMAN SALADINO: I'm just telling you what
12 we were told.

13 ERIC BRESSLER: I have no idea what happened to
14 them, but we didn't remove them and we didn't direct
15 anyone to remove them. To the extent that my client
16 may have said something to the contrary, it's just
17 not -- it's just not so. Again, that's why -- that's
18 why I think if there are questions, you know, they
19 have to be put on the record, and that's why I'm
20 clarifying that.

21 So the required postings were made, the
22 affidavits are in, and I don't know where they went,
23 but we didn't remove them and my client didn't remove
24 them, so.

25 CHAIRMAN SALADINO: Can you assure the Village

1 that they were there for at least 10 days before the
2 public hearing?

3 ERIC BRESSLER: They were posted before the
4 public hearing. The affidavits are in and we didn't
5 take them down, and that's what I know.

6 CHAIRMAN SALADINO: Could I ask our Attorney,
7 are the placards obligated to be up for at least
8 10 days before the public hearing.

9 ATTORNEY STOLAR: Before the commencement of
10 the hearing, correct.

11 CHAIRMAN SALADINO: And no one can assure this
12 Board -- we -- because of a -- because of a --
13 because of a -- I'm trying to be nice. Because of a
14 previous Attorney and a -- and a decision that not
15 everyone was fully on board with, the public hearing
16 was started before this Board got to make a site
17 visit. So the night of the public hearing this Board
18 was here with you. We didn't go to the property, we
19 have no way of knowing if the placards were ever up.

20 So, you know, I know it's kind of -- it might
21 be -- I honestly can't assess blind. All I'm asking
22 you is if you could assure this Board that the
23 placards were up for at least 10 days before the
24 public hearing.

25 ERIC BRESSLER: Oh, absolutely, and I believe

1 we sent that in together with an affidavit and --

2 CHAIRMAN SALADINO: Do we have that?

3 ERIC BRESSLER: -- without a doubt, they were
4 up there within the 10 days, and I don't think
5 that -- I don't think we could have gone forward on
6 the last hearing without evidence of same, but --

7 MR. NOONE: They were posted, but there's no
8 proof that they were up for the full 10 days.

9 CHAIRMAN SALADINO: Is the Board -- do the
10 members have a problem with this, or not a problem,
11 or do we see something that we --

12 MEMBER GORDON: If we have proof that they were
13 posted, I'm --

14 CHAIRMAN SALADINO: The question is were they
15 posted for the 10 days before the public hearing,
16 that's it.

17 MEMBER GORDON: I don't think we have any way
18 of knowing.

19 CHAIRMAN SALADINO: I'm sorry, go ahead.

20 ERIC BRESSLER: What is -- what's your pleasure
21 with respect to that, Mr. Chairman? I believe you've
22 been shown --

23 CHAIRMAN SALADINO: I don't know. I don't know
24 what my options are. I don't know. I don't know.
25 Since no one can confirm that the placards were up

1 for the 10 days prior to the public hearing, they're
2 not there now. When we made our site visit -- site
3 visit, we saw no placards.

4 I admit that the public hearing was open
5 without a site visit because of -- because of a
6 confusion in scheduling with a previous Attorney. If
7 the site -- all I'm saying is if -- if the placards
8 were up for the 10 days prior to the public hearing,
9 this Board has no problem. If someone, the
10 applicant, you, someone could assure this Board that
11 that was, in fact, the truth -- I understand you have
12 a picture of them that they were posted, but that,
13 you know, then there's nine more days. What happened
14 to those nine days after that? We know by law
15 they're required to be up for 10 days prior to the
16 public hearing.

17 ERIC BRESSLER: Well, the Board, the Board has
18 in the file our affidavit of posting, together with
19 evidence thereof, does it not?

20 CHAIRMAN SALADINO: It has a picture, it has a
21 picture of the -- of the --

22 ERIC BRESSLER: Yeah, I thought -- I thought we
23 documented the necessary posting.

24 MEMBER KAUFMAN: You documented that it was
25 installed, not that it was up for 10 days.

1 ERIC BRESSLER: And before --

2 CHAIRMAN SALADINO: Mr. Bressler, all we're
3 asking you is to give us some kind of assurance that
4 this sign was there for the 10 days prior to the
5 public hearing --

6 ERIC BRESSLER: Well --

7 CHAIRMAN SALADINO: -- as is required by law.

8 ERIC BRESSLER: Well, I can tell you that I did
9 a site visit before the last Board hearing and it was
10 there.

11 CHAIRMAN SALADINO: I'm sorry?

12 ERIC BRESSLER: Prior to the last hearing, the
13 picture of what you're looking at, Mr. Chairman, was
14 an accurate representation of what I saw on the
15 property.

16 CHAIRMAN SALADINO: So you're telling us that
17 10 days after this was posted that sign was there?

18 ERIC BRESSLER: I'm saying that it was posted,
19 and you have an affidavit of posting, and that was
20 10 days --

21 CHAIRMAN SALADINO: This is getting circular.
22 All I'm asking is, was the sign there for the 10 days,
23 as required by law, prior to the public hearing,
24 that's all I'm asking.

25 ERIC BRESSLER: Well --

1 ATTORNEY STOLAR: If you don't know, you don't
2 know.

3 ERIC BRESSLER: And what I can say is it was
4 posted there, and you have evidence it was posted
5 10 days prior, and you have my statement that I went
6 there the day of the hearing 10 days later and it was
7 there. If you're asking me did I go down every day
8 between the day it was posted --

9 CHAIRMAN SALADINO: No, no, no, that's not what
10 I asked you.

11 ERIC BRESSLER: -- the answer is no, but it was
12 there 10 days prior and it was there the day of the
13 hearing.

14 CHAIRMAN SALADINO: That's not what --

15 ERIC BRESSLER: That's what I can tell you.

16 CHAIRMAN SALADINO: That's not what I'm asking.
17 That's not what I'm asking. The same way if this
18 Board would have went for a site visit the night of
19 the public hearing and saw the placard, there would
20 be no question that it was up for the 10 days.

21 ERIC BRESSLER: And you asked me can I tell you
22 whether it was there, and I'm telling you yes,
23 because I was there and I saw it.

24 CHAIRMAN SALADINO: Well, we finally get to
25 that point, and I think we're willing to --

1 MEMBER NYCE: That's fine.

2 CHAIRMAN SALADINO: -- accept it.

3 MEMBER GORDON: Yes.

4 ERIC BRESSLER: Because I -- oh. It's
5 gratuitous, but I will tell you anyway, Mr. Chairman.
6 I always do that the night before a hearing or the
7 day of the hearing to make sure that the sign is up
8 there, so that I know that there's no problem going
9 into the hearing, and I -- and I did that with my
10 client right before the hearing.

11 CHAIRMAN SALADINO: That was -- we're perfectly
12 willing to accept that.

13 ERIC BRESSLER: Okay.

14 CHAIRMAN SALADINO: That's it?

15 ERIC BRESSLER: Well, is that -- is that it --

16 CHAIRMAN SALADINO: As far as the --

17 ERIC BRESSLER: Is that it with respect to that
18 issue? If it is, I'll move on to something else,
19 if --

20 CHAIRMAN SALADINO: Unless you're willing --
21 unless you want to add anything, but we're fine.
22 Don't be a sore winner, we're fine with it.

23 (Laughter)

24 ERIC BRESSLER: If you're satisfied with that,
25 I thank you, and I'll -- and I'll address my remarks

1 to the -- to the application.

2 Since the Board -- since the Board did conduct
3 a site visit, I presume that the Board's familiarity
4 with the site, it was -- I understand a question came
5 up with request -- with respect to the staking. The
6 staking was done pursuant to instructions that we
7 received from the Village as to where and how the
8 property was to be staked, the stake showing the
9 setback lines and the lot line division. And I'm
10 presuming that the Board saw those, saw the stakes,
11 and I believe they were marked with tape, either pink
12 or orange, I don't remember which. And that
13 demonstrates the degree to which this carriage house
14 requires setback variances with respect to the
15 two yards in which it sits too close. I'm presuming
16 everybody, everybody saw that.

17 The long and the short of the application, I'm
18 not going to -- I'm not going to repeat everything I
19 said the last time, because I know -- I know
20 everybody listened and took it in. So all I'm going
21 to say is that the granting of the reversal, although
22 not worth any harm to the Village, in fact, it would
23 be a benefit to the Village, it will -- it will
24 legitimize the two lots, which are typical of lots in
25 the area. It will create another dwelling unit, it

1 will generate additional tax money. It will result
2 in refurbishment and renovation of two of the
3 structures on the two lots, and everybody will
4 benefit.

5 As I said the last time, this application is
6 similar to others in the Village. The layout of the
7 lots is similar to others that I've cited in my
8 papers. And, in fact, one of the -- one of the lots
9 at issue was the prior item on your agenda, which was
10 the same as the case last time.

11 I did ask the last time, and she didn't get --
12 she didn't get a chance to speak, I asked one of
13 the local real estate people in the Village speak to
14 her experience and the conformity of this particular
15 application to other instances in which she's been
16 involved. And if I could ask her to step up, and
17 with the Board's permission, to say a few words about
18 this application.

19 JILL DUNBAR: Hi, everybody. Jill Dunbar, I
20 live at 312 Fourth Street. I'm -- I'm in agreement
21 with Mr. Bressler about the -- about the property,
22 and several of the listings that are cited at the
23 back of his submission I have been involved in. But
24 for me, as a Villager, as a Greenporter, I think it's
25 a win-win-win, too. I believe that it will make an

1 improvement to the whole property. And I know that
2 Eric will do what's proper, and that the concern
3 about lead paint will be addressed properly, and we
4 will get an increase in our rent roll.

5 Several of the properties that are cited, which
6 I have been involved with, include owners who have
7 been Greenporters for over 50 years, as have Eric's
8 family. And the subdivision and the addition of a
9 concerned Board to have another residence has been
10 great.

11 On Bay Avenue, Mr. Baumiller, his family still
12 owns one of the properties, I sold the other, but it
13 hasn't changed the density. These are -- his
14 structure is a structure that's always been here, so
15 he's not building something new to make a density
16 addition, he's going to enhance what's already there.
17 It's been done. And the Village is tight, we're
18 small, we're beautiful, and I think that this project
19 will be an enhancement all the way around, and I
20 support the permit application.

21 CHAIRMAN SALADINO: Ms. Dunbar.

22 JILL DUNBAR: Yes.

23 CHAIRMAN SALADINO: Do you have any -- in your
24 experience as a real estate agent, do you have any
25 direct knowledge, any -- anything you could share

1 with this Board about -- about the lot itself, if it
2 was merged, when it was merged --

3 JILL DUNBAR: No.

4 CHAIRMAN SALADINO: -- if it was never merged?

5 JILL DUNBAR: No. I see that there are two
6 tax maps, so there are two actual properties, but I
7 don't -- I don't have that expertise.

8 CHAIRMAN SALADINO: Okay.

9 MR. BOLANOS: Could I mention something? It
10 just -- is that okay? It just --

11 CHAIRMAN SALADINO: Alex, just for the record.

12 MR. BOLANOS: Oh, yes. Alex Bolanos,
13 Code Enforcement Official, Village of Greenport. Do
14 you need my personal address?

15 COURT REPORTER: No.

16 MR. BOLANOS: No? Okay. It's just hard for me
17 to imagine this, that it was subdivided at some
18 point, or it wasn't subdivided. But the property
19 line seems to be running through the property
20 structure itself. So it just doesn't make sense to
21 me how these could be two different properties if the
22 line, property line runs through the front, the
23 porch, the side of the house. I've never seen a
24 property like this in the Village, and I'm sorry if
25 I've missed it. Please, bring it to my attention. I

1 haven't seen it. If you could support what you --
2 what you said.

3 And, also, you stated the house as being -- the
4 accessory structure as being a carriage house.
5 It's -- our code is not permissive. If it's not
6 worded in our code, it's not allowed. We don't allow
7 mother/daughter like on a separate dwelling, that's
8 just not permitted, and to me, clearly, that's what
9 this is here.

10 But, I mean, I'll let the Board do their job,
11 but I've expressed it on my Notice of Disapproval.
12 To me, it just doesn't make sense, a property line
13 running through an actual property structure itself.
14 You know, if we had a property line running through
15 right here and the Zoning Board members are on a
16 different property, but this is a building? If you
17 could help me understand that, I'd -- I'd be
18 grateful.

19 CHAIRMAN SALADINO: Thank you, Alex. Are you
20 done?

21 MR. BOLANOS: Yes, sir.

22 CHAIRMAN SALADINO: Is there -- is there anyone
23 else?

24 ERIC BRESSLER: May I respond to that briefly,
25 please?

1 CHAIRMAN SALADINO: Sure.

2 ERIC BRESSLER: Thank you. While I respect the
3 Building -- the Village Building Department's view of
4 what we consider to be two lots, we are constrained
5 to respectfully disagree, and, in fact, that's why
6 we're here.

7 The statement that the lot line runs through a
8 porch attached to the house is something that has
9 never been seen before. That may be true in that
10 particular experience. I will say in my experience,
11 you find encroachments all the time in varying
12 degrees of varying types. And I think that it was
13 made clear the last time, and if wasn't, I will
14 clarify it again, the encroachment that we're talking
15 about here is a porch on the south side. And my
16 client can -- can confirm that, you know, from --
17 from review of the records, that that was not what
18 the -- what the property consisted of for some -- for
19 some period of time. The porch is now in extremis,
20 to say the least, and has not been part of the
21 original construction. It will probably -- probably
22 best to remove it, but that's a question for another
23 day.

24 I don't think the fact that the line goes where
25 it goes is determinative of this case in one way or

1 another. And, of course, the entire argument ignores
2 the fact that, as I've stated in my letter, up until
3 the time of the first zoning ordinance, there would
4 not have been a merger. And since the Greenport
5 zoning ordinance, there has never been a merger
6 statute contained in there. So I don't think we're
7 asking the right question when we talk about that.

8 MR. BOLANOS: Could I ask you another question?
9 When Ms. Dunbar was up there earlier, she mentioned
10 about the lead paint? What's the delay? Why
11 wouldn't the lead paint be handled as of today, like
12 an abatement or something, if -- you know, if that's
13 a concern also, why wait? Why let it keep
14 deteriorating like this? Why are we waiting for,
15 you know, a variance to actually do something good
16 for the Village, as we're -- you know, we're trying
17 to all do here tonight?

18 CHAIRMAN SALADINO: I'm going to -- I know the
19 Board might have a few questions.

20 ERIC BRESSLER: For me?

21 CHAIRMAN SALADINO: For you.

22 ERIC BRESSLER: Mr. Chairman, we respond to
23 questions from you, as Chairman, and we respond to
24 questions from members of the Board, and it's my
25 understanding of the procedure that, like in a

1 courtroom, we don't get into a --

2 CHAIRMAN SALADINO: Back and forth.

3 ERIC BRESSLER: Yeah, a tête-à-tête, and that
4 would be --

5 CHAIRMAN SALADINO: Well, the --

6 ERIC BRESSLER: And that would be improper. If
7 you have a question, of course, we would, we would
8 address it.

9 CHAIRMAN SALADINO: I'll ask Alex that you're
10 asking questions through the Board, you know, to the
11 applicant. You ask the questions through the Board,
12 and he can answer or he cannot.

13 MR. BOLANOS: Of course, yeah. I don't --

14 CHAIRMAN SALADINO: But what I was going to say
15 is we're going to ask -- before the Board asks their
16 questions, we're going to ask the public if anyone
17 else from the public would like to speak. Is --
18 all right.

19 NICHOLAS MAZZAFERRO: Hi. Nicholas Mazzaferro,
20 Professional Engineer. I'm not here to speak
21 specifically about this project, but I do a lot of
22 work in the Town, I'm a Professional Engineer, I've
23 lived here my whole life. I've been here before this
24 Board a few times, I intend to keep coming before
25 this Board and other Boards. I'm more concerned

1 about the process, because, again, I'm here for
2 another thing tonight. But what I'm seeing here, it
3 appears to me that the first thing that has to be
4 done is it has to be established whether or not it's
5 two lots.

6 CHAIRMAN SALADINO: Exactly.

7 NICHOLAS MAZZAFERRO: And if it's two lots,
8 then you have a house on one lot, which has got
9 nothing to do with zoning, and then the house on the
10 other lot, which has got everything to do with
11 zoning. So if this got approved as it was written
12 today, the Zoning Board is basically subdividing a
13 lot sufficiently. And it's -- also, if it's not
14 subdividing the lots, but approving the variance,
15 it's now allowing two complete structures,
16 single-family residence on the same lot. So I'm
17 confused, and I'm a professional in this field, so I
18 don't -- I'm just making a comment here in general.

19 CHAIRMAN SALADINO: Well, if I could explain.
20 When this first came in front of the Zoning Board,
21 the question was is there one lot or two lots, that
22 was the question. The Notice of Disapproval was
23 written with the assumption that it's one lot, and
24 you could only have one dwelling unit on a -- on
25 a lot.

1 NICHOLAS MAZZAFERRO: Okay.

2 CHAIRMAN SALADINO: The applicant's attorney
3 insisted on particular wording in his application.
4 This Board took exception to it, and we were
5 eventually sued over it. We wouldn't accept the
6 application because the form wasn't submitted on --
7 and I apologize to the public, but this is going to
8 take a minute or two. The form wasn't submitted on a
9 form that was approved by the Village. Actually,
10 they made up their own form. We disputed his right
11 to do that, and eventually there was an Article 78.
12 They didn't prevail in the Article 78, there was a
13 settlement. In that settlement, a different attorney
14 that represented this Board made certain
15 accommodations that some of us were happy with, some
16 of us weren't.

17 The very bottom line here with this proceeding,
18 with this appeal, is to reverse the Building
19 Inspector's decision. If we decide that the Building
20 Inspector was right, we offered -- we offered what
21 would be the normal process if -- if an applicant,
22 and I'm sure you know this, I'm sure the attorney for
23 the applicant knows this, if an applicant disagrees
24 with a Building Inspector's decision, he would ask
25 for an interpretation. This applicant chose not to

1 do that. If he agrees with the decision and wants
2 relief, he would ask for a variance. The applicant
3 didn't want either, he wanted -- he wanted, as it's
4 written in his -- he wanted a reversal.

5 So we're here tonight, we're here now, we're
6 here last month, and we're here tonight, and we're
7 here on seven or eight previous occasions to decide
8 if it's, in fact, one lot or two. That's what we're
9 going to decide before anything. If it's one lot,
10 the application becomes -- for the carriage house,
11 becomes kind of moot. And there would be other
12 things that he would need to do, you know, a use
13 variance, or whatever other plan that Mr. Bressler
14 and his client can come up with. If this Board
15 decides that, in fact, it is two lots, then we'll
16 move on to the -- to the area variances of the -- of
17 the carriage house.

18 NICHOLAS MAZZAFERRO: So I understand that
19 perfectly, excellent explanation. So the question
20 I --

21 CHAIRMAN SALADINO: I did good?

22 NICHOLAS MAZZAFERRO: Yeah.

23 (Laughter)

24 NICHOLAS MAZZAFERRO: No, but does the Zoning
25 Board have the authority to decide whether it's two

1 lots, or is that a legal decision with the County
2 Clerk's Office --

3 CHAIRMAN SALADINO: That --

4 NICHOLAS MAZZAFERRO: -- and the filings, and
5 the history, and the deeds dating back to 1800, or
6 whatever the deal --

7 CHAIRMAN SALADINO: You're preaching to the
8 choir. That was our question all along. Every one
9 of us thought that it would be more appropriate
10 settled by an adminis -- a Law Judge or a Judge --

11 MEMBER GORDON: Someone else.

12 CHAIRMAN SALADINO: Someone else than this
13 Board. Again, there was an Article 78. We -- there
14 was no decision, there was a settlement. The
15 settlement, again, from a previous attorney, decided
16 that -- I'm not an attorney, I'm reasonably sure
17 Jack's not an attorney, or David. Dinni is an
18 attorney. Seth's not an attorney. We took our
19 Attorney's advice and this is how we proceeded.

20 NICHOLAS MAZZAFERRO: Yeah, all right. Just
21 I'm really -- I'm not really getting involved in
22 their case. I'm looking at, you know, the work that
23 I do here in the future and how this is going to
24 impact, you know, all the zoning hearings and
25 everything else going forward. And, you know, I hope

1 you enjoy the increase in authority.

2 (Laughter)

3 CHAIRMAN SALADINO: We don't, we don't.

4 MR. BOLANOS: Mr. Chairman, if I could also,
5 just to -- for the record. Not too long ago, I wrote
6 an interpretation regarding the parking space, how
7 one space is counted for a front yard, and clearly
8 here, to the site plan that was submitted, we have
9 two cars parked in a front yard, which is unacceptable
10 by Village Code as well, just to make that --

11 CHAIRMAN SALADINO: Alex, I think -- you know,
12 there is a lot of questions that I'm sure all of us
13 have. We've been -- we've been mulling this for
14 months and months and months, and I'm sure it raised
15 a lot of questions, at least in all our minds. So I
16 think we're going to put a pin in that.

17 MR. BOLANOS: Okay.

18 CHAIRMAN SALADINO: And I think what we'll do
19 is we'll focus on if we should move forward or not,
20 if we should move forward with the area variances.
21 So I think what we'll do first, if my colleagues are
22 in agreement, is decide exactly the status of the lot
23 or lots. What are we thinking?

24 MEMBER NYCE: Does seem to be step one.

25 CHAIRMAN SALADINO: I'll ask our Attorney.

1 What do you -- what --

2 ATTORNEY STOLAR: I don't think you need to get
3 there yet. I think they provided some -- the
4 applicant provided information at the last meeting
5 with a number of -- a number of items that he
6 suggested we should look at. The Building Department
7 and the Village has done some research, obtained some
8 of that information very recently, we still need to
9 look at to make a -- to provide you with appropriate
10 advice, so that you can get to that point where you
11 can make that determination with regard to step one.
12 And if you make it in the applicant's favor, what you
13 have to do with regard to step two, which, also, if
14 you get to step two, which is the variances, there
15 are additional variances that I think would be
16 required here, one of which Mr. Bolanos was just
17 talking about, and that's the parking. Another is
18 the porch that extends over beyond onto the adjoining
19 property, that would require variances as well. So
20 if you answer favorably with regard to step one, step
21 two would still require additional variances.

22 CHAIRMAN SALADINO: No, no, we understand that.
23 We understand that the process would be that if this
24 Board reads the evidence, listens to the testimony,
25 and decides that is, in fact, two lots, then we would

1 move on to the -- to the area variances. But if this
2 Board decides that the evidence is not sufficient to
3 reverse the decision, in my mind, it kind of stops
4 there until there's a new application. Am I -- am I
5 kind of getting that right?

6 ATTORNEY STOLAR: You are.

7 CHAIRMAN SALADINO: Okay.

8 ATTORNEY STOLAR: But the point being that
9 that's not something that should be decided tonight,
10 because, again, there was a lot of research that
11 needed to be done that took quite a bit of time. We
12 now have that information. We need to review it and
13 give you some advice as to what that information
14 says.

15 CHAIRMAN SALADINO: I don't think -- I don't
16 think we were prepared to close the public hearing.

17 ATTORNEY STOLAR: Okay. No, I just --

18 CHAIRMAN SALADINO: You know.

19 ATTORNEY STOLAR: But your order in -- your
20 processing of this application in the order that you
21 have said is good.

22 MEMBER KAUFMAN: So I have one question about
23 the site plan we were just given. So this shows not
24 only does the alleged property line go through the
25 porch, but also through the bow window, and also the

1 rear section of the house. It's not just the porch,
2 if this is accurate.

3 ATTORNEY STOLAR: That's right.

4 MEMBER KAUFMAN: So this is -- this is -- I'm
5 just curious about this. Is this -- is this
6 accurate, it's not just the porch?

7 MEMBER GORDON: Yes, they would --

8 MEMBER KAUFMAN: That property line also
9 bisects the bay window and the rear of the house. So
10 I'm just wondering, is that -- that's correct?

11 CHAIRMAN SALADINO: Can I -- can I add
12 something to that also, Seth, and he'll -- I have
13 minutes from a Planning Board meeting where actually
14 the testimony from Mr. Urban is, is that -- is that a
15 rear bathroom on the house?

16 ERIC URBAN: Yes, it is.

17 CHAIRMAN SALADINO: And the property line goes
18 through that rear bathroom, also.

19 ERIC URBAN: It just barely touches it, is
20 right, and that was added on well before in the past.

21 CHAIRMAN SALADINO: So just --

22 ERIC URBAN: It's not the original structure.

23 CHAIRMAN SALADINO: So just for the record,
24 just so Lucia knows we're on the same page, the
25 property line runs through the porch, the bay window,

1 and a portion of the rear bathroom.

2 MEMBER GORDON: And even if it didn't, there
3 would need to be an additional variance if we're --
4 if we decided it was two lots and this was the line,
5 it would -- there would need to be an additional
6 variance because of the -- it would then be a rear
7 yard setback that was inadequate.

8 CHAIRMAN SALADINO: Well, we understand Alex,
9 Alex and the Village, they're doing more research,
10 they have additional information. We're not going to
11 close the public hearing until we hear what the CEO
12 has to say and the Village has to say, and --

13 ERIC BRESSLER: Am I to understand, then, that
14 the Building Inspector wishes to put additional
15 information before the Board?

16 CHAIRMAN SALADINO: Well --

17 ERIC BRESSLER: Was that the request, distilling
18 it down to its essence?

19 CHAIRMAN SALADINO: My opinion of these
20 proceedings were always that this is -- this is a
21 process where there's an applicant and there's the
22 Village, and the Board sits in -- I don't want to say
23 judgment.

24 ERIC BRESSLER: Judgment.

25 CHAIRMAN SALADINO: You know, we all -- well,

1 we already have too much power deciding about this
2 lot and stuff.

3 (Laughter)

4 CHAIRMAN SALADINO: I don't want to say
5 judgment, but we -- we're the -- we're the decider
6 here. So it's more than appropriate that the Village
7 presents their case to your -- to your contentions,
8 you know.

9 ERIC BRESSLER: Is there -- is there a reason
10 why at the last hearing that the Building Inspector
11 was not here to put whatever evidence he may have
12 into the record?

13 CHAIRMAN SALADINO: I have no idea. There
14 might have been a personal problem, there might have
15 been an illness, there might have been many, many
16 things that affected him not being here. If he
17 chooses to answer, he could tell. If it's personal,
18 perhaps he wouldn't. But the public hearing was
19 continued, it's going to be continued again. I don't
20 see the problem with --

21 ERIC BRESSLER: Well, let me -- let me -- let
22 me just be a little bit more succinct. At the last
23 hearing -- I mean, you're quite right, Mr. Chairman,
24 and I wouldn't be so quick to deny the fact that you
25 are sitting in judgment, that is -- that is your job.

1 CHAIRMAN SALADINO: We don't want to get
2 swelled heads.

3 (Laughter)

4 CHAIRMAN SALADINO: You know, we don't want to
5 get too big a head here.

6 ERIC BRESSLER: Okay. So at the first public
7 hearing, for whatever reason, the Building Inspector
8 did not come in and submit any evidence on the public
9 hearing. It was adjourned for a month. The Board
10 did not have the opportunity to go out and look, the
11 Board has now gone out and looked. And now comes the
12 Building Inspector on the second hearing and says,
13 "Well, okay. Well, now I need more time yet." So we
14 have zero submission on the first hearing, we have
15 zero submission on the second hearing, and a request
16 to kick it yet again.

17 So my request to the Board is twofold. First
18 of all, I don't think that the hearing should be
19 continued for that reason. But if the Board
20 determines that it is going to continue the hearing
21 to give the Building Inspector an opportunity to come
22 in and file whatever it is he's going to file, I
23 respectfully ask that we be given an opportunity, as
24 the applicant, to respond to whatever the Building
25 Inspector may put in front of the Board, and keep the

1 record open for that purpose. Because if things go
2 as they usually go in matters like this, whatever
3 gets submitted is going to be submitted then and
4 there, and we're not going to have an opportunity to
5 look at it. So my -- my request is I'd like to
6 respond to whatever evidence you may decide to allow
7 the --

8 CHAIRMAN SALADINO: You have my word, and I'm
9 going to step out and give my colleagues' word also,
10 that anything that the Building Inspector finds or
11 comes up with will be made available to you in --

12 ATTORNEY STOLAR: Our practice is to do it
13 before. The practice with the applicant's attorney
14 is to submit the night of as --

15 CHAIRMAN SALADINO: I was going to mention
16 that. You know, in all fairness --

17 ERIC BRESSLER: Yeah.

18 CHAIRMAN SALADINO: -- you know, you
19 submitted -- you submitted, you know, a new site plan
20 at 6:20.

21 ERIC BRESSLER: Well --

22 ATTORNEY STOLAR: And last month the --

23 CHAIRMAN SALADINO: You know.

24 ATTORNEY STOLAR: And last month,
25 unfortunately, the -- he submitted some information

1 that we needed to look up after, which, of course,
2 had he not submitted that night, we could have
3 reviewed it before, and possibly had an answer for
4 that, if not last time, then this month.

5 CHAIRMAN SALADINO: Mr. Bressler, we're going
6 to give you a fair shake. I mean, the Building
7 Department's going to do their due diligence, I'm
8 sure you're going to do yours. Everybody will be
9 informed, you know, in what everybody's mind it will
10 be ample time to respond, you know.

11 ERIC BRESSLER: Fair enough.

12 CHAIRMAN SALADINO: And I think everybody is --

13 MR. BOLANOS: Also, to answer your question, my
14 father fell down and broke his hip and he had
15 emergency hip replacement at the Hospital for Special
16 Surgery in the City. So, I'm sorry, I had to take
17 care of some business.

18 ERIC BRESSLER: That's an explanation.

19 (Laughter)

20 CHAIRMAN SALADINO: Alex, thank you for that.

21 MR. BOLANOS: Thank you. I know it's not an
22 excuse, but I just wanted to --

23 CHAIRMAN SALADINO: To me it's an excuse.

24 MR. BOLANOS: I'm transparent.

25 CHAIRMAN SALADINO: To me, it's a personal --

1 MEMBER NYCE: Is he doing well?

2 CHAIRMAN SALADINO: It's a personal --

3 MR. BOLANOS: He's doing great. Thank you.

4 CHAIRMAN SALADINO: Is there -- I lost my place
5 here. Is there anyone else from the public that
6 would like to speak?

7 (No Response)

8 CHAIRMAN SALADINO: If not, I have a couple of
9 questions before we make any kind of motion here.
10 If -- so if -- if you guys -- anybody else have any
11 questions?

12 MEMBER REARDON: (Shook Head No)

13 CHAIRMAN SALADINO: No? I had asked -- I had
14 asked the applicant, I had asked you, I asked the
15 applicant through his attorney last month, when --
16 when the applicant became aware that it was two
17 pieces of property, and your response -- let me
18 finish.

19 ERIC BRESSLER: I recall the question and the
20 answer.

21 CHAIRMAN SALADINO: And your response was it
22 was always, he always thought it was two pieces of
23 property; is that the same answer?

24 ERIC BRESSLER: That is our -- that is our
25 position. You have accurately recalled the question

1 and the answer.

2 CHAIRMAN SALADINO: Okay. Because there is
3 testimony by the applicant and his previous attorney
4 that -- and you said you would respond to it, also,
5 last month, that -- that he admitted to three
6 different Statutory Boards that this was one lot, the
7 13,000, 13,000 --

8 MEMBER NYCE: 500.

9 CHAIRMAN SALADINO: 13,500 square foot lot, and
10 he wished to subdivide and create two nonconforming
11 lots. When I'm done, when I'm done.

12 ERIC BRESSLER: As I said the last time when
13 you brought that up, Mr. Chairman, the application
14 the last time --

15 CHAIRMAN SALADINO: I just -- I just -- just
16 let me finish and then you can respond.

17 ERIC BRESSLER: The application last time was
18 to put a division line, which would have divided each
19 of the two lots into two pieces, and thereby creating
20 two lots, for lack of a better description, on a
21 perpendicular basis to those which existed. And to
22 the extent that the application contained language
23 that is contrary to our -- our position, that was not
24 the intent. That's not our position and that has
25 never been our position.

1 CHAIRMAN SALADINO: Well, the minutes, the
2 minutes from the Zoning Board, the minutes from the
3 Planning Board, and the minutes from the Historic
4 Preservation Commission contradict that. So we're
5 going to -- I'm going to give these minutes to the
6 Stenographer, and you can -- or you can FOIL for
7 them.

8 Just, you know, a quick reading. This is
9 from -- this is from the Greenport Village Planning
10 Board. It's a presubmission conference for
11 Eric Urban, represented by Patricia Moore, is discuss
12 a proposed subdivision of an existing 13,500 square
13 foot lot and create two nonconforming lots, and goes
14 on, to increase the nonconforming. So that's from
15 the Planning Board.

16 From the Historic Board, from the Historic
17 Board, the minutes go on to say, "What we tried to do
18 here is we had submitted a request to split the
19 property to be able to sell and create two lots."

20 And -- and then from the Greenport Planning
21 Board Work Session agenda -- the first Planning Board
22 agenda was from June 25th, 2015, and the next one is
23 from the July 30th, 2015 Planning Board Work Session.
24 This is a motion to accept the request by Attorney,
25 Patricia Moore, Esq., representing Eric Urban for a

1 presubmission conference on an application for a
2 proposed subdivision of an existing 13,500 square
3 foot lot creating two nonconforming lots. The
4 minutes from that meeting --

5 MEMBER GORDON: It's on the agenda, agenda for
6 the -- for the ZBA.

7 CHAIRMAN SALADINO: Also, there's -- thank you.
8 Also, there's a -- from September 14th, 2016, this is
9 a motion from the Zoning Board. It was a motion to
10 accept an application for variances publicly noticed,
11 and schedule a public hearing for Eric Urban for the
12 property located at 440 First Street, and the Suffolk
13 County Tax Map number. The applicant seeks to
14 subdivide an existing lot within an existing
15 nonconforming house and a nonconforming two-story
16 lot.

17 The minutes show that the square footage of the
18 lot and the lot in which -- this is just the agenda.
19 So there's a -- there's a lot of things here that
20 suggest that -- plus, I have the minutes from that
21 meeting. I'm not going to -- I'm not going to --
22 it's late, I'm not going to take up the time reading
23 these minutes that actually support everything that
24 I -- that I've read.

25 So my question, the question in my mind is the

1 applicant knew it was one 13,500 square foot lot. He
2 wanted to subdivide that lot and create two
3 nonconforming lots. In the minutes it gives the --
4 it gives the square footage of each lot.

5 I just -- I don't know how -- how this Board is
6 to accept the notion that the applicant always knew
7 that these were two lots, but, yet, we have agendas
8 and minutes from three Statutory Boards that he
9 admits it wasn't.

10 ERIC BRESSLER: Well, my answer to that is, as
11 at -- as at the last session, and I'll get slightly
12 more technical, that application was to create two
13 lots of a -- of a completely different configuration.
14 As a matter of law, that does not constitute a
15 judicial or administrative estoppel with respect to
16 this particular application, a matter that the -- if
17 the Board wants to focus on, I would be pleased to
18 address. But the excerpts that you read,
19 Mr. Chairman, and, in fact, I'm familiar with the
20 history of this, did not lead me to conclude that
21 there's any reason why the prior application to
22 create a completely different configuration should
23 act as any sort of an estoppel in this case.

24 CHAIRMAN SALADINO: Well, I'll admit that the
25 application in front of the Zoning Board was

1 different than the -- than the application in front
2 of the Planning Board. The lot layout in front of
3 the Zoning Board at that time was different than the
4 application submitted to the Planning Board for the
5 presubmission conference. But the fact remains, by
6 the applicant's own admission, it was one lot. So
7 we'll -- we'll --

8 ERIC BRESSLER: Well, let me just -- let me
9 just finish up by my saying one thing. The bottom
10 line is regardless of what may have been -- what was
11 filed and what may have been said there, and what may
12 have been meant by it, the issue was not squarely
13 before any Board. The issue that's before this Board
14 now is not squarely before any Board, and we don't
15 believe that the applicant is barred by anything he
16 did, which did not go to any determination, by the
17 way. So --

18 CHAIRMAN SALADINO: You don't think this Board,
19 in asking to make that decision about whether it's
20 one property or not, should use prior testimony by
21 the applicant and the applicant's attorney? You
22 don't think we should take that into consideration,
23 or is it like -- or are you saying don't believe what
24 you've read and don't believe what you heard, or what
25 you saw, just believe you, is that what you're

1 saying?

2 ERIC BRESSLER: Well, I certainly think that
3 the latter applies. You certainly should believe me,
4 but I don't believe --

5 (Laughter)

6 CHAIRMAN SALADINO: We'll take it under --
7 we'll take it under advisement.

8 ERIC BRESSLER: I don't believe it's a matter
9 of law that -- that the other -- that the other is
10 relevant here, and we'll be prepared to --

11 CHAIRMAN SALADINO: You don't think that
12 constitutes evidence?

13 ERIC BRESSLER: I don't think that constitutes
14 any evidence at all --

15 CHAIRMAN SALADINO: Okay.

16 ERIC BRESSLER: -- whether or not there was one
17 lot or two lots, because the issues were completely
18 different, they weren't addressed, and, like I said,
19 they don't constitute a bar to this Board making the
20 determination now that that issue is squarely before it.

21 CHAIRMAN SALADINO: Okay. Do any of my
22 colleagues have any questions for the applicant, for
23 the applicant's attorney, anyone here?

24 MEMBER NYCE: Not at this point.

25 MEMBER GORDON: You relied in previous

1 appearances before us on the history that you think,
2 and you think it was always two lots, and you've --

3 ERIC BRESSLER: I don't think it ever merged,
4 that's correct.

5 MEMBER GORDON: And you've relied on that
6 history, but you seem at this point to be willing to
7 move those lots around in a way that suggests to me
8 that you're not really very confident about that.

9 ERIC BRESSLER: I don't want to move those lots
10 around at all. I never made an application --

11 MEMBER GORDON: But the shape of them is --

12 ERIC BRESSLER: I never made an application to
13 move those lots, that was not on my watch. As the
14 Chairman correctly pointed out, that was in a before
15 time.

16 MEMBER GORDON: Right, right.

17 ERIC BRESSLER: So you can't tag me with
18 that one.

19 MEMBER GORDON: But you're not -- but you're
20 not accepting, for instance, the tax map. The tax
21 map picture is very different, it has absolutely
22 nothing do with what is now being proposed.

23 ERIC BRESSLER: The tax -- there are two
24 separate tax map lots which match what we think the
25 configuration of the lots are.

1 MEMBER GORDON: Well, the shape is not the same
2 as the --

3 ERIC BRESSLER: As the Chairman read in the
4 original -- you know, the notice when we started this
5 session, there are two tax lots, two tax map numbers,
6 and they correspond to one that's owned by the LLC
7 and one that's now owned by Mr. Urban. So I didn't
8 try to move those lots at 90 degrees and create some
9 sort of screwy property lines. We're just looking at
10 the property lines the way they are now and the way
11 they're shown on the tax map.

12 CHAIRMAN SALADINO: I'm sorry, Dinni.

13 MEMBER GORDON: I'm finished.

14 CHAIRMAN SALADINO: Could -- if it's not
15 against -- if it's not a secret, or you choose not to
16 answer, could you explain to us about the deed
17 correction in 2017? I think it is 2017. There was a
18 deed correction by Attorney Moore that corrected --
19 that corrected a title search and a deed transfer in
20 2002. Is there -- is there something you could share
21 with us with that, either now or, if you need time to
22 research it, for next time?

23 ERIC BRESSLER: Well, I think probably option two,
24 Mr. Chairman, since, as you know, I didn't do that.

25 CHAIRMAN SALADINO: Okay.

1 ERIC BRESSLER: So I'm going to have to dig a
2 little deeper and --

3 CHAIRMAN SALADINO: Not a problem.

4 ERIC BRESSLER: -- perhaps have words with one
5 of my colleagues about that issue.

6 CHAIRMAN SALADINO: Which is certainly your
7 right. Another question --

8 ERIC BRESSLER: By the person -- by the person
9 who drew the deed.

10 CHAIRMAN SALADINO: Another question I might
11 have is you keep mentioning the merger law in the
12 Village, but this house has been around since -- the
13 map that was submitted was from 18 -- Eric, help me
14 out, '90, 1888?

15 ERIC BRESSLER: 1836 or something.

16 CHAIRMAN SALADINO: Eighteen, 18 something.

17 ERIC BRESSLER: Oh, yeah, pretty --

18 CHAIRMAN SALADINO: Village code.

19 ERIC BRESSLER: Older than us.

20 CHAIRMAN SALADINO: Well, maybe not, maybe not
21 older than David.

22 (Laughter)

23 MEMBER NYCE: Nothing's older than me.

24 CHAIRMAN SALADINO: But the Village, the
25 Village, the merger law came into existence with the

1 code in 1949. We don't -- we don't know what
2 happened prior to 1949.

3 ERIC BRESSLER: Well, merger is a creature --
4 to quote from a case that escapes the tip of my
5 tongue, merger is a creature of zoning law.

6 CHAIRMAN SALADINO: But there was no Zoning
7 Code prior to --

8 ERIC BRESSLER: So no merger.

9 CHAIRMAN SALADINO: So -- okay, no merger.

10 ERIC BRESSLER: No merger. In fact, as I -- as
11 I think I pointed out before, the Village's ordinance
12 is the exact mirror image of a lot of other municipal
13 zoning ordinances where you have, instead of --

14 CHAIRMAN SALADINO: My point is --

15 ERIC BRESSLER: -- a law against this --

16 CHAIRMAN SALADINO: -- things happened, things
17 happened between 1890 and 1949 that we don't know
18 about. We know that there was a title -- a deed
19 transfer and a title search that we have, we have a
20 copy of some testimony. Actually, that you
21 submitted, that there had to be a deed correction,
22 because North Fork Bank made a mistake, or someone
23 made a mistake and listed it as one lot, as opposed
24 to two lots, when the applicant purchased it from his
25 parents. Purchased it from your parents?

1 ERIC URBAN: Yeah.

2 CHAIRMAN SALADINO: In 2000? So if we could,
3 if we could maybe focus on that for the next time.

4 ERIC BRESSLER: I'll see --

5 CHAIRMAN SALADINO: Or if you want to do it now.

6 ERIC BRESSLER: I'll see what I can find out,
7 Mr. Chairman.

8 CHAIRMAN SALADINO: That would --

9 (Laughter)

10 CHAIRMAN SALADINO: That would work for us. Is
11 there -- anyone else have a -- have a question? No?

12 (No Response)

13 CHAIRMAN SALADINO: Anyone else from the public
14 have a question? No?

15 (No Response)

16 CHAIRMAN SALADINO: All right we're going to --
17 we're going to move on. We're going to -- I'm going
18 to make a motion that we keep this public hearing
19 open until --

20 ATTORNEY STOLAR: 11/21.

21 CHAIRMAN SALADINO: Until November 21st.

22 MEMBER REARDON: I'll second.

23 CHAIRMAN SALADINO: All in favor?

24 MEMBER GORDON: Aye.

25 MEMBER KAUFMAN: Aye.

1 MEMBER NYCE: Aye.

2 MEMBER REARDON: Aye.

3 CHAIRMAN SALADINO: And I'll vote aye. Thank you.
4 I lost my place.

5 ATTORNEY STOLAR: Item No. 7.

6 MEMBER NYCE: Seven.

7 CHAIRMAN SALADINO: *Item No. 7. Item No. 7 is*
8 *625 First Street. This is a motion to accept the*
9 *application, schedule a public hearing, and arrange a*
10 *site visit regarding the application of David Murray*
11 *on behalf of Beth and David --*

12 DAVID MURRAY: Dahle.

13 CHAIRMAN SALADINO: *Dahle of 625 First Street.*
14 *The applicant proposes increased building coverage on*
15 *the first and second floors of the house from a total*
16 *of 1700 square feet to a total of 2026 square feet.*
17 *The applicant also proposes construction of a*
18 *200 square foot inground pool.*

19 • *The plan shows a Front Yard of 13-feet. The*
20 *minimum front yard requirement is 30 feet. This*
21 *would require an area variance of 17 feet.*

22 • *The plan shows a side yard of 3.2 feet. The*
23 *minimum side yard requirement is 10 feet. This would*
24 *require an area variance of 6.8 feet.*

25 • *The plan shows an accessory structure with a*

1 *setback of 1 foot. The minimum setback for accessory*
2 *structure is 5 feet. This would require an area*
3 *variance of 4 feet.*

4 • *The plan shows an accessory structure with*
5 *setback of 2.5 feet. The minimum setback for*
6 *accessory structures is 5 feet. This would require*
7 *an area variance of 2.5 feet.*

8 • *The plan shows lot coverage of 36 and*
9 *two-tenths? Two one-hundredths?*

10 MEMBER NYCE: *Two one-hundredths.*

11 CHAIRMAN SALADINO: *Two one-hundredths. The*
12 *maximum lot coverage requirement is 30%. This would*
13 *require an area variance of 6.2% which equals*
14 *488 square feet, the house adding 288 square feet,*
15 *and the pool 200 square feet.*

16 *This property is located in the R(-2) One- and*
17 *Two-Family Residential District and is also located*
18 *in the Historic District. The Suffolk County Tax Map*
19 *number is 1001-2-6-35.*

20 *Is the applicant here? David, name and address*
21 *for the Stenographer, please.*

22 DAVID MURRAY: *Hello, Chairman, Members of the*
23 *Board. My name is David Murray. I'm the owner of*
24 *Murray Design & Build at 449 Main Street in*
25 *Greenport. I'm also a resident of Greenport at*

1 332 Fifth Avenue.

2 And this is our application, our building
3 permit application. And from our letter -- Notice of
4 Disapproval, you'll see that a lot of these things
5 are housekeeping things for the existing structures.

6 What you'll notice on the plan is, what we're
7 doing is -- the house dates all the way back to 1845,
8 parts of it. It's a very old house, and it's been
9 added many times in the back, where it's gotten
10 thinner and thinner. Basically, what we're doing,
11 we're going to be cutting part of the back section
12 off the house, squaring it up, basically, and adding
13 a bigger bathroom and bigger bedrooms upstairs.
14 Staying a three bedroom house, we're not making it,
15 you know, a lot of bedrooms or anything like that.

16 I think when you come to the site, you'll see
17 that -- it doesn't look to me like we're covering up
18 a lot of the -- a lot of the backyard. As a matter
19 of fact, there's a second rear set -- or rear yard
20 percentage that we are under the 30%. I think we are
21 coming up at 27% for the rear.

22 MR. BOLANOS: Rear yard coverage.

23 DAVID MURRAY: Rear yard setback. There was
24 two requirements, there was the full lot coverage,
25 and then a rear yard.

1 MR. BOLANOS: Accessory.

2 DAVID MURRAY: Am I right, Alex?

3 MR. BOLANOS: Yeah, with accessory coverage.

4 DAVID MURRAY: So we did calculations. So our
5 rear yard coverage is only 27%, so we are under that.

6 Where we're putting a pool on the property does
7 not need any variances, because we are within the 20,
8 20-foot setbacks, so we don't want to push that
9 issue.

10 CHAIRMAN SALADINO: I'll wait for you to
11 finish, because I got a little list.

12 DAVID MURRAY: No, I'm sure you do.

13 (Laughter)

14 DAVID MURRAY: What else was I --

15 CHAIRMAN SALADINO: The pool, the 20 feet.

16 DAVID MURRAY: We're not touching anything in
17 front of the house, we're keeping everything. It's
18 going to be an easy one to get through the Historic
19 Board, I think, just the rear addition, and
20 refiguring the house a little bit.

21 So with the size of the house now being about
22 1700 square feet, we're taking it to about 2,000
23 square feet, which is not a big house like compared
24 to some of the other ones around the area. Go ahead.

25 CHAIRMAN SALADINO: Ready for me?

1 DAVID MURRAY: Go ahead. Should I write this
2 down?

3 CHAIRMAN SALADINO: I'm gentleman, I'm going to
4 ask my colleagues if they have any questions first.

5 MEMBER GORDON: I have a question, a question
6 that will cover some of these. Are some of these
7 requests really sort of legitimizing, legitimizing
8 previous decisions about a nonconforming building?

9 DAVID MURRAY: That --

10 MEMBER GORDON: We've had a bunch of these.
11 And I mean, for instance, the front yard setback, the
12 house is -- it's not going to change.

13 DAVID MURRAY: No, we're not changing the
14 front.

15 MEMBER GORDON: Right, right.

16 DAVID MURRAY: We're not changing really the
17 sides. And the accessory, No. 3, the accessory, it's
18 a very old barn that's on the property, that takes up
19 about 650 square feet. So if you're wondering like
20 why are we covering so much of the property, this
21 whole historic barn is a good bit of it. It's a
22 neat -- it's a neat building. We don't know exactly
23 what we're going to do with the historic barn,
24 that's -- it's going to have to go through the
25 Historic Board and all that, but that --

1 MEMBER GORDON: So is it really true that
2 the -- that Numbers 1 through 4 in these variances
3 are simply legitimizing what has always been there --

4 DAVID MURRAY: That's --

5 MEMBER GORDON: -- as part of the -- part of
6 the Greenport policy recently. So --

7 DAVID MURRAY: That is correct, Diana.

8 MEMBER GORDON: Then I sort of think we have to
9 focus on the lot coverage matter and --

10 DAVID MURRAY: Correct.

11 MEMBER GORDON: -- not spend so much time on
12 these, which are -- which is really sort of an
13 administrative cleanup.

14 DAVID MURRAY: Correct. The -- really, the lot
15 coverage is the -- is the main one.

16 MEMBER GORDON: Yeah. That's my only question.

17 CHAIRMAN SALADINO: I'm -- me?

18 MEMBER NYCE: Yeah. And just to follow what
19 Dinni said, a quick look, because I apologize, I've
20 been away, I just got back, but a quick look. You're
21 not increasing any of the nonconformities of the
22 house on the setbacks either, right? In this back
23 session you still have the proper side yard setback
24 as per the new code, right where this new building is
25 going to be?

1 CHAIRMAN SALADINO: I don't have -- I don't
2 have a -- I don't have the site plan, what's being --
3 as what's being demolished and what's being created.
4 I don't have that drawing.

5 DAVID MURRAY: If I could real quick.

6 CHAIRMAN SALADINO: He's invited, if he wants.

7 ATTORNEY STOLAR: The question, the question is
8 does the addition comply with all minimum required
9 setbacks?

10 DAVID MURRAY: Yes.

11 NICHOLAS MAZZAFERRO: Yeah.

12 DAVID MURRAY: The addition is --

13 MEMBER NYCE: That's what I -- that's what I
14 thought.

15 DAVID MURRAY: -- is not on the side.

16 ATTORNEY STOLAR: Right, regardless of existing
17 conditions.

18 DAVID MURRAY: Correct. We're cutting part of
19 the rear section of the house off, so that helps.

20 NICHOLAS MAZZAFERRO: Right.

21 DAVID MURRAY: But we're rebuilding a porch
22 that is going to have the side yard setback requirement.

23 NICHOLAS MAZZAFERRO: No.

24 DAVID MURRAY: I'm going to -- I'm going to
25 bring Nick Mazzaferro. He's a little more detailed

1 on some of these things than me, that's really why
2 he's here.

3 NICHOLAS MAZZAFERRO: Hi. Nick Mazzaferro,
4 P.O. Box 57, Greenport, New York. I'm the Engineer
5 on the project, and also a resident of Greenport.

6 So the rear of the house is having some of the
7 structure eliminated, and the south side of the house
8 is getting squared off, as David mentioned, for two
9 floors, and the squared off part is clear of any
10 setback issues, there's no variances required to
11 square that off. As a matter of fact, we're lining
12 it up with one of the existing walls that's there
13 now, which doesn't require a setback.

14 The four preexisting setbacks, which are front
15 yard, side yard to the north, and for the accessory
16 building south side and rear, which would be the
17 west side, those have existed since, I don't know,
18 50, 60, 70 years, or whatever, so we're cleaning them
19 up. And the new variance that we're requesting is
20 basically a 6% coverage issue.

21 And David mentioned two things. One, just so
22 we're clear, the square footage increase is across
23 two floors. It's not we're taking the footprint from
24 1700 to 2,000, we're only -- we're up -- we're upping
25 the footprint by half of that, because we are

1 building two stories new.

2 The other thing is, is the barn in the back,
3 which is really a pretty cool structure, which we're
4 going to go to Historic with, we're probably going to
5 recreate it exactly where it is, because it's got
6 some really neat doors on it. We're already
7 anticipating putting all the pool equipment inside
8 there. So that way that's not anything to do on the
9 other side, nobody can see it, but it is large. I
10 mean, it's 600 and something square feet from back --
11 you know, it's probably an old scallop house from the
12 1920s or 30s or something, so --

13 MEMBER NYCE: Is this Jada's old place?

14 NICHOLAS MAZZAFERRO: Who is it?

15 MEMBER NYCE: Jada.

16 DAVID MURRAY: I don't know who had it.

17 NICHOLAS MAZZAFERRO: Don't know, yeah, who had it.

18 MEMBER NYCE: I don't know, it doesn't say.

19 NICHOLAS MAZZAFERRO: So the 6% increase is
20 kind of being pushed, because, you know, we didn't
21 really want to take the barn down, so that didn't
22 give us any gain in square footage. The little bit
23 of the house we took back off the back of the house
24 we put on the side. So we're really looking at a 3%
25 footprint coverage, and the other 3% of the variance

1 we're looking for is an inground pool. You know,
2 it's going to be below grade. There's not a lot of
3 structure above it. There's no pergola, there's no
4 canopy, there's no pool house, you know, there's none
5 of that. So we're just trying to get, you know, a
6 small pool in the ground, what, 10-by-20?

7 DAVID MURRAY: Ten-by-20.

8 NICHOLAS MAZZAFERRO: Yeah, the 10-by-20 pool
9 in the ground, out of everybody's vision, completely
10 in the backyard, you can't see it from the street,
11 and that's, you know, really driving this. The
12 people want to keep this house looking the way it is,
13 and they're just trying to increase the functionality
14 of the inside. It's funny, because we actually have
15 a picture where -- what was it, like 1890s?

16 DAVID MURRAY: (Nodded Yes).

17 NICHOLAS MAZZAFERRO: Somewhere from early
18 1900s, where the sidewalk was smaller, and the house
19 was actually closer to the street. At some point in
20 time, between that picture and now, they made the --
21 they made the sidewalk or the street wider at that
22 point.

23 DAVID MURRAY: Or narrower.

24 NICHOLAS MAZZAFERRO: Or narrower. They made
25 the street narrower, the sidewalk wider.

1 DAVID MURRAY: She had a big old dress and
2 big hat.

3 (Laughter)

4 NICHOLAS MAZZAFERRO: She had a bustle. She
5 has her bustle on, so.

6 (Laughter)

7 NICHOLAS MAZZAFERRO: What else is on your
8 list, John, because, you know, Dave probably can --

9 CHAIRMAN SALADINO: Just -- just some minor
10 stuff here. As far as the rear yard, you gave -- you
11 gave a number for the rear yard. You know, the
12 buildings I have at 648 square feet, the barn.

13 DAVID MURRAY: The barn.

14 NICHOLAS MAZZAFERRO: The barn, that's right,
15 correct.

16 CHAIRMAN SALADINO: The barn?

17 NICHOLAS MAZZAFERRO: Yeah.

18 CHAIRMAN SALADINO: And you're going to add
19 200 feet for the pool?

20 NICHOLAS MAZZAFERRO: Correct.

21 CHAIRMAN SALADINO: Two hundred square feet for
22 the pool. So do you have, off the top of your
23 head --

24 NICHOLAS MAZZAFERRO: It's 26 --

25 CHAIRMAN SALADINO: There's no legend on

1 your --

2 NICHOLAS MAZZAFERRO: Yeah.

3 CHAIRMAN SALADINO: -- on your drawings.

4 NICHOLAS MAZZAFERRO: I ran the numbers after
5 Alex called me up. It's 26.7% of the rear yard
6 coverage, with the pool and the barn in the backyard.

7 CHAIRMAN SALADINO: Twenty-six percent, okay.

8 NICHOLAS MAZZAFERRO: It's 26.7 to be exact.

9 CHAIRMAN SALADINO: Close enough. Okay. And,
10 again, there's no legend, so I couldn't measure
11 myself with my --

12 NICHOLAS MAZZAFERRO: There's no scale on
13 yours?

14 CHAIRMAN SALADINO: There's no scale.

15 DAVID MURRAY: No scale?

16 NICHOLAS MAZZAFERRO: No, it's right here,
17 quarter per foot.

18 DAVID MURRAY: Well, no, he's talking about --

19 NICHOLAS MAZZAFERRO: The site plan?

20 DAVID MURRAY: The site plan.

21 CHAIRMAN SALADINO: All right. You can answer
22 the question, you know.

23 NICHOLAS MAZZAFERRO: On the survey there's no
24 scale.

25 CHAIRMAN SALADINO: Guys, just let me ask the

1 question. You answer it off the top of your head.

2 NICHOLAS MAZZAFERRO: I thought I had that, I'm
3 sorry. No, I'm shocked that I --

4 DAVID MURRAY: I can't believe it.

5 CHAIRMAN SALADINO: Since there's no -- since
6 there's no ledger, my question is, and I'm looking at
7 this and I'm looking at the drawing, can you tell me
8 how far the pool is from these stairs?

9 DAVID MURRAY: To what stairs?

10 MEMBER NYCE: The stairs off the back, the
11 redone back porch.

12 CHAIRMAN SALADINO: Listen, guys --

13 NICHOLAS MAZZAFERRO: That's about six or
14 seven feet.

15 CHAIRMAN SALADINO: -- we're not going to hold
16 this up. How many?

17 NICHOLAS MAZZAFERRO: About six or seven feet.

18 CHAIRMAN SALADINO: Well, we can't have that.

19 NICHOLAS MAZZAFERRO: The pool from the steps,
20 you mean?

21 CHAIRMAN SALADINO: The pool from the steps.
22 It's got to be 10 feet minimum.

23 NICHOLAS MAZZAFERRO: Okay. We can slide it
24 back three feet and still be 20 from the backyard.

25 CHAIRMAN SALADINO: Just let us know.

1 NICHOLAS MAZZAFERRO: Yeah.

2 CHAIRMAN SALADINO: Just show that.

3 NICHOLAS MAZZAFERRO: Okay. Because we've got
4 23 from the backyard right now.

5 CHAIRMAN SALADINO: For the -- so it's 23 feet.
6 I'm looking at it. It's 23 feet from the -- from the
7 rear property line to the edge of the pool, so that's
8 okay, right? So if we can -- if we can get the front
9 of the pool, the east end of the pool more than
10 10 feet from the stairs --

11 NICHOLAS MAZZAFERRO: The steps.

12 CHAIRMAN SALADINO: -- we're kind of good,
13 right?

14 NICHOLAS MAZZAFERRO: Correct.

15 CHAIRMAN SALADINO: Okay. So you'll show us
16 that next month? We're not going to hold this up for
17 that, but you'll show us that for next month?

18 NICHOLAS MAZZAFERRO: Yes.

19 DAVID MURRAY: We'll show it to you before
20 then. We'll have it --

21 NICHOLAS MAZZAFERRO: Yeah.

22 DAVID MURRAY: -- before next month's meeting,
23 with plenty of time for you to review it.

24 CHAIRMAN SALADINO: You heard Mr. Mazzaferro?

25 DAVID MURRAY: Before the -- before the site

1 visit.

2 CHAIRMAN SALADINO: Okay. And I think
3 that's -- that's all I had. Oh, we need something
4 from David. We need the letter, the signed letter
5 saying that you're -- the notarized letter saying
6 that you're the representative of Mr. --

7 NICHOLAS MAZZAFERRO: The agent.

8 CHAIRMAN SALADINO: I'm sorry?

9 NICHOLAS MAZZAFERRO: The agent.

10 DAVID MURRAY: Submitted that to the Building
11 Department.

12 NICHOLAS MAZZAFERRO: Yeah.

13 DAVID MURRAY: Maybe not -- maybe not with --
14 with my building permit I did, but maybe not for your
15 application.

16 NICHOLAS MAZZAFERRO: Yeah. It's an agent
17 letter.

18 CHAIRMAN SALADINO: Well, we'd be satisfied.
19 If you have that, we'd be satisfied.

20 MR. BOLANOS: I'll check.

21 CHAIRMAN SALADINO: I think. I get in trouble
22 when I speak for the rest of the members, but I think
23 we'll be satisfied with that. So we're going to need
24 that. The legend on the site plan you already
25 explained.

1 DAVID MURRAY: Yeah.

2 CHAIRMAN SALADINO: The -- that's all I have.
3 That's all I have. All right. Anybody have any
4 questions for Nick and David?

5 MEMBER NYCE: No. I think your --

6 CHAIRMAN SALADINO: Seth, Diana?

7 MEMBER NYCE: That changing of the setback from
8 the back steps.

9 CHAIRMAN SALADINO: Yeah. So we'll --

10 MEMBER NYCE: And, yeah, then it just becomes
11 the --

12 CHAIRMAN SALADINO: Well, they're going to
13 measure it, they're going to let us know how far
14 it is.

15 NICHOLAS MAZZAFERRO: Yeah.

16 CHAIRMAN SALADINO: Maybe they don't have to
17 change it.

18 NICHOLAS MAZZAFERRO: Whichever.

19 CHAIRMAN SALADINO: How far the pool is from
20 the --

21 DAVID MURRAY: Yeah, we'll make sure.

22 NICHOLAS MAZZAFERRO: Yeah, we'll make a --
23 we'll make a scale out on the -- on the drawings.

24 CHAIRMAN SALADINO: Okay. All right. I'm
25 going to -- thanks, guys. I'm going to make a motion

1 we -- we accept this application. So moved.

2 MEMBER NYCE: I'll second.

3 CHAIRMAN SALADINO: All in favor?

4 MEMBER GORDON: Aye.

5 MEMBER KAUFMAN: Aye.

6 MEMBER NYCE: Aye.

7 MEMBER REARDON: Aye.

8 CHAIRMAN SALADINO: All right. We're going to
9 do a -- we're going to do a --

10 MEMBER REARDON: Site visit for that first.

11 CHAIRMAN SALADINO: We're going to set -- let's
12 set the public hearing first. We're going to set the
13 public hearing for -- for November --

14 ATTORNEY STOLAR: 21st.

15 CHAIRMAN SALADINO: 21st at 6 o'clock. We set
16 them all at 6 o'clock. The site visit --

17 MEMBER NYCE: We're doing --

18 CHAIRMAN SALADINO: Oh, we have a site visit.

19 MEMBER NYCE: We have a site visit at 4:30 --

20 CHAIRMAN SALADINO: Yeah.

21 MEMBER NYCE: -- at 424 Second. It's right
22 around the corner from there.

23 CHAIRMAN SALADINO: Do you guys have a
24 suggestion of the time?

25 MEMBER NYCE: 4:45?

1 CHAIRMAN SALADINO: 4:45?

2 CHAIRMAN SALADINO: We'll set the --

3 MEMBER KAUFMAN: 4:45.

4 CHAIRMAN SALADINO: We'll set the site visit
5 for 4:45. We'll be there.

6 DAVID MURRAY: Was that on the 21st, or was
7 that the 17th, the week prior to Thanksgiving?

8 MEMBER NYCE: On the -- it's on the 21st, the
9 same as --

10 CHAIRMAN SALADINO: Let me check my agenda.

11 (Laughter)

12 CHAIRMAN SALADINO: The next Zoning Board of
13 Appeals meeting will be November 21st at 6 p.m.

14 DAVID MURRAY: So we'll do --

15 CHAIRMAN SALADINO: So we'll be at your
16 property at 4:40 --

17 MEMBER NYCE: 4:45.

18 CHAIRMAN SALADINO: 4:45. And Nick, David,
19 who's ever going to do it, maybe just stake out --

20 DAVID MURRAY: Yep.

21 CHAIRMAN SALADINO: -- whatever you think we
22 need to see.

23 DAVID MURRAY: Yep.

24 CHAIRMAN SALADINO: The pool.

25 DAVID MURRAY: Yes, we will.

1 CHAIRMAN SALADINO: Okay. Anything else for
2 these guys? No?

3 (No Response)

4 DAVID MURRAY: Thank you.

5 CHAIRMAN SALADINO: Thank you.

6 All right. 440 -- *Item No. 8 is 424 Second*
7 *Street.* We're going to put --

8 ATTORNEY STOLAR: Continued.

9 CHAIRMAN SALADINO: We're going to put a pin in
10 that, that's continued to next month.

11 *Item No. 9 is 11 North Street. This is a*
12 *discussion and possible motion on the area variances*
13 *applied for by Marc Rische on behalf of 11 North*
14 *Street Sound LLC. This property is located in*
15 *The R-2 One- and Two-Family Residential District.*
16 *It's in -- it's also located in the Historic*
17 *District. The Suffolk County Tax Map number remains*
18 *the same at 1001-4-3-22.5.*

19 All right, guys. Folks, what are we thinking
20 here? Anybody -- anybody got anything to say about
21 this, any comments, anything?

22 MEMBER NYCE: I'll kick it off with changing
23 the parking, which I won't necessarily comment about.
24 The rest of it is housekeeping. I mean, they're
25 taking that front porch off. It really encroaches on

1 the side, and moving most of that to the east side of
2 the building with that there. And it's basically --
3 the rest of it is just housekeeping on lot lines on a
4 preexisting building. I don't have any further
5 issues with this, personally.

6 CHAIRMAN SALADINO: Jack, anything?

7 MEMBER REARDON: No problems.

8 CHAIRMAN SALADINO: Dinni?

9 MEMBER GORDON: I would want to put some
10 condition on it for providing vegetation, something
11 around it to -- it's very small. The parking is very
12 obvious, very dominant in the aesthetics of the
13 building, so I think we should require some sort
14 of --

15 CHAIRMAN SALADINO: I think I saw your
16 application to the -- to the Historic Board, and
17 didn't you kind of agree to do that, some kind of
18 screening, vegetation?

19 MARC RISHE: There'll be some -- there will be
20 some plantings, yes, at the property.

21 CHAIRMAN SALADINO: But you can condition that.

22 MEMBER GORDON: I think we should make it a
23 condition.

24 CHAIRMAN SALADINO: Okay. Okay. Do you want
25 to kind of describe what we should -- what we should

1 ask of this guy?

2 MEMBER GORDON: Which plants? No.

3 CHAIRMAN SALADINO: No, no, not the plants.

4 How tall, how far --

5 MARC RISHE: May I address the Board?

6 CHAIRMAN SALADINO: -- where exactly.

7 MARC RISHE: Is that -- is that a zoning
8 matter. I just want to clarify.

9 MEMBER GORDON: Well, we are allowed to add
10 conditions that are --

11 MARC RISHE: Well, I'm just -- I'm clarify.
12 I'm not --

13 MEMBER GORDON: Yeah. No.

14 MARC RISHE: I'm not familiar with that
15 requirement.

16 MEMBER GORDON: We are permitted to add
17 conditions that are relevant to -- you remember
18 the -- one of the -- one of the five questions that
19 we have to answer positively, or for at least four of
20 them we have to answer positively, is how it affects
21 the look of the neighborhood. And I just think, you
22 know, we made our site visit and it seemed to me that
23 the parking was just a very dominant aesthetic
24 feature. And so I think it should be -- you know, it
25 should be something that's taller than the cars it's

1 supposed to hide, or as tall. But we don't have to
2 specify. Just say vegetation that screens the double
3 parking, the double lot, the double car lot.

4 CHAIRMAN SALADINO: So okay. In my mind,
5 that's reasonable. But are we going to do the east
6 side and the south side, or just the east side?

7 MEMBER NYCE: Or is she talking about out at
8 the street?

9 CHAIRMAN SALADINO: At the street, you think?

10 MEMBER NYCE: In here. I'm just --

11 MEMBER GORDON: Yeah.

12 MEMBER NYCE: I'm asking.

13 MEMBER GORDON: Yeah.

14 MEMBER NYCE: Those are -- those are the areas
15 that --

16 CHAIRMAN SALADINO: Is there -- is -- just --

17 MEMBER REARDON: Could I ask Marc to inform us
18 on what vegetation the Historic Board is requiring of
19 them?

20 CHAIRMAN SALADINO: He hasn't been there yet.

21 MEMBER REARDON: Oh.

22 MARC RISHE: I'm not allowed to go to the
23 Historical Board until I get approval from the Zoning
24 Board.

25 MEMBER REARDON: Well, I thought you said that

1 you were planting some sort of --

2 MARC RISHE: I was -- I had proposed plantings
3 in my Historical application, which needed to be
4 revised because of this parking requirement --

5 MEMBER REARDON: Got it.

6 MARC RISHE: -- that was bestowed upon me. So
7 as of now, we have plantings shown in the front of
8 the house, only it's not to say we won't to anything
9 else, but that was what was within Historical.

10 MEMBER REARDON: Thank you.

11 MEMBER GORDON: Why didn't you ask for -- is it
12 okay if we -- he doesn't have to. Okay. Why did you
13 not ask us for a variance with respect to the
14 parking?

15 MARC RISHE: Honestly, it seemed like there was
16 so much internal confusion with the parking that
17 still doesn't appear to be resolved. I felt that the
18 easiest path forward was to provide what the Board
19 interpreted as compliant parking. I don't personally
20 agree with it. I think there's another application
21 before you tonight that have that issue that wasn't
22 brought up. So I feel like, you know, that's sort of
23 unduly burdensome to me because of a public comment,
24 you know, and this is all just -- it is what it is,
25 and that's the reason.

1 CHAIRMAN SALADINO: The other --

2 MEMBER NYCE: (Sneezed).

3 CHAIRMAN SALADINO: Salud. The other -- just
4 as an FYI, the other application that you mentioned
5 that has a similar problem that came up tonight, I
6 could promise you that will be addressed.

7 MARC RISHE: I actually wasn't referring to
8 that one, but understood.

9 CHAIRMAN SALADINO: I could promise you that
10 will be addressed. And I have to be honest with you,
11 I think this was a great compromise. I think you did
12 a great job, this was a great compromise. You know,
13 it's -- in my mind, it's always nice to have the cars
14 back there, as opposed to towards the sidewalk. Did
15 you decide where you would like these?

16 MEMBER GORDON: No. I think on the -- on the
17 street side.

18 CHAIRMAN SALADINO: Just so -- just so -- just
19 so the Attorney knows where to put it in the
20 findings, and Alex knows where to look afterwards,
21 could you just give a little --

22 MEMBER GORDON: Well, I don't think -- I
23 don't --

24 CHAIRMAN SALADINO: Maybe draw it? Just like
25 put an X. All right.

1 MEMBER GORDON: No.

2 CHAIRMAN SALADINO: We'll --

3 MEMBER GORDON: I think the point is to screen
4 from public -- vegetation that screens the parking
5 area from public view, or scrutiny, or some word like
6 that.

7 CHAIRMAN SALADINO: Okay. Okay. Do we --

8 MEMBER KAUFMAN: Do we all actually agree that
9 that --

10 MEMBER REARDON: Yeah, it would have to be
11 between the house and the driveway.

12 MEMBER KAUFMAN: -- that we need to add
13 vegetation? Do David and Jack agree with this? Is
14 this really necessary --

15 CHAIRMAN SALADINO: I'm --

16 MEMBER KAUFMAN: -- for a Zoning Board to start
17 telling them what --

18 MARC RISHE: Can I just add for the record, the
19 intent has always been from day one to enhance this
20 property. It's not to, you know, over-encumber the
21 property and just make it look terrible. You know,
22 that's my goal. So I'm going to do that anyway,
23 whatever needs to be done. Whether you stipulate it
24 or not, that's up to the Board.

25 MEMBER KAUFMAN: I mean, my feeling is that

1 you're shoe-horning a whole lot of stuff onto a
2 certainly tiny lot, but everyone was okay with that.
3 And okay, but it's really not our place, I think, to
4 start prescribing individual plantings at this point.
5 It's like the parking's there.

6 MEMBER GORDON: I didn't say individual
7 plantings. I said --

8 MEMBER KAUFMAN: Well, I mean, plantings, you
9 know, actual plantings on the property. I don't -- I
10 don't think it's a zoning matter. I think if
11 Planning wants to do that, then they can do it.
12 That's --

13 MEMBER GORDON: How is it different from other
14 conditions? We've put other conditions that are
15 relevant to some zoning requirement. I mean, is a
16 zoning requirement, however misguided, that we have
17 two --

18 MEMBER KAUFMAN: Sure.

19 MEMBER GORDON: -- spaces here?

20 CHAIRMAN SALADINO: I don't --

21 MEMBER KAUFMAN: I mean, he should be fine with
22 that.

23 DAVID MURRAY: I'm fine.

24 CHAIRMAN SALADINO: I don't know. I don't
25 know. If it was a commercial piece of property,

1 screening would be required. It's a -- it's a
2 residential piece of property. I know we have the
3 right to certain conditions, but it's not required.
4 We can -- we can ask.

5 MEMBER GORDON: No. Oh, no.

6 CHAIRMAN SALADINO: It's not required.

7 MEMBER GORDON: I agree.

8 MARC RISHE: And could I also just add that
9 I will be going to Historical Committee on Thursday,
10 and I'm sure this will be a matter of concern as
11 well.

12 CHAIRMAN SALADINO: I'm positive it will be.

13 MARC RISHE: So I would imagine it will be
14 addressed.

15 CHAIRMAN SALADINO: I'm positive Historic is
16 going to have a comment about --

17 MARC RISHE: Something.

18 CHAIRMAN SALADINO: -- whatever they talk
19 about. I have -- I have a condition that I would
20 like to bring up to the Board. Well, we got to -- we
21 got to address Dinni's concerns first.

22 MEMBER GORDON: Well, I will go with the view
23 of the rest of you. I just -- it seems to me
24 relevant to the character of the neighborhood issue
25 that we deal with every time we do the five

1 questions.

2 CHAIRMAN SALADINO: Well, what does the Board
3 think? What -- are we going to ask Mr. Rishe to put
4 some screening up someplace, or are we going to drop
5 that in HPC's lap?

6 MEMBER GORDON: He isn't necessarily going to
7 own it forever.

8 CHAIRMAN SALADINO: No, you're right. Dinni,
9 you're 100% right. You're 100% right. It's just --

10 MEMBER KAUFMAN: If the rest of the Board
11 thinks that we should do this, I'm fine with that. I
12 don't think it's a killer issue, I just -- I do
13 wonder where -- where we end with this, that's all.

14 MEMBER NYCE: I'm sorry.

15 CHAIRMAN SALADINO: Spit it out.

16 MEMBER NYCE: I'm new to this, but I tend to
17 agree with Seth on this, that I don't know it's
18 necessarily a zoning issue to start dealing with
19 plantings and screenings.

20 CHAIRMAN SALADINO: You know, it just kind of
21 puts a little more on our plate that we have to worry
22 about for the next guy, you know. I don't know. I'm
23 inclined, I'm inclined to let the next statutory --
24 Dinni has every right to ask for it.

25 MEMBER NYCE: I agree.

1 CHAIRMAN SALADINO: But I'm inclined to let the
2 people that deal with what looks pretty deal with it,
3 you know.

4 MEMBER GORDON: Okay.

5 CHAIRMAN SALADINO: They --

6 MEMBER KAUFMAN: That's basically my feeling.
7 In fact, you said it better than I said it. I think
8 it's more appropriate for that Board to deal with it.

9 CHAIRMAN SALADINO: So --

10 MEMBER REARDON: I think we have a place in
11 stating certain conditions, because that's why people
12 are here, they want to break, you know, into some
13 area that's -- you know, we don't have conditions for
14 that. So stating something is good. I don't know if
15 we have to be very specific. I think he hear's us.
16 He knows we're looking for you to soften the view
17 from the road to the cars. And like you say, I think
18 there's other committees that will probably follow up
19 on that.

20 CHAIRMAN SALADINO: They live for it. So are
21 we going to -- are we -- again, we're going to make
22 the suggestion to Mr. Rische, or are we going to put a
23 condition for him?

24 MEMBER GORDON: Okay. Let's make a suggestion,
25 just it needs a suggestion.

1 CHAIRMAN SALADINO: I have a condition that I
2 would like to bring up. Because of the size of the
3 house, because of the size of the lot, because it's
4 kind of busy, and under normal circumstances, if they
5 were building a new house, the condition would be
6 automatic, I would like to condition that this house
7 remain a one-family house. Can we do that?

8 ATTORNEY STOLAR: You can. Which district is
9 it in?

10 MEMBER NYCE: It's one and two. No, I'm
11 sorry -- yeah, one and two.

12 CHAIRMAN SALADINO: It's on an undersized lot.
13 It was created by subdivision.

14 ATTORNEY STOLAR: So --

15 CHAIRMAN SALADINO: If it was new construction
16 on that size lot, it would be mandated that it be a
17 one-family house.

18 ATTORNEY STOLAR: Mandated, meaning it doesn't
19 have sufficient lot area to build a two-family house?

20 CHAIRMAN SALADINO: An undersized -- an
21 undersized lot is -- the side yards, rear yards are
22 computed with a different formula, but, also, one of
23 the conditions is that it's limited to a one-family
24 house. So because of the size of this lot, and the
25 size of the house that's already there, and by

1 looking at the site plan, the area that's going to be
2 taken up by parking, I think to put a second dwelling
3 or second apartment on that property, I wouldn't be
4 in favor of that.

5 MEMBER GORDON: Hasn't there been an apartment
6 upstairs and an apartment downstairs?

7 MARC RISHE: (Shook Head No).

8 MEMBER GORDON: No. I don't know why I thought
9 that.

10 ATTORNEY STOLAR: Yeah, you can, you can. I
11 was just looking at something on there, but you can
12 certainly impose that as a condition.

13 CHAIRMAN SALADINO: Well, it would be the
14 pleasure of the Board, you know, that's my opinion.
15 You have five free-thinkers here, and usually we get
16 five, five opinions. So what are the -- what does
17 the Board think?

18 MEMBER GORDON: This is a moment when we're
19 trying to increase the number of housing units for
20 people who aren't going to be able to buy big
21 beautiful houses in other places. Maybe this is a
22 place where we should have.

23 MEMBER KAUFMAN: And it's got all this parking.

24 (Laughter)

25 CHAIRMAN SALADINO: Well, if he converts it to

1 a two-family house, he's got to come up with another
2 parking space.

3 MEMBER KAUFMAN: And they'll all be able to
4 park in there.

5 CHAIRMAN SALADINO: That's -- that's another
6 thing. You know, you got to come up with another
7 parking space. You know, that's my thoughts. I
8 don't think there should be a two-family house on
9 this property, but --

10 MEMBER REARDON: I'm going to ask Marc what his
11 plans might include.

12 MARC RISHE: I -- so I don't want to -- I'm not
13 an attorney, I don't necessarily want to waive my
14 rights, but I have no intention of doing a two-family
15 home. It's already designed as a one-family home.
16 It doesn't -- honestly, the size of the house does
17 not support a two-family home, I don't believe so. I
18 don't have the code or the bulk schedule in front of
19 me, so I can't say that for sure whether that would
20 be within my rights, but it's not planned. The
21 second I get approval of a one-family, I'll be going
22 into Building Department for a permit, so.

23 MEMBER REARDON: Thank you.

24 CHAIRMAN SALADINO: Well, again, like Dinni
25 mentioned, there's probably -- I'm not saying for

1 sure, but there's probably going to be owners in the
2 future. You know, so if an owner -- for us to
3 condition it now, it's no harm, no foul, because the
4 current owner has no intentions of turning it into a
5 two-family house. If the future owner wants to
6 perhaps convert it to a two-family house, he's not --
7 he's not prevented -- he's prevented by the covenant,
8 but he has recourse, he can come to this Board, and
9 then recourse it.

10 MEMBER GORDON: The code requires that a living
11 space be at least 1,000 feet, square feet, so maybe
12 it would be impossible anyway.

13 MARC RISHE: The current dwelling is less than
14 2,000 square feet, if that's what you're implying,
15 so yes.

16 ATTORNEY STOLAR: So there's another option, if
17 you don't want to put a condition that it be
18 maintained as a one-family, and that is that you
19 state in your decision, so that any future Board,
20 however many years after today, they will see in your
21 decision that the reason that you granted this was
22 knowing that it was a one-family, and but for it
23 being a one-family, you would have not granted any
24 variances for this lot.

25 CHAIRMAN SALADINO: And how would that be

1 different -- and how would that be -- so you're
2 saying that Board would take that into consideration,
3 but they wouldn't be bound by it.

4 ATTORNEY STOLAR: They also wouldn't be bound
5 by the limitation to a one-family, because a future
6 applicant can make an application not only for
7 variances, but for a -- an amendment of the previous
8 determination to modify the terms and conditions of
9 the approval.

10 CHAIRMAN SALADINO: But -- but --

11 ATTORNEY STOLAR: Unless you do a covenant,
12 require a covenant and restriction, and Zoning Boards
13 wouldn't typically do that for something like this.

14 CHAIRMAN SALADINO: But -- the needle's stuck.
15 But a future applicant wouldn't have -- without a
16 covenant, without a restriction, a future applicant
17 could build as-of-right, he wouldn't have to go to
18 zoning.

19 ATTORNEY STOLAR: You'd need another parking
20 space, so you can't do it based on the interpretation.
21 They'd need to enlarge the house, and, therefore,
22 would need variances.

23 CHAIRMAN SALADINO: Well, if he could come up
24 with a site plan that's zoning compliant, it would
25 be -- it would be as-of-right to build a house.

1 MEMBER GORDON: Well, does he have --

2 CHAIRMAN SALADINO: All I'm saying is that
3 somebody, somebody down the road, perhaps not this
4 Board, but somebody down the road should have the
5 right to say, because we don't know what the Village
6 is going to look like in the future. We don't know
7 about density, we don't know about anything. So some
8 Board --

9 MEMBER NYCE: (Sneezed).

10 CHAIRMAN SALADINO: Salud. Some Board in the
11 future should be able to say, "It's not allowed right
12 now, but come tell us your story," and it might be
13 allowed in the future, is all I'm saying. We don't
14 know what's going to happen in the future.

15 MEMBER GORDON: The code might change and not
16 require 1,000 feet for a -- for a dwelling. I mean,
17 a lot of New Yorkers think 1,000 feet is a big
18 apartment.

19 CHAIRMAN SALADINO: Yeah, but you're kind of
20 making my point.

21 MEMBER GORDON: So it might be --

22 MEMBER NYCE: Yeah.

23 MEMBER GORDON: Might be 700 square feet in
24 some future code, in which case the possibility for a
25 second dwelling might be more appealing.

1 MEMBER KAUFMAN: But if the Village made that
2 change, then what would be wrong with allowing the
3 owner at that point to make that change, if the
4 Village decides that they want more density? So like
5 why do we need to condition that either? I don't
6 want to be anti-condition tonight, I'm sorry.

7 CHAIRMAN SALADINO: Apparently, you are.

8 (Laughter)

9 MEMBER KAUFMAN: But I'm going to --

10 CHAIRMAN SALADINO: But apparently you are.

11 MEMBER KAUFMAN: I just don't see the point of
12 that. I mean, you're just making more work for our
13 Lawyer.

14 CHAIRMAN SALADINO: I don't know, because I
15 don't know what's going to happen with the code. We
16 haven't gotten to -- in the interest of full
17 disclosure, I'm part of the Subcommittee, the Code
18 Subcommittee. We haven't -- we haven't gotten to the
19 Residential District yet. We don't know what the
20 code for the Residential District is going to look
21 like. We don't know what's going to happen if, God
22 for -- God forbid there's something that happens to --

23 MEMBER REARDON: (Sneezed)

24 ATTORNEY STOLAR: Bless you.

25 CHAIRMAN SALADINO: Salud.

1 CHAIRMAN SALADINO: To the adjoining
2 properties, and now this property becomes fallow.
3 And you know, what's built -- what's built next to
4 it, and what's built next door, I don't know. We
5 can't -- we can't -- we can't make decisions for the
6 unborn, but right now we put a little bit of a
7 stopgap in. And whoever buys the house and wants to
8 convert it to a two-family house applies to the
9 Zoning Board and gets -- perhaps gets the right to
10 do it.

11 MEMBER KAUFMAN: But with the current code,
12 they'd almost certainly have to apply to the Zoning
13 Board, right?

14 ATTORNEY STOLAR: It would seem that way, yes.

15 MEMBER KAUFMAN: And if the Village changes the
16 code somehow to make it possible for a two-family in
17 the future, then wouldn't that be the Village Board's
18 choice to allow that kind of density, in which case
19 the unthinkable of this tiny house having two full
20 families in it is desirable? I mean, in other words,
21 we can't make that decision either. So I would just
22 tend to go for the less complexity and just say, "If
23 you want to try and get two families in there, go for
24 it." But you're not.

25 MARC RISHE: I don't.

1 MEMBER KAUFMAN: So why don't we just leave it
2 alone? But that's my own opinion, and I don't
3 think -- I don't really have a strong opinion
4 either way.

5 CHAIRMAN SALADINO: I'm not sure where it
6 says -- and Dinni's smarter than I am. But I'm not
7 sure where it says that for that type of conversion,
8 from a single family to a two-family house, it has to
9 be 1,000 feet. I'm not sure. I'm not sure that's in
10 our code, to be honest with you.

11 MEMBER GORDON: No, it's just the general --

12 CHAIRMAN SALADINO: Dinni. Dinni, we're --

13 MEMBER REARDON: Then the parking would
14 generate the variance.

15 CHAIRMAN SALADINO: Just the code, we're just
16 doing the code.

17 MEMBER GORDON: I got it. Okay.

18 MEMBER KAUFMAN: I feel, because I don't have a
19 strong -- I'm not strongly against this. It just
20 seems like its additional complexity, and it's not
21 really doing anything that we don't already -- we're
22 not already doing, that's all.

23 MEMBER NYCE: To follow up on what the Attorney
24 was saying, to have in the minutes or in the decision
25 the reasoning for the decision makes a lot of sense

1 to me in that the Board down the road understands why
2 we made -- why this was part of our discussion and
3 why it was part of our decision. As of right now, we
4 have issues with -- there are no starter homes left,
5 right? So a small single-family home that somebody
6 can get into doesn't necessarily exist. Do -- are we
7 trying to create that by making -- saying this is a
8 single-family? I mean, what exactly is the end
9 result of this?

10 And to Seth's point, that if it's -- if it's
11 truly worth, you know, that we want to put this in
12 for a specific reason, matching what we're trying to
13 do within the community right now and what we see,
14 then that makes a lot of sense to me, right?

15 CHAIRMAN SALADINO: I just -- I just thought
16 that -- yeah, yeah. I just thought that -- that --
17 what is it, 3,000 square feet, the lot, 3500 square
18 feet, Dinni?

19 MARC RISHE: Something like that, I guess.

20 CHAIRMAN SALADINO: I got it here.

21 MEMBER GORDON: Something like that

22 CHAIRMAN SALADINO: I just thought -- I just
23 thought a 3,000 square foot lot, if we're talking
24 about, you know -- I don't know, I honestly don't.
25 And this is a housing discussion --

1 MEMBER NYCE: Right.

2 CHAIRMAN SALADINO: -- and I really don't want
3 to get into it. But I don't -- I don't know what's
4 right for a family to live. I grew up on a big piece
5 of property. I think everybody should have a big
6 backyard and nice yard for the kids to play in. But
7 even a small house on a small piece of property, and
8 perhaps a little crowded, to go to David's point, is
9 better than a cardboard box in Moore's Woods. You
10 know, so having said that -- you know what, we'll --
11 I'm 75 years old, I'll leave it for the next guy.

12 (Laughter)

13 CHAIRMAN SALADINO: I'll withdraw, I'll
14 withdraw, I'll withdraw my suggestion, and we'll
15 worry about the next Board to decide what happens
16 with this piece of property. How's that? So if --
17 anybody else have anything?

18 MEMBER GORDON: I just want to correct
19 something I said. I thought livable floor area,
20 1,000 feet, square feet, it's for one-family houses.

21 MEMBER NYCE: Right.

22 MEMBER GORDON: And for two-family houses, it's
23 as per New York State.

24 CHAIRMAN SALADINO: New York State Code.

25 MEMBER GORDON: And I don't know what that is.

1 I just want to correct my own mistake.

2 CHAIRMAN SALADINO: We used to know it, but
3 we -- we all used to know it. I bet you Nick knows
4 it. We all used to know it, but we forgot.

5 NICHOLAS MAZZAFERRO: Four-fifty to 750.

6 CHAIRMAN SALADINO: So there you go. I knew it
7 wasn't in the code; 450 to 750.

8 MEMBER NYCE: Yeah.

9 CHAIRMAN SALADINO: All right. Anybody?
10 Nobody else? We're going to get to you now. Do
11 the -- everybody, everybody all set? We don't
12 have -- we do SEQRA anyway, even though we don't have
13 to do SEQRA?

14 ATTORNEY STOLAR: You still have to do a SEQRA
15 motion, yes.

16 CHAIRMAN SALADINO: The SEQRA motion. All
17 right. I'm going to make a motion that the Zoning
18 Board of Appeals declare itself Lead Agency for the
19 purposes of SEQRA. So moved.

20 MEMBER REARDON: Second.

21 CHAIRMAN SALADINO: All in favor?

22 MEMBER GORDON: Aye.

23 MEMBER KAUFMAN: Aye.

24 MEMBER NYCE: Aye.

25 MEMBER REARDON: Aye.

1 CHAIRMAN SALADINO: And I'll vote aye.

2 And since this is a Type II action, no further
3 is needed.

4 We're going to go through the balancing test
5 here, Marc. You kind of know the deal. We'll ask
6 these five questions, and at the end we're going to
7 take them en masse, the variances all at once.

8 MEMBER GORDON: Yeah.

9 CHAIRMAN SALADINO: Right? All right. I think
10 we discussed most of these anyway. I don't think
11 we're in legal jeopardy here by doing this.

12 Whether an undesirable change will be produced
13 in the character of the neighborhood or a detriment
14 to nearby properties will be created by the granting
15 of an area variance. Jack?

16 MEMBER REARDON: No.

17 CHAIRMAN SALADINO: David?

18 MEMBER NYCE: No.

19 CHAIRMAN SALADINO: Dinni?

20 MEMBER GORDON: No.

21 CHAIRMAN SALADINO: Seth?

22 MEMBER KAUFMAN: No.

23 CHAIRMAN SALADINO: And I'll vote no.

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

1 to pursue other than an area variance. Jack?

2 MEMBER REARDON: No.

3 CHAIRMAN SALADINO: David?

4 MEMBER NYCE: No.

5 MEMBER GORDON: Dinni?

6 MEMBER GORDON: No.

7 MEMBER KAUFMAN: No.

8 CHAIRMAN SALADINO: Seth, no. And John, and
9 I'll vote no.

10 Whether the requested area variance is
11 substantial. Jack?

12 MEMBER REARDON: No.

13 CHAIRMAN SALADINO: David?

14 MEMBER NYCE: No.

15 CHAIRMAN SALADINO: Dinni?

16 MEMBER GORDON: No.

17 CHAIRMAN SALADINO: Seth?

18 MEMBER KAUFMAN: No.

19 CHAIRMAN SALADINO: And I'll vote no.

20 Whether the proposed variance will have an
21 adverse effect or impact on the physical or
22 environmental conditions in the neighborhood or
23 district. Jack?

24 MEMBER REARDON: No.

25 CHAIRMAN SALADINO: David?

1 MEMBER NYCE: No.

2 CHAIRMAN SALADINO: Dinni?

3 MEMBER GORDON: No.

4 CHAIRMAN SALADINO: Seth?

5 MEMBER KAUFMAN: No.

6 CHAIRMAN SALADINO: And I'll vote no.

7 Whether the alleged difficulty was

8 self-created, which consideration shall be relevant

9 to the decision of the Board of Appeals, but shall

10 not necessarily preclude the granting of the area

11 variance. Jack?

12 MEMBER REARDON: Yes.

13 CHAIRMAN SALADINO: David?

14 MEMBER NYCE: Yes.

15 CHAIRMAN SALADINO: Dinni?

16 MEMBER GORDON: No.

17 CHAIRMAN SALADINO: Seth?

18 MEMBER KAUFMAN: Yes.

19 CHAIRMAN SALADINO: I'm going to vote no.

20 I'm going to -- I'm going to make a motion that

21 we grant the area variances. So moved.

22 MEMBER GORDON: Second.

23 MEMBER NYCE: Second.

24 CHAIRMAN SALADINO: Jack?

25 MEMBER REARDON: Aye.

1 CHAIRMAN SALADINO: David?

2 MEMBER NYCE: Aye.

3 CHAIRMAN SALADINO: Dinni?

4 MEMBER GORDON: Yes.

5 CHAIRMAN SALADINO: Seth?

6 MEMBER KAUFMAN: Yes.

7 CHAIRMAN SALADINO: And I'll vote yes.

8 Easy. All right, moving on.

9 *No. 10 is 440 First Street.* We're going to put
10 a pin in that, because a lot of stuff wasn't
11 resolved.

12 *No. 11 is any other Zoning Board of Appeals*
13 *business that might properly come before this Board.*
14 Here's your shot, folks. Anybody got a question?

15 (No Response)

16 CHAIRMAN SALADINO: We're in the answering
17 mood. If not, I'll move on to *No. 12, it's a motion*
18 *it to adjourn.* So moved.

19 MEMBER NYCE: Second.

20 CHAIRMAN SALADINO: All in favor?

21 MEMBER GORDON: Aye.

22 MEMBER KAUFMAN: Aye.

23 MEMBER NYCE: Aye.

24 MEMBER REARDON: Aye.

25 CHAIRMAN SALADINO: And we're adjourned at

1 8 o'clock. Thank you, folks, thanks for coming.

2 (The Meeting was Adjourned at 8 p.m.)

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