

1 VILLAGE OF GREENPORT

2 COUNTY OF SUFFOLK : STATE OF NEW YORK

3 -----x

4 ZONING BOARD OF APPEALS

5 REGULAR SESSION

6 -----x

7 Station One Firehouse

8 3rd & South Streets

9 Greenport, NY, 11944

10

11 September 19, 2023

12 6:00 p.m.

13 B E F O R E:

14 JOHN SALADINO - CHAIRMAN

15 DINNI GORDON - MEMBER

16 SETH KAUFMAN - MEMBER

17 JACK REARDON - MEMBER

18 DAVID NYCE - MEMBER (Absent)

19 \*\*\*\*\*

20 ALSO IN ATTENDANCE:

21 BRIAN STOLAR - ZONING BOARD ATTORNEY

22 MICHAEL NOONE - CLERK TO THE BOARD

23

24

25

1           CHAIRMAN SALADINO: Good evening,  
2           folks. It's 6:02. This is the regular  
3           meeting, Zoning Board of Appeals.  
4           Everybody ready?

5           MEMBER GORDON: Yes.

6           MEMBER KAUFMAN: Yes.

7           CHAIRMAN SALADINO: Item number 1  
8           is a motion to accept the minutes of  
9           the August 15, 2023 Zoning Board of  
10          Appeals meeting. So moved.

11          MEMBER KAUFMAN: Second.

12          CHAIRMAN SALADINO: All in favor?

13          (Aye said in unison.)

14          CHAIRMAN SALADINO: And I'll vote  
15          aye.

16          Item number 2 is a motion to  
17          schedule the next Zoning Board of  
18          Appeals meeting for October 17, 2023 at  
19          6:00 p.m. at Station One Firehouse,  
20          Third and South Street, Greenport, New  
21          York, 11944. So moved.

22          MEMBER GORDON: Second.

23          CHAIRMAN SALADINO: All in favor?

24          (Aye said in unison.)

25          CHAIRMAN SALADINO: And I'll vote

1 aye.

2 Item number 3 is 520 Madison  
3 Avenue. This is a public hearing  
4 regarding the application of Marc Rishe  
5 on behalf of 67 Sound Chesire LLP.  
6 Applicant proposes extensive  
7 renovations to house, which requires  
8 legitimizing two existing nonconforming  
9 setbacks. Property is located in the  
10 R-2 One and Two Family Residential  
11 District, and it is not located in the  
12 Historic District.

13 We confirmed that the applicant --  
14 we have a notarized statement from the  
15 applicant that he's authorized to make  
16 this application. I'm going to ask  
17 Mike, the public notice was published?

18 CLERK NOONE: It was published.

19 CHAIRMAN SALADINO: We have the  
20 mailings. If the members are okay,  
21 we'll forego reading the mailings. The  
22 stenographer has them. If someone from  
23 the public would like us to read the  
24 mailings, we will, but if not, we can  
25 move on.

1                   *(Mailings: Vicki Semler, 516*  
2                   *Madison Avenue, Greenport, New York*  
3                   *11944; Samuel Smith, 527 Madison*  
4                   *Avenue, Greenport, New York 11944;*  
5                   *Stella Sanchez, 265 17th Street,*  
6                   *Brooklyn, New York 11215; Brian*  
7                   *Burgess, 517 W 46th Street, Apt. 507,*  
8                   *New York, New York 10036; Marianne*  
9                   *Stefanowicz, 3637 Barry Avenue, Los*  
10                   *Angeles, California 90066; CH Ikes*  
11                   *Revoc Trust, 531 Madison Avenue,*  
12                   *Greenport, New York 11944.)*

13                   CHAIRMAN SALADINO: And is the  
14                   applicant here? Name and address for  
15                   the stenographer.

16                   MR. RISHE: Marc Rishe, 315 Sutton  
17                   Place. I'm happy to answer any  
18                   questions the Board may have.

19                   CHAIRMAN SALADINO: Any member of  
20                   the Board have any questions for the  
21                   applicant?

22                   MEMBER REARDON: No.

23                   CHAIRMAN SALADINO: No? Marc, the  
24                   only question I would have for you is  
25                   about the Bilco door, is that the only

1 place on the property we can put that  
2 Bilco door? Is that the only place on  
3 the house we can put the Bilco door?

4 MR. RISHE: Yes.

5 CHAIRMAN SALADINO: Okay.

6 MEMBER GORDON: This is sort of an  
7 obvious question, but I assume from the  
8 description of the plans and the fact  
9 that this is a preexisting  
10 nonconforming building that there will  
11 be no change to the setbacks, they're  
12 already there?

13 MR. RISHE: I'm sorry, can you  
14 clarify the question?

15 MEMBER GORDON: Yes. I'm asking  
16 will there be any change whatsoever to  
17 the setbacks that are already there and  
18 which you want to have legitimized?

19 MR. RISHE: No, no changes to the  
20 two setbacks.

21 MEMBER GORDON: Yeah, thank you.

22 MR. RISHE: Sorry, I'll add for  
23 the record that there's an existing  
24 piece of the house, which is closer to  
25 the lot line as presently constructed.

1           That piece of the house will be removed  
2           to beyond the required setbacks. The  
3           only remaining piece that is -- would  
4           need to be legitimized would be the  
5           existing Bilco door.

6           CHAIRMAN SALADINO: The only piece  
7           that would need a variance. It will  
8           legitimize the front yard and talk  
9           about a variance for the Bilco door.

10          MR. RISHE: Correct.

11          CHAIRMAN SALADINO: And your  
12          statement is that's the only place on  
13          the property that we can put it?

14          MR. RISHE: Correct.

15          CHAIRMAN SALADINO: Anybody,  
16          anything? No?

17          MEMBER KAUFMAN: That's fine. It  
18          all makes sense.

19          CHAIRMAN SALADINO: Thank you. Is  
20          there anyone from the public that would  
21          like to speak.

22          MEMBER GORDON: Maybe we should  
23          say that we have paid a site visit to  
24          this property.

25          CHAIRMAN SALADINO: We're familiar

1 with the property. We've been there  
2 for a site visit.

3 No one from the public? I'm going  
4 to make a motion that we close this  
5 public hearing. So moved.

6 MEMBER GORDON: Second.

7 CHAIRMAN SALADINO: All in favor?

8 (Aye said in unison.)

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

11 Item number 4 is 424 Second  
12 Street. This is a continuation of a  
13 public hearing regarding the  
14 application of Monika Majewski on  
15 behalf of Divine Homes LLC. Applicant  
16 proposes construction of a new one  
17 family two story house with a 1,281  
18 square foot footprint. Applicant also  
19 proposes construction of a 16 by 28  
20 foot pool. Plan shows a pool setback  
21 from the property line on the north  
22 side of 11.2 feet. This would require  
23 an area variance of 8.8 feet. The plan  
24 shows a pool setback from the property  
25 line on the south side of 11 feet.

1 This would require an area variance of  
2 9 feet. Property is located in the R-2  
3 One and Two Family Residential District  
4 and it's also located in the Historic  
5 District. And the Suffolk County Tax  
6 Map Number is 1001-4-2-35.3. Is the  
7 applicant here?

8 MS. MAJEWSKI: I'm here. Good  
9 evening.

10 CHAIRMAN SALADINO: We had --  
11 there were some changes to the  
12 property? Name and address for the  
13 stenographer.

14 MS. MAJEWSKI: Monika Majewski, 30  
15 Staller Drive, East Quogue, New York.

16 We completely cut out the back  
17 entrance to the house to take care of  
18 the issue with the steps and the walk  
19 out. So there's going to be -- there's  
20 existing exit on the right side to the  
21 porch and that's going to be the only  
22 exit on the back of the house.

23 And we calculated the pool  
24 equipment into the lot coverage and  
25 it's 29.8 so it's still under 30



1 percent that is required.

2 CHAIRMAN SALADINO: Okay. The  
3 Planning Board had made a request to  
4 the Building Department for an  
5 interpretation of some parking rules.  
6 And we have that -- we have the  
7 interpretation from the Building  
8 Department. And it kind of effects  
9 your property.

10 MS. MAJEWSKI: I've heard.

11 CHAIRMAN SALADINO: You have?

12 MS. MAJEWSKI: Yes.

13 CHAIRMAN SALADINO: We're going  
14 have to decide about -- I can't believe  
15 I don't have this. I'm looking for the  
16 Building Department's interpretation.

17 MS. MAJEWSKI: I have a copy, if  
18 you need it.

19 CHAIRMAN SALADINO: Well, it's the  
20 two pieces of the property, and the  
21 truth of the matter is I should have it  
22 because I would be negligent if I  
23 didn't. I would like to read it so  
24 everyone understands.

25 MEMBER GORDON: Maybe you should

1 just borrow hers.

2 CHAIRMAN SALADINO: There's two of  
3 them. I have it here, just in time. I  
4 found it.

5 This is an interpretation of  
6 Greenport Village Code Sections  
7 150-16(A)(2) and Sections 150-16(A)(3),  
8 and I'm going to read the  
9 interpretation for the record. And it  
10 was addressed to the Planning Board.  
11 And it's your letter dated August 19,  
12 2023, you requested interpretation of  
13 the Village of Greenport Code Section  
14 150-16(A)(2) as to the application of  
15 this section to residential parking  
16 requirements. Code clearly states that  
17 a driveway that is located within the  
18 front yard setback of a one or two  
19 family residential building will count  
20 for one parking space. If more than  
21 one parking space is required, it  
22 cannot be located within the front yard  
23 setback unless the applicant seeks and  
24 is approved for a variance from the  
25 code section.

1           It goes on to say that the code is  
2           silent on the configuration or  
3           direction that cars will be parked in  
4           the driveway, therefore any proposed  
5           driveway within a front yard setback  
6           will only count for one parking space.

7           Your application shows two parking  
8           spaces in the front yard. We're going  
9           to have to address the second parking  
10          -- the second off-street parking space.

11          MS. MAJEWSKI: What if we say one  
12          parking space on the survey?

13          CHAIRMAN SALADINO: What if it  
14          says only one? You're required to have  
15          two.

16          MS. MAJEWSKI: Oh, you're required  
17          to have two because it's a two story  
18          house?

19          CHAIRMAN SALADINO: You're  
20          required to have two parking spaces for  
21          a one family house and one and a half  
22          parking spaces per dwelling unit for  
23          two family. So if you have a two  
24          family house, it's three spaces. But  
25          since you can't have a two family

1 house, you're going to need two spaces.  
2 So we're going to have to address that.  
3 The only way I see we can address it is  
4 you're going to have to -- the three  
5 avenues open to you would be to find  
6 another place on the lot outside the  
7 front yard to park this car; to look  
8 for relief for a parking space, an  
9 exception from the Zoning Board; or to  
10 pay for parking.

11 MS. MAJEWSKI: Okay. How do I  
12 relief? Is this another meeting, or  
13 can we do this today, or what's -- can  
14 we close this and open another meeting  
15 for the parking space? This has been  
16 going on for months. Every time I come  
17 back --

18 THE COURT: I don't know if that  
19 would be to your advantage. I don't  
20 see that being to your advantage to  
21 close this, vote on the pool, and then  
22 make you apply for a second application  
23 for --

24 MS. MAJEWSKI: I understand I'm  
25 going to have to go to Planning for

1 this as well.

2 CHAIRMAN SALADINO: For the curb  
3 cut and the Historic.

4 MS. MAJEWSKI: Right.

5 CHAIRMAN SALADINO: I think what  
6 you're going to have to do for Zoning  
7 is another site plan. You're going to  
8 have to show us where the parking space  
9 is going to be. Am I getting that  
10 right?

11 ATTORNEY STOLAR: You are. This,  
12 from what I see in this application,  
13 includes two primary improvements, a  
14 house and a pool. And then obviously  
15 the two car driveway in the front  
16 associated with the house. So if  
17 you're trying to separate the house  
18 from the rest of the application, just  
19 propose the pool, the Board would not  
20 be able to approve that because that's  
21 not a permitted principal use. So yes,  
22 the two parts of the application should  
23 go together. Right now she would not  
24 be able to obtain the variance for the  
25 -- that's applied for unless there's

1 notice for the additional parking  
2 space. That hasn't been provided.  
3 That has to go through the Building  
4 Department and then ultimately back to  
5 you, if that's the intent of the  
6 applicant. If she instead wants to  
7 modify the plan, then she'd have to  
8 submit a new plan to show one in the  
9 front and another in a compliant  
10 location.

11 MS. MAJEWSKI: No, the issue was  
12 when I started the application this  
13 wasn't a problem. So every month I  
14 come back there's another problem being  
15 created.

16 CHAIRMAN SALADINO: First of all,  
17 we apologize. And it's not --

18 MS. MAJEWSKI: It's not me, it's  
19 the guy that owns this.

20 CHAIRMAN SALADINO: And it's not  
21 intentional, number one.

22 Number two, because the request  
23 for this interpretation, the Building  
24 Department made an interpretation. We  
25 can't ignore it. The Zoning Board can

1 act as if they were the building  
2 inspector. We kind of have that right  
3 to look at the application as if it's a  
4 new application. So when we got this  
5 interpretation it's -- we were made  
6 aware that this is how they're looking  
7 at this particular application as far  
8 as these two off-street parking spaces.  
9 So we choose to listen to them.

10 You have -- you have the right to  
11 read the code and ask for an  
12 interpretation to this Board. I  
13 personally don't, you know, this is  
14 pretty straightforward. I don't see  
15 how that would be to your advantage  
16 either. So I think you should take the  
17 attorney's advice, show us.

18 MS. MAJEWSKI: That's who was here  
19 last month. He didn't get much done,  
20 Mr. Howard. I don't even think he  
21 introduced himself as an attorney, but  
22 he didn't give much help.

23 CHAIRMAN SALADINO: Well, we  
24 didn't have him down as somebody that  
25 was authorized to present this

1 application either.

2 MS. MAJEWSKI: He was the attorney  
3 for the record. I don't know why he  
4 didn't say that but --

5 CHAIRMAN SALADINO: Well, that's  
6 something you have to work out with  
7 him.

8 MEMBER GORDON: May I ask Brian a  
9 question? If this interpretation had  
10 not been given to us, would her  
11 situation be any different? And if so,  
12 she applied before -- her application  
13 was filed before the interpretation was  
14 issued. Does that make a difference?

15 ATTORNEY STOLAR: She doesn't vest  
16 until there's a shovel in the ground or  
17 significant work done.

18 MEMBER GORDON: Okay.

19 MS. MAJEWSKI: I didn't hear you.

20 ATTORNEY STOLAR: The question was  
21 by virtue of the timing, do you get the  
22 benefit of being able to move forward  
23 without having to deal with this  
24 interpretation? And the answer is no,  
25 because you don't vest in the approval



1 nor would you vest in the approval in  
2 any event I would say because we are  
3 not estopped -- when I say we, the  
4 Building Department is not estopped  
5 from making a determination at a future  
6 date. But point being, if you do have  
7 the right to vest, you have to have  
8 significant construction and  
9 significant expense and those have not  
10 been shown. So you wouldn't be  
11 entitled to a vesting approval for  
12 virtual vesting without having to  
13 comply with these two parking spaces.

14 MS. MAJEWSKI: We don't mind  
15 complying, we just don't want to  
16 postpone, you know, any longer to have  
17 the building permit so we can start  
18 build.

19 And the thing is the first issue  
20 when we postponed the meeting, it was  
21 not even valid. It was for the setback  
22 for the septic for the dry well, which  
23 wasn't even an issue. I feel like we  
24 resolved that just a month ago.

25 CHAIRMAN SALADINO: In all

1 fairness to this Board and to the  
2 Village, there were other issues. I  
3 mean, that wasn't the only thing  
4 holding up your application.

5 MS. MAJEWSKI: They were not  
6 specified though. I mean, issues just  
7 coming up. Every month I come,  
8 something else comes up. Why wasn't  
9 this addressed two weeks ago when I  
10 brought the updated -- you know, what  
11 should I have done then to know that I  
12 can address this this meeting? I don't  
13 know.

14 CHAIRMAN SALADINO: Because the  
15 interpretation was asked for on August  
16 24th. So -- and again, we apologize  
17 for any inconvenience.

18 MS. MAJEWSKI: What am I supposed  
19 to do?

20 CHAIRMAN SALADINO: You would --

21 MS. MAJEWSKI: Do I include this  
22 in my application for relief?

23 CHAIRMAN SALADINO: You would have  
24 to supply to this Board -- you would  
25 have to supply to this Board a plan

1 showing where that parking space would  
2 be.

3 MS. MAJEWSKI: On the street? You  
4 told --

5 CHAIRMAN SALADINO: You can't park  
6 on the street.

7 MS. MAJEWSKI: You told me that I  
8 can ask for relief for two parking  
9 spaces.

10 CHAIRMAN SALADINO: You can for  
11 one parking space. You have one  
12 parking space.

13 MEMBER GORDON: Can she -- does  
14 she have to start all over to ask for  
15 relief for a variance.

16 CHAIRMAN SALADINO: She'd have to  
17 amend the application.

18 ATTORNEY STOLAR: Either show one  
19 compliant space and two on the site  
20 total, or if you can't do that, then  
21 it's either apply for a variance from  
22 this Board, or if she has the right to  
23 purchase a space, that's an option as  
24 well.

25 MS. MAJEWSKI: How do I comply?

1 I'm going to ask for a variance.  
2 That's what I'm asking. If I leave  
3 here today, I have to tell the  
4 applicant what he's supposed to be  
5 doing. Right now I'm very confused.  
6 This is new law that just came out, and  
7 how are we supposed to comply with  
8 this?

9 CHAIRMAN SALADINO: You would have  
10 to amend the application.

11 MS. MAJEWSKI: To apply for two  
12 parking spaces?

13 CHAIRMAN SALADINO: No. You have  
14 to amend the application either showing  
15 the second parking space on the  
16 property.

17 MS. MAJEWSKI: On the --

18 ATTORNEY STOLAR: In a zoning  
19 compliant location.

20 MS. MAJEWSKI: Which we know  
21 there's not. Okay.

22 CHAIRMAN SALADINO: Your other  
23 option is to apply for a variance for  
24 one parking space, one off-street  
25 parking space. Or you can make

1 application to the Planning Board to  
2 buy a parking space.

3 MS. MAJEWSKI: Where is that  
4 variance parking space? Where do I  
5 find this? A survey helps me find it,  
6 or the Board helps me find it?

7 CHAIRMAN SALADINO: Whoever drew  
8 the site plan, whoever drew the site  
9 plan. It's your site plan. You're  
10 going to have to decide where you would  
11 like this parking space that's zoning  
12 compliant.

13 MEMBER GORDON: But if she's  
14 asking for a variance, she doesn't.

15 CHAIRMAN SALADINO: She would have  
16 to amend the application.

17 ATTORNEY STOLAR: You'll have to  
18 have a discussion with the Building  
19 Department after this meeting.

20 MS. MAJEWSKI: I think everybody  
21 is very confused with this new thing  
22 that just happened.

23 ATTORNEY STOLAR: Understood.

24 MS. MAJEWSKI: Thank you.

25 CHAIRMAN SALADINO: Thank you.

1 This public hearing is still -- is  
2 there anyone else from the public that  
3 would like to speak on this  
4 application?

5 Name and address for the  
6 stenographer.

7 MS. HAWKINS: Hello. Alexandra  
8 Hawkins from 422 Second Street. So I  
9 just want to reiterate about the size  
10 of the pool. I know that, you know,  
11 you're probably not going to be voting  
12 on that today it sounds like, but I  
13 would not want to grant a variance for  
14 an oversized pool in this lot. You  
15 know, it's -- there are clear rules for  
16 the Town, it's also a historic  
17 property, and it just seems  
18 unnecessary. It's a risk for flooding  
19 onto my property.

20 And at the last meeting there was  
21 a question about the dry well and  
22 placement. Where would the dry well  
23 be?

24 CHAIRMAN SALADINO: The dry well I  
25 believe is going to be in the northeast

1 corner, am I getting that? I don't  
2 have the site plan.

3 MEMBER REARDON: Yes.

4 MS. MAJEWSKI: Can I show it to  
5 you?

6 MS. HAWKINS: Sure. And that only  
7 one dry well is required? Only one dry  
8 well is required?

9 CHAIRMAN SALADINO: You're  
10 required to -- the pool is going to  
11 need a dry well for clean out and  
12 drainage. The code says you're  
13 required to keep all the storm water  
14 runoff on your property. So if the  
15 Building Department is satisfied with  
16 the configuration of the building and  
17 is assured that all the storm water  
18 runoff is going to be contained on the  
19 property, they won't need a second dry  
20 well. Not from us anyway.

21 MS. HAWKINS: Okay. Thank you.

22 CHAIRMAN SALADINO: Thank you.

23 MS. MAJEWSKI: Can I speak to the  
24 size of the pool? Do you mind?

25 CHAIRMAN SALADINO: Sure.

1 MS. MAJEWSKI: I just -- I wanted  
2 to speak for the size of the pool.

3 CHAIRMAN SALADINO: Name and  
4 address for the stenographer.

5 MS. MAJEWSKI: Monika Majewski, 30  
6 Staller Drive, East Quogue, New York.

7 The neighbor on the left has pool  
8 exactly the same size, it's just  
9 positioned differently.

10 CHAIRMAN SALADINO: I'm sorry?

11 MS. MAJEWSKI: The neighbor to the  
12 left, his pool is exactly the same  
13 size, 16 by 28, but it's positioned  
14 differently.

15 MS. HAWKINS: Can I respond?

16 CHAIRMAN SALADINO: Are we  
17 talking --

18 MS. MAJEWSKI: The neighbor to the  
19 left.

20 CHAIRMAN SALADINO: 426 Second  
21 Street?

22 MS. MAJEWSKI: Yes.

23 ATTORNEY STOLAR: It's positioned  
24 the same or it's set back the same?

25 MS. MAJEWSKI: It's like this



1           versus --

2           ATTORNEY STOLAR:  Most pools have  
3           a similar shape.  Is it set back the  
4           same distance from the property line as  
5           you're proposing, is that what you're  
6           saying?

7           MS. MAJEWSKI:  No, because they  
8           have it set different.

9           CHAIRMAN SALADINO:  I have those  
10          numbers.  Also the lot, just in the  
11          sake of full disclosure, the lot is --  
12          426 Second Street, my notes say that  
13          the lot is -- my notes say that 426  
14          Second Street the lot coverage is 22  
15          percent larger, so it's not the same  
16          size lot.

17          MS. MAJEWSKI:  Slightly bigger.

18          CHAIRMAN SALADINO:  Well, I don't  
19          know.  This is arithmetic, it's not  
20          calculus.  So it says 22 percent more  
21          lot coverage.  The south side setbacks  
22          is -- setback is 3 feet 7 inches and  
23          the north side setback is 3 feet 7  
24          inches so it's -- the setbacks are  
25          considerably less than the setback --

1 the variance was 3.7 inches, 3 feet 7  
2 inches, and the north side variance was  
3 3 feet 7 inches, which is a little less  
4 than half what you're asking. So the  
5 pool -- and I also have the 512 Second  
6 Street, I think you mentioned that  
7 also, and that's the lot coverage was  
8 also 22 percent larger and the variance  
9 on that piece of property was 4 feet  
10 and 4 feet. So while we're talking  
11 about Second Street and we're talking  
12 about a swimming pool, they're not the  
13 same. Just --

14 MS. HAWKINS: Can I also respond?

15 CHAIRMAN SALADINO: When she's  
16 done, you can speak.

17 MS. MAJEWSKI: I'm done.

18 CHAIRMAN SALADINO: Thank you.

19 MS. HAWKINS: Alexandra Hawkins,  
20 422 Second Street. So I think the  
21 other point to remember is the lot that  
22 we're talking about is a historic lot,  
23 and the additional thing is I don't  
24 know if those other lots that have  
25 pools obtained variances, if they

1           needed.  But what we're talking about  
2           is should we grant a variance and we  
3           don't need to grant a variance.  It's  
4           an oversized pool, and I don't think  
5           that we should change rules to grant  
6           another pool in a historic lot.

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

10          MS. MALZONE:  Marianne Malzone,  
11          410 Second Street.  And I'm in  
12          agreement with Alex.  It's an oversized  
13          pool that we are against as well.  The  
14          proximity, the neighborhood, and also  
15          the driveway doesn't seem to abide by  
16          all the other homes on the street.  And  
17          I think it would just look out of  
18          character.  Thank you.

19          CHAIRMAN SALADINO:  Thank you.  Is  
20          there anyone else from the public that  
21          would like to speak?  If not, Members,  
22          anybody have any questions?  No?  If  
23          not, I'm going to make a motion that we  
24          continue this public hearing until our  
25          next month, 10/17, and by then the

1 Building Department should have the  
2 additional information. So moved.

3 MEMBER REARDON: Second.

4 CHAIRMAN SALADINO: All in favor?

5 MEMBER KAUFMAN: Aye.

6 MEMBER GORDON: Aye.

7 CHAIRMAN SALADINO: You sound  
8 unsure.

9 MEMBER GORDON: No.

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

12 Item number 5 is 11 North Street.  
13 This is a continuation of the public  
14 hearing regarding the application of  
15 Marc Rishe on behalf of 11 North Street  
16 LLC. The applicant proposes to  
17 renovate both floors of the existing  
18 house and expand the first floor by 250  
19 square feet and the second floor by 200  
20 square feet. Applicant also proposes  
21 to demolish the existing garage. Plan  
22 shows the front yard setback of 7.2  
23 feet. This would require an area  
24 variance of 22.8 feet. The plan shows  
25 one side yard setback of 1.5 feet.

1 This would require an area variance of  
2 8.5 feet. The plan shows a rear yard  
3 setback of 25.2 feet. This would  
4 require an area variance of 4.8 feet.  
5 The property is located in the R-2 One  
6 and Two Family Residential District and  
7 it's also located in the Historic  
8 District. The Suffolk County Tax Map  
9 Number is 1001-4-3-22.5.

10 Is the applicant here?

11 Name and address for the --

12 MR. RISHE: Marc Rishe, 315 Sutton  
13 Place.

14 CHAIRMAN SALADINO: I'm guessing  
15 you heard with the last application the  
16 interpretation that the Building  
17 Department has about parking in the  
18 front yard.

19 MR. RISHE: I did, yes. I believe  
20 I understand it.

21 CHAIRMAN SALADINO: So we're going  
22 to -- looking at the site plan, we're  
23 going to need --

24 MR. RISHE: May I ask a question?

25 CHAIRMAN SALADINO: Sure.

1           MR. RISHE:  So we're here to look  
2           at the -- there's three setbacks on the  
3           docket, the rear yard, the side yard,  
4           and the front yard setback.  So there's  
5           a request for a variance for the front  
6           yard setback, which is up for the  
7           existing -- where the existing home is  
8           located.  By definition, wouldn't that  
9           create a new front yard that is 7 feet  
10          2 inches from the front lot line and  
11          running parallel to the street, if I  
12          understand that correctly?

13          CHAIRMAN SALADINO:  I personally  
14          don't see it that way, but I'm going to  
15          ask our attorney.  Maybe I'll ask the  
16          members first.

17          MEMBER REARDON:  Well, I think  
18          that's a very good question.  My  
19          interpretation would be that the zoning  
20          is legitimizing just the structure and  
21          not so much the line of the front of  
22          the house delineating the front yard.  
23          We're legitimizing what's there but  
24          still we have to recognize the fact  
25          that our setbacks in that part of the

1 street are 30 feet. That's my  
2 interpretation.

3 CHAIRMAN SALADINO: Seth,  
4 anything?

5 MEMBER KAUFMAN: Looks like a  
6 front yard to me, but I think it's a  
7 question for the lawyer.

8 ATTORNEY STOLAR: I'm looking --  
9 right now I'm just looking up the code  
10 section to understand the  
11 interpretation, how it would apply to  
12 whether it's a front yard setback or a  
13 front yard. I think that's what  
14 Mr. Rische is referring to.

15 CHAIRMAN SALADINO: Well, the  
16 interpretation says that a driveway  
17 that is located within the front yard  
18 setback.

19 ATTORNEY STOLAR: Within a  
20 required front yard is what the section  
21 provides.

22 CHAIRMAN SALADINO: If more than  
23 one parking space is required, it  
24 cannot be located within the front yard  
25 setback unless the applicant seeks and

1 is approved for a variance from that  
2 code section. It also goes -- you  
3 heard, it also goes on to say that you  
4 could --

5 MR. RISHE: Can I ask you to read  
6 the actual code regarding the parking  
7 space that's being referenced? Is that  
8 included in the interpretation?

9 CHAIRMAN SALADINO: You're talking  
10 about 150-16(A)(2)?

11 MR. RISHE: I believe so, yes.  
12 It's my belief that that says front  
13 yard and not front yard setback, but  
14 regardless --

15 ATTORNEY STOLAR: I would defer to  
16 the Building Department. You're not  
17 going to get it here.

18 CLERK NOONE: I talked with the  
19 Village Administrator today about this,  
20 I showed him the site plan, and it's of  
21 his opinion that that's the side yard  
22 where the parking is located.

23 MR. RISHE: Can we ask the  
24 attorney for a definition of the front  
25 yard?



1                   ATTORNEY STOLAR: Front yard  
2                   doesn't -- that's what I was looking at  
3                   before. It doesn't seem to clarify it  
4                   anymore than we already know right now.  
5                   I'll tell you the front yard definition  
6                   is an unoccupied ground area fully open  
7                   to the sky from the street line  
8                   established by the official map of the  
9                   Village or by a subdivision plat and a  
10                  line drawn parallel thereto. So you  
11                  then would refer to your chart as to  
12                  the set -- required setbacks, which  
13                  really doesn't seem to apply  
14                  necessarily to the definition in  
15                  150-16(A) as to what is intended by the  
16                  required front yard. That's why I  
17                  would defer to the Building Department  
18                  for their interpretation.

19                  CHAIRMAN SALADINO: Well, they  
20                  made their interpretation.

21                  ATTORNEY STOLAR: But not  
22                  specifically as to what -- this is a  
23                  second part essentially about what is  
24                  meant by front yard in this instance.  
25                  I think the other property was pretty

1 clear because we had the driveway  
2 forward of the front line of the house.  
3 Here where you have the driveway and  
4 the parking set to the side but  
5 possibly in a front yard setback area,  
6 that could be different than what a  
7 front yard is by definition.

8 MEMBER GORDON: I find it hard to  
9 even apply the code provision to this  
10 lot which is tiny. I mean, this is not  
11 to solve the problem but -- so once  
12 again, do we expect an amended request  
13 for a variance for this, for the  
14 driveway, and if so, are we just going  
15 to be consigned to giving variances  
16 every time this comes up.

17 CHAIRMAN SALADINO: Well, I --  
18 yeah, maybe. Well, the interpretation  
19 is here. This is how -- and we're  
20 getting conflicting opinions now. This  
21 is how the Building Department  
22 interprets parking.

23 MR. RISHE: Mr. Chairperson, can  
24 you clarify what about my application  
25 makes you think that those parking

1 spaces are in the front yard? What is  
2 your interpretation of the front yard?

3 ATTORNEY STOLAR: Here is some --

4 CHAIRMAN SALADINO: Well, the  
5 areas computed as parking -- areas  
6 which may be computed as open or  
7 enclosed off-street parking spaces  
8 include any private garage, carport, or  
9 other area available for parking, other  
10 than a street or a driveway. However,  
11 a driveway within a required front yard  
12 for a one family or two family resident  
13 may count as one parking space, other  
14 than on a corner lot. This Board has  
15 always interpreted required yard,  
16 required front yard as having a 30 foot  
17 setback.

18 ATTORNEY STOLAR: And Chair, if I  
19 may, I'm just looking now at your  
20 schedule, your bulk schedule, which  
21 provides minimum required and then it  
22 refers to front yard, not front yard  
23 setback. So that would be consistent  
24 with your previous interpretation.

25 MR. RISHE: Correct. That's the

1 schedule requirements, but if you're  
2 providing a variance you're altering  
3 that setback. You're by definition  
4 changing that requirement by giving the  
5 variance.

6 ATTORNEY STOLAR: You're asking us  
7 to change the word required to  
8 permitted.

9 MR. RISHE: Sorry, in what  
10 specific --

11 ATTORNEY STOLAR: The required  
12 front yard is 30 feet. The permitted  
13 front yard on this site is 7 or  
14 whatever the shortfall is.

15 MR. RISHE: Correct.

16 ATTORNEY STOLAR: So if you were  
17 to take those two words, required and  
18 permitted, we have in our code required  
19 and required would be 30 feet, not the  
20 7 or whatever your front yard setback  
21 is which is permitted.

22 MEMBER GORDON: Which is  
23 practically impossible.

24 ATTORNEY STOLAR: On this lot.

25 MEMBER GORDON: Yes.

1           ATTORNEY STOLAR:   Yes.

2           MEMBER KAUFMAN:   The intention of  
3           this rule is not have a massive car  
4           sitting right up on the sidewalk, or at  
5           least one of the intentions.   So just  
6           because there's a variance for this  
7           setback, it seems like it's contrary to  
8           the intention of -- allow those cars to  
9           still exist there just because the  
10          house is already sitting there as well.

11          CHAIRMAN SALADINO:   And just to  
12          add further confusion to this, just to  
13          give you a little more confusion, I  
14          read the code today.   We have two -- I  
15          have two or three prior issues of our  
16          code.   The one I read today to show the  
17          legislative intent clearly states --  
18          and I could read it if you want --  
19          clearly states that the intention is  
20          not to have cars parked in a front  
21          yard.   So what they thought about when  
22          they wrote the code in '49 and what  
23          they thought about was that.   And then  
24          we progressed from there to where we  
25          are today.   You know, I say it to my

1 colleagues all the time, we have to  
2 look at the legislative intent when  
3 somebody asks us for an interpretation  
4 or, you know, what was on the minds of  
5 the guys that framed this. So I'm  
6 convinced that the guys that drew up  
7 this code in 1949, that was their  
8 intention, that they didn't want two  
9 cars parked in someone's front yard.

10 I'm looking at your site plan.  
11 I'm not sure why we can't park the car  
12 somewhere else on the lot. Behind the  
13 house.

14 MR. RISHE: It seems like that's  
15 my only option at this point without a  
16 significant hurdles.

17 CHAIRMAN SALADINO: Well, like the  
18 other applicant, you do have a few  
19 options. We would rather you just find  
20 someplace on the lot to park this other  
21 car. That's what we -- I'm speaking  
22 for myself, that's what I would like.

23 MR. RISHE: Again, for precedent  
24 of future applications I think this is  
25 all problematic and I won't get into

1 the whole basis behind this  
2 interpretation request, that's for a  
3 different discussion possibly tonight,  
4 but just to clarify.

5 CHAIRMAN SALADINO: So --

6 MR. RISHE: If I were to suggest  
7 moving a parking spot towards the rear  
8 -- one of the parking spaces towards  
9 the rear of the yard on the east side  
10 of the lot so they essentially stack  
11 for lack of a better word, would that  
12 in the Board's mind resolve this front  
13 yard issue?

14 CHAIRMAN SALADINO: As long as --  
15 as long as it's -- what's the word --  
16 Zoning compliant.

17 ATTORNEY STOLAR: He's talking  
18 about parking -- creating a tandem  
19 parking straight line. As long as it's  
20 setback, you know, you can accommodate  
21 a car starting at the 30 foot mark,  
22 that would be compliant.

23 MR. RISHE: So I guess the  
24 question is I would need -- am I  
25 required to resubmit a plan?

1           CHAIRMAN SALADINO:  You wouldn't  
2           have to submit a new application, just  
3           another site plan to show them where  
4           this second parking space would be.

5           MR. RISHE:  Would we have to  
6           continue the public hearing, or can the  
7           Board issue the theory -- other  
8           requests aside -- would they  
9           incorporate that as part of this?

10          CHAIRMAN SALADINO:  So you're  
11          suggesting we approve the application  
12          and then --

13          MR. RISHE:  Subject to.

14          CHAIRMAN SALADINO:  Subject to the  
15          Building Department accepting your --

16          MEMBER GORDON:  Revised site plan.

17          CHAIRMAN SALADINO:  I'm  
18          uncomfortable with that.

19          MEMBER GORDON:  That would obviate  
20          the delay that is caused by asking him  
21          to bring it back to us with a hearing  
22          that's left open.

23          CHAIRMAN SALADINO:  Okay.  We  
24          always --

25          MR. RISHE:  I can --



1           CHAIRMAN SALADINO:  As hard as it  
2           is for you to believe, the public and  
3           maybe some other applicants, we always  
4           try to accommodate the applicant.  It's  
5           rare that applications -- that public  
6           hearings are kept open for two or three  
7           or four months.  But sometimes because  
8           of what might happen in the future,  
9           because of what happened now with this  
10          particular interpretation, we would  
11          just like to cross the T's and dot the  
12          I's, and we apologize if you have to  
13          wait an extra month to bring them a  
14          drawing and show them and they'll show  
15          us.

16          MR. RISHE:  Even if I can  
17          demonstrate right on this plan that  
18          there's adequate space in the rear and  
19          the side rear yard, whatever you would  
20          like to call it.  Because there's 25 --  
21          there's 25 feet from the rear of the  
22          house to the rear lot line, so the  
23          answer is yes, it can accommodate a  
24          space in that location that would be by  
25          definition in your required side yard.

1                   CHAIRMAN SALADINO:  Mike is the  
2                   Clerk of the Boards.  He belongs to the  
3                   Building Department, he's the Clerk of  
4                   the Boards.  In my mind, the person  
5                   that would have to see it, he is not  
6                   here, is the code enforcement officer,  
7                   he's the Building Inspector.

8                   ATTORNEY STOLAR:  It's up to the  
9                   Board.  If this is the only issue and  
10                  there's nothing else, this application  
11                  obviously and what's being presented by  
12                  Mr. Rishe is different than what you  
13                  heard before.  Before with the previous  
14                  application there was not certainty  
15                  about what the next steps would be.  
16                  There's certainty here being presented  
17                  by the applicant as to what they're  
18                  planning to do.  If, in fact, what he  
19                  intends to show is compliant, the Board  
20                  can do one of two things:  It can  
21                  either continue the hearing so that the  
22                  modification can be reviewed by the  
23                  Building Department; or it can make a  
24                  decision tonight based on the current  
25                  application as modified subject to a

1 plan being presented that shows a  
2 zoning compliant parking space.

3 MEMBER GORDON: We do sometimes  
4 approve things on the condition that a  
5 dotting of an I is done before the next  
6 meeting.

7 CHAIRMAN SALADINO: I don't know.  
8 I think I would just like -- this is an  
9 architect's rendering. I mean, you  
10 know, I think I would just like to see  
11 it in front of us. But again, I'm one  
12 vote. I will ask my colleagues. If  
13 that's what you guys want to do then  
14 we'll do it. I'm uncomfortable doing  
15 that.

16 MEMBER KAUFMAN: I am too. I  
17 agree with you.

18 ATTORNEY STOLAR: Then it has to  
19 be continued. You need three.

20 CHAIRMAN SALADINO: What's your  
21 opinion?

22 MEMBER REARDON: I'm in favor of  
23 the applicant -- of making this  
24 conditional on a zoning allowable  
25 parking space and allowing the

1 applicant to move forward on this  
2 project. Contingent upon the  
3 submittance of a new plot plan that  
4 shows zoning approved parking.

5 MEMBER GORDON: I am too.

6 CHAIRMAN SALADINO: How about we  
7 hear from the public? Is the public  
8 hearing still open?

9 ATTORNEY STOLAR: Yes.

10 CHAIRMAN SALADINO: Thank you. Is  
11 there anyone from the public that would  
12 like to speak?

13 MS. HAMMES: Pat Hammes, 603 Main  
14 Street. Yes, obviously if it's a  
15 zoning compliant parking spot, we'd be  
16 fine with that, but I would note that  
17 the parking spot can't be in the  
18 driveway, so I'm still concerned about  
19 the substandard size of the lot and how  
20 that's going to play out in terms of  
21 where the location of that is going to  
22 be and whether or not, you know, it's  
23 going to trigger an other issues. That  
24 would be my only concern from this  
25 Board from kind of pushing it off

1 without seeing a new drawing.

2 And then since I'm up I'll just  
3 say I'm still against the increase of  
4 the square footage of the property with  
5 setbacks because I think it's just  
6 inappropriate for the size of the lot,  
7 and I don't know -- I know this Board  
8 has requested research done into the  
9 subdivision of the lot, whether there  
10 was any resolution put on it, I didn't  
11 know if there was an answer on that or  
12 not.

13 CHAIRMAN SALADINO: There was  
14 actually, and the Building Department  
15 gave us the resolution where this --  
16 from -- it was March 25, 1992, of the  
17 resolution that subdivided this lot and  
18 approving the variances. So there is  
19 that.

20 MS. HAMMES: That's fine. I just  
21 wanted to make sure the I's have been  
22 dotted and the T's crossed.

23 Anyway, those would be my two  
24 points: If it's a compliant parking  
25 spot, that's fine, but I note I believe

1 the code says you can't be in the  
2 driveway. And I continue to be  
3 concerned about the overbuild given the  
4 size of the lot with the additional  
5 square footage. I'll have separate  
6 issues for the historic board.

7 MEMBER GORDON: I would actually  
8 like to ask Marc which he would prefer,  
9 coming a back for a variance? Well, of  
10 course, you don't want to come back.  
11 On the other hand in the long term it  
12 would be -- it's going to be a more  
13 crowded -- it's already a very small  
14 lot. It's going to be additionally  
15 crowded. What do you think?

16 MR. RISHE: In regards to --

17 CHAIRMAN SALADINO: He would have  
18 to amend his application.

19 MEMBER GORDON: You would have to  
20 amend -- he could get it in for the  
21 next month and you can, I think, well,  
22 I'm not supposed to say that we would  
23 give you a variance, but you can  
24 probably calculate the odds.

25 MR. RISHE: Sorry. To revise the

1 plan are you saying? I'm not  
2 understanding.

3 CHAIRMAN SALADINO: What she's  
4 saying is that one of your options to  
5 is ask for relief from one of the  
6 parking spaces, to ask for a variance.  
7 You would still have to come back here.

8 MR. RISHE: Correct. I believe  
9 that I can create the compliant -- the  
10 parking space as I've proposed this  
11 evening would be compliant and I can  
12 show that on the plan, a revised plan.

13 MEMBER GORDON: Either -- okay.  
14 But either way, you're going to have to  
15 come back next month as if we stick to  
16 our votes.

17 MR. RISHE: Correct. I guess,  
18 that's the -- so that's the --

19 MEMBER GORDON: That's what I'm  
20 thinking about in terms of trying to  
21 accommodate you.

22 MR. RISHE: Right. I guess I have  
23 no choice, right?

24 CHAIRMAN SALADINO: Listen, we  
25 certainly understand that you want to

1           develop this piece of property, that  
2           you invested time and effort and money  
3           but --

4           MR. RISHE: I'll echo the  
5           sentiment of the previous applicant,  
6           just that it seems to be new things, so  
7           my fear is coming back there will be  
8           another item that comes up by another  
9           public opposition to this. I'm not  
10          entirely sure why, but I just -- I fear  
11          that.

12          And I also would like to get  
13          clarification just before we end here  
14          on -- I'm just -- I'm trying to  
15          understand the basis of the request for  
16          the clarification on the parking from  
17          the Planning Board. How did that  
18          arise.

19          CHAIRMAN SALADINO: I don't know.  
20          You would have to ask the Planning  
21          Board.

22          MR. RISHE: Okay. I'm mentioning  
23          it because the individual that spoke  
24          this evening I know is the head of the  
25          Planning Board, not in that capacity,



1 but it just seemed like a strange  
2 timing and a situation that I'm trying  
3 to navigate and understand exactly how  
4 the whole process works.

5 CHAIRMAN SALADINO: I wasn't at  
6 the Planning Board meeting when the  
7 request was made, but I'm sure that if  
8 the head of the Planning Board had a  
9 vested interest in this application I'm  
10 positive there would have been a  
11 recusal and it would have been the four  
12 other members of the Planning Board  
13 that decided.

14 MR. RISHE: That would be  
15 reflected in their minutes, I assume.

16 CHAIRMAN SALADINO: I guess.  
17 Sure, sure.

18 MR. RISHE: If the Board's  
19 recommendation is to come back with a  
20 revised site plan or --

21 CHAIRMAN SALADINO: Show us where  
22 the parking is going to be.

23 MR. RISHE: Then that is what it  
24 is.

25 CHAIRMAN SALADINO: Okay. I'm

1 going to make a motion that we continue  
2 this public hearing to October 17th --

3 MR. PORTILLO: Sorry, can I speak?

4 CHAIRMAN SALADINO: Name and  
5 address for the stenographer.

6 MR. PORTILLO: Sure, thank you.  
7 My name is Anthony Portillo, I'm the  
8 architect, 10200 Main Road in  
9 Mattituck. I just did some  
10 calculations and a quick sketch on the  
11 site plan. It's clearly enough space  
12 to have parking past the rear of the  
13 home. I can submit this to you now so  
14 you can take a quick look.

15 CHAIRMAN SALADINO: I explained to  
16 the applicant that the person that has  
17 to look at it is the code enforcement  
18 officer, is the Building Inspector.  
19 He's not here now. So the process will  
20 be that you submit that drawing to the  
21 Building Department, they'll give it to  
22 code enforcement officer, he'll decide  
23 if it's zoning compliant, and we'll get  
24 a copy of it and we'll resolve this  
25 next month.

1           MR. PORTILLO: I just was speaking  
2           in light of time and maybe effort with  
3           the Board and the public that if I was  
4           to assure you that it works and it's  
5           pretty apparent that it works then  
6           maybe you guys could reconsider that  
7           position and we can close it and then  
8           provide the site plan for the Building  
9           Department.

10           CHAIRMAN SALADINO: I'm  
11           uncomfortable. The code enforcement  
12           officer is versed in the International  
13           Fire and Building Code, he's versed in  
14           numerous other things. And I don't  
15           know a lot of the stuff that he knows.

16           MR. PORTILLO: Sure. I'm a  
17           licensed architect. I was going to  
18           show you that it works. That's what I  
19           meant by that, if maybe taking my word  
20           for it might think that the Board can  
21           reconsider the motion. But if not,  
22           that's fine, I just figured I'd say  
23           something before the motion was  
24           presented.

25           CHAIRMAN SALADINO: I've already

1           stated my position. I'm uncomfortable.

2           MEMBER KAUFMAN: Nothing has  
3           changed.

4           MR. PORTILLO: No problem. Thank  
5           you, appreciate it.

6           CHAIRMAN SALADINO: Before I make  
7           this motion, is there anyone else from  
8           the public?

9           MR. RISHE: Sorry.

10          CHAIRMAN SALADINO: That's okay.

11          MR. RISHE: I just want to  
12          confirm, you're making a motion to keep  
13          the public hearing open, right?

14          CHAIRMAN SALADINO: Yes.

15          Anyone else from the public that  
16          would like to speak? If not, I'm going  
17          to make a motion we continue this  
18          public hearing until October 17th. So  
19          moved.

20          MEMBER KAUFMAN: Second.

21          CHAIRMAN SALADINO: All in favor?  
22          (Aye said in unison.)

23          CHAIRMAN SALADINO: And I'll vote  
24          aye.

25          Item number 6 is 440 First Street.

1 This is a public hearing regarding the  
2 application of Eric Urban and 1st &  
3 Center LLC. The applicant is appealing  
4 the determination of the Building  
5 Inspector, specifically a notice of  
6 disapproval dated November 15, 2021 and  
7 the amended notice of disapproval dated  
8 February 11, 2022, which denied the  
9 applicant's request for a building  
10 permit to convert the existing  
11 accessory structure to a single family  
12 dwelling on the property located at 440  
13 First Street. The applicant also seeks  
14 area variances from 150-12 of the  
15 schedule of regulations for the  
16 accessory structure; 150-8(A)(1) and/or  
17 150-7(A)(1) to permit two one-family  
18 detached dwellings where only one  
19 single family detached dwelling is  
20 permitted; to permit a rear yard  
21 setback of 2.5 feet where a minimum of  
22 30 feet is required; a side yard  
23 setback of 2.1 feet where a minimum of  
24 10 feet is required; and C, no on-site  
25 parking where a minimum of two spaces

1 would be required for the proposed use.  
2 This property is located in the R-2 One  
3 and Two Family Residential District and  
4 is also located in the Historic  
5 District. The Suffolk County Tax Map  
6 Number is 1001-4-7-1.1 and Suffolk  
7 County Tax Map Number 1001-4-7.1.2.

8 I'm going to ask the same  
9 questions to Mike to the -- we  
10 confirmed the status of the applicant  
11 to make the application? The public  
12 notice was published?

13 CLERK NOONE: It was published.

14 CHAIRMAN SALADINO: The mailings,  
15 we have the mailings, if the members  
16 are okay, we're not reading them in, if  
17 the applicant would like, we'll read  
18 the mailings. If not, we'll just give  
19 them to the stenographer. Is that a  
20 yes or a no?

21 MR. BRESSLER: Sorry,  
22 Mr. Chairman.

23 CHAIRMAN SALADINO: If it's okay  
24 with the applicant, we won't read the  
25 mailings, we'll just give them to the

1 stenographer?

2 MR. BRESSLER: Absolutely, waive  
3 it.

4 (Mailings: Perry Angelson &  
5 Melina Angelson, P.O. Box 311,  
6 Greenport, New York 11944; Magdalena  
7 Paragas, 90 Furman Street, Apt. N824,  
8 Brooklyn, New York 11201; Sperling  
9 Jonathan L. Trust c/o Rebecca Lillis,  
10 265 Inlet Lane, Greenport, New York  
11 11944; Justin Bales, P.O. Box 2123,  
12 Greenport, New York 11944; Georgia  
13 Rudder, P.O. Box 403, Greenport, New  
14 York 11944; Thomas Farmakis, 75 East  
15 End Avenue, Apt. 18A, New York, New  
16 York 10028; Blue Whale Realty, 6 Nassau  
17 Road, Hampton Bays, New York 11946.)

18 CHAIRMAN SALADINO: We're going to  
19 open the public hearing. And is the  
20 applicant here?

21 MR. BRESSLER: The applicant is  
22 here. The applicant would like to  
23 speak, Mr. Chairman.

24 CHAIRMAN SALADINO: Name and  
25 address for the stenographer.

1           MR. BRESSLER: Mr. Chairman,  
2           Members of the Board, good evening. My  
3           name is Eric Bressler, Law Firm of  
4           Wickham, Bressler, & Geasa, Main Road,  
5           Mattituck, New York here on behalf of  
6           the applicants.

7           At the outset, let me say I'm  
8           pleased to be back in front of the  
9           Board since we have overcome the  
10          procedural impediments that previously  
11          burdened us and now we have moved along  
12          to the issue of the merits.

13          At the outset, I think it's  
14          necessary for me to comment on the  
15          notice that was published. The notice  
16          seems to go further than the notice of  
17          disapproval and the amended notice of  
18          disapproval that were issued by the  
19          Building Inspector. Specifically, what  
20          I mean by that, is the issue of parking  
21          was never raised by the Building  
22          Inspector in either of the initial  
23          notice of disapproval or the amended  
24          notice of disapproval. The notice,  
25          however, that was published refers to a



1 parking issue that I don't believe is  
2 before the Board and I don't believe  
3 that we need to go down that road  
4 tonight.

5 Harkening back some number of  
6 months ago when we were here the last  
7 time, the nature of this application is  
8 for a reversal of the determination of  
9 the Building Inspector, which found  
10 that one lot existed when, in fact,  
11 there are two separate lots and two  
12 separate tax lots. The second part of  
13 the application is for area variances  
14 of the rear and side yard setbacks with  
15 respect to the carriage house, which  
16 exists on the southerly tax lot.

17 It is proposed by the applicants  
18 that two lots exist and that the  
19 carriage house on the second lot be  
20 renovated into a dwelling unit. We  
21 made our initial submission on the  
22 initial notice of disapproval of the  
23 Building Inspector. That notice of  
24 disapproval was subsequently amended  
25 and we submitted an amended

1 application. Since that time, the  
2 procedural issues have been addressed  
3 and we are now at a public hearing.

4 I'm going to make some comments,  
5 but in order to memorialize the  
6 substance of those comments I am  
7 handing up, Mr. Chairman, five copies  
8 of a submission with the backup  
9 documentation that I will be  
10 referencing. I ask that they be made  
11 part of the record. The application,  
12 as I noted before, falls into two  
13 buckets, if you will. The first bucket  
14 is whether or not there's one lot or  
15 two lots. As I'm sure the Board is  
16 aware, the Village of Greenport has a  
17 zoning ordinance that does not contain  
18 a merger provision, unlike that of the  
19 Town of Southold, for example, or other  
20 municipalities on Long Island. Such a  
21 merger ordinance provides that if  
22 properties are in the same name and  
23 they're adjacent to one another under  
24 certain circumstances they merge. The  
25 Village of Greenport has no such

1 ordinance. Conversely, the Village of  
2 Greenport does have an ordinance that  
3 says you cannot merge without  
4 permission. And I've referenced that  
5 in the submission and I think it was  
6 also referenced in my earlier  
7 submissions. Thus, I think based upon  
8 the deeds that were submitted and the  
9 provisions of the zoning ordinance, the  
10 Board should reverse the determination  
11 of the Building Inspector as to the  
12 existence of two lots and should move  
13 along to the issue of a variance  
14 application on the carriage house,  
15 which is proposed to be renovated and  
16 turned into a residence.

17 Before I address the requirements  
18 contained in the balancing test of the  
19 Village Law, I would like the Board to  
20 consider that this is a rather unique  
21 application in a certain respect. And  
22 that is that this is a win win  
23 situation and there are no losers. And  
24 why do I say that? It's a winner for  
25 the applicants because they get what

1           they want and they have two lots and  
2           they get to improve the carriage house.  
3           It's a winner for the Village of  
4           Greenport for several reasons. Number  
5           one, there will be an additional  
6           housing unit and we all know that  
7           housing is at a premium. There will be  
8           an improvement to the carriage house,  
9           and I know that the Board has been out  
10          there looking at the property, and I  
11          think it's fair to say that with the  
12          application of some funds, the carriage  
13          house can be improved and that would be  
14          a benefit. If the money is spent and  
15          the carriage house is improved, the  
16          value of the property will go up, the  
17          tax base will go up, and the Village of  
18          Greenport will collect more taxes. So  
19          it's a win, win, win for the Village in  
20          addition to it being beneficial to our  
21          client. Conversely, there's no  
22          downside to anybody here which I will  
23          go into briefly.

24                    I think the first thing to be  
25          noted, and I'm sure the Board noted it,

1           when you go to the southeast corner of  
2           that second lot where the second lot  
3           adjoins several other lots, what is to  
4           be seen is several structures as close  
5           or closer to the property line as the  
6           carriage house because that's how  
7           people have traditionally done it.

8           So the Village Code, the Village  
9           Law Section 7-712(B) has a balancing  
10          test. And the balancing test requires  
11          the Board in broad brush strokes to  
12          look at whether this application is  
13          going to change the character of the  
14          neighborhood or whether it will  
15          constitute a detriment to the community  
16          or the health or safety or welfare of  
17          the community. There are other --  
18          three other prongs to the test, but  
19          those are the most important. And I  
20          submit to the Board that applying that  
21          balancing test yields a favorable  
22          decision on this application. And why  
23          is that? Well, the general lot  
24          structure in the Village of Greenport  
25          in the vicinity of the premises

1 consists of lots that are very similar  
2 to 98 and 99, the two lots. As the  
3 Board looks, which I'm sure it has, at  
4 the improvements on those lots, it will  
5 see that the improvements are very  
6 similar so that to permit the  
7 improvement of the carriage house and  
8 turn it into a residential unit would  
9 not be inconsistent with what happens  
10 in the neighborhood. Indeed there are  
11 numerous situations where additional  
12 one family units have been constructed,  
13 renovated in the Village, and I have  
14 listed them in my submission together  
15 with the notarial evidence.

16 Finally, as to going back to the  
17 issue of the two lots, there are  
18 instances in the Village where two lots  
19 were in common ownership and the  
20 Village permitted the conversion of  
21 carriage houses or garages such as to  
22 create a second dwelling unit. Indeed  
23 I think we just heard of one, the 11  
24 application. And I have listed in my  
25 submission not only that property but

1           certain other properties which were  
2           also permitted to have second dwelling  
3           units on separate -- what turned out to  
4           be separate lots. So I think there's  
5           more than ample precedence for finding  
6           the lots and I think that there would  
7           be no adverse change to this  
8           neighborhood. There would only be  
9           improvements as a result of the grant  
10          of these variances.

11                 Now, we have here tonight a local  
12           real estate person who is  
13           extraordinarily experienced in real  
14           estate matters in the Village of  
15           Greenport and has also been personally  
16           involved in some of the multiple  
17           dwelling units on adjacent lots,  
18           including number 11. She's going to  
19           speak to that very briefly. She is  
20           also going to speak to the issue that I  
21           raised a moment ago, which is  
22           throughout the Village is replete with  
23           situations like the applicants have  
24           here. That is older structures  
25           existing very close to property lines

1 getting converted to create additional  
2 living space for people who want to  
3 reside in the Village.

4 If the Board has any questions,  
5 I'd be happy to entertain them and take  
6 a crack at answering them. Otherwise I  
7 will defer to my colleague and she'll  
8 make a couple of brief remarks. It's  
9 early still.

10 CHAIRMAN SALADINO: I might have a  
11 question.

12 MR. BRESSLER: Yes, Mr. Chairman.

13 CHAIRMAN SALADINO: Just to remind  
14 you, the process that how this came in  
15 front of the Board was not our usual  
16 process. So we didn't get a chance to  
17 make requests to you or to the  
18 applicant. So I don't believe any of  
19 us have made an inspection of the  
20 property. I know you staked it out.

21 MR. BRESSLER: I stand corrected.  
22 I was told that a number of people had  
23 visited the property and were  
24 inspecting, I naturally assumed it to  
25 be the Board. If it's otherwise, I



1           guess, we had some visitors on the  
2           property.

3           CHAIRMAN SALADINO: Perhaps it was  
4           members of the public.

5           MR. BRESSLER: We certainly  
6           encourage the Board. It's been staked  
7           as you requested.

8           CHAIRMAN SALADINO: The other  
9           thing I might ask is the application in  
10          front of us -- before I get to that,  
11          you mentioned the lack of a law in  
12          Greenport or a law in Greenport that's  
13          been changed in 2018 but prior to that  
14          you weren't allowed to merge two pieces  
15          of property. Do we know that -- and  
16          since code is only around since 1949,  
17          is it possible that these lots were  
18          merged prior to 1949?

19          MR. BRESSLER: No.

20          CHAIRMAN SALADINO: Impossible.  
21          Okay. That's fine. That's your  
22          opinion, that's fine.

23          MR. BRESSLER: I do not believe so  
24          and I'm happy after the Board makes its  
25          inspection and when -- I take it the

1 matter is going to be continued because  
2 you haven't been out in the field yet,  
3 that I'd be happy to address that on a  
4 more detailed basis. But your  
5 observation as to the timing, pains me  
6 to concede it, but it's apt,  
7 Mr. Chairman, and I believe the answer  
8 to your question is no.

9 CHAIRMAN SALADINO: I just wanted  
10 to raise the question.

11 Also the question I have about the  
12 application, your notice of disapproval  
13 is -- your application is to reverse  
14 the Building Inspector's determination.

15 MR. BRESSLER: As to two lots.

16 CHAIRMAN SALADINO: As to two  
17 lots.

18 MR. BRESSLER: If that is done  
19 then he said you need a variance.

20 CHAIRMAN SALADINO: I don't see  
21 anywhere on the application where if --  
22 and I'm not making a comment on the  
23 merits of the application, it's not in  
24 my mind predecided, but just as a  
25 scenario, if this Board reverses the

1 Building Inspector's decision, we're  
2 talking about an area variance, a few  
3 area variances for the carriage house.

4 MR. BRESSLER: Correct,  
5 Mr. Chairman.

6 CHAIRMAN SALADINO: Let me finish.  
7 If it goes the other way, we would be  
8 talking about a use variance for a  
9 second dwelling unit on the property;  
10 am I correct?

11 MR. BRESSLER: Well, I'm not sure  
12 it would go that route, but I concede  
13 the point that moving onto the variance  
14 would not necessarily be appropriate at  
15 that point. We have other alternatives  
16 at that point.

17 CHAIRMAN SALADINO: We understand  
18 about judicial review.

19 MR. BRESSLER: No, no, I'm not  
20 talking about judicial review.

21 CHAIRMAN SALADINO: I don't see it  
22 on the application.

23 MR. BRESSLER: No, because that's  
24 my application. If this Board decides  
25 no, it's one -- no, it's one lot, I

1           have other alternatives other than an  
2           Article 78, which we are likely to try  
3           to pursue. Does that answer your  
4           question?

5                   CHAIRMAN SALADINO: I guess it  
6           does, yeah, I guess it does.

7                   Does anyone else have a comment  
8           for the attorney?

9                   MEMBER GORDON: Maybe I'm missing  
10          something, but why are you not seeking  
11          a use variance?

12                   MR. BRESSLER: Because if we are  
13          correct as to the two lots then I don't  
14          need a use variance. If it turns out  
15          that I am not correct then I have other  
16          arrows in my quiver to get to the  
17          finish line without necessarily running  
18          back to the Supreme Court.

19                   MEMBER GORDON: I ask that partly  
20          because the request for the area  
21          variances are very substantial, lots of  
22          feet and lot of -- so I --

23                   MR. BRESSLER: I will concede that  
24          they are not trivial, but I have  
25          attempted to give examples of other

1 properties showing that in the Village  
2 that's more the rule than the  
3 exception, but I think that -- I think  
4 that's the answer to your question. I  
5 don't think a use variance is the  
6 appropriate route to go in the first  
7 instance. As I'm sure you're aware,  
8 they're difficult to prove, and if  
9 there are other ways to achieve the  
10 results, it's best to use those tools  
11 if they're available to me.

12 CHAIRMAN SALADINO: Seth, do you  
13 have something?

14 MEMBER KAUFMAN: No.

15 CHAIRMAN SALADINO: Jack?

16 MEMBER REARDON: No.

17 CHAIRMAN SALADINO: Just one last  
18 question, if you could, and you  
19 certainly don't have to answer.

20 MR. BRESSLER: I'll try.

21 CHAIRMAN SALADINO: I would  
22 appreciate it. When did the applicant  
23 become aware that it was two  
24 properties?

25 MR. BRESSLER: The applicant has

1 always been aware they're two  
2 properties. And I don't think  
3 that's -- I mean, if you're looking at  
4 prior proceedings, I don't think it's  
5 inconsistent with the prior proceedings  
6 which were abandoned because the relief  
7 that was sought was entirely different  
8 and not inconsistent with what we're  
9 seeking now. I'm not going to comment  
10 further on that avenue.

11 CHAIRMAN SALADINO: The only  
12 reason I ask is because we -- you know,  
13 the applicant was in front of three  
14 statutory boards asking for a  
15 subdivision. So if -- if the applicant  
16 thought it was one piece of property  
17 and made his case to both Planning,  
18 Zoning, and Historic then that's the  
19 basis of my question, when did he  
20 decide it was one piece of property?

21 MR. BRESSLER: No, I think that  
22 the premise of your question is not  
23 correct because the prior application  
24 did require subdivisions of both lots  
25 into separate pieces.

1           CHAIRMAN SALADINO:  You're wrong.  
2           And I have the minutes here.

3           MR. BRESSLER:  Because of where  
4           the line was drawn.  That's why it's  
5           different.

6           CHAIRMAN SALADINO:  Okay.  And I  
7           just want it noted for the record that  
8           the times that the applicant did come  
9           in front of the statutory boards he was  
10          represented by Counsel.  So --

11          ATTORNEY STOLAR:  May I?  If you  
12          don't have other questions.

13          CHAIRMAN SALADINO:  Sure.

14          ATTORNEY STOLAR:  First, the  
15          document that you submitted to the  
16          Board we'll mark as Applicant's Exhibit  
17          A, and that's a September 19, 2023  
18          three page letter with Exhibits A  
19          through D within that letter.

20                 You mentioned that the February  
21          11, 2022 notice of disapproval did not  
22          include a parking -- indication that  
23          you were deficient in parking.  The  
24          second page does say that, of that  
25          letter, you just have to turn it over

1 to the second page. At that point, I  
2 guess you'll concede that point.

3 MR. BRESSLER: I did not view that  
4 as a -- as something that --

5 ATTORNEY STOLAR: I just pointed  
6 it out.

7 MR. BRESSLER: Okay. That's  
8 inconsistent with my understanding.

9 ATTORNEY STOLAR: Okay. It's part  
10 of your application and what you  
11 submitted.

12 The next one, are you familiar  
13 with when the porch on that house was  
14 constructed in the shape and  
15 configuration it is in now?

16 MR. BRESSLER: The most that I can  
17 say is it was not part of the original  
18 for many, many years.

19 ATTORNEY STOLAR: Okay. You  
20 mentioned the structures along the  
21 southeast side of the property, not  
22 your property, but the abutting  
23 properties presumably had structures  
24 that are similarly located or closer to  
25 the property line than the -- what is



1 shown on your survey as the two story  
2 framed garage. I guess that's what  
3 you're referring to as the carriage  
4 house.

5 MR. BRESSLER: They appeared to be  
6 as close or closer. I didn't crawl  
7 around with a ruler, but it looked  
8 pretty close to me.

9 ATTORNEY STOLAR: Are any of them  
10 used for habitable space?

11 MR. BRESSLER: Has there been --

12 ATTORNEY STOLAR: Are they used as  
13 dwelling space?

14 MR. BRESSLER: I do not know that  
15 at this juncture.

16 ATTORNEY STOLAR: You mentioned --  
17 and perhaps it says it in your Exhibit  
18 A and I'll look at it further, but you  
19 mentioned that there were similar  
20 properties with the same or similar  
21 setbacks where there were second units  
22 on those properties. Are those also  
23 second units with two stories similar  
24 to what you have in this location?

25 MR. BRESSLER: There are

1           photographs and addresses. You can  
2           take a look at them at your leisure  
3           since apparently this is going to be  
4           adjourned to permit inspections.

5           ATTORNEY STOLAR: Understood. Any  
6           of these properties though -- and we'll  
7           look more closely -- but are any of  
8           these properties either abutting or  
9           within your 200 foot radius of this  
10          property?

11          MR. BRESSLER: Are they within a  
12          200 foot -- within a 200 foot radius?  
13          Not necessarily, but again, I didn't do  
14          the measurements, so I don't want to  
15          commit myself, so I'll just say not  
16          necessarily. I'll have to go back and  
17          measure it off.

18          ATTORNEY STOLAR: Okay. And I  
19          just want to clarify something the  
20          Chair said referring to the pre-2018  
21          law, I think you said that mergers were  
22          not permitted when I think you meant to  
23          say mergers would have been permitted  
24          before the law that prohibited them.

25          CHAIRMAN SALADINO: Mergers

1           weren't permitted in the Village in  
2           2018. They passed a law, an amendment  
3           to that law that you were allowed to  
4           merge a conforming lot with a  
5           nonconforming lot.

6           MR. BRESSLER: You had to make an  
7           application.

8           ATTORNEY STOLAR: You had to get  
9           approval.

10          CHAIRMAN SALADINO: You had to get  
11          Zoning Board approval. Prior to that,  
12          you weren't allowed to merge lots.

13          ATTORNEY STOLAR: At what point,  
14          do we know?

15          CHAIRMAN SALADINO: The code was  
16          written in 1949.

17          ATTORNEY STOLAR: We'll have to  
18          research that. It appears that your  
19          client owned this -- or at least one of  
20          your clients owned this property  
21          individually, both lots, 98 and 99, for  
22          some time going back to at least the  
23          early 70's.

24          MR. BRESSLER: The deeds reflect  
25          that.

1 ATTORNEY STOLAR: Thank you.

2 CHAIRMAN SALADINO: Is there  
3 anyone else? Are you done,  
4 Mr. Bressler?

5 MR. BRESSLER: If this is going to  
6 be put over we can defer the further  
7 testimony. That's up to you,  
8 Mr. Chair.

9 CHAIRMAN SALADINO: Well, there  
10 might be other members of the public  
11 that might want to speak.

12 MR. BRESSLER: All right.

13 CHAIRMAN SALADINO: Is there  
14 anyone else from the public that would  
15 like to speak? Apparently not.

16 Name and address for the  
17 stenographer.

18 MS. RUDDER: Georgia Rudder, 433  
19 First Street, Greenport. I live across  
20 the street from the property. I've  
21 always known it to be one lot, and  
22 Mr. Barker owned, and that's always  
23 been a garage. That's how he used it,  
24 garage for his cars and storage. You  
25 said something about the porch on the

1 house, that's always been there. I  
2 don't know what he said, you don't know  
3 if it was there or not, it's always  
4 been part of the structure. I've been  
5 there all my life. I've been in the  
6 house many times, so I know what was  
7 there and what's there now. And I  
8 would really like to see the main house  
9 fixed up more than the garage. And the  
10 setbacks, they're really kind of close.  
11 That's all I have to say.

12 CHAIRMAN SALADINO: Thank you.

13 ATTORNEY STOLAR: Can you take us  
14 back to an approximate year of when the  
15 porch would have been at that site?

16 MS. RUDDER: The porch on the  
17 house?

18 ATTORNEY STOLAR: Yes.

19 MS. RUDDER: Do I have to tell you  
20 how old I am? It's been there forever.

21 ATTORNEY STOLAR: Only a few  
22 years.

23 CHAIRMAN SALADINO: I'm sorry, did  
24 I ask already, is there anyone else  
25 from the public that would like to

1 speak?

2 MR. TRUELOVE: Jeff Truelove, 338  
3 Second Street. Good luck with your  
4 application. I hope it goes well in  
5 whatever direction it goes.

6 I want to posit that, two points:  
7 One is that the house is old and it's  
8 covered in lead paint and that is very  
9 important to me that that is well  
10 remediated. And anything that happens  
11 with either structure that it is  
12 followed with EPA guidelines, that care  
13 is taken for the health of our kids and  
14 our community. I'm sure you'll do the  
15 right thing.

16 The other is that tree that's on  
17 your front yard, I know it's yours,  
18 it's an icon of the community, and I  
19 would also encourage you with any  
20 remediation, any projects that you do  
21 on the house, respect the drip edge of  
22 the tree. Because compacted soil --  
23 and I know that's not what we're even  
24 discussing about this, so I'll be the  
25 yahoo bringing up unrelated things, but

1 heavy equipment going over the drip  
2 edge of that tree and root will cause  
3 damage to that tree and we'll lose it.  
4 And that tree is important. And I  
5 respect you guys and appreciate you  
6 taking care of that tree and the  
7 property in the condition that it is  
8 for all of these years, but please,  
9 please, please, lead paint is very  
10 important to us and the tree is very  
11 important to us. Thank you.

12 CHAIRMAN SALADINO: Thank you.  
13 Anyone else from the public would like  
14 to speak?

15 MS. ROSA: Joan Rosa, 425 First  
16 Street. I'm across the street from  
17 that house. It's really neglected, so  
18 if he's going to do something else he  
19 should really fix the house. However,  
20 it's historic. I thought you can't do  
21 those kind of things to historic  
22 houses.

23 CHAIRMAN SALADINO: Well, the home  
24 is in the Historic District. If and  
25 when anything happens here, when

1 something happens here, if they have to  
2 go to the next step, they'll go to the  
3 Historic Board and they'll.

4 MS. ROSA: Oh, it's a separate  
5 board?

6 CHAIRMAN SALADINO: It's a  
7 separate board, yes.

8 MS. ROSA: So we want to keep our  
9 district historic, we don't want to  
10 change it.

11 CHAIRMAN SALADINO: I agree.

12 MS. ROSA: All right. Thank you.

13 CHAIRMAN SALADINO: Anyone else  
14 from the public that would like to  
15 speak? All right. I'm going to make a  
16 motion that we continue this public  
17 hearing. And I think the Board would  
18 like to arrange for a site visit.

19 MEMBER GORDON: Yes.

20 CHAIRMAN SALADINO: We do this  
21 every month. Is there a time that's  
22 convenient for everyone?

23 MEMBER KAUFMAN: 5:30 again.

24 CHAIRMAN SALADINO: 5:30.

25 MEMBER KAUFMAN: I know where this



1 house is.

2 CHAIRMAN SALADINO: We're going to  
3 make a motion that we continue the  
4 public hearing, and on the 17th of  
5 October we're going to have a site  
6 visit at the property for whoever would  
7 like to attend at 5:30. So moved.

8 MEMBER REARDON: Second.

9 CHAIRMAN SALADINO: All in favor?  
10 (Aye said in unison.)

11 CHAIRMAN SALADINO: And I'll vote  
12 aye. Thank you.

13 Next up is 520 Madison Avenue.  
14 This is a discussion and possible  
15 motion on area variances applied for by  
16 Marc Rishe on behalf of 67 Sound  
17 Chesire LLP. Property is located on  
18 the R-2 One and Two Family Residential  
19 District and it is not located in the  
20 Historic District. The Suffolk County  
21 Tax Map number remains the same,  
22 1001-4-1-7.

23 All right, guys, what do we know?  
24 What do we want to do with this  
25 property? It seems --

1           MEMBER KAUFMAN: I have no problem  
2           with this.

3           MEMBER GORDON: This seems to me  
4           pretty straightforward. We're being  
5           asked primarily to legitimize previous  
6           decision -- I was just saying that this  
7           is not -- this applicant is not asking  
8           for very much. He's asking to  
9           legitimize decisions that were made  
10          that establish his nonconforming  
11          status.

12          MEMBER KAUFMAN: And they're  
13          increasing that setback as well on the  
14          side.

15          MEMBER GORDON: Yes. Just for a  
16          very small portion where the Bilco door  
17          is. So for me this is a very small and  
18          relatively straightforward request.

19          CHAIRMAN SALADINO: Jack, anything  
20          to add?

21          MEMBER REARDON: I don't have  
22          anything to add. I'm ready to move on  
23          this.

24          CHAIRMAN SALADINO: I'm going to  
25          ask Brian, Brian, the front yard is --

1 to legitimize the front yard and issue  
2 a variance for the Bilco door, we can  
3 do it at the same time?

4 ATTORNEY STOLAR: Absolutely.

5 CHAIRMAN SALADINO: I'm going to  
6 make a motion that the Zoning Board  
7 declare itself lead agency for the  
8 purposes of SEQRA. So moved.

9 MEMBER GORDON: Second.

10 CHAIRMAN SALADINO: All in favor?

11 (Aye said in unison.)

12 CHAIRMAN SALADINO: This is a Type  
13 II action, I'm guessing.

14 ATTORNEY STOLAR: That's part of  
15 your motion, yeah.

16 CHAIRMAN SALADINO: We're going to  
17 do a balancing test. We'll ask these  
18 five questions and we'll vote on both  
19 the items in the application.

20 Whether an undesirable change will  
21 be produced in the character of the  
22 neighborhood or detriment to nearby  
23 properties will be created by the  
24 granting of the area variance? Jack?

25 MEMBER REARDON: No.

1 CHAIRMAN SALADINO: Dinni?

2 MEMBER GORDON: No.

3 CHAIRMAN SALADINO: Seth?

4 MEMBER KAUFMAN: No.

5 CHAIRMAN SALADINO: And I'll vote

6 no.

7 Whether the benefit sought by the  
8 applicant can be achieved by some  
9 method feasible for the applicant to  
10 pursue, other than an area variance.  
11 Jack?

12 MEMBER REARDON: No.

13 CHAIRMAN SALADINO: Diane?

14 MEMBER GORDON: No.

15 CHAIRMAN SALADINO: Seth?

16 MEMBER KAUFMAN: No.

17 CHAIRMAN SALADINO: And I'll vote

18 no.

19 Whether the requested area  
20 variance is substantial. Jack?

21 MEMBER REARDON: No.

22 MEMBER GORDON: No.

23 MEMBER KAUFMAN: No.

24 CHAIRMAN SALADINO: And I'll vote

25 no.

1           Whether the proposed variance will  
2           have an adverse effect or impact on the  
3           physical or environmental conditions in  
4           the neighborhood or district. Jack?

5           MEMBER REARDON: No.

6           CHAIRMAN SALADINO: Dinni?

7           MEMBER GORDON: No.

8           CHAIRMAN SALADINO: Seth?

9           MEMBER KAUFMAN: No.

10          CHAIRMAN SALADINO: And I'll vote  
11          no.

12          Whether the alleged difficulty was  
13          self-created, which consideration shall  
14          be relevant to the decision of the  
15          Board of Appeals, but shall not  
16          necessarily preclude the granting of  
17          the area variance. Jack?

18          MEMBER REARDON: No.

19          CHAIRMAN SALADINO: Dinni?

20          MEMBER GORDON: No.

21          MEMBER KAUFMAN: No.

22          CHAIRMAN SALADINO: I vote no.

23          I'm going to make a motion that we  
24          grant the area variances. So moved.

25          MEMBER KAUFMAN: Second.

1 CHAIRMAN SALADINO: Jack?

2 MEMBER REARDON: Aye.

3 CHAIRMAN SALADINO: Dinni?

4 MEMBER GORDON: Yes.

5 CHAIRMAN SALADINO: Seth?

6 MEMBER KAUFMAN: Yes.

7 CHAIRMAN SALADINO: And I'll vote  
8 yes. Easy peasy.

9 424 Second, Item 8, we're going to  
10 put a pin in.

11 Item 9 we're going to put a pin  
12 in.

13 Item 10 we're going to put a pin  
14 in.

15 Item 11 is any other Zoning Board  
16 of Appeals business that may properly  
17 come before this Board. This is your  
18 shot, folks. Anybody got a question,  
19 complaint? Good to hear.

20 Item Number 12 is a motion to  
21 adjourn at 7:37. So moved.

22 MEMBER REARDON: Second.

23 CHAIRMAN SALADINO: All in favor?

24 (Aye said in unison.)

25

## 1 C E R T I F I C A T E

2

3 I, AMY THOMAS, a Court Reporter and Notary  
4 Public, for and within the State of New York,  
5 do hereby certify:

6 THAT the above and foregoing contains a  
7 true and correct transcription of the  
8 proceedings held on September 19, 2023, and  
9 were reported by me.

10 I further certify that I am not related to  
11 any of the parties to this action by blood or  
12 by marriage and that I am in no way  
13 interested in the outcome of this matter

14 IN WITNESS WHEREOF, I have hereunto set my  
15 hand this 28th day of September, 2023.

16

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18

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AMY THOMAS

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