VILLAGE OF GREENPORT

COUNTY OF SUFFOLK : STATE OF NEW YORK

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ZONING BOARD OF APPEALS

REGULAR SESSION

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Third Street Firehouse Greenport, New York

January 19th, 2021 6:00 p.m.

Before:

JOHN SALADINO - Chairman

DAVID CORWIN - Member

DINNI GORDON - Member

JACK REARDON - Member

AMANDA AURICHIO - Clerk to the Board

ROBERT CONNOLLY - Zoning Board Attorney

PAUL J. PALLAS - Village Administrator

- 1 CHAIRPERSON SALADINO: Good
- 2 evening, folks.
- 3 This is the regular meeting of the
- 4 Village of Greenport Zoning Board of Appeals.
- 5 It's 6:00.
- Item No. 1 is to accept the minutes
- 7 of the November 17, 2020, Zoning Board of Appeals
- 8 meeting.
- 9 So moved.
- 10 MEMBER CORWIN: Second.
- 11 CHAIRPERSON SALADINO: All in
- 12 favor?
- (Chorus of ayes).
- 14 CHAIRPERSON SALADINO: Item 2 is a
- 15 motion to approve the minutes of the September 15,
- 16 2020, Zoning Board of Appeals meeting.
- 17 So moved.
- 18 MEMBER CORWIN: Second.
- 19 CHAIRPERSON SALADINO: All in
- 20 favor?
- 21 (Chorus of ayes).
- 22 CHAIRPERSON SALADINO: And I'll
- 23 vote on it.
- 24 Any abstentions?
- 25 (Negative response).

- 1 CHAIRPERSON SALADINO: Item No. 3
- 2 is a motion to schedule the next meeting for
- 3 February 16, 2021, at 6:00 PM, at Station 1,
- 4 Greenport Fire Department, Third and South Street,
- 5 Greenport, New York, 11944.
- 6 So moved.
- 7 MEMBER CORWIN: Second.
- 8 CHAIRPERSON SALADINO: All in
- 9 favor?
- 10 MEMBER CORWIN: Aye.
- 11 MEMBER GORDON: Aye.
- 12 MEMBER REARDON: Aye.
- 13 MEMBER REARDON: Abstention.
- 14 That's the school vacation period. I may not be
- 15 here that particular week.
- 16 CHAIRPERSON SALADINO: That's
- 17 unacceptable.
- 18 MEMBER REARDON: Just bringing it
- 19 up.
- 20 CHAIRPERSON SALADINO: We'll try to
- 21 muddle through.
- 22 CHAIRPERSON SALADINO: Okay. So
- 23 can we vote?
- 24 (Affirmative nods).
- 25 Item No. 4 is 25 Washington Avenue.

- 1 It's a motion to accept the application, schedule
- 2 a public hearing, and arrange a site visit for the
- 3 application of Margaret DeCruz, for the property
- 4 located at 25 Washington Avenue, Greenport, New
- 5 York, 11944. The property is located in the R-1
- 6 one-family district, and is not located in a
- 7 historic district. This property requires an area
- 8 variance. And the Suffolk County Tax Map No. is
- 9 1001-2.-1-13.
- 10 Is the applicant here? Name and
- 11 address for the stenographer.
- MS. DeCRUZ: Margaret DeCruz.
- 13 25 Washington Avenue, Greenport, New York, 11944.
- 14 And I want to build a porch in
- 15 front of half of my house. And if I kept within
- 16 the variance, it would be six feet deep only and I
- 17 would like to extend it two feet more. And it
- 18 does not obstruct or change the character of the
- 19 neighborhood.
- 20 And pretty much everybody else on
- 21 my block and across the street doesn't even have
- 22 that much depth in front of their house. So
- 23 that's my request. It's for a 2' -- or a 3'5"
- 24 area variance.
- 25 CHAIRPERSON SALADINO: Okay.

- 1 MEMBER GORDON: The notice of
- 2 disapproval says 3'5", and your text says 2'.
- 3 Can -- before we have a hearing, maybe you
- 4 could --
- 5 MS. DeCRUZ: My builder --
- 6 MR. GORMAN: We will.
- 7 MS. DeCRUZ: I mean, it's a
- 8 two-foot extension.
- 9 MEMBER GORDON: Yes. It's just
- 10 that the notice of disapproval and your document
- 11 say slightly different things. It would just be
- 12 good to conform.
- MR. GORMAN: They need to agree.
- 14 MEMBER GORDON: Yes.
- 15 CHAIRPERSON SALADINO: Okay. And
- 16 before you go -- before you go, anybody else? Any
- 17 questions?
- 18 (Negative response).
- I have a couple of questions, two
- 20 questions, actually. On your -- I don't see a
- 21 consent form for Mr. William Gorman (phonetic) to
- 22 act as your agent. Usually there's a consent
- 23 form.
- MS. DeCRUZ: This is my builder.
- MR. GORMAN: That's me. I'm

- 1 William Gorman.
- CHAIRPERSON SALADINO: All right.
- 3 We're not going to hold this application up for
- 4 that, but when we schedule a public hearing we
- 5 like to have that. At least I don't have it.
- Does any of the members have it?
- 7 MEMBER GORDON: I'm just looking.
- 8 I don't think so.
- 9 CHAIRPERSON SALADINO: Just a
- 10 notarized form that says he's your agent and he's
- 11 making this application for you.
- MS. DeCRUZ: Okay. I have a
- 13 Notary Public, an affidavit. That's not what
- 14 you're talking about?
- 15 CHAIRPERSON SALADINO: No.
- MS. DeCRUZ: Okay. All right.
- 17 CHAIRPERSON SALADINO: And one
- 18 more -- just wait. Another thing, on your EAF,
- 19 you -- it's hard to believe that we read this
- 20 stuff, but we do. On the EAF it says:
- Question No. 10, it says: "Will
- 22 the proposed action connect to an existing
- 23 public/private water supply?"
- 24 And you answered -- if no, describe
- 25 the method for providing potable water for the

- 1 property.
- 2 Do you have a well?
- MS. DeCRUZ: No, I'm on the city
- 4 waterline.
- 5 CHAIRPERSON SALADINO: You have
- 6 village water?
- 7 MS. DeCRUZ: Yes.
- 8 CHAIRPERSON SALADINO: All right.
- 9 So maybe you can just change that also.
- MS. DeCRUZ: Okay. Number 10,
- 11 right?
- MR. GORDON: That's the short
- 13 form -- the short Environmental Action Form,
- 14 right?
- ADMINISTRATOR PALLAS:
- 16 Mr. Chairman, just a question for staff purposes,
- 17 the consent form, is that required even if the
- 18 applicant is representing themselves?
- 19 CHAIRPERSON SALADINO: Well, I'm
- 20 looking. The contact person is different from the
- owner.
- 22 ADMINISTRATOR PALLAS: Okay. Thank
- 23 you.
- 24 CHAIRPERSON SALADINO: Well, I
- 25 mean, it's your form. Plus we always have it, you

- 1 know, if there's a change of policy in the
- 2 village, we'll go with that, you know. So I'm
- 3 thinking we're going to need that.
- 4 MS. DeCRUZ: Consent form --
- 5 CHAIRPERSON SALADINO: We're going
- 6 to correct it, okay?
- 7 MS. DeCRUZ: Yeah. Okay I think I
- 8 understand. Is that all?
- 9 CHAIRPERSON SALADINO: Well, we
- 10 want you to understand. We don't want you to
- 11 think you understand.
- MS. DeCRUZ: Well, Mr. Gorman, do
- 13 you understand?
- MR. GORMAN: That we need a consent
- 15 form?
- 16 CHAIRPERSON SALADINO: Just correct
- 17 the form, that's all.
- MR. GORMAN: Yeah, that's it.
- 19 MEMBER CORWIN: Another question,
- 20 Mr. Chairman. I don't think either one of these
- 21 applications have a survey. Is that something new
- 22 or what is the status of that?
- 23 ADMINISTRATOR PALLAS: I'll have to
- 24 review the file, Mr. Corwin. I thought there was
- 25 information in here. The deed, the site plan.

- 1 Normally, they're based -- if they're noted by the
- 2 architect to be based on a survey, that that's
- 3 been accepted in the past. I'd have to review --
- 4 MEMBER CORWIN: I've never seen
- 5 that happen. I'm not saying it can't, but in the
- 6 past it was a survey.
- 7 ADMINISTRATOR PALLAS: Ultimately
- 8 we require it to close out the permit. We do
- 9 require that. But on applications, we -- I
- 10 thought we had accepted it with an architect's
- 11 drawing that says based on survey with a date
- 12 certain and a file number. But I'll double check
- 13 on that.
- MS. DeCRUZ: All right. So now
- 15 what? We have to wait for that?
- 16 MR. GORMAN: I don't think so.
- 17 MEMBER CORWIN: There must have
- 18 been a survey some place if the architect --
- MS. DeCRUZ: Yes.
- 20 MEMBER CORWIN: -- or the engineer
- 21 stamped it.
- MS. DeCRUZ: Yes, we did that.
- 23 MR. GORMAN: Yeah, we have a site
- 24 plan. We have a site plan that's not a survey.
- 25 MEMBER CORWIN: I think if you're

- 1 an engineer, you'll acknowledge that.
- 2 MR. GORMAN: Right.
- 3 CHAIRPERSON SALADINO: Do you want
- 4 that?
- 5 MEMBER CORWIN: I don't want to
- 6 hold it up.
- 7 CHAIRPERSON SALADINO: No, we're
- 8 not going to hold it up. Do you consent to them
- 9 having to provide it --
- 10 MEMBER CORWIN: Yes.
- 11 CHAIRPERSON SALADINO: -- for the
- 12 public hearing?
- MS. DeCRUZ: That means I have to
- 14 get a new survey?
- 15 CHAIRPERSON SALADINO: No. No.
- 16 No.
- MS. DeCRUZ: Okay. Because this
- 18 has been taken me forever to get this so for. So
- 19 I don't need --
- 20 CHAIRPERSON SALADINO: This
- 21 application took you forever to get?
- 22 MS. DeCRUZ: It has. Not from
- 23 you, but it has.
- 24 CHAIRPERSON SALADINO: Okay. We're
- 25 willing to accept -- I believe we're willing to

- 1 accept, I think the members are willing to accept,
- 2 your previous or your current survey. You don't
- 3 have to get a new one. Just get a copy of it.
- 4 MS. DeCRUZ: Right.
- 5 CHAIRPERSON SALADINO: You're good
- 6 with that?
- 7 MEMBER CORWIN: Yes.
- 8 CHAIRPERSON SALADINO: We're not
- 9 going to hold this application up tonight because
- 10 of that, but we would like those three things now,
- 11 before the public hearing next month.
- 12 MEMBER REARDON: And as an FYI, I
- just had to do that for myself, just go to the
- 14 village clerk, or the Village Hall. And you fill
- out a FOIL form for your survey and they'll mail
- 16 it to you.
- MS. DeCRUZ: I thought we did that
- 18 already.
- MR. GORMAN: We have it.
- MS. DeCRUZ: Okay.
- 21 CHAIRPERSON SALADINO: If you have
- 22 it, that's fine.
- MS. DeCRUZ: That's all?
- 24 CHAIRPERSON SALADINO: Okay. Well,
- 25 okay.

- I make a motion to accept this
- 2 application?
- MEMBER CORWIN: Second.
- 4 CHAIRPERSON SALADINO: So moved.
- 5 All in favor?
- 6 MEMBER CORWIN: Aye.
- 7 MEMBER GORDON: Aye.
- 8 MEMBER REARDON: Aye
- 9 CHAIRPERSON SALADINO: And we'll
- 10 schedule the public hearing for February 16, at
- 11 6:00 PM. Set them all for 6:00 PM. We're going
- 12 to do a site visit.
- 13 MEMBER CORWIN: Yes.
- 14 CHAIRPERSON SALADINO: We're all
- 15 okay with that? What time?
- MEMBER GORDON: 5:30.
- 17 CHAIRPERSON SALADINO: 5:30 is
- 18 good.
- 19 MEMBER CORWIN: Sunset is at 5:24
- 20 on February 15, so we might want to take that into
- 21 consideration.
- 22 CHAIRPERSON SALADINO: So why don't
- 23 we schedule it for, like, 5:15 so we can all watch
- 24 the subset.
- MEMBER GORDON: Sounds good.

- 1 CHAIRPERSON SALADINO: We're going
- 2 to make the site visit at 5:15 on February 16.
- 3 And we would ask the contractor if you would
- 4 just -- this is a relatively simple thing, just
- 5 stake out where you're going go.
- 6 MR. GORMAN: Sure, absolutely.
- 7 CHAIRPERSON SALADINO: All right?
- 8 MR. GORMAN: I'll do that at 5:10.
- 9 CHAIRPERSON SALADINO: You could do
- 10 it at your convenience, so long as it's there when
- 11 we show up.
- MR. GORDON: Okay.
- 13 CHAIRPERSON SALADINO: So that's
- 14 it. We'll see you. Take care of those three
- things we asked for on the stake out, and we'll
- 16 see you at 5:15 on the -- February 16.
- MR. GORMAN: So we're going to
- 18 get -- we're going to get something from the -- in
- 19 the mail or something? Or we pick it up? Or
- 20 what?
- 21 CHAIRPERSON SALADINO: For what?
- MR. GORMAN: Don't we have a notice
- 23 for the hearing?
- 24 MEMBER CORWIN: Yes, you do. And
- 25 you get that -- you get your placard and you get

- 1 the list of neighbors. We're not asking for an
- 2 expanded mailing, just adjacent and immediate
- 3 neighbors. You get that from the village. And
- 4 then you would provide us with proof of the
- 5 mailings at the public hearing. But that you get
- 6 from the Building Department, the Village Hall.
- 7 MS. DeCRUZ: You understand?
- 8 MR. GORMAN: Yeah.
- 9 MS. DeCRUZ: Okay.
- MR. GORMAN: Okay.
- 11 CHAIRPERSON SALADINO: Thank you.
- 12 Item No. 5 is 449 Sixth Street.
- 13 It's a motion to accept the application, schedule
- 14 a public hearing, and arrange a site visit for the
- 15 application of Jennifer and James Kennedy for the
- 16 property located at 429 Sixth Street, Greenport,
- 17 New York, 11944. The property is located in the
- 18 R-2, one- and two-family district. It is not
- 19 located in a historic district. And this property
- 20 requires an area variance.
- 21 The Suffolk County Tax Map Number
- 22 is 1001-6.-3-5.
- Is the applicant here?
- MR. KENNEDY: Yeah.
- 25 CHAIRPERSON SALADINO: Okay.

- 1 MR. KENNEDY: How are you? James
- 2 Kennedy, 429 Sixth Street, Greenport.
- I brought some elevations here, if
- 4 they're of interest, and photographs of the
- 5 existing structure. I don't know if you'd like to
- 6 see them.
- 7 CHAIRPERSON SALADINO: Well, maybe
- 8 you could give them to the village, or -- if you
- 9 want to do it now you can.
- 10 MEMBER REARDON: I'll take a look
- 11 right now. I'd like to.
- 12 CHAIRPERSON SALADINO: Okay. We'll
- 13 probably want to look at them at the public
- 14 hearing.
- MR. KENNEDY: Yeah, I can bring
- 16 them back.
- 17 CHAIRPERSON SALADINO: You want to
- 18 tell us a little bit about your project and then
- 19 if the members have any questions?
- 20 MR. KENNEDY: Yeah. So we have
- 21 been in Greenport for many years. Grew up going
- 22 out to Orient, but you know. We bought a home
- 23 adjacent to this property.
- 24 CHAIRPERSON SALADINO: Didn't you
- 25 have the property --

- 1 MR. KENNEDY: Yeah, at the end of
- 2 Corwin.
- 3 CHAIRPERSON SALADINO: -- at the
- 4 end of Corwin.
- 5 MR. KENNEDY: Yeah, the old Tilly
- 6 house, they call it, yeah.
- 7 So I've been there for about eleven
- 8 years, living next to this home. It was rented
- 9 for a long time. And then the gentleman that I
- 10 bought it from, he had started a project, he
- 11 qutted the home and started to try to do many
- 12 things, as you probably know.
- 13 And then we talked with him from
- 14 time to time, and eventually, we came to an
- 15 agreement with him in June and we bought the home.
- 16 So then we have been working with
- 17 an architect to come up with what you have in
- 18 front of you now. We went through eleven
- 19 different revisions trying to get this right
- 20 because we want this to be our permanent home.
- 21 You know, eventually sell the home that we have.
- So, you know, in order to bring it
- 23 to compliance, there was some work that needed to
- 24 be done on the rear part of the structure, which
- 25 you can see in one of the photos there. The head

- 1 room is a little too low. It's got a six-foot
- 2 doorway when you got go to the back area. So, you
- 3 know, it's one of those, well, while you're at it,
- 4 you know.
- 5 So in order to make the project,
- 6 you know, the way we want it to live there -- so
- 7 you know, we're going to go up in the back section
- 8 there, do a bedroom up above that, turn it into a
- 9 three-bedroom home this way there's room for the
- 10 kids and whatnot.
- 11 So, you know, we feel that we have
- 12 something that's in keeping with, you know, the
- 13 character of the neighborhood. You know, our plan
- 14 is to, you know, make it as charming as we can.
- 15 And, you know, just like Sixth Street is up and
- 16 down, you know.
- So that's the history. We're
- 18 hoping to, you know, start construction in the
- 19 spring and move through it as quickly as we can.
- 20 CHAIRPERSON SALADINO: Sounds good.
- MR. KENNEDY: I have an updated
- 22 survey which, you know, that was done probably
- 23 about two months ago. I don't know if you have a
- 24 standalone copy of that or if it's just on the
- 25 architect's cover sheet.

- 1 CHAIRPERSON SALADINO: I don't have
- 2 a survey. Do you have a survey?
- 3 MEMBER CORWIN: There's no survey
- 4 with this application.
- 5 CHAIRPERSON SALADINO: So maybe a
- 6 copy of that.
- 7 MR. KENNEDY: Yeah, I picked up on
- 8 that from your previous conversation. So a
- 9 survey.
- 10 CHAIRPERSON SALADINO: Do any of
- 11 the members have any questions?
- 12 MEMBER GORDON: I saw it noted
- 13 that -- isn't there a question about coming before
- 14 this board in the past?
- 15 CHAIRPERSON SALADINO: It came
- 16 before this board for a subdivision.
- 17 MEMBER GORDON: For a subdivision,
- 18 yes.
- 19 MR. KENNEDY: Yes. So he wanted to
- 20 subdivide the property. I spoke in opposition of
- 21 that, you know, being the neighbor to the rear.
- 22 But, you know, all the while maintaining a good
- 23 relationship with Wolfgang. And I think
- 24 eventually he just sort of, kind of, gave up on
- 25 the project. It's a good fit for us.

- 1 MEMBER GORDON: You realize you're
- 2 moving from Southold into Greenport.
- 3 MR. KENNEDY: Yes, that's by
- 4 design.
- 5 CHAIRPERSON SALADINO: Two people
- 6 who live on Sixth Street --
- 7 MEMBER GORDON: We know that house,
- 8 we walk and drive by it all the time. I was
- 9 taught English in the kitchen.
- MR. KENNEDY: What's that?
- 11 MEMBER GORDON: I was taught
- 12 English in the kitchen.
- 13 MR. KENNEDY: Wow. It's -- we're
- 14 real excited about it. I did get a letter from
- our neighbor immediately to the north, Debra.
- 16 Known her for many years, you know, being a
- 17 neighbor behind her, you know, and she's very
- 18 pleased, you know, that we're going to be there,
- 19 my wife and I and the family.
- 20 CHAIRPERSON SALADINO: We have that
- 21 letter, yes.
- Okay. Do any members have any
- 23 questions? I have one question.
- 24 Again, with the EAF. You filled
- 25 out both portions of it. You get to fill out one

- 1 portion and the lead agency gets to fill out one
- 2 portion. You filled out their portion for them.
- 3 MR. KENNEDY: Oh, I see. Okay.
- 4 CHAIRPERSON SALADINO: So maybe --
- 5 MEMBER GORDON: Yeah, I noticed
- 6 that, too.
- 7 CHAIRPERSON SALADINO: So maybe
- 8 just --
- 9 MR. KENNEDY: So the lead agency,
- 10 is that who puts together the HERS Report.
- 11 CHAIRPERSON SALADINO: On the
- 12 SEQRA, which -- the Zoning Board will probably
- 13 declare itself the lead agency for the purposes of
- 14 SEORA.
- MR. KENNEDY: Oh, I see.
- 16 CHAIRPERSON SALADINO: But I have
- 17 to be honest with you, I don't fill this out. The
- 18 Building department fills it out or our attorney
- 19 fills it out. So since you've already done it,
- 20 I'm sure the answers are correct, but you have to
- 21 get them the opportunity to do it.
- MR. KENNEDY: I see.
- 23 CHAIRPERSON SALADINO: So if you
- 24 could just supply a new EAF?
- MR. KENNEDY: Okay.

- 1 CHAIRPERSON SALADINO: We're not
- 2 going to hold the application up tonight, just
- 3 supply a new EAF and hand leave Part 2 blank so
- 4 they can do that.
- 5 MR. KENNEDY: Okay.
- 6 CHAIRPERSON SALADINO: Anything
- 7 else? Any questions for the applicant?
- 8 MEMBER REARDON: James, you're not
- 9 doing any work on the north side of the house? A
- 10 majority -- not a majority, all the addition is
- 11 happening on the south side?
- MR. KENNEDY: Yeah, there will
- 13 probably be some window changes. Simply, the
- 14 north side is, you know, off the property line
- 15 (indicating), you know, not much to see there. So
- 16 in order to make the interior of the home, we will
- 17 probably change the location of some of the
- 18 windows. But no, everything is going to happen to
- 19 the south.
- 20 MEMBER REARDON: Okay. Thank you.
- MR. KENNEDY: You know, and I think
- 22 that -- yeah, to the south.
- CHAIRPERSON SALADINO: Well,
- 24 according to to the notice of disapproval,
- 25 everything that's happening is happening to the

- 1 south.
- 2 MR. KENNEDY: Yeah. I think it's a
- 3 setback off the street where we're going to do a
- 4 little porch.
- 5 CHAIRPERSON SALADINO: It's
- 6 actually a setback off the north side, but we
- 7 could address that.
- 8 MR. KENNEDY: It's not going to
- 9 encroach the property line any differently than it
- 10 already does.
- 11 CHAIRPERSON SALADINO: Okay.
- 12 Anybody?
- 13 (Negative response).
- 14 Okay. I'm going to make a motion
- 15 to accept this application.
- 16 So moved.
- 17 MEMBER REARDON: Second.
- 18 CHAIRPERSON SALADINO: All in
- 19 favor?
- MEMBER CORWIN: Aye.
- 21 MEMBER GORDON: Aye.
- 22 MEMBER REARDON: Aye
- 23 And I'll vote Aye.
- 24 As you heard before, we said we're
- 25 going to schedule a public hearing for

- 1 February 16, at 6:00. And we'll make the site
- 2 visit before or after the other project?
- 3 MEMBER CORWIN: It's going to be
- 4 dark after.
- 5 CHAIRPERSON SALADINO: All right.
- 6 How about 5:00? So we'll do it before.
- 7 MR. KENNEDY: So I should be there,
- 8 of course, I'm sure, right?
- 9 CHAIRPERSON SALADINO: Well, we're
- 10 going to show up. It's a public hearing. Since
- 11 there's going to be a quorum of the Zoning Board
- 12 there, it's going to be a public meeting. So you
- 13 could have whoever you want there.
- 14 But we'll be there at 5:00. Again,
- 15 maybe a contractor could kind of stake out the
- 16 extension in the back.
- MR. KENNEDY: Right now we have an
- 18 architect. We haven't selected a contractor yet,
- 19 we just got an architect and we're soliciting
- 20 pricing, but --
- 21 CHAIRPERSON SALADINO: Well, you
- 22 could do it.
- MR. KENNEDY: Yeah. I'm in
- 24 construction, and I know the deal, yeah.
- 25 CHAIRPERSON SALADINO: So we'll be

- 1 there at 5:00 on February 16.
- 2 MR. KENNEDY: Terrific.
- 3 CHAIRPERSON SALADINO: See you
- 4 then.
- 5 Anything you would like us to see,
- 6 any additional drawings -- and the same applies to
- 7 the last applicant, you know, you go to the
- 8 Building Department and get a list of names of
- 9 people that have to be notified, buy a placard,
- 10 and put that up.
- 11 MR. KENNEDY: Okay. That's once we
- 12 get the permit? Or is that prior to the permit?
- 13 ADMINISTRATOR PALLAS: That's for
- 14 the hearing.
- 15 MR. KENNEDY: So I'll have to do
- 16 that public outreach to let people know?
- 17 CHAIRPERSON SALADINO: The village
- 18 will supply you with a list of -- we're not asking
- 19 for an extended mailings here?
- 20 MEMBER GORDON: No.
- 21 CHAIRPERSON SALADINO: No. So the
- 22 village -- and especially, you're next to the Long
- 23 Island Rail Road right-of-way, so your neighbors
- 24 are kind of limited. One to the north --
- 25 MEMBER GORDON: Does he have to --

- 1 just as a matter of formal notice, does he have to
- 2 tell Long Island Rail Road?
- 3 CHAIRPERSON SALADINO: We never
- 4 have -- yes?
- 5 ADMINISTRATOR PALLAS: Yes.
- 6 MR. KENNEDY: I think, yeah. Well,
- 7 I don't want to speak out of turn here, but --
- 8 CHAIRPERSON SALADINO: I don't
- 9 remember -- I just don't remember with the
- 10 subdivision application if there was a mail in for
- 11 the Long Island Railroad. I don't remember.
- 12 ADMINISTRATOR PALLAS: I don't
- 13 recall.
- 14 CHAIRPERSON SALADINO: There was a
- 15 discussion about side yards because of next door,
- 16 an existing railroad right-of-way, which doesn't
- 17 affect you.
- MR. KENNEDY: Yeah.
- 19 CHAIRPERSON SALADINO: Mr. Pallas
- 20 is the head of the Building Department. Talk to
- 21 him and he'll tell you the names of the neighbors.
- 22 You'll send them notice, and you got to buy a
- 23 placard, the Village will print it, and you have
- 24 to display it --
- MR. KENNEDY: Okay. I'll reach

- 1 out.
- 2 CHAIRPERSON SALADINO: -- ten days
- 3 prior to the public hearing.
- 4 MR. KENNEDY: I see. Okay.
- 5 CHAIRPERSON SALADINO: That's it.
- 6 Easy peasy.
- 7 MR. KENNEDY: Thank you so much.
- 8 Have a good night.
- 9 CHAIRPERSON SALADINO: Item Number
- 10 6 is any Zoning Board of Appeals business that
- 11 might properly come before this board.
- 12 Anybody in the audience have a
- 13 question?
- Any members have anything?
- 15 (Negative response).
- 16 MEMBER REARDON: I sort of have a
- 17 question about the group meeting, that discussion.
- 18 CHAIRPERSON SALADINO: What
- 19 happened?
- 20 MEMBER REARDON: That multiple
- 21 meeting, the Planning Board -
- MEMBER CORWIN: 123 Sterling.
- 23 MEMBER REARDON: -- the Village
- 24 Board --
- 25 CHAIRPERSON SALADINO: We're not

- 1 going to schedule -- what I believe is going to
- 2 happen is that the applicant will make an
- 3 application to the village for a building permit,
- 4 and what he's asking for will probably be denied.
- 5 There will be a notice of disapproval, he'll make
- 6 application to the Zoning Board. It will come
- 7 before the Zoning Board. And if the application
- 8 is complete and correct, we'll schedule a public
- 9 hearing.
- 10 MEMBER REARDON: So it's going to
- 11 be a traditional application? There's not going
- 12 to be any --
- 13 CHAIRPERSON SALADINO: I just know
- 14 it was always of the opinion -- it was the only
- 15 way it could get in front of the Zoning Board.
- So we might have seen on
- television, somebody's opinion might have been
- 18 that it didn't have to follow that route. I'm
- 19 still under the impression that's the way it gets
- 20 in front of the Zoning Board.
- 21 MEMBER GORDON: Two functions this
- 22 board has: That kind of review and
- 23 interpretation. And as I understand it, we're not
- 24 being asked to interpret.
- 25 CHAIRPERSON SALADINO: No. No.

- 1 This will be -- this will be -- let's maybe hear
- 2 from Mr. Pallas. Maybe he has an explanation.
- 3 ADMINISTRATOR PALLAS: Me? Well, I
- 4 just had more of a clarification. What Chairman
- 5 Saladino said is accurate. That's the process
- 6 that will be followed. The only variation,
- 7 really, is that at the time that you all will see
- 8 the application, you all will be, at least
- 9 tentatively right now, at a joint meeting of the
- 10 boards. That's how it's been proposed.
- 11 Each board, in turn, will have to
- 12 schedule their next steps. In your case, it's a
- 13 public hearing, Planning Board, site plan review.
- 14 Not sure what Historic is going to do. And then
- 15 the Village Board will have to schedule a hearing
- 16 for a modification for the stipulation.
- 17 So in your case it would be for a
- 18 variance and a modification for the stipulation
- 19 concurrently. But the trigger is the -- whatever
- 20 variances the applicant applies for.
- 21 CHAIRPERSON SALADINO: Would it
- 22 be -- and maybe this is for Rob. Would it be for
- 23 us for one vote? Would it be just to get past
- 24 getting in front of the Zoning Board? When it
- 25 does get in front of the Zoning Board, will it be

- 1 for one vote, to vote on the variance? Does that
- 2 take care of the modification that he's asking
- 3 for.
- 4 ADMINISTRATOR PALLAS: I will also
- 5 defer to counsel.
- 6 MR. CONNOLLY: You have to have a
- 7 vote on modifying the stipulation of settlement.
- 8 So you'd be voting on the variance and also to
- 9 modify the stipulation from, I think, 2000- and --
- 10 CHAIRPERSON SALADINO: Is this
- 11 going to happen with -- because I have to be
- 12 honest with you, I'm kind of -- I understand the
- 13 premise. I'm totally familiar with what happened,
- 14 and I've read the stipulation. For the Zoning
- 15 Board to issue a variance to offer relief, you
- 16 know, we have certain obligations, certain
- 17 questions to answer, and certain reasoning to
- 18 apply to grant that variance. What do you do with
- 19 a modification? Is that just our opinion?
- MR. CONNELLY: Well --
- 21 CHAIRPERSON SALADINO: Do we have
- 22 to go through the five questions? Are there nine
- 23 questions?
- MR. CONNELLY: No, it wasn't -- the
- 25 variances weren't -- from my understanding of how

- 1 it was processed back then, it was a settlement.
- 2 So there was actually no vote by the ZBA granted.
- 3 CHAIRPERSON SALADINO: I know.
- 4 MR. CONNELLY: Right? So the ZBAw
- 5 as a party to that stipulation of settlement.
- 6 Stipulation to settlement can be modified by any
- 7 of the parties to the stipulation so that the
- 8 Zoning Board would have to agree to modify that
- 9 stipulation. But there would be no -- you know,
- 10 you wouldn't do the five-part test.
- 11 CHAIRPERSON SALADINO: So is it --
- MR. CONNELLY: The variances that
- 13 were granted through that settlement are standing.
- 14 Now they're asking for additional relief.
- 15 CHAIRPERSON SALADINO: No, I
- 16 understand that part. I understand that part. I
- 17 understand what our obligation is when it comes to
- 18 a variance or an interpretation. I'm not sure
- 19 what happens with a modification. Does -- we both
- 20 have a variance -- assuming -- let's assume that
- 21 the variance is granted. Then there's a vote on
- 22 the modification.
- MR. CONNELLY: Right.
- 24 CHAIRPERSON SALADINO: And that's
- 25 strictly opinion based? It's how you feel in the

- 1 moment?
- 2 MR. CONNELLY: You discuss it among
- 3 the board, to amending the stipulation to benefit
- 4 the community as a whole --
- 5 CHAIRPERSON SALADINO: Is it that
- 6 the variance?
- 7 MR. CONNELLY: Well, yeah. You
- 8 wouldn't do the five-part test.
- 9 CHAIRPERSON SALADINO: Okay. And
- 10 the other question I would have, perhaps for
- 11 Mr. Pallas, is: Do the proponents of this, do the
- 12 people that thought this system up, as far as this
- joint meeting, did they have an idea of how much
- 14 time the members would have to review the
- 15 application, the notice of disapproval? Are we
- 16 going to get it that night and expect to vote on
- 17 it that night to accept it, and schedule a public
- 18 hearing that night? Is that what we're thinking?
- 19 ADMINISTRATOR PALLAS: There --
- 20 CHAIRPERSON SALADINO: I don't want
- 21 to put you on the spot.
- 22 ADMINISTRATOR PALLAS: No, that
- 23 level detail was not discussed. It wouldn't be
- 24 something that -- as a matter, of course, we would
- 25 get it to you in advance of any such meeting,

- 1 just like we did for these two application, you
- 2 had them in advance. And the meeting would be
- 3 scheduled subsequent to distributing of that to
- 4 yourselves and all the other boards, in fact.
- 5 The plans, as far as I know, have
- 6 not been changed from what is currently posted on
- 7 the village website. So the plans and the
- 8 application and the request have not changed.
- 9 They all are still the same.
- 10 So that -- well, you would -- the
- 11 additional information you would get is the notice
- 12 of disapproval and their variance application.
- 13 CHAIRPERSON SALADINO: Well, isn't
- 14 that his passport to the Zoning Board?
- 15 ADMINISTRATOR PALLAS: Correct
- 16 Yes, yes.
- 17 CHAIRPERSON SALADINO: So without
- 18 seeing the notice of disapproval, you know, I'm
- 19 sure we have all seen the plans. We have all seen
- 20 what he's asking for.
- But what do we think? And we would
- 22 need a quorum that night to vote. And the
- 23 motivation behind this, just so it's clear to our
- 24 members, is -- of this joint meeting is to save
- 25 time?

- 1 ADMINISTRATOR PALLAS: That's as it
- 2 was explained in a -- at the last public Board of
- 3 Trustees meeting.
- 4 CHAIRPERSON SALADINO: Now is the
- 5 time. If you have a question, now is the time.
- 6 We have the attorney, so now is the time to ask
- 7 the question. Amanda is here, maybe she can
- 8 answer a couple of questions?
- 9 MEMBER GORDON: It seems to me that
- 10 the modification and the variance at the same time
- 11 is going to be kind of difficult, but I --
- 12 CHAIRPERSON SALADINO: Well --
- 13 MEMBER GORDON: Assume that we're
- 14 rubber stamping the modification, let's be honest.
- 15 CHAIRPERSON SALADINO: I'm not
- 16 making that assumption.
- 17 MEMBER GORDON: No, I'm not asking
- 18 about your intention, I'm asking about the
- 19 intention of the group that's been working on this
- 20 process.
- 21 CHAIRPERSON SALADINO: You honestly
- 22 think they it would answer that for the
- 23 television?
- I don't think any of we're talking
- 25 about --

- 1 MEMBER GORDON: I ask the question
- 2 because it isn't going to be answered right away.
- 3 I sort of want to know what I'm getting into, if
- 4 I'm supposed to do these two important things in
- one meeting without much notice. Now, maybe we're
- 6 going to get -- I don't guite understand what
- 7 documents I'm going to get to base our decision
- 8 on.
- 9 ADMINISTRATOR PALLAS: If I may,
- 10 Mr. Chairman, maybe I was not 100 percent clear.
- 11 So this joint -- this proposed joint meeting of
- 12 all the Boards is no different than the actions
- 13 than you took tonight. You will have the
- 14 documents in advance, in plenty of time, prior to
- 15 that group meeting. The action you'll take is
- 16 merely to accept the application, if you so chose.
- 17 And again, if you so chose, to schedule a public
- 18 hearing on the application itself.
- 19 Then, the next meeting would not be
- 20 a joint meeting, it would just be your normal,
- 21 regular meeting --
- MEMBER GORDON: Hearing.
- 23 ADMINISTRATOR PALLAS: -- hearing
- 24 to consider the application. And the application
- 25 is two parts. It's a variance request and a

- 1 modification to a previously entered stipulation.
- 2 Counsel, if I'm --
- 3 MR. CONNELLY: That's correct.
- 4 CHAIRPERSON SALADINO: So if -- if
- 5 the stars aligned and the applicant had gotten his
- 6 application to us tonight, we could have taken
- 7 care of scheduling the public hearing and he would
- 8 have been on our agenda for February 16. But
- 9 apparently, the stars didn't align, and there was
- 10 no notice of disapproval prior to this meeting
- 11 tonight.
- So we're going to hold a meeting --
- 13 there's going to be a meeting of three -- four
- 14 statutory boards. And at that meeting, to save
- 15 time, this board is going to be asked to vote on
- 16 accepting that application at that meeting. Is
- 17 that --
- ADMINISTRATOR PALLAS: That's --
- 19 yes.
- 20 CHAIRPERSON SALADINO: And just off
- 21 the top of my head, do you think that's a good
- 22 idea?
- 23 ADMINISTRATOR PALLAS: I'll answer
- 24 the same way I answered the last question.
- 25 CHAIRPERSON SALADINO: I'm a

- 1 process guy. I think if you follow a path that's
- 2 well marked, you'll never get lost. You'll never
- 3 get lost following the signs. It's when you step
- 4 off that path that things, no matter how
- 5 well-intentioned, no matter how some people think
- 6 is well-thought out, people are always getting
- 7 lost in the woods.
- 8 I just think -- and in my
- 9 recollection, I've attended all the informational
- 10 meetings, all the village board meetings, except
- 11 for that one. And I don't remember a concern
- 12 about this project being held up by any statutory
- 13 board. I haven't seen a statutory board whether
- it be Zoning, Planning, Village Board, or HPC hold
- 15 up this process. So the "save time" aspect of it
- 16 makes me wonder, like -- and I haven't heard the
- 17 applicant complain about his project being held
- 18 up.
- 19 So I'm not sure the "save time"
- 20 aspect of it, how that makes us go out of process.
- 21 MEMBER REARDON: I think you may be
- 22 thinking about it from your perspective, saving
- 23 time and being more efficient for their
- 24 presentation. Instead of making four
- 25 presentations, or potentially four presentations,

- 1 they're going to make one. It's more efficient
- 2 from their perspective. They're hoping that we
- 3 will --
- 4 CHAIRPERSON SALADINO: You don't
- 5 think it will be redundant? You don't think we'll
- 6 we'll hear the same thing from them at the public
- 7 hearing?
- 8 MEMBER REARDON: I do.
- 9 MR. CONNELLY: I think the issue is
- 10 that for the stipulation of settlement to be
- 11 modified, every party needs to agree to it. If
- 12 the ZBA doesn't agree to modify, then the
- 13 stipulation of settlement stands as it is. So I
- 14 think they're trying to get a feeling or a sense
- 15 of if all the parties of the stipulation are going
- 16 to agree to modify.
- 17 CHAIRPERSON SALADINO: And they
- 18 would expect an answer that night?
- MR. CONNELLY: Well, I think they
- 20 might want, you know, maybe a straw vote or
- 21 something like that just to get some kind of
- 22 sense.
- 23 CHAIRPERSON SALADINO: I'm not
- 24 prepared to do that. I'm not prepared to ask my
- 25 members do that.

- 1 MEMBER REARDON: Rob, does the
- 2 decision need to be unanimous or just majority?
- 3 CHAIRPERSON SALADINO: Majority. I
- 4 wouldn't ask these members to do that, to offer an
- 5 opinion before the public hearing. We would have
- 6 to recuse ourselves. If we offered an opinion
- 7 before the public hearing about how we would vote.
- 8 We would all have to recuse ourselves. I mean,
- 9 that's just -- what do you think, Dinni?
- 10 MEMBER GORDON: It's why I asked if
- 11 we were really expected to just, you know, pass it
- 12 along.
- 13 CHAIRPERSON SALADINO: I think
- 14 sometimes -- all I can say is that you tell us
- 15 when the meeting is. If it's convenient for the
- 16 members to show up -- is attendance mandatory? If
- 17 it's --
- 18 MEMBER GORDON: If you're going to
- 19 vote, we should all be there. Because the board
- 20 is going to take action.
- 21 CHAIRPERSON SALADINO: The only way
- 22 we vote is if there's a quorum. If there's no
- 23 quorum, we don't vote.
- 24 MEMBER GORDON: It's an important
- 25 project.

- 1 CHAIRPERSON SALADINO: I agree with
- 2 you.
- 3 MEMBER GORDON: We should make it
- 4 mandatory for ourselves.
- Is there a date yet?
- 6 ADMINISTRATOR PALLAS: A date has
- 7 not been established. We are in the process --
- 8 we're still in the process of getting notice of
- 9 disapproval out, receiving a response to that. We
- 10 may -- in fact, we may have received something
- 11 today. I would have to check tomorrow. So it may
- 12 be imminent that a date will be scheduled. Within
- 13 the next two or three days, you may see an e-mail
- 14 regarding that.
- 15 MEMBER GORDON: Okay.
- 16 CHAIRPERSON SALADINO: While I have
- 17 you, and since you would be part of the
- 18 Planning -- not statutory board planning, logistic
- 19 planning. So there will be plenty members of the
- 20 village, statutory board members, I assume two
- 21 attorneys, a stenographer, you, I'm sure Amanda
- 22 will be there. Is the public going to be -- and
- 23 the applicant.
- 24 MEMBER GORDON: Aren't we limited
- 25 to 25 people in this room during that period?

- 1 ADMINISTRATOR PALLAS: I think
- 2 that's the number. I'll have to check. I believe
- 3 that's the number, correct. So there would be
- 4 limited availability for anybody in the public to
- 5 attend. I can't --
- 6 MEMBER GORDON: Subject to the
- 7 public meeting -- is this subject to the public
- 8 meeting law?
- 9 ADMINISTRATOR PALLAS: It would be,
- 10 of course. I mean, I don't know -- again, we're
- 11 still in the planning stages of the meeting. I
- 12 can't even say that it won't be a virtual meeting.
- 13 I don't know that yet. So there is a potential
- 14 that we would go in that direction.
- 15 I haven't discussed that with the
- 16 mayor or respectively with the other chairs, as
- 17 well.
- 18 CHAIRPERSON SALADINO: Well, taking
- 19 that -- if it's a virtual meeting, then you could
- 20 have unlimited participation. Does the village
- 21 board -- do the trustees that -- that -- I'll say
- 22 it. Do the trustees that look at this as a good
- 23 idea expect that the -- for the public to comment
- 24 at this meeting?
- 25 ADMINISTRATOR PALLAS: I don't have

- 1 an answer to that question either. I mean, I've
- 2 discussed it, but I don't believe a decision -- as
- 3 far as I know, there's been no specific decision
- 4 as to public comment at this -- given that there's
- 5 going to be opportunity at each individual board's
- 6 hearing and/or meeting for public comment for
- 7 their particular piece of this, then the option
- 8 would be to not have public comment at this stage,
- 9 so yeah.
- 10 Since its not a hearing, it's -- so
- 11 there's no requirement, as far as I know, for
- 12 public comment.
- MR. CONNELLY: It's not a public
- 14 hearing, it's not a requirement.
- 15 CHAIRPERSON SALADINO: Okay. I
- 16 would have thought -- if I happen to be at that
- 17 meeting that night, I'm sure I would have voiced
- 18 my opinion. I'm semi-uncomfortable voicing my
- 19 opinion now because the members that suggested it
- 20 and thought it was a good idea aren't here to get
- 21 the response. If I was at that meeting that
- 22 night, I would have voiced my opinion then. And
- 23 only because everybody that knows me, knows I'm a
- 24 process guy and I don't think you should go out of
- 25 process on a whim to save a month for someone

- 1 that -- that any delay is only -- everybody here
- 2 is familiar with zoning, and in zoning, this would
- 3 be a self-created hardship. If it was a variance
- 4 in front of us, this would be a self-created
- 5 hardship. Any delay that this project is
- 6 suffering is -- and I'm not speaking pro or con as
- 7 far as the project, the merits of the project,
- 8 just an observation. Any delay that this project
- 9 has suffered hasn't been from a statutory board.
- 10 It wasn't -- it wasn't the Village Board, us,
- 11 Planning, or HPC.
- So did that answer your question?
- 13 MEMBER REARDON: I probably have
- 14 more questions now because of the answer to that
- 15 question. Yes, thank you.
- 16 CHAIRPERSON SALADINO: So we'll
- 17 hear from the village, and if it's convenient for
- 18 the members and there's no personal conflicts that
- 19 night and the members can show up and we have a
- 20 quorum, we'll vote. If they can't, we'll go
- 21 through the normal process. We'll -- we'll get a
- 22 notice of disapproval and then an application, and
- then we'll schedule the public hearing. Okay?
- 24 (Affirmative nods).
- David, anything? You've been very

- 1 quiet. You're making me nervous.
- 2 MEMBER CORWIN: You know how I feel
- 3 about joint meetings, Mr. Chairman.
- 4 CHAIRPERSON SALADINO: I've never
- 5 been to a joint meeting that worked out. So I
- 6 tend to agree with you on this. But since we
- 7 don't call the shots --
- 8 MEMBER CORWIN: And we don't get
- 9 paid.
- 10 CHAIRPERSON SALADINO: I don't know
- 11 if getting paid has anything to do with it. But
- 12 again, if I was at that meeting that night, I may
- 13 have made an argument against this. But since I
- 14 wasn't, and now it's a day late and I'm a dollar
- 15 short, we'll wait for the e-mail from the village
- 16 about the meeting.
- 17 And again, the members -- if we
- 18 have a quorum, we'll vote to schedule a public
- 19 hearing. If we don't, we'll make no apologies to
- 20 the applicant. Okay? Is that how we see things?
- 21 (Affirmative nod).
- 22 CHAIRPERSON SALADINO: Anything
- 23 else? Anybody want to ask anything else?
- 24 (Negative response).
- Item 7 is a motion to an adjourn.

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    So moved.
 1
 2
                    MEMBER CORWIN: Second.
 3
                    CHAIRPERSON SALADINO: All in
 4
    favor?
 5
                    MEMBER CORWIN: Aye.
 6
                    MEMBER GORDON: Aye.
                    MEMBER REARDON: Aye.
 7
                    So moved. Thank you folks for
 8
    coming. Thank you.
 9
              (Time noted: 6:50 PM).
10
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