

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 Fire Station

Greenport, NY

February 16, 2021

6:00 p.m.

B E F O R E:

JOHN SALADINO - CHAIRMAN

DAVID CORWIN - MEMBER

DINNI GORDON - MEMBER

JACK REARDON- MEMBER

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ROBERT CONNOLLY - ZONING BOARD ATTORNEY

PAUL PALLAS - VILLAGE ADMINISTRATOR

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

2 CHAIRMAN SALADINO: Folks, this the Village  
3 of Greenport Zoning Board of Appeals Regular  
4 Meeting.

5 Item No. 1 is a motion to accept the  
6 minutes of the January 19th, 2021 Zoning Board of  
7 Appeals meeting. So moved

8 MEMBER GORDON: Second

9 CHAIRMAN SALADINO: All in favor?

10 MEMBER CORWIN: Aye.

11 MEMBER REARDON: Aye.

12 CHAIRMAN SALADINO: And I'll vote aye.

13 Item No. 2 is a motion to approve the  
14 minutes of the November 17th, 2020 Zoning Board  
15 of Appeals meeting. So moved. All in favor?

16 MEMBER GORDON: Aye.

17 CHAIRMAN SALADINO: Oh, is there a second?  
18 I'm sorry.

19 MEMBER CORWIN: Second.

20 CHAIRMAN SALADINO: All in favor?

21 MEMBER REARDON: Aye.

22 MEMBER GORDON: Aye.

23 CHAIRMAN SALADINO: I'll vote aye. Any  
24 abstentions?

25 MEMBER CORWIN: Abstain.

1 CHAIRMAN SALADINO: And one abstention.

2 Item No. 3 is a motion to schedule the next  
3 Zoning Board of Appeals meeting for March 15th,  
4 2021 at 6 PM at Station One of the Greenport  
5 Village Fire Department, Third and South Streets,  
6 Greenport, New York, 11944.

7 As an explanation, folks, that's a Monday.  
8 The Village Election is Tuesday. The firehouse  
9 was available to us on Monday or Wednesday, we  
10 chose Monday; I hope it's not an inconvenience.

11 So moved.

12 MEMBER REARDON: Second.

13 CHAIRMAN SALADINO: All in favor?

14 MEMBER CORWIN: Aye.

15 MEMBER GORDON: Aye.

16 CHAIRMAN SALADINO: Jack?

17 MEMBER REARDON: Yes, aye.

18 CHAIRMAN SALADINO: And I'll vote aye.

19 Item No. 4 is 25 Washington Avenue, it's a  
20 public hearing regarding the area variance applied  
21 for by Margaret DeCruz. The applicant proposes  
22 to construct an enclosed deck. This property is  
23 located in the R-1 (One-Family) District and is  
24 not located in the Historic District. The plan  
25 shows a 26-foot, 7-inch front yard setback off

1 the proposed enclosed deck. The minimum setback  
2 requirement is 30-feet; this would require an  
3 area variance of 3 feet 5-inches. The Suffolk  
4 County Tax Map No is 1001-2-1-13.

5 Apparently the applicant's here.

6 MS. DeCRUZ: What do I have to do now;  
7 anything?

8 MS. MAHONEY: State your name, please.

9 MS. DeCRUZ: Oh, okay, sorry. Margaret  
10 DeCruz, 25 Washington Avenue.

11 CHAIRMAN SALADINO: Before we open the  
12 public hearing, there's a couple of things I'm  
13 going to have to ask the Building Department and  
14 then we're going to hear from you.

15 MS. DeCRUZ: Okay.

16 CHAIRMAN SALADINO: If that's okay.

17 MS. DeCRUZ: Yes.

18 CHAIRMAN SALADINO: I know you're anxious  
19 but --

20 MS. DeCRUZ: No, I'm fine. I just  
21 don't know the procedure.

22 CHAIRMAN SALADINO: This is just routine.  
23 We confirmed -- well, actually, we haven't. We  
24 asked the applicant -- we asked the applicant  
25 last month for a consent form for the contact

1 person, William Gorman, and I don't have that.

2 MS. DeCRUZ: It was given to the Building  
3 Department, notarized by them and I gave it to  
4 them; I gave it to Amanda, along with all those  
5 little slips of the --

6 CHAIRMAN SALADINO: We have that?

7 ADMINISTRATOR PALLAS: Yes.

8 CHAIRMAN SALADINO: Okay. We're going to  
9 confirm the public notice was published, right?

10 ADMINISTRATOR PALLAS: Yeah, that's  
11 confirmed.

12 CHAIRMAN SALADINO: And we have -- we have  
13 the mailings?

14 ADMINISTRATOR PALLAS: We do, yes.

15 CHAIRMAN SALADINO: Should we read them or  
16 we --

17 ADMINISTRATOR PALLAS: That's up to you,  
18 Mr. Chairman.

19 CHAIRMAN SALADINO: Do you have them?

20 (Brief pause)

21 If you don't have them, we can read them  
22 into the record later.

23 ADMINISTRATOR PALLAS: I have them, I saw  
24 them a few minutes ago. I'll pull them out.  
25 Do you want to look at them?

1 CHAIRMAN SALADINO: We didn't ask for  
2 expanded mailings, did we?

3 MS. DeCRUZ: Twelve.

4 CHAIRMAN SALADINO: Twelve; we asked for 12  
5 mailings? We asked for 12 mailings?

6 ADMINISTRATOR PALLAS: I don't know the  
7 number, I'll have to look it up.

8 MS. DeCRUZ: I sent out 12 and I think I  
9 got about eight things back.

10 CHAIRMAN SALADINO: Twelve. We would have  
11 been satisfied with adjacent property owners, but  
12 okay.

13 We have Victorian Seasons Sterling, 857  
14 Main Street, Greenport, New York, 11944; we have  
15 117 Washington Avenue, LLC, Post Office Box 844,  
16 Greenport, New York; we have Daniel Becker, 10909  
17 Grapevine Lane, Austin, TX; Guy {Tudor}, Post  
18 Office Box 2117, Greenport, New York, 11944;  
19 Darryl Volinski, 35 Washington Avenue, Greenport,  
20 New York, 11944; and {S.D.} Kendall, 31  
21 Washington Avenue, Greenport, New York, 11944.

22 We're going to open up the public hearing.  
23 The applicant is here. Now it's time.

24 MS. DeCRUZ: Now I say my name?

25 CHAIRMAN SALADINO: Now you -- name and

1 address for the stenographer.

2 MS. DeCRUZ: Okay.

3 CHAIRMAN SALADINO: And anything you would  
4 like to say.

5 MS. DeCRUZ: Margaret DeCruz, 25 Washington  
6 Avenue. Applying for a front porch which goes  
7 3.5 feet into the 30-foot easement area from the  
8 front sidewalk, and that's what the variance is  
9 about.

10 CHAIRMAN SALADINO: Okay.

11 MS. DeCRUZ: Okay. Do you need anything  
12 else?

13 CHAIRMAN SALADINO: It's your time.  
14 Anything --

15 MS. DeCRUZ: I need a front porch -- I mean  
16 I want a front porch. I've been wanting a front  
17 porch ever since I moved here. It's small, it  
18 doesn't bother anybody. A lot of the neighbors  
19 have houses that go beyond that.

20 And, yeah, for the COVID thing you have to  
21 have at least six-foot distance. It's going to  
22 be really hard unless I have an 8-foot depth  
23 because it's a short, little porch; it's only in  
24 front of half of my house, so. That's about it.

25 CHAIRMAN SALADINO: Okay. Okay. Thank

1 you.

2 MS. DeCRUZ: And my dog needs a space; no,  
3 I'm kidding.

4 CHAIRMAN SALADINO: (Laughter) Okay. We're  
5 going to ask the other members of the public --  
6 this is a public hearing, so you get to say what  
7 you like --

8 MS. DeCRUZ: Okay.

9 CHAIRMAN SALADINO: -- and then we're going  
10 to ask the rest of the public if they have  
11 something they might want to say. And if not  
12 we'll ask the members; we'll close the public  
13 hearing and then we'll ask the members. Okay?

14 MS. DeCRUZ: Okay.

15 CHAIRMAN SALADINO: So, thank you.

16 MS. DeCRUZ: Thank you. So I should go sit  
17 down?

18 CHAIRMAN SALADINO: That would be okay.

19 Is there anybody else from the public that  
20 would like to speak?

21 (No Response)

22 No? Members, anybody, members have any  
23 comments, any questions? No?

24 MEMBER CORWIN: There was a question of was  
25 it a septic or sewer?



1 MS. MAHONEY: I can't hear you.

2 CHAIRMAN SALADINO: Oh, I apologize.

3 Ms. DeCruz, there was a little confusion. I  
4 apologize for making you sit down and getting up  
5 again.

6 MS. DeCRUZ: I don't care, I'm fine.

7 CHAIRMAN SALADINO: There was a question on  
8 the EAF last month about potable water --

9 MS. DeCRUZ: Oh, yes.

10 CHAIRMAN SALADINO: -- and your contractor  
11 submitted a revised EAF.

12 MS. DeCRUZ: Right

13 CHAIRMAN SALADINO: David has a question  
14 about -- well, why don't you ask it.

15 MEMBER CORWIN: The ques -- you put down on  
16 your short EAF form, Environmental Assessment  
17 Form, that you have a septic system rather than  
18 you're hooked up to the sewer.

19 MS. DeCRUZ: Right, that was incorrect and  
20 it's been corrected. And I'm hooked up to the  
21 Greenport Sewer and Water.

22 MEMBER CORWIN: Okay, thank you.

23 MS. DeCRUZ: Okay?

24 MEMBER CORWIN: That's it.

25 CHAIRMAN SALADINO: Okay. I'm going to

1 make a motion that we close this public hearing.

2 MEMBER CORWIN: Second.

3 MEMBER GORDON: Second.

4 CHAIRMAN SALADINO: All in favor?

5 MEMBER CORWIN: Aye.

6 MEMBER REARDON: Aye.

7 CHAIRMAN SALADINO: Dinny?

8 MEMBER GORDON: Aye.

9 CHAIRMAN SALADINO: And I'll vote aye.

10 So, Item No. 5 is a discussion and possible  
11 motion on the area variance applied for by  
12 Margaret DeCruz for the property located at 25  
13 Washington Avenue, 11944. The Suffolk County Tax  
14 Map still remains 1001-2-1-13. Members, any  
15 comments? Any --

16 (Ms. DeCruz was leaving the meeting)

17 Do you want to stick around to see if we  
18 grant that variance or not?

19 MS. DeCRUZ: Oh.

20 CHAIRMAN SALADINO: Or you're okay with  
21 just leaving?

22 MS. DeCRUZ: I could stick around. When  
23 does that happen, at the very end of the meeting?

24 CHAIRMAN SALADINO: Well, we were just kind  
25 of --

1 MEMBER GORDON: Now.

2 MEMBER REARDON: Right now.

3 MS. DeCRUZ: Right now? Okay. I will  
4 stick around (laughter).

5 CHAIRMAN SALADINO: (Laughter). You're  
6 more than welcome to leave and somebody will  
7 notify you, if that's what you would like to do.

8 MS. DeCRUZ: I'll stick around.

9 CHAIRMAN SALADINO: Members, what do we  
10 want to do?

11 MEMBER REARDON: I think it's appropriate  
12 for the neighborhood.

13 MEMBER GORDON: It's a very small variance  
14 and, I mean, the way her house is situated, to  
15 add this porch would make it really on a plane  
16 with the other houses in the neighborhood.

17 CHAIRMAN SALADINO: David?

18 MEMBER CORWIN: I'm not comfortable with  
19 the architectural aspect of this. If the  
20 applicant had the setback she could do as she  
21 pleases. But since one of our questions is  
22 whether the first variance will have an adverse  
23 effect or impact on the physical or environmental  
24 conditions in the neighborhood or district, I  
25 think that house is a beautiful little house and

1 putting a porch out on the front, I just have a  
2 problem with that architecturally. I'm not an  
3 architect and if it was on the side or the back,  
4 no problem. But I think it will detract from the  
5 look of the house.

6 CHAIRMAN SALADINO: Okay. David's -- his  
7 opinion will be expressed in his vote. I'm going  
8 to suggest that we go through these five  
9 questions and vote on this variance; is that  
10 okay, folks?

11 MEMBER GORDON: Uh-huh.

12 CHAIRMAN SALADINO: Question number one is  
13 whether an undesirable change will be produced in  
14 the character of the neighborhood or a detriment  
15 to nearby properties will be created by the  
16 granting of the area variance. David?

17 MEMBER CORWIN: Yes.

18 CHAIRMAN SALADINO: Jack?

19 MEMBER REARDON: No.

20 CHAIRMAN SALADINO: Dinni?

21 MEMBER GORDON: No.

22 CHAIRMAN SALADINO: And I'm going to vote  
23 no.

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

1 for the applicant to pursue other than an area  
2 variance. David?

3 MEMBER CORWIN: No.

4 CHAIRMAN SALADINO: Jack?

5 MEMBER REARDON: No.

6 CHAIRMAN SALADINO: Dinni?

7 MEMBER GORDON: No.

8 CHAIRMAN SALADINO: And I'll vote no.

9 Whether the requested area variance is  
10 substantial. David?

11 MEMBER CORWIN: No.

12 CHAIRMAN SALADINO: Jack?

13 MEMBER REARDON: No.

14 CHAIRMAN SALADINO: Dinni?

15 MEMBER GORDON: No.

16 CHAIRMAN SALADINO: And I'm going to vote  
17 no.

18 Whether the proposed variance will have an  
19 adverse effect or impact on the physical or  
20 environmental conditions in the neighborhood or  
21 district? David?

22 MEMBER CORWIN: Yes.

23 CHAIRMAN SALADINO: Jack?

24 MEMBER REARDON: No.

25 CHAIRMAN SALADINO: Dinni?

1 MEMBER GORDON: No.

2 CHAIRMAN SALADINO: And I'm going to vote  
3 no.

4 Whether the alleged difficulty was  
5 self-created with consideration shall be  
6 revelant -- relevant to the decision of the Board  
7 of Appeals but shall not necessarily preclude the  
8 granting of the area variance. David?

9 MEMBER CORWIN: Yes.

10 CHAIRMAN SALADINO: Jack?

11 MEMBER REARDON: Yes.

12 CHAIRMAN SALADINO: Dinni?

13 MEMBER GORDON: Yes.

14 CHAIRMAN SALADINO: And I'll vote yes.

15 I'm going to make a motion that we approve  
16 the area variance. So moved.

17 MEMBER REARDON: Second.

18 CHAIRMAN SALADINO: We'll take a roll call  
19 vote. David?

20 MEMBER CORWIN: No.

21 CHAIRMAN SALADINO: Jack?

22 MEMBER REARDON: Yes.

23 CHAIRMAN SALADINO: Dinni?

24 MEMBER GORDON: Yes.

25 CHAIRMAN SALADINO: And I'll vote yes.

1 MS. DeCRUZ: Thank you.

2 CHAIRMAN SALADINO: Easy peasy.

3 MS. DeCRUZ: Thank you. It's going to look  
4 lovely.

5 CHAIRMAN SALADINO: Where are we?

6 Item No. 6, 429 Sixth Street. This is a  
7 public hearing regarding the area variance  
8 applied for by Jennifer and James Kennedy. The  
9 applicants propose to add a second story addition  
10 to this property. This property is located in  
11 the R-2 (One and Two-Family) District and is not  
12 located in the Historic District. The plan shows  
13 a proposed second floor addition. The current  
14 setback of the proposed addition shows 2 feet  
15 6-inches on the south side of the property. The  
16 minimum side yard setback is 10-feet; this would  
17 require an area variance of 7 feet 6 inches. The  
18 Suffolk County Tax Map No is 1001-6-3-5.

19 I'll ask the Building Department the same  
20 questions. We know the applicant is who made the  
21 application. The public notice was published?

22 ADMINISTRATOR PALLAS: It was, John, yes.

23 CHAIRMAN SALADINO: And we have the  
24 mailings?

25 Thank you. That's a lot of mailings.

1 Gregory Zurek, Post Office Box 459,  
2 Greenport, New York, 11944; ADF Ventures, LLC,  
3 138 Oregon Avenue, Medford, New York, 11763; GJC  
4 Partnership, Post Office Box 253, Greenport, New  
5 York, 11944; Enrique Alvarez, 414 Sixth Street,  
6 Greenport, New York, 11944; Mr. & Mrs. Michael  
7 Green, 356 Fifth Street, Brooklyn, New York --  
8 oh, Brooklyn, New York, 11215; Maureen {Carovett}  
9 -- am I getting that right -- 69 Holding Street,  
10 Winchester, Mass, 01605; Village of Greenport,  
11 236 Third Street, Greenport, New York; Brett  
12 Stevenson, 428 Sixth Street, Greenport, New York,  
13 11944; Deborah Riva, 433 Sixth Street, Greenport,  
14 New York, 11944.

15 We're going to open the public hearing.  
16 The applicant is here.

17 MR. KENNEDY: James Kennedy, 429 Sixth  
18 Street.

19 MS. KENNEDY: Jennifer Kennedy, 429 Sixth  
20 Street.

21 MR. KENNEDY: The last hearing I believe  
22 you were looking for a revised EAF form, I  
23 submitted that; sent a copy of the survey, so you  
24 should have that. Mailings were done, they  
25 should be sent the application. Are there any



1 questions from the Board on what we're doing?

2 MEMBER CORWIN: Well, why don't you just  
3 give us a little idea so anybody who's interested  
4 knows what's going on.

5 MR. KENNEDY: The -- so the existing  
6 structure, we're planning on making modifications  
7 to the rear of the house. Code-related issues  
8 exist with the current structure, so in the event  
9 of doing those modifications we plan to do  
10 foundation work and then add a second story above  
11 that section that we're going to be working on.

12 MS. KENNEDY: Without changing the  
13 footprint.

14 MR. KENNEDY: Without changing the  
15 footprint of that rear section.

16 MEMBER CORWIN: Thank you.

17 CHAIRMAN SALADINO: Members, any questions  
18 for the applicant?

19 MEMBER GORDON: I have that you're on the  
20 Village water supply, right?

21 MS. KENNEDY: Yes.

22 MR. KENNEDY: Yeah, we're connected to  
23 Village water and sewer, yes.

24 MEMBER GORDON: Okay .

25 CHAIRMAN SALADINO: You're done?

1 MEMBER GORDON: Yes, that's it.

2 CHAIRMAN SALADINO: Jack?

3 MEMBER REARDON: I don't have any  
4 additional questions.

5 CHAIRMAN SALADINO: Thank you.

6 Is there any member from the public that  
7 would like to speak for this application?

8 (No Response)

9 CHAIRMAN SALADINO: No? I'm going to make  
10 a motion that we close this public hearing.

11 MEMBER CORWIN: Second.

12 CHAIRMAN SALADINO: All in favor?

13 MEMBER CORWIN: Aye.

14 MEMBER GORDON: Aye.

15 MEMBER REARDON: Aye.

16 CHAIRMAN SALADINO: And I'll vote aye.

17 We have Item No. 7 is a discussion and  
18 possible motion on the area variance applied for  
19 by Jennifer and James Kennedy for the property  
20 located at 429 Sixth Street, Greenport, New York,  
21 11944. Again, the Suffolk County Tax Map No  
22 remains the same, 1001-6-3-5.

23 Members, any comments, any questions?

24 MEMBER CORWIN: You just might note that  
25 the neighbor to the north sent a letter and she

1 endorsed the project.

2 CHAIRMAN SALADINO: I believe we said that  
3 last month. We do have a letter from Mrs. Riva,  
4 she endorsed the project. So, you've kind of got  
5 that going for you.

6 MS. KENNEDY: (Laughter).

7 CHAIRMAN SALADINO: Anything else, folks?  
8 No? Then I'll ask, if it's okay, we go through  
9 these five questions.

10 I apologize. I apologize, the attorney is  
11 kind of shooting me looks here. We didn't do  
12 SEQRA for the last application and I have it  
13 written down here and we still didn't --

14 MR. CONNOLLY: That's all right.

15 CHAIRMAN SALADINO: We still didn't do it.  
16 So, for the purpose of SEQRA, the Zoning Board's  
17 going to declare itself lead agency for the  
18 purpose of SEQRA. So moved.

19 MEMBER CORWIN: Second

20 CHAIRMAN SALADINO: All in favor?

21 MEMBER CORWIN: Aye.

22 MEMBER REARDON: Aye.

23 MEMBER GORDON: Aye.

24 CHAIRMAN SALADINO: I'll vote aye. And  
25 this is a Type II Action?

1 MR. CONNOLLY: Uh-huh.

2 CHAIRMAN SALADINO: With that taken care  
3 of --

4 MEMBER GORDON: May I ask a question?

5 CHAIRMAN SALADINO: I'm sorry?

6 MEMBER GORDON: May I ask a question about  
7 the SEQRA?

8 CHAIRMAN SALADINO: Me or him?

9 MEMBER GORDON: No, I'm asking Rob. Is  
10 it -- is there any significance to the fact that  
11 this property is next to the railroad?

12 MR. CONNOLLY: No. It's an -- all area  
13 variance applications are by definition Type II  
14 Actions for SEQRA.

15 MEMBER GORDON: Okay, good. That's really  
16 what I wanted to know. Thank you

17 CHAIRMAN SALADINO: Question No. 1 is  
18 whether an undesirable change will be produced in  
19 the character of the neighborhood or a detriment  
20 to nearby properties will be created by the  
21 granting of the area variance. David?

22 MEMBER CORWIN: No

23 CHAIRMAN SALADINO: Jack?

24 MEMBER REARDON: No.

25 CHAIRMAN SALADINO: Dinni?

1 MEMBER GORDON: No.

2 CHAIRMAN SALADINO: And I'll vote no.

3 Whether the benefits sought by the  
4 applicant can be achieved by some method feasible  
5 for the applicant to pursue other than an area  
6 variance. David?

7 MEMBER CORWIN: No.

8 CHAIRMAN SALADINO: Jack?

9 MEMBER REARDON: No.

10 CHAIRMAN SALADINO: Dinni?

11 MEMBER GORDON: No.

12 CHAIRMAN SALADINO: And I'll vote no.

13 Whether the proposed variance will have an  
14 adverse effect or impact on the physical or  
15 environmental conditions in the neighborhood or  
16 district. David?

17 MEMBER CORWIN: Did you skip No. 3?

18 (No response).

19 Anybody?

20 CHAIRMAN SALADINO: Did I skip No. 3?

21 MEMBER REARDON: I thought you were reading  
22 No. 3 right now.

23 CHAIRMAN SALADINO: (Laughter). Well --

24 MEMBER CORWIN: Let's have a do-over on No.  
25 3, please.

1 CHAIRMAN SALADINO: Whether requested area  
2 variance is substantial. David?

3 MEMBER CORWIN: No.

4 CHAIRMAN SALADINO: Jack?

5 MEMBER REARDON: No.

6 CHAIRMAN SALADINO: Dinni?

7 MEMBER GORDON: No.

8 CHAIRMAN SALADINO: And I'll vote no.

9 Whether the proposed variance will have an  
10 adverse effect or impact on physical or  
11 environmental conditions in the neighborhood or  
12 district. David?

13 MEMBER CORWIN: No.

14 CHAIRMAN SALADINO: Jack?

15 MEMBER REARDON: No.

16 CHAIRMAN SALADINO: Dinni?

17 MEMBER GORDON: No.

18 CHAIRMAN SALADINO: And I'll vote no.

19 Whether the alleged difficulty was  
20 self-created which consideration shall be  
21 relevant to the decision of the Board of Appeals  
22 but shall not necessarily preclude the granting  
23 of an area variance. David?

24 MEMBER CORWIN: Yes.

25 CHAIRMAN SALADINO: Jack?

1 MEMBER REARDON: Yes.

2 CHAIRMAN SALADINO: Dinni?

3 MEMBER GORDON: Yes.

4 CHAIRMAN SALADINO: And I'll vote yes.

5 I'm going to make a motion that we grant  
6 this area variance. So moved.

7 MEMBER CORWIN: Second.

8 CHAIRMAN SALADINO: David?

9 MEMBER CORWIN: Yes.

10 CHAIRMAN SALADINO: Jack?

11 MEMBER REARDON: Yes.

12 CHAIRMAN SALADINO: Dinni?

13 MEMBER GORDON: Yes.

14 CHAIRMAN SALADINO: And I'll vote yes.

15 MR. KENNEDY: Can I just ask one other  
16 question?

17 CHAIRMAN SALADINO: No, you're done.

18 (Laughter)

19 I'm sorry, go ahead.

20 MR. KENNEDY: So from this point on, what  
21 should we expect as far as the building permit?

22 CHAIRMAN SALADINO: Everything you're going  
23 to need to know you're going to get from the  
24 Building Department. And the head of the  
25 Building Department's here, perhaps you can

1 address him, ask him what --

2 ADMINISTRATOR PALLAS: Next month there'll  
3 be findings and determination, once that's  
4 approved by this Board you can finish your  
5 application with the Building Department  
6 directly.

7 MR. KENNEDY: Thank you so much.

8 MS. KENNEDY: Thank you.

9 CHAIRMAN SALADINO: Item No. 8 is 511  
10 Carpenter Street. There's a motion to accept the  
11 application, schedule a public hearing and  
12 arrange a site visit for the application of Jenna  
13 and general that and Donald Williams, represented  
14 by Isaac-Rae Studio, for the property located at  
15 511 Carpenter Street, Greenport, New York, 11944.  
16 This property is located in the R-2 (One and  
17 Two-Family) District and is located in the  
18 Historic District. This property requires an  
19 area and a use variance. The Suffolk County Tax  
20 Map No is 1001-4-3-32. Is the applicant here?

21 MR. CLAY COFFEY: I'm Isaac Clay Coffey,  
22 the architect of the project. These are the  
23 owners.

24 MR. WILLIAMS: I'm Donny Williams, owner of  
25 the property.



1 MS. WILLIAMS: I'm Jenna Williams, also an  
2 owner.

3 MR. WILLIAMS: So the project that we  
4 intend is to just kind of make the home a bit  
5 more functional for the size of our family. I  
6 don't know if you guys are familiar with the  
7 space, but it's largely open space currently.  
8 We have a handful of kids, we're looking to  
9 create bedroom, living space inside and bathrooms  
10 as well.

11 MR. CLAY COFFEY: And the specific  
12 variances for both the use and the area are what  
13 we consider minor internally, right.

14 Basically what we're proposing --

15 MS. MAHONEY: Can you speak into the  
16 microphone, please?

17 MR. CLAY COFFEY: Sure. Basically what  
18 we're proposing to do is to combine existing  
19 accessory structure that's on the site with the  
20 residential structure, amend the CO's so that  
21 it's a fully residential CO and that it has  
22 enough square footage for their five kids and  
23 themselves.

24 In addition to that, the use variance --  
25 we're not proposing square footage except for a

1 20-square foot connector that connects the two  
2 buildings, which is just a 3-foot hallway,  
3 basically, to connect the two buildings,  
4 essentially creating that existing structure in  
5 compliance.

6 MEMBER REARDON: Could you restate again  
7 your reasoning for the 3-foot wide hallway? I  
8 didn't quite hear the last part of what you said.

9 MR. CLAY COFFEY: Sure. So the idea is to  
10 connect the main line of the house, right, which  
11 is currently the CO is on the second floor of the  
12 house. So there's a residential CO for the  
13 second floor of the house. The ground floor of  
14 the structure, currently it's not part of the CO  
15 for the --

16 CHAIRMAN SALADINO: What does the CO say  
17 for the ground floor of the house?

18 MR. KENNEDY: So we've gone back and forth  
19 trying to get the information on how the CO got  
20 defined for the second floor. I don't think we  
21 have -- we haven't found the meeting minutes to  
22 say why it's specifically just given to the  
23 second floor and not the ground floor.

24 CHAIRMAN SALADINO: Do you have a CO?

25 MR. WILLIAMS: We do.

1 CHAIRMAN SALADINO: And what does this --

2 MR. WILLIAMS: We don't have the meeting  
3 minutes from the -- because they've already been  
4 to the Zoning Board of Appeals in 1983, I think.

5 CHAIRMAN SALADINO: And they created  
6 residential space on the second floor --

7 MR. WILLIAMS: Correct.

8 CHAIRMAN SALADINO: And non-habitable  
9 living space on the ground floor?

10 MR. WILLIAMS: Non-habitable space on the  
11 ground floor. So the proposal is to make the --

12 CHAIRMAN SALADINO: Is that what it says on  
13 the CO?

14 MR. WILLIAMS: Yes.

15 CHAIRMAN SALADINO: Okay.

16 MR. WILLIAMS: So the proposal is to make  
17 the total structure habitable residential space.  
18 In order to do that, what we're proposing is  
19 connect two buildings through kind of the most  
20 minimal way possible, basically, so that's the  
21 reason for the 3-foot hallway between the two  
22 structures.

23 CHAIRMAN SALADINO: To connect, and the  
24 accessory building is considered -- on the CO is  
25 considered what?

1 MR. WILLIAMS: Accessory storage. I mean,  
2 it's not -- it's not considered habitable space.

3 CHAIRMAN SALADINO: Okay. Did you have a  
4 question, Di?

5 MEMBER GORDON: Uh-huh

6 CHAIRMAN SALADINO: Okay.

7 MEMBER GORDON: Looking at the plans, the  
8 smaller space that you're going to connect has,  
9 as you've described it, guest living room and a  
10 bedroom. And I guess I want to be sure, is it --  
11 is that space going to be used just for the  
12 family?

13 MR. WILLIAMS: Yeah. The primary -- the  
14 primary purpose of that space is like a  
15 functional space for the kids, and then we have  
16 family that lives out of town so if -- you know,  
17 if they were visiting they'd be allowed to use it  
18 as a guest space as well. No other -- no like  
19 rental or anything of that nature, so.

20 CHAIRMAN SALADINO: Dinni, maybe just --

21 MEMBER GORDON: Now that I know that you  
22 have five kids, I understand it.

23 MR. WILLIAMS: Yeah. The more space the  
24 better is basically what we're going for here.

25 CHAIRMAN SALADINO: Yeah, maybe a bigger

1 piece of property.

2 MEMBER GORDON: That's all.

3 CHAIRMAN SALADINO: Maybe just keep --  
4 we're going to schedule a public hearing; maybe  
5 just keep it to the --

6 MEMBER GORDON: I know, but this is about  
7 the -- I saw this as a question about the --

8 CHAIRMAN SALADINO: The application?

9 MEMBER GORDON: About the application,  
10 about the survey.

11 CHAIRMAN SALADINO: Okay. I -- anybody  
12 else? I have a couple of questions, but I'll ask  
13 the members.

14 One of my questions is I don't have an  
15 approval from the owners for you to act as the  
16 agent. We're going to need a --

17 MS. WILLIAMS: I submitted that to the  
18 Building Department.

19 MR. KENNEDY: Yeah, I think it's been at  
20 the Building Department but not the ZBA, so we  
21 can submit that to you as well.

22 CHAIRMAN SALADINO: Okay. And I have a  
23 couple of questions about -- about the EAF.

24 On your short form it says, List all the  
25 uses that this property -- and you have

1 residential. I'm thinking the property was  
2 commercial space, maybe you should think about  
3 checking that box; I would think maybe you should  
4 think about checking that box.

5 Number five, is the proposed action a  
6 permitted use under the zoning regulation, you  
7 answered yes; if it was yes, you wouldn't be  
8 here.

9 MR. CLAY COFFEY: I think what we're saying  
10 is it's residentially zoned. We're not trying to  
11 change the zoning for the use.

12 CHAIRMAN SALADINO: Yeah, but you also have  
13 a use variance pending, you have an appeal in for  
14 a use variance. And the question said --

15 MR. CLAY COFFEY: So would you like for me  
16 to mark it as (inaudible).

17 CHAIRMAN SALADINO: Well, I'm asking you to  
18 correct it, is what I'm doing. We won't hold up  
19 the application this evening, but I'm going to  
20 ask for a corrected -- I have a few more, if you  
21 want to hear them all.

22 MR. ISAA: Great.

23 CHAIRMAN SALADINO: Number eight is Would  
24 proposed action result in an increase in traffic  
25 above the present levels. Right now -- you

1 answered no. Right now it's a 4,000 square foot  
2 building, 4800-square foot building that you say  
3 you're going to live there. You're asking for  
4 seven bedrooms and three living rooms, I'm  
5 assuming that --

6 MR. CLAY COFFEY: They're already living  
7 there.

8 CHAIRMAN SALADINO: -- somebody is going to  
9 be driving there and stuff.

10 MS. WILLIAMS: We live there currently.

11 MR. WILLIAMS: We live there currently.

12 CHAIRMAN SALADINO: And you don't own an  
13 automobile? There's no traffic? Okay, if that's  
14 your answer.

15 MR. WILLIAMS: We certainly own automobiles  
16 and we're parked on the street, but I wouldn't  
17 say that we --

18 CHAIRMAN SALADINO: Okay.

19 MR. WILLIAMS: -- negatively impact the  
20 traffic.

21 CHAIRMAN SALADINO: It says Does the site  
22 contain a structure that is listed on either the  
23 State or National Register of Historic Places.  
24 It's in the Historic District?

25 MR. WILLIAMS: We were told it's in the

1 Historic District, that's correct.

2 CHAIRMAN SALADINO: So we would have to  
3 change that answer, right?

4 MR. CLAY COFFEY: The structure itself --  
5 I mean, we can change that answer, but the  
6 structure itself is not on the Historic Registry.

7 CHAIRMAN SALADINO: The whole -- okay.

8 I would ask -- I would ask the Building  
9 Department, but it's kind of like our  
10 understanding.

11 Is the project -- and this is my question  
12 for the Building Department, or maybe David would  
13 know better. Is this in the 100-year flood zone?

14 MEMBER CORWIN: I don't believe so, no.

15 CHAIRMAN SALADINO: No? And it says Will  
16 storm water discharges be directed to establish  
17 conveyance systems; if yes, briefly explain.  
18 You checked yes; I don't have an explanation.  
19 Are you going to get rid of storm water?

20 MR. CLAY COFFEY: So, we're not proposing a  
21 change in roof structure, so the existing roof,  
22 gutters and leaders go into the existing storm  
23 water.

24 CHAIRMAN SALADINO: What -- what's the  
25 existing? How do you contain the storm water on



1 the property?

2 MR. CLAY COFFEY: It's going through --  
3 it's existing leaders. I mean, without digging  
4 them up, I'm not sure where it's going.

5 MEMBER CORWIN: So it's reasonable to come  
6 to the conclusion there may be some runoff into  
7 the street. It's a small lot, if there is. In  
8 the past we've always asked people to keep all  
9 their storm water on their property. So if that  
10 is the case, it might be in your best interest to  
11 either document it one way or the other or show  
12 how you would put a dry-well or something in to  
13 contain storm water.

14 MR. CLAY COFFEY: Okay, understood.

15 CHAIRMAN SALADINO: And the last thing on  
16 the EAF that I have, and we had this -- actually,  
17 we get this once or twice every couple of months.  
18 The lead agency fills out the last part of the  
19 EAF and you guys kind of filled it out. So,  
20 we're going to have to ask you to --

21 MR. CLAY COFFEY: We'll resubmit a blank.

22 CHAIRMAN SALADINO: That sounds good.

23 MEMBER CORWIN: Let me ask one other.  
24 Item No. 18, Does the proposed action include  
25 construction or other activities that result in

1 the impairment of water or other liquids, and you  
2 have said yes and I'm kind of wondering how that  
3 would be.

4 MR. CLAY COFFEY: So we're proposing a  
5 sprinkler system that's going to have its own  
6 booster pump, basically. I mean, it's not an  
7 impound of rain water, if that's the question, or  
8 on-site water.

9 CHAIRMAN SALADINO: We're only asking you  
10 the questions that are here that you answered.  
11 So it's --

12 MR. CLAY COFFEY: I mean, we're proposing  
13 to hold water on-site, through a booster pump in  
14 the house.

15 MEMBER CORWIN: All right. Well, maybe the  
16 thing is to show us a document or give us a  
17 narrative of how this is going to happen.

18 MR. KENNEDY: Okay, sure.

19 MR. CONNOLLY: Can I just -- I don't see  
20 why they need a use variance. It's a residential  
21 structure and they're planning on converting this  
22 accessory structure to a residential use that's  
23 going to be connected to the principle structure.

24 CHAIRMAN SALADINO: Well, I was going to --  
25 I was going to bring that up to the Building

1 Department. What you have is a non-conforming  
2 building with a non-conforming use.

3 MR. CONNOLLY: Right, but they're bringing  
4 it into conformity.

5 CHAIRMAN SALADINO: Well, to bring it into  
6 conformity, they would be responsible for bulk  
7 and parking standards, for bulk and parking  
8 standards. I don't have any of that information.

9 To bring it into conformity, they would  
10 have to comply with bulk and parking standards;  
11 we don't have a narrative addressing that.

12 MR. CONNELLY: Right.

13 CHAIRMAN SALADINO: Also, the accessory  
14 building, my information is that a breezeway from  
15 the main residence to the -- and this could be  
16 addressed at the public hearing. I mean, we're  
17 going to vote to accept the application or not  
18 accept the app -- for us to accept an application  
19 it has to be complete and correct

20 MR. CLAY COFFEY: I understand.

21 CHAIRMAN SALADINO: So the members are  
22 going to decide if the application is complete  
23 and if it's correct.

24 But to get back to Rob, the accessory  
25 building, it's my understanding, and under the

1 International Fire & Building Code, that you need  
2 a thermal envelope that a breezeway doesn't  
3 constitute --

4 MR. CLAY COFFEY: Right.

5 CHAIRMAN SALADINO: You need a common wall.

6 MR. CLAY COFFEY: Well, we could do a fire  
7 door, though, add a fire door in between the two  
8 of them that will have automatic feasible link.

9 CHAIRMAN SALADINO: How about a -- well,  
10 we're talking about a common wall. You can do  
11 anything you want, as long as it --

12 MR. KENNEDY: Well, we could create a fire  
13 separation between the two buildings. You know  
14 what I'm saying?

15 CHAIRMAN SALADINO: That would be up to the  
16 Building Department. But your application to us,  
17 based on the information that you gave the  
18 Building Department, is for both use and area  
19 variance.

20 Also, my concern --

21 MR. CLAY COFFEY: Excuse me. Can I -- I  
22 just have a question. Because we originally --  
23 we originally thought it was similar, that we  
24 were just going for an area variance. The  
25 Building Department recommended or, you know,

1 issued the list of denial saying that we needed a  
2 use and an area variance, so that's why --

3 MS. MAHONEY: Can you speak in to the mic?  
4 I'm sorry.

5 MR. CLAY COFFEY: The Building Department  
6 requested that we have -- that we do both a use  
7 and an area variance for it. We originally  
8 thought that we needed an area variance and not a  
9 use variance because it's permitted use within  
10 the Zoning District.

11 CHAIRMAN SALADINO: Well, I have your  
12 application and --

13 MR. CLAY COFFEY: And the application is in  
14 response to the Building Department's letter of  
15 denial.

16 CHAIRMAN SALADINO: You have the  
17 opportunity -- you have the opportunity -- when  
18 the CEO and the code enforcement officer issues a  
19 Notice of Disapproval, you have -- if you  
20 disagree with that, you have recourse.

21 MR. CLAY COFFEY: We did that.

22 CHAIRMAN SALADINO: You're asking for an  
23 interpretation, you're asking for a variance.

24 MR. CLAY COFFEY: We went back to the  
25 Building Department with a list of questions

1 stating that we didn't think that the use  
2 variance was part of this and they said that this  
3 needed to be taken up at Zoning, which is why we  
4 prepared the use and area variance.

5 CHAIRMAN SALADINO: When you -- when you  
6 appeal -- and I'm guessing you know this. When  
7 you appeal the code enforcement officer's  
8 decision, if you ask for a variance you're  
9 basically agreeing to his decision and asking for  
10 relief from it. If you disagree with his  
11 decision, you should really ask for an  
12 interpretation to see if, in fact, he's applying  
13 the code correctly. The application we have is  
14 for a variance.

15 MR. CLAY COFFEY: Right, which may be the  
16 quickest way to a building permit for this  
17 couple. But that --

18 CHAIRMAN SALADINO: It's -- we don't fill  
19 your application out, it's your application. So  
20 if that's how you want to travel, we'll poll the  
21 members and if they're comfortable accepting --

22 MR. CLAY COFFEY: Well, I think we're  
23 asking for some guidance as well. I mean, it  
24 sounds -- you could give us information on  
25 whether you would pull the use variance and go

1 for an area variance or not.

2 CHAIRMAN SALADINO: I don't think we can do  
3 that. I don't think we're here to do that.

4 There's -- the members are free to speak if  
5 they -- if they want to offer guidance. I  
6 would -- before a public hearing, I would kind of  
7 be uncomfortable with that.

8 MR. CLAY COFFEY: Well, we went back to the  
9 Building Department, the Building Department told  
10 us this. So I guess that's -- I mean, I guess  
11 we're here because, you know, what we got from  
12 the Building Department was that we needed a use  
13 and area variance. So my professional  
14 recommendation I guess would be to proceed with  
15 the way we have it filed and have it considered  
16 underneath that guidance.

17 CHAIRMAN SALADINO: Okay. Okay. As long  
18 as you -- as long as you know what you're getting  
19 into, that's all. We just want you to know what  
20 you're kind of getting into here. Okay?

21 Members, I'm going to make a motion we  
22 accept this application.

23 MEMBER CORWIN: Second

24 CHAIRMAN SALADINO: All in favor?

25 MEMBER CORWIN: Aye.

1 MEMBER GORDON: Aye.

2 MEMBER REARDON: Aye.

3 CHAIRMAN SALADINO: And I'll vote aye.

4 We're going to schedule a public hearing  
5 for -- for -- what day?

6 MEMBER GORDON: March 15th.

7 CHAIRMAN SALADINO: I'm sorry, March 15th  
8 at 6 o'clock. We set them all at 6 o'clock, this  
9 way there's not a problem. We're going to do a  
10 site inspection?

11 MEMBER CORWIN: Yes.

12 MEMBER GORDON: Definitely.

13 CHAIRMAN SALADINO: And what time we think  
14 we want to go; Jack, Dinni?

15 MEMBER GORDON: 5:30? It's getting lighter  
16 later.

17 CHAIRMAN SALADINO: I think -- I think  
18 maybe we might want to spend more than a couple  
19 of minutes at this property, and I think there  
20 might be a site inspection at the next  
21 application. So maybe five o'clock?

22 MEMBER GORDON: Okay.

23 MEMBER REARDON: Sounds good.

24 CHAIRMAN SALADINO: David, is that  
25 convenient?



1 MEMBER CORWIN: Five o'clock, yes.

2 CHAIRMAN SALADINO: All right. So we're  
3 going to -- we're going to do a site inspection  
4 at five o'clock at the property.

5 MR. CLAY COFFEY: What day would that be?

6 CHAIRMAN SALADINO: March 15th.

7 MR. CLAY COFFEY: Okay.

8 CHAIRMAN SALADINO: At five o'clock, the  
9 public hearing is scheduled for six o'clock. And  
10 you can -- anything you want us to see or point  
11 out, that would be the time to do it.

12 MR. CLAY COFFEY: Okay.

13 CHAIRMAN SALADINO: Okay?

14 MR. CLAY COFFEY: All right. Thank you.

15 MEMBER CORWIN: Before you --

16 CHAIRMAN SALADINO: Wait, wait, David's got  
17 a question.

18 MEMBER CORWIN: There's not much to stake  
19 out, but you should stake out any construction  
20 that is in addition of the --

21 CHAIRMAN SALADINO: Breezeway?

22 MEMBER CORWIN: -- existing footprint.

23 MR. CLAY COFFEY: Okay.

24 CHAIRMAN SALADINO: Wait, what?

25 MEMBER CORWIN: Anything in addition to the

1 existing footprint we would ask that you stake  
2 out. That's just a little breezeway, but that's  
3 what we ask people to do. So, I mean, that's two  
4 stakes in the ground, so.

5 MR. CLAY COFFEY: Okay, we can do that.

6 CHAIRMAN SALADINO: Okay.

7 MR. KENNEDY: All right.

8 CHAIRMAN SALADINO: Easy peasy.

9 MR. WILLIAMS: Thank you.

10 MS. WILLIAMS: Thank you

11 CHAIRMAN SALADINO: Item No. 9 is 123  
12 Sterling Avenue. It's a motion to accept the  
13 application, schedule a public hearing and  
14 arrange a site visit for the application of 123  
15 Sterling Avenue Corporation, represented by Paul  
16 Pawlowski for the property located at 123  
17 Sterling Avenue, Greenport, New York, 11944.  
18 This property is located in the (W-C) Waterfront  
19 Commercial District and is located in the  
20 Historic District. This property requires an  
21 area and use variance. The Suffolk County Tax  
22 Map No. Is 1001-3-5-16.4 and 16.5. Is the  
23 applicant here?

24 MR. PAWLOWSKI: Good evening. Paul  
25 Pawlowski, owner of 123 Sterling. I'm here

1 tonight to discuss the potential amendments to  
2 app 123 Sterling, of which are -- the first one  
3 that we're asking for is to remove parking spaces  
4 along Sterling Avenue and in place put sidewalks,  
5 curbing and green space.

6 With that said, we would then like -- we're  
7 proposing to put 12 indoor parking spaces in the  
8 already approved garage space area.

9 And the third is to ask for storage space  
10 on the second floor open to above area in the  
11 already approved garage space.

12 With the proposed parking removal along  
13 Sterling Avenue, we would still meet the required  
14 parking code analysis. The intent of removing  
15 that parking along Sterling is to actually, in  
16 fact, have sidewalks and green space which we  
17 feel would be a benefit, not only a site  
18 improvement but also an improvement to the  
19 immediate neighbors, neighborhood and anyone  
20 trying to get to the public waterfront area.

21 With that said, we still -- while we have  
22 enough parking if removing that, we would still  
23 request that there's efficient parking in proper  
24 locations to the entry of the building and that's  
25 how we came to ask for the amendment to have

1 parking spaces within the garage area.

2 The -- we're here tonight to ask for, and I  
3 believe the use for this -- these parking spaces  
4 and the storage. I was -- you know, that's why  
5 we're here and to start that discussion.

6 Again, those parking spaces are in the  
7 already-approved garage. There's zero change to  
8 the footprint of the building. Same with the  
9 potential storage space on the second floor.  
10 There's zero change to the building, there would  
11 be no additional square footage added to the  
12 residential properties. And, so that's basically  
13 why we're here tonight.

14 Other minor modifications to the site plan  
15 are larger green spaces around the perimeter to  
16 -- which will allow us to put in plant material  
17 and offer some screening throughout the perimeter  
18 of the property.

19 The biggest -- you know, over the last  
20 several months working with the SBNA, coming up  
21 with some of these improvements based on an  
22 original site plan, this would be a very good  
23 improvement, like I said, not only for our site  
24 but also for the neighborhood.

25 The storage, just in short, it just -- it's

1 a slab on grade construction, it'll allow for dry  
2 storage. With that said, to mitigate the  
3 potential building footprint, we would then not  
4 build the already-approved secondary building,  
5 storage building on the site which then would  
6 allow for more green space in that area.

7 The point of tonight is to ask -- you know,  
8 discuss this with the Board, and I'm happy to  
9 answer any questions you may have and go from  
10 there.

11 CHAIRMAN SALADINO: Can I just -- before  
12 you start, David. Just to explain, just to  
13 explain to the public. I'm sure Paul understands  
14 this, the Board understands it, the attorney.

15 This is a two-part process. Right now --  
16 right now, what's in front of us right now is an  
17 application for two use variances and an area  
18 variance. If the Zoning Board gives the  
19 applicant relief from those three variances, the  
20 Zoning Board would then move on to the discussion  
21 about modifying the stipulation. So the  
22 variances come -- I'm positive you understand,  
23 this is for the public.

24 MR. PAWLOWSKI: Okay.

25 CHAIRMAN SALADINO: The Zoning Board is

1 going to rule on two use variances and an area  
2 variance, and then if that's -- if those appeals  
3 are granted, then they would move on to a  
4 discussion about modifying the stipulation. Am I  
5 getting that right?

6 MR. PAWLOWSKI: Yes.

7 CHAIRMAN SALADINO: So, right now, before  
8 we talk about any stipulation, right now we're  
9 going to address the variances. So as long as  
10 everybody understands that, we're kind of -- as  
11 long as we're all on the same page.

12 And the other -- I have a couple of  
13 questions about your EAF, but David has a  
14 question.

15 MEMBER CORWIN: Yes. So I can understand,  
16 it says on part of your application, "Please be  
17 advised that the application proposes land banked  
18 parking in order to meet the parking  
19 requirement." What is the land banked parking?

20 MR. PAWLOWSKI: So, as I said earlier, we  
21 can meet the parking code for the uses within the  
22 building, both residentially and commercially.  
23 The land banking is what you would do -- because  
24 the original site plan has the parking along  
25 there, there's a -- you would either land bank

1 them or get rid of them.

2           There's -- without the -- so, we meet the  
3 Code if you count the 12 indoor parking spaces as  
4 parking spaces and not garage storage. If we  
5 don't count -- and obviously if we did get that  
6 approval, they're parking spaces so we'll meet  
7 the Code and we would not need to land bank it.

8           If for some reason -- and this is unique, I  
9 think, to all of us because there's no indoor  
10 parking in the Village of Greenport, so I think  
11 it's a little new. If for some reason those 12  
12 spots weren't counted towards the parking code  
13 requirement, then the land banking would be a  
14 necessary tool to still meet and over-meet that  
15 requirement. So land banking allows on paper for  
16 you to meet the Code, and if there was ever a  
17 situation where you -- you know, we needed the  
18 parking you could have it. And I've done it on  
19 multiple site plans where it's on paper code and  
20 there if you were to ever need it. But again, we  
21 would not need it if we're granted the 12 spaces.

22           So that's the best analogy I could give you  
23 as to the tool for land banking, but that's all.

24           MEMBER CORWIN: But I still don't  
25 understand what land banking is.

1 MR. PAWLOWSKI: So land banking -- land  
2 banking is just the parking only, and what it  
3 does is you land bank those parking spaces  
4 knowing that you meet the Code. If you were to  
5 ever need them they are there on paper and, if  
6 ever needed, physically.

7 MEMBER CORWIN: So you're saying there's  
8 green space or something, and if you need more  
9 parking you say I'm getting rid of the green  
10 space, I'm putting parking places?

11 MR. PAWLOWSKI: It's not that easy, I would  
12 still have to come before the Board.

13 MEMBER CORWIN: But you -- I'm just looking  
14 for the definition of land bank.

15 MR. PAWLOWSKI: Technically that is the  
16 definition of land bank, and we would not need  
17 those land bankings if we count the 12 indoor.  
18 The only way we'll know that is if we get  
19 approved for them, so it would happen  
20 concurrently.

21 MEMBER CORWIN: Thank you.

22 CHAIRMAN SALADINO: Just before we get into  
23 -- and again, this is -- folks, this is only  
24 about the application. It's not about the  
25 project, it's not about -- it's not -- we don't



1 want to take testimony about the project before a  
2 public hearing. That would -- I know you know  
3 this, this is for the public.

4 So I just have a couple of questions about  
5 your EAF, and then just a cautionary tail.

6 Your EAF question number one, you didn't  
7 answer; Does the proposed action only involve  
8 legislative adoption?

9 Question number two, Does the proposed  
10 action require permit approval or funding from  
11 any governmental agency, enlist agency; you  
12 answered no. I thought you were in front of us.

13 Check all land uses that occur for joining  
14 or near the proposed action, you have strictly  
15 residential. You have 15,000 square feet of  
16 commercial space, so maybe you should check that  
17 also.

18 Is the proposed action a permitted use  
19 under the zoning regulation, you answered yes.  
20 If it was you wouldn't be here, right?

21 MR. PAWLOWSKI: Um, no.

22 CHAIRMAN SALADINO: No? Oh.

23 Is it consistent with the adopted  
24 comprehensive plan? You answered that's not  
25 applicable in the waterfront commercial, I kind

1 of think it is.

2 Is the proposed action consistent with the  
3 predominant character exist and built the natural  
4 landscape? That was -- I take exception to that  
5 answer.

6 Is the site of proposed action located in  
7 or does it adjoin a critical environmental area?  
8 Will the proposed action result in substantial  
9 increase in traffic above the present levels?  
10 You say no.

11 Does any portion of the site or the  
12 proposed action or lands adjoining the proposed  
13 action contain wetlands, water bodies that are  
14 regulated by Federal, State or local agency?  
15 You said no.

16 Identified a typical habitat found on a  
17 projected site, check all that apply. You  
18 checked suburban, the other answers include  
19 shoreline, wetlands.

20 Is the project located in the 100-year  
21 flood plain. David?

22 MEMBER CORWIN: I don't know.

23 CHAIRMAN SALADINO: We're going to ask the  
24 Building -- I'm pretty sure it is, but we'll ask  
25 the Building Department.

1           And the last thing -- again, some of the  
2 people have been making this mistake a lot. Part  
3 two of this is filled out by the lead agency and  
4 you -- you filled out the last two questions.  
5 Proposed action -- well, you filled out the last  
6 two questions and we normally leave that for the  
7 lead agency --

8           MR. PAWLOWSKI: Sorry about that.

9           CHAIRMAN SALADINO: -- to fill out.

10           Right now what's in front of the Board is  
11 your application for two use variances and an  
12 area variance. Paul, you've done -- you must  
13 have been in front of a hundred zoning boards,  
14 you've done this enough to know that use  
15 variance, high tolerance. The answers that you  
16 give, with area variances the Zoning Board has  
17 some latitude. With a use variance, the  
18 plurality of yes answers by State, village,  
19 County law, the use variance has to be denied.

20           So those -- I would just caution you to  
21 refamiliarize yourself with the four questions  
22 the four-question test for a use variance.  
23 There's a booklet on-line, Coons, right,  
24 Department of State?

25           MR. CONNOLLY: Uh-huh

1           CHAIRMAN SALADINO:  They're there, maybe  
2 even the Village would have a copy of it.

3           MR. PAWLOWSKI:  I submitted all the answers  
4 for those four questions for both the use and the  
5 area.

6           CHAIRMAN SALADINO:  Okay.  If those are  
7 your answers, then fine.  All I would suggest is  
8 is that you reread -- with a use variance the  
9 Zoning Board's hands are tied.  It's a test that  
10 the Court of Appeals has decided that any  
11 plurality of any of the answers that we get from  
12 your narrative, if they are yes answers, we're  
13 obligated to do.

14          MR. PAWLOWSKI:  Oh, are you talking on the  
15 EAF?

16          CHAIRMAN SALADINO:  No, I'm talking about  
17 your application for a use variance.

18          MR. PAWLOWSKI:  And the four main  
19 questions, correct?

20          CHAIRMAN SALADINO:  And the four main  
21 questions.  If you're satisfied with your  
22 narrative, that's fine with us.  All I'm saying  
23 is just refamiliarize yourself with the basic  
24 test of the use variance and if you're satisfied  
25 --

1 MR. PAWLOWSKI: No, I --

2 CHAIRMAN SALADINO: Okay.

3 MR. PAWLOWSKI: Not to be stubborn, but I'm  
4 satisfied based on the questions that were asked  
5 pertaining to the two items, parking in a garage  
6 and removing parking along the street, I'm  
7 satisfied and that's all.

8 CHAIRMAN SALADINO: Not a problem. Not a  
9 problem.

10 MR. CONNOLLY: You just have to -- with the  
11 area -- I'm sorry, with the use variance you need  
12 to have dollars and cents proof for it to be  
13 granted. So you just have to show that there's  
14 not going to be any other -- you can't have any  
15 other economic gain from any other use, so just  
16 make sure that you can present --

17 MR. PAWLOWSKI: I'm confused by that. So I  
18 need to create a narrative based on the dollars  
19 and cents to it? Because there's zero financial  
20 difference here. So I didn't --

21 CHAIRMAN SALADINO: You have to show that  
22 you --

23 MR. PAWLOWSKI: I just -- I'm not asking  
24 that in an ignorant way.

25 CHAIRMAN SALADINO: Well, that's the -- no,

1 no, that's the reason -- there's a booklet that  
2 goes into depth about use variances and the test  
3 for a use variance. And the first three were  
4 decided by a famous case {D'Otto} case and it  
5 revolves around the economics of the variances.  
6 The last one was -- the last question came up as  
7 a result of a Court of Appeals action about a  
8 self-created hardship.

9 So, all I'm suggesting to you is -- I'm not  
10 telling you to do it.

11 MR. PAWLOWSKI: Yeah, that's fine. I  
12 appreciate it.

13 CHAIRMAN SALADINO: All I'm suggesting you  
14 to do is there's a very, very informative  
15 booklet, it's on-line from the Department of  
16 State, from Coons, you read it. Again, if you're  
17 satisfied with your -- they spell it out, they  
18 spell it out. If you're satisfied with your  
19 answers, we'll take it from there.

20 I'm sorry, Dinny.

21 MEMBER GORDON: Are you through?

22 CHAIRMAN SALADINO: I don't know what else  
23 to say, but sure.

24 MEMBER GORDON: I want to be sure I  
25 understand your position that there is no

1 financial significance to the parking, indoor  
2 parking issue. Is your position that it costs  
3 the same to have the parking indoors as to have  
4 it on the street as was originally intended?

5 MR. PAWLOWSKI: I believe the question is  
6 is there a financial gain or a loss; correct?

7 CHAIRMAN SALADINO: No.

8 MR. CONNOLLY: The question is can you  
9 realize an economic gain from any other use, from  
10 any permitted use other than the use variances  
11 that you're asking for?

12 MR. PAWLOWSKI: No, it's -- where we're  
13 putting the parking is a garage. There's no --  
14 it's a storage garage, there's no financial --  
15 there's a zero financial gain, net or gain or  
16 loss.

17 MEMBER GORDON: I don't see how that's --  
18 how you can say that because presumably, putting  
19 the cars in the garage has some significance for  
20 people choosing whether they want to buy your  
21 units. Why is there -- why is there no financial  
22 significance to putting the cars in the garage?  
23 I just don't understand.

24 MR. PAWLOWSKI: I thought the questions  
25 based on income-related, if it's a business or

1 what have you; and on that specific space, no,  
2 there's no financial gain or loss.

3 CHAIRMAN SALADINO: The question -- the  
4 question, part of the -- and Mr. Connelly can  
5 kind of correct me. It's -- they're asking you  
6 can you realize any financial income. It doesn't  
7 have to be profit. Any income from any of the  
8 permitted uses on that property that you're  
9 asking relief from. So you have waterfront  
10 commercial space and you're saying you want to  
11 put residential parking on a waterfront  
12 commercial space, take up waterfront commercial  
13 space with residential parking.

14 The test would be can you realize income  
15 from using waterfront commercial space for  
16 waterfront commercial use --

17 MR. PAWLOWSKI: Correct.

18 CHAIRMAN SALADINO: -- is what -- that's  
19 the test.

20 MR. PAWLOWSKI: Yeah, that's fair. That's  
21 a fair statement. I totally get that and that --

22 CHAIRMAN SALADINO: (Laughter). Well,  
23 that's not my -- well, that's not my statement,  
24 that's the law.

25 MR. PAWLOWSKI: No, no, that law and that



1 statement based on waterfront commercial is a  
2 hundred percent accurate. I'm basing these  
3 answers against what's approved and what's stated  
4 in the stipulation, so that answer is based on  
5 it's a garage now. It's not whatever I want.

6 So I apologize for that. I'm basing this  
7 off of more than just code, I'm basing -- we're  
8 kind of all kind of regulated, or at least I am,  
9 to this stipulation. So I'm basing it on that  
10 specific garage, that specific square footage and  
11 answering those questions; if I did it wrong I'll  
12 go back to the drawing board.

13 But that's where this is unique to a lot of  
14 things, because some of those EAF questions are  
15 -- aren't just as broad as waterfront commercial  
16 or historic or any of that, it's specific to --  
17 I'm answering them based against what's approved  
18 and the stipulation.

19 CHAIRMAN SALADINO: But you -- but what  
20 you're forgetting is --

21 MR. PAWLOWSKI: There's a difference

22 CHAIRMAN SALADINO: What you're forgetting  
23 is your stipulation -- and we all have it. Your  
24 stipulation, the court stipulation is as it said.  
25 We're not opening it up. We're not opening it

1 up, we've been cautioned not to do that, and  
2 we're not. But you can't -- you can't ignore the  
3 zoning code because you have a court stipulation.  
4 The zoning code says certain things, and if you  
5 do something that's not allowed in your  
6 stipulation, you have to apply for a variance to  
7 do it.

8 The questions that you -- that you filled  
9 out applied to the variance, not to your  
10 stipulation. We're not -- we're not asking you  
11 about roof vents or --

12 MR. PAWLOWSKI: Got it.

13 CHAIRMAN SALADINO: -- third stories.  
14 We're asking you about the utilization of a  
15 residential purpose in the waterfront commercial  
16 portion of your property. That triggers a use  
17 variance.

18 MR. PAWLOWSKI: Yep

19 CHAIRMAN SALADINO: The use variance --  
20 again, and --

21 MR. PAWLOWSKI: I get it. I apologize.

22 CHAIRMAN SALADINO: We tell this to  
23 everybody that comes for a use variance; we  
24 caution everybody. There's a really, really high  
25 tolerance for it. Most of them aren't sustained;

1 some are, most of them aren't because of the high  
2 tolerance. If you're satisfied with your  
3 answers, it's your application. We're not going  
4 to -- we're not going to --

5 MR. PAWLOWSKI: Yeah. I mean, I guess I  
6 have to reevaluate the answers based on general  
7 waterfront commercial versus what I'm approved  
8 already as and trying to gear it towards that  
9 conversation of an amendment. So that's where I  
10 guess I went wrong. I don't know how else I'm  
11 going to fill them out but I'll try.

12 So you're going to deny this application  
13 based on those answers?

14 CHAIRMAN SALADINO: Well, we're going to --  
15 no, no. But I'm --

16 MR. PAWLOWSKI: No, not -- accept, not  
17 deny, not accept the application at this time.

18 CHAIRMAN SALADINO: Well, I want to caution  
19 you also with that, to be fair. This is your  
20 application.

21 MR. PAWLOWSKI: Correct.

22 CHAIRMAN SALADINO: If we accept this  
23 application tonight, this is what we would expect  
24 from you.

25 MR. PAWLOWSKI: Yep.

1           CHAIRMAN SALADINO: I mean, you can't  
2 expect us to accept this application and then two  
3 weeks from now come with a new application,  
4 because then --

5           MR. PAWLOWSKI: I agree, yeah, yeah.

6           CHAIRMAN SALADINO: Then that would be a  
7 whole new -- am I getting that right?

8           ADMINISTRATOR PALLAS: Yes, I believe  
9 that's -- would be correct, yes.

10          CHAIRMAN SALADINO: And we can't expect --

11          MR. CONNOLLY: No. I mean, if Paul can  
12 bring evidence to the public hearing, you know,  
13 explaining the economic gain that you're going to  
14 get from this use -- this requested use variance,  
15 I mean, that's fine. I don't think he has to  
16 change his -- I mean, I think he's free to  
17 present what he's going to present.

18          CHAIRMAN SALADINO: But different  
19 narrative.

20          MR. CONNOLLY: Right, yeah.

21          CHAIRMAN SALADINO: Oh, I agree with that.

22          MR. PAWLOWSKI: I would like to add to the  
23 narrative based on general waterfront commercial  
24 in those questions. I kind of geared them  
25 towards what I'm approved for and trying to amend

1 them. So I could define that narrative. Because  
2 that is the law I'm up against, meaning the  
3 question is is there financial gain here based on  
4 uses; there's no difference in use.

5 CHAIRMAN SALADINO: It's not about gain.  
6 Profit doesn't come into it.

7 MR. PAWLOWSKI: Not profit, but it --

8 MR. CONNOLLY: The question is whether or  
9 not you can realize an economic gain from a  
10 permitted use --

11 MR. PAWLOWSKI: In that space.

12 MR. CONNOLLY: -- in the Waterfront  
13 Commercial District.

14 MR. PAWLOWSKI: So I've got to answer based  
15 on that question and at the same time, part of my  
16 narratives.

17 Well, I don't have that, I have a garage,  
18 so that's where it's a little tricky. I  
19 apologize, and I'll add to the narrative if I'm  
20 allowed. Does that make sense at all?

21 (Laughter).

22 CHAIRMAN SALADINO: It -- we certainly see  
23 it -- I don't want to speak for my colleagues,  
24 but they're smarter than I am so I will.

25 We certainly see it from your point of

1 view. We certainly --

2 MR. PAWLOWSKI: Sorry about that.

3 CHAIRMAN SALADINO: We certainly see that.

4 But also, you should see it from our point  
5 of view; you have a garage but it's designated  
6 for a specific use.

7 MR. PAWLOWSKI: Correct.

8 CHAIRMAN SALADINO: You're asking --  
9 regardless what we think of that space, you're  
10 asking to change the use of that space; that's  
11 what triggers the use variance.

12 So, how you answer the four-question test,  
13 that'll determine -- and what you're approved for  
14 is not part of this proceeding right now. This  
15 proceeding is -- has nothing to do with what  
16 you're approved for in your court stipulation.

17 MR. PAWLOWSKI: Yep.

18 CHAIRMAN SALADINO: This is new.

19 MR. PAWLOWSKI: I'm going to treat it like  
20 I just -- like a --

21 CHAIRMAN SALADINO: That's fine. That's  
22 fine.

23 MR. PAWLOWSKI: I just want to explain why  
24 I did it. I was slightly confused because I'm  
25 basing it off an approval.

1           CHAIRMAN SALADINO:  And that's one of the  
2 reasons, when somebody comes in front of this  
3 Board with a use variance, we take this time to  
4 explain to them what the deal is, you know,  
5 what's going on.

6           MR. PAWLOWSKI:  So I will -- if I could get  
7 that narrative in I will based on just general  
8 template; is that okay?

9           CHAIRMAN SALADINO:  Well, yeah, if you get  
10 it in in time for the public hearing for us to --  
11 you get it to the Building Department and they'll  
12 get it to us.

13           Also, maybe we --

14           ADMINISTRATOR PALLAS:  Mr. Chairman, if I  
15 may?

16           CHAIRMAN SALADINO:  Sure.

17           ADMINISTRATOR PALLAS:  I would recommend  
18 that that be delivered to the Building Department  
19 within two weeks.

20           MR. PAWLOWSKI:  Yes, okay.

21           ADMINISTRATOR PALLAS:  Because there's a  
22 short --

23           MR. PAWLOWSKI:  No problem

24           CHAIRMAN SALADINO:  You would have to  
25 follow their timeline.

1 MR. PAWLOWSKI: Yes.

2 CHAIRMAN SALADINO: We follow their  
3 timeline --

4 MR. PAWLOWSKI: No problem.

5 CHAIRMAN SALADINO: -- so, you know, you  
6 would have to do the same thing.

7 MR. PAWLOWSKI: No problem.

8 CHAIRMAN SALADINO: That and -- and perhaps  
9 the questions with the EAF. I would be -- I  
10 would be okay giving my copy that I highlighted  
11 to the Building Department.

12 MR. PAWLOWSKI: And then I could pick it  
13 up?

14 CHAIRMAN SALADINO: Yeah, and you could --

15 MR. PAWLOWSKI: Thank you.

16 CHAIRMAN SALADINO: -- pick it up from  
17 them. Is that okay with you?

18 MR. PAWLOWSKI: Because even some of the  
19 EAF questions are just based off -- so I will  
20 update the EAF and generalize the questions.

21 CHAIRMAN SALADINO: Okay.

22 MR. PAWLOWSKI: And you'll have that within  
23 a week.

24 CHAIRMAN SALADINO: Anybody else? Jack?

25 MEMBER GORDON: Yes.



1 CHAIRMAN SALADINO: Dinny, I'm sorry.

2 MEMBER GORDON: I have a broader concern  
3 about the use variance business. And that is,  
4 you know, usually we're being asked to consider  
5 the change from use A to use B, both of which are  
6 considered within the Code. But you are asking  
7 us to move to use that is not within the Code, at  
8 least indoor parking and maybe for storage; I'm  
9 not so sure about storage. But certainly there  
10 is nothing in the Code that provides for indoor  
11 parking.

12 And I'm wondering -- you know, I think  
13 indoor parking is a great idea in terms of, you  
14 know, urban policy. I would prefer indoor  
15 parking. But I'm wondering, have you discussed  
16 with the Planning Board or the Village Board or  
17 the Mayor, anybody, having a change to the Code  
18 that would allow for indoor parking so that we  
19 wouldn't be put in the position of stretching the  
20 Code in ways that we haven't done before.

21 MR. PAWLOWSKI: I'd be happy to do that.  
22 To be honest with you, in this application, in  
23 this process over the last month, it's not in the  
24 Code. It says -- it's kind of unique that it's  
25 not even defined yes or for or against. So what

1 I was told is since there's nothing in the Code  
2 for or against, it just defaults to a variance.

3 So to answer your question, I'd be happy to  
4 do that because that would be great if -- you  
5 know, I think part of this, take away 123  
6 Sterling, is to somewhat set a precedent on  
7 indoor parking in these sort of situations, if at  
8 all possible.

9 We have that ability to do it based on this  
10 space, so I'll talk to Paul and see how that  
11 would go. But it's unique to me that there's  
12 nothing in the Code about it. Hopefully this  
13 will help define that for future applicants,  
14 because it would be helpful for them and I think  
15 helpful for the Zoning Board.

16 And when it comes to what you said  
17 originally, I think hopefully it is a good  
18 precedent to have some indoor parking, if  
19 possible, especially in the Village where there's  
20 limited parking.

21 MEMBER GORDON: It takes us beyond what I  
22 think is really our purview. If we're being  
23 asked to -- in this forum, not in the legislative  
24 forum, in this quasi-judicial forum, to say yes  
25 we can go beyond the Code to create this, I'm

1 uncomfortable with it.

2 MR. PAWLOWSKI: Totally understand.

3 CHAIRMAN SALADINO: Our Code, our Code is  
4 permissive. If it's not in the Code, if it's not  
5 mentioned in the Code, it's not allowed.

6 In the Waterfront Commercial District  
7 there's 10 or 11 permitted uses, two or three  
8 conditional uses, and residential indoor parking  
9 is not a permitted use or a conditional use. So,  
10 the fact that it's not there tells the Zoning  
11 Board that it's -- or tells the building  
12 inspector, the code enforcement officer that it's  
13 not allowed.

14 MR. PAWLOWSKI: It's strange because every  
15 residential house in the Waterfront Commercial  
16 District that has a garage parks a car in it.  
17 And I'm not saying that --

18 CHAIRMAN SALADINO: We didn't write the  
19 Code.

20 MR. PAWLOWSKI: It's just strange.

21 CHAIRMAN SALADINO: We didn't write it.

22 MR. PAWLOWSKI: Because by -- I'm just talking  
23 out loud now versus pointing -- it's the weirdest  
24 thing in the world to me (laughter). .

25 CHAIRMAN SALADINO: Can you -- can you give

1 me an example of a house that has -- in the  
2 Waterfront Commercial District that has indoor  
3 parking?

4 MR. PAWLOWSKI: Yeah. There's three on my  
5 road (laughter), at least. Wait a second. Isn't  
6 every road -- every house on Sterling just across  
7 the street waterfront commercial?

8 CHAIRMAN SALADINO: No.

9 MR. PAWLOWSKI: No? Yes there is.

10 UNKNOWN AUDIENCE MEMBER: Yes, there is

11 CHAIRMAN SALADINO: Where? Wait, wait,  
12 wait.

13 MR. PAWLOWSKI: I'm sorry.

14 CHAIRMAN SALADINO: No, no. I --

15 MR. PAWLOWSKI: This is a strange  
16 application, because go down Sterling, there's  
17 several buildings with garages that definitely  
18 might park a car (laughter). And I don't even --  
19 it's a weird application because --

20 CHAIRMAN SALADINO: I don't believe  
21 there's --

22 MR. PAWLOWSKI: I'm very --

23 CHAIRMAN SALADINO: I don't believe there's  
24 any houses on Sterling that are waterfront  
25 commercial. Across the street the boat slips are

1 in the Waterfront Commercial District and Latham  
2 is in the Waterfront Commercial District.

3 MR. PAWLOWSKI: Yep.

4 CHAIRMAN SALADINO: The houses across the  
5 street are R-2.

6 MS. MUNDUS: And the Yacht Club.

7 MR. PAWLOWSKI: I'll look into it.

8 CHAIRMAN SALADINO: I'm sorry?

9 MS. MUNDUS: And the Yacht Club right  
10 around --

11 MS. MAHONEY: Can you state your name?

12 MS. MUNDUS: Should I go --

13 MS. MAHONEY: I just don't know who's  
14 talking.

15 CHAIRMAN SALADINO: I was just asking you  
16 because you made it sound like there was one on  
17 every block and I just didn't know it.

18 MS. MUNDUS: My name is Pat Mundus, I live  
19 at 182 Sterling Street. And since I'm up here,  
20 is it okay if I ask a question which may help?

21 CHAIRMAN SALADINO: Sure.

22 MS. MUNDUS: It's a complicated jelly fish  
23 we're talking about. Paul is right, there are  
24 places in commercial waterfront where there is  
25 garage parking. Now, the last plans that I

1 looked at, I'm also a member of the SPNA and I  
2 was part of the team that was hoping to be  
3 mediated, so I have seen the plans. And  
4 apparently the 12 places that are in commercial  
5 waterfront on the ground floor are going to be  
6 purchased by the same people who are purchasing  
7 residential.

8 So theoretically, the parking that Paul is  
9 asking for is an accessory to the commercial  
10 waterfront, because the same people who park  
11 their cars for commercial waterfront are also  
12 parking for their residential space. Does that  
13 make any sense to you?

14 CHAIRMAN SALADINO: Not in the least.

15 MS. MUNDUS: Well, Paul has presented --

16 CHAIRMAN SALADINO: And we shouldn't be --

17 TRUSTEE CORWIN: This is not the public  
18 hearing.

19 CHAIRMAN SALADINO: And Pat, really, this  
20 shouldn't --

21 MS. MUNDUS: I'm saying -- I'm saying that  
22 the same cars that will park there are going to  
23 be purchasers or tenants of the commercial  
24 waterfront, and they're also going to be owners  
25 of one of the condos up above. It's sort of like

1 a five-in-one package he's presenting; a  
2 purchaser would get a waterfront commercial  
3 place, a boat slip and a condo.

4 CHAIRMAN SALADINO: This -- okay, okay.

5 MS. MUNDUS: So that will explain the  
6 parking as an accessory to commercial waterfront  
7 instead of saying that you're taking 5,000  
8 commercial waterfront feet away --

9 CHAIRMAN SALADINO: Just --

10 MS. MUNDUS: -- and then make it  
11 residential parking.

12 CHAIRMAN SALADINO: Just as a question,  
13 just as a question; what would the permitted use  
14 for the person that owns that parking space be,  
15 in the Waterfront Commercial District? What  
16 would be the permitted use?

17 MS. MUNDUS: Storage of --

18 CHAIRMAN SALADINO: Their car?

19 MS. MUNDUS: The owner of commercial  
20 waterfront space.

21 CHAIRMAN SALADINO: Their car?

22 MS. MUNDUS: Their car.

23 CHAIRMAN SALADINO: We can make this  
24 argument at the public hearing. We don't want to  
25 take too much testimony because we're not --

1 MS. MUNDUS: Okay. I just thought that  
2 maybe that might help frame it differently.

3 CHAIRMAN SALADINO: Well, it certainly  
4 frames it from the applicant's point of view.

5 MS. MUNDUS: Well, it's the same car  
6 whether you call it a residential car or a  
7 commercial waterfront car. All the other boat  
8 yards, the employees park their cars in those  
9 commercial buildings.

10 MEMBER CORWIN: (Inaudible)

11 CHAIRMAN SALADINO: I'm sorry.

12 MS. MUNDUS: Thank you. I'm sorry.

13 CHAIRMAN SALADINO: But just while you're  
14 there, because you came up to -- where in the  
15 waterfront commercial is there a house with  
16 indoor parking?

17 MS. MUNDUS: I think it's called the --  
18 what is it called?

19 MR. PAWLOWSKI: Harbor View.

20 MS. MUNDUS: Harbor View Yacht Club.

21 CHAIRMAN SALADINO: He doesn't have a  
22 garage. He's got a parking lot.

23 MS. MUNDUS: He has -- he has another  
24 structure that's right there.

25 CHAIRMAN SALADINO: He has a shed. He has



1 a shed with wheels to circumvent.

2 MR. PAWLOWSKI: That's not a shed.

3 CHAIRMAN SALADINO: (Laughter) To  
4 circumvent.

5 MS. SCHNEPEL: That's not a shed. It's a  
6 boat that has gotten a --

7 MS. MUNDUS: It's not an automobile garage  
8 then.

9 CHAIRMAN SALADINO: No, no.

10 MS. MUNDUS: Okay, I stand corrected.

11 CHAIRMAN SALADINO: Anyway, that's -- we're  
12 going to take that up at the public hearing. You  
13 can certainly bring it up at the public hearing.

14 Jack, anything?

15 MEMBER REARDON: No.

16 CHAIRMAN SALADINO: Okay. David, anything?

17 MEMBER CORWIN: No

18 CHAIRMAN SALADINO: Dinny, anything else?

19 MEMBER GORDON: No.

20 CHAIRMAN SALADINO: What's the Board's  
21 pleasure here?

22 MEMBER CORWIN: I make a motion that we  
23 accept the application of 123 Sterling.

24 CHAIRMAN SALADINO: So moved. David?

25 MEMBER CORWIN: I'm waiting for the people

1 in the back to stop talking.

2 MS. MUNDUS: Excuse us.

3 CHAIRMAN SALADINO: Okay. We're going to  
4 vote on that?

5 MEMBER CORWIN: We need a second, don't we?

6 MEMBER GORDON: Oh, second.

7 CHAIRMAN SALADINO: David?

8 MEMBER CORWIN: Yes.

9 CHAIRMAN SALADINO: Jack?

10 MEMBER REARDON: Can I ask a question?

11 CHAIRMAN SALADINO: Sure.

12 MEMBER REARDON: Is this what the applicant  
13 wants? You want us to accept your application  
14 now?

15 MR. PAWLOWSKI: Please. And then I can --

16 CHAIRMAN SALADINO: (Laughter) I think  
17 that's why he's here.

18 MR. PAWLOWSKI: -- you know, submit an  
19 updated narrative based on the general template  
20 that you're requesting.

21 CHAIRMAN SALADINO: Sure, yeah.

22 MR. PAWLOWSKI: Just look at the Atlantic  
23 Avenue garages and waterfront commercial, please.

24 MEMBER REARDON: Okay, thank you.

25 I think a motion to indicate that it's

1 going to be amended, no?

2 MEMBER CORWIN: I will restate my motion.

3 I make a motion that we accept the application of  
4 123 Sterling for an area variance and use  
5 variance, and we allow the representative of 123  
6 Sterling to make amendments to his answers to the  
7 questions necessary for the variance and for the  
8 use application.

9 MEMBER REARDON: I'm seconding that one.

10 (Laughter)

11 CHAIRMAN SALADINO: I was waiting. I was  
12 waiting for somebody. So moved. David?

13 MEMBER CORWIN: Yes.

14 CHAIRMAN SALADINO: Jack?

15 MEMBER REARDON: Yes.

16 CHAIRMAN SALADINO: Dinny?

17 MEMBER GORDON: Yes.

18 CHAIRMAN SALADINO: And I'll vote yes.

19 We're going to schedule a public hearing  
20 for March 15th at 6 o'clock; again, we set them  
21 all at 6 o'clock. We're going to do a site  
22 visit. What time do we think? We have a site  
23 visit at 5 o'clock, we'll make this at 5:20;  
24 5:20?

25 MEMBER CORWIN: It looks like more like

1 4:30, 4:45.

2 CHAIRMAN SALADINO: Make it before the  
3 other public hearing? Okay.

4 MEMBER CORWIN: From what I've seen, yes.

5 CHAIRMAN SALADINO: Are you guys okay with  
6 that?

7 MEMBER GORDON: Sure.

8 CHAIRMAN SALADINO: 4:30?

9 MEMBER CORWIN: 4:45.

10 (Laughter)

11 CHAIRMAN SALADINO: Okay, 4:45. So we're  
12 going to set the site visit at 4:45, 4:46, like  
13 that, and -- on March 15th. And whatever you  
14 need us to see, that would be the perfect time to  
15 show it to us. Perhaps at that time you can  
16 answer David's question about the general  
17 vicinity of land banks and --

18 MR. PAWLOWSKI: Absolutely.

19 CHAIRMAN SALADINO: -- stuff like that.

20 MR. PAWLOWSKI: I'll have it all staked  
21 out.

22 CHAIRMAN SALADINO: That's great.

23 And that's it, that's it for that.

24 Item No. 10 is Any other Zoning Board of  
25 Appeals business that might properly come before

1 this Board.

2 This is your chance, folks. Anybody with a  
3 question?

4 MEMBER CORWIN: Question, Mr. Chairman

5 MR. SWISKEY: A question.

6 CHAIRMAN SALADINO: Bill? Yes, David?

7 MEMBER CORWIN: What is a plurality?

8 (No Response)

9 What is a plurality?

10 CHAIRMAN SALADINO: Maybe I'll just say  
11 majority; how's that?

12 MEMBER CORWIN: Well, every vote has to be  
13 three or -- it always has to be three votes. In  
14 other words, it's not a 60% thing, it's not a  
15 four-vote thing, it's just the majority of the  
16 Board.

17 CHAIRMAN SALADINO: Did we just have a vote  
18 that we didn't have a majority?

19 MEMBER GORDON: No.

20 MEMBER CORWIN: No, you kept saying  
21 plurality and --

22 CHAIRMAN SALADINO: I apologize.

23 MEMBER CORWIN: -- I don't know the  
24 definition of plurality.

25 CHAIRMAN SALADINO: I apologize. We'll use

1 majority from now on.

2 Billy, you've got something to say?

3 MR. SWISKEY: Oh, I just would like to  
4 congratulate this Board on having open meetings  
5 where people can attend. I mean, some of the  
6 people that are here, you know, attend Village  
7 Board meetings, too. And I've been questioning  
8 why the Village Board has to do their Zoom  
9 meetings, but I have to congratulate you people  
10 on following what the public really wants.

11 CHAIRMAN SALADINO: Well, Billy, to be  
12 honest with you, if we knew you were coming we  
13 would have had a Zoom.

14 (Laughter)

15 We would have had a Zoom meeting  
16 instead.

17 MR. SWISKEY: That's why I hid under the  
18 table, John. Anyway, thank you very much.

19 CHAIRMAN SALADINO: (Laughter) Thank you,  
20 Billy.

21 Anybody else with a question or anything?

22 All right, so the last thing on our agenda  
23 is Item No. 11, is a motion to adjourn. Jay,  
24 roll the credits.

25 MEMBER CORWIN: Second.

1 CHAIRMAN SALADINO: All in favor?

2 MEMBER CORWIN: Aye.

3 MEMBER GORDON: Aye.

4 MEMBER REARDON: Aye.

5 CHAIRMAN SALADINO: And I'll vote aye.

6 (\*The meeting adjourned at 7:27 p.m.\*)

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

STATE OF NEW YORK )  
 ) SS:  
COUNTY OF SUFFOLK )

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

THAT, the above and foregoing contains a  
true and correct transcription of the proceedings  
taken on February 16, 2021 via GoToMeetings.

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

IN WITNESS WHEREOF, I have hereunto set my  
hand this 1st day of March, 2021.

\_\_\_\_\_  
Alison Mahoney



<b>A</b>				
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