

VILLAGE OF GREENPORT

COUNTY OF SUFFOLK : STATE OF NEW YORK

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ZONING BOARD OF APPEALS

REGULAR SESSION

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Station One Firehouse
Third & South Streets
Greenport, NY, 11944

June 15, 2021

6:00 p.m.

B E F O R E:

JOHN SALADINO - CHAIRMAN

DINNI GORDON - MEMBER

JACK REARDON- MEMBER

CONNIE SOLOMAN - MEMBER

SETH KAUFMAN - MEMBER

ROBERT CONNOLLY - ZONING BOARD ATTORNEY

AMANDA AURICHIO - SECRETARY TO THE BOARD

1 (*The meeting was called to order at 6:01 p.m.*)

2 CHAIRMAN SALADINO: Good evening, folks.
3 This is the village of Greenport Regular Meeting
4 of the Zoning Board of Appeals.

5 Item No. 1 is a motion to accept the
6 minutes of the May 18th, 2021 Zoning Board of
7 Appeals meeting. So moved.

8 MEMBER GORDON: Second.

9 CHAIRMAN SALADINO: All in favor?

10 MEMBER KAUFMAN: Aye.

11 MEMBER REARDON: Aye.

12 MEMBER SOLOMAN: Aye.

13 MEMBER GORDON: Aye.

14 CHAIRMAN SALADINO: And I'll vote aye.

15 Item No. 2 is a motion to approve the
16 minutes of the April 22nd, 2021 Zoning Board of
17 Appeals meeting. So moved.

18 MEMBER KAUFMAN: Second.

19 CHAIRMAN SALADINO: All in favor?

20 MEMBER GORDON: Aye.

21 MEMBER REARDON: Aye.

22 MEMBER KAUFMAN: Aye.

23 MEMBER SOLOMAN: Aye.

24 CHAIRMAN SALADINO: And I'll vote aye.

25 Item No. 3 is a motion to schedule the next

1 Zoning Board of Appeals meeting for July 20th,
2 2021 at 6 p.m. at Station One Firehouse, Third &
3 South Streets, Greenport, New York, 11944.

4 So moved.

5 MEMBER GORDON: Second.

6 CHAIRMAN SALADINO: All in favor?

7 MEMBER KAUFMAN: Aye.

8 MEMBER GORDON: Aye.

9 MEMBER REARDON: Aye.

10 MEMBER SOLOMAN: Aye.

11 CHAIRMAN SALADINO: And I'll vote aye.

12 Item No. 4 is 449 Main Street. This will
13 be a motion to accept the findings and
14 determinations for 449 Main Street. This
15 property is located in the Commercial Retail
16 District and is located in the Historic District.
17 The Suffolk County Tax Map No is 1001-4-7-18.

18 So moved.

19 MEMBER GORDON: Second.

20 CHAIRMAN SALADINO: All in favor?

21 MEMBER KAUFMAN: Aye.

22 MEMBER REARDON: Aye.

23 MEMBER SOLOMAN: Aye.

24 MEMBER GORDON: Aye.

25 CHAIRMAN SALADINO: And I'll vote aye.

1 Item No. 5 is a public hearing regarding
2 the area variance applied for by John Winkler.
3 The applicant proposes to make alterations,
4 including a new egress/ingress staircase to the
5 property located at 175 Fifth Street, Greenport,
6 NY, 11944. This property is located in the R-2
7 (One and two-family) District and is not located
8 in the Historic District.

9 The plans show the south-side yard setback
10 is 21-feet, 2-inches. The plans show the
11 north-side yard setback is 2-feet, 3-inches.
12 The total combined -- the total proposed combined
13 yard setback is 23-feet, 5-inches. The minimum
14 combined yard setback is 25-feet. This would
15 require an area variance of 1-foot, 7 inches.

16 I'm going to ask Amanda that she assures us
17 that this was -- the public notice was posted --

18 MS. AURICHIO: Yes.

19 CHAIRMAN SALADINO: -- in the newspaper.
20 And the mailings -- I gave the mailings -- if
21 anybody wants I'll read them, but I gave the
22 mailings to the stenographer, she's going to
23 enter them into the record.

24 *****

25 Clark St. Gpt LCCLLC - c/o Mack Ewing, 230 4th

1 St, Greenport, NY 11944; Zimardo, Alexandra -
2 154 Sixth Street, Greenport, NY 11944; Swiskey,
3 William - 184 Fifth Street, Greenport, NY 11944;
4 Nusse, Christine - 375 Riverside Drive, Apt. 5BB,
5 New York, NY 10025; Satkoski, Patricia - 168
6 Fifth Street, Greenport, NY 11944; Prometei LLC
7 - 447 E. 14th St, Apt. 7A, New York, NY 10009;
8 Boucher, Kevin - 3724 Flager St, Key West, FL,
9 33040; Walsh, David - 511 E. 20th St, #11F, New
10 York, NY 10010; Edwards, Ralph - 163 Fifth St,
11 Greenport, NY 11944; MacKenzi, Gretchen - 8
12 Rollwood Dr, Guilford, CT 06437; Gordon Diana R
13 Rev Trust - 152 6th Street, Greenport, NY 11944;
14 Quillin, Kevin - 2230 Laurel Ave, Southold, NY
15 11971; Concannon, Justin - 320 E 58th St, Apt.
16 14F, New York, NY 10022

17 *****

18 CHAIRMAN SALADINO: And is the applicant
19 here?

20 MR. WINKLER: Yes.

21 CHAIRMAN SALADINO: In the back there?

22 (*Laughter*)

23 Do you want to tell us anything?

24 MR. WINKLER: I appreciate you Ladies and
25 Gentlemen taking the time to do this.

1 Yeah, we need a way to get into the
2 basement that's safe and comfortable to get down
3 there. And for fire we need a second egress.
4 So that's what we're proposing and I hope you
5 consider our efforts and thank you very much.

6 CHAIRMAN SALADINO: John, before you go,
7 just let me ask the members --

8 MEMBER GORDON: I have a question.

9 MR. WINKLER: Sure.

10 CHAIRMAN SALADINO: -- if the members have
11 a question for you; maybe you can clear it up for
12 them.

13 MEMBER GORDON: I just wanted to ask you,
14 you just now referred to the concern about fire.
15 Is there a specific provision, a safety provision
16 which you're trying to comply with this --

17 MR. WINKLER: Well, I mean, it --

18 MEMBER GORDON: -- or was this just your
19 general assessment of what's to be done to be
20 safe?

21 MR. WINKER: It's what I understand we have
22 to do in order to use the basement and have a way
23 out, fire code. That's my understanding, anyway.

24 MR. CONNOLLY: The fire code requires two
25 areas of ingress and egress for a basement.

1 MEMBER GORDON: Okay.

2 MR. WINKLER: So right now we only have
3 one.

4 MEMBER GORDON: One, got it. Okay.

5 MR. WINKLER: Okay?

6 MEMBER GORDON: I was just really asking
7 about whether -- to what extent there was, in
8 addition to the convenience argument --

9 MR. WINKLER: Uh-huh.

10 MEMBER GORDON: -- a safety argument. And
11 I think you're saying there is a safety
12 argument --

13 MR. WINKLER: Yes.

14 MEMBER GORDON: -- that's based on a
15 specific provision in the code.

16 MR. WINKLER: Yes.

17 MEMBER GORDON: So that's fine.

18 CHAIRMAN SALADINO: And the International
19 Fire and Building Code.

20 MR. MAZZAFERRO: John, can I jump in?

21 MR. WINKLER: Yeah, sure. This is our
22 engineer.

23 MR. MAZZAFERRO: I'm Nick Mazzaferro, the
24 engineer of record. To answer your question,
25 it's a code-compliant specific size, full

1 doorway, 36-inches wide and the staircase matches
2 the current codes in the State of New York for
3 access.

4 MEMBER GORDON: Fine. Thank you.

5 MR. WINKLER: Any other questions?

6 CHAIRMAN SALADINO: Members?

7 MEMBER REARDON: No.

8 MR. WINKLER: Thanks again.

9 MEMBER SOLOMAN: No, just my understanding,
10 I'm still a novice, but it's pre -- it's a
11 partial basement and post, after this, it'll be a
12 full basement? Is that -- I saw that.

13 MS. MAZZAFERRO: Yes.

14 MR. WINKLER: Yes.

15 MEMBER SOLOMAN: Okay. What makes the
16 partial a full? I don't know.

17 CHAIRMAN SALADINO: I'm not -- since that's
18 not -- I don't know. I guess a partial basement
19 is like a basement that's half-filled with dirt.

20 (*Laughter*)

21 And a full basement is a basement that has
22 no dirt.

23 MR. WINKLER: Right.

24 CHAIRMAN SALADINO: You know, but we don't
25 usually --

1 MEMBER SOLOMAN: That's not ours, okay.

2 CHAIRMAN SALADINO: Yeah. So, unless Jack,
3 anybody?

4 MEMBER REARDON: No.

5 CHAIRMAN SALADINO: Thank you, John.

6 MR. WINKLER: Thank you, guys.

7 CHAIRMAN SALADINO: I'm going to ask
8 anybody from the public, anybody in the back
9 there perhaps want to ask a question? No? Okay.
10 I'm going to make a motion to close this
11 public hearing.

12 MEMBER GORDON: Second.

13 CHAIRMAN SALADINO: All in favor?

14 MEMBER GORDON: Aye.

15 MEMBER REARDON: Aye.

16 MEMBER SOLOMAN: Aye.

17 MEMBER KAUFMAN: Aye.

18 CHAIRMAN SALADINO: And I'll vote aye.

19 Item No. 6 is, once again, 175 Fifth
20 Street. And this will be discussion and possible
21 motion on the area variance applied for by John
22 Winkler for the property located at 175 Fifth
23 Street, Greenport, NY, 11944. And the Suffolk
24 County Tax Map remains the same at 1001-4-7-18.
25 Members, any discussion?

1 MEMBER GORDON: I think we should move
2 directly to the questions because this is such a
3 small and --

4 MEMBER SOLOMAN: Straight forward.

5 MEMBER GORDON: -- straight forward issue
6 and supported by both the interests of the
7 property owner and the interests of compliance
8 with the fire code. It just seems to me we
9 should move to the questions without delay.

10 CHAIRMAN SALADINO: Well, that was kind of
11 my intention if there was no discussion.

12 MEMBER KAUFMAN: Yeah, I agree.

13 CHAIRMAN SALADINO: If there's no
14 discussion we'll read these five questions, the
15 five-question test, we'll read them, answer them
16 and then we'll move on.

17 I'm going to make a motion that the Zoning
18 Board of Appeals designates itself Lead Agency
19 for the purposes of SEQRA. So moved.

20 MEMBER KAUFMAN: Second

21 CHAIRMAN SALADINO: All in favor?

22 MEMBER GORDON: Aye.

23 MEMBER SOLOMAN: Aye.

24 MEMBER REARDON: Aye.

25 CHAIRMAN SALADINO: And I'll vote aye.

1 And I'm going to make a motion that this
2 is, Rob, a Type II Action, right?

3 COUNSEL CONNOLLY: Correct.

4 CHAIRMAN SALADINO: Type II Action for the
5 purposes of SEQRA. So moved.

6 MEMBER SOLOMAN: Second.

7 CHAIRMAN SALADINO: All in favor?

8 MEMBER GORDON: Aye.

9 MEMBER REARDON: Aye.

10 MEMBER KAUFMAN: Aye.

11 CHAIRMAN SALADINO: Okay. We'll go through
12 these five questions, we'll vote on the variance
13 after we go through these five questions.

14 Question No. 1 is whether an undesirable
15 change will be produced in the character of the
16 neighborhood or a detriment to nearby properties
17 will be created by the granting of the area
18 variances. Jack?

19 MEMBER REARDON: No.

20 CHAIRMAN SALADINO: Diana?

21 MEMBER GORDON: No.

22 CHAIRMAN SALADINO: Connie?

23 MEMBER SOLOMAN: No

24 CHAIRMAN SALADINO: Seth?

25 MEMBER KAUFMAN: No.

1 CHAIRMAN SALADINO: And I'll vote no.

2 No. 2 is whether the benefit sought by the
3 applicant can be achieved by some method feasible
4 for the the applicant to pursue other than an
5 area variance. Jack?

6 MEMBER REARDON: No.

7 CHAIRMAN SALADINO: Dinnie?

8 MEMBER GORDON: No.

9 CHAIRMAN SALADINO: Connie?

10 MEMBER SOLOMAN: No.

11 CHAIRMAN SALADINO: Seth?

12 MEMBER KAUFMAN: No.

13 CHAIRMAN SALADINO: And I'll vote no.

14 Whether a requested area variance is
15 substantial. Jack?

16 MEMBER REARDON: No.

17 CHAIRMAN SALADINO: Dinnie?

18 MEMBER GORDON: No.

19 CHAIRMAN SALADINO: Connie?

20 MEMBER SOLOMAN: No.

21 CHAIRMAN SALADINO: Seth?

22 MEMBER KAUFMAN: No

23 CHAIRMAN SALADINO: And I'll vote no.

24 Whether proposed variance will have an
25 adverse effect or impact on physical or

1 environmental conditions in the neighborhood or
2 district. Jack?

3 MEMBER REARDON: No.

4 CHAIRMAN SALADINO: Dinnie?

5 MEMBER GORDON: No. I'm sorry to see that
6 tree be taken down. Sorry.

7 CHAIRMAN SALADINO: Maybe we could put a
8 condition that they replant it in your yard.
9 We'll put it in -- when you dig it up you put it
10 in Dinnie's yard.

11 (*Laughter*)

12 MS. WINKLER: My sister has dibs. She
13 wants it in her yard.

14 CHAIRMAN SALADINO: Connie?

15 MEMBER SOLOMAN: No.

16 CHAIRMAN SALADINO: Seth?

17 MEMBER KAUFMAN: No.

18 And I'll vote no.

19 And question No. 5 is whether the alleged
20 difficulty was self-created which considerations
21 shall be relevant to the decision of the Board of
22 Appeals, but not necessarily preclude the
23 granting of an area variance. Jack?

24 MEMBER REARDON: Yes.

25 CHAIRMAN SALADINO: Dinnie?

1 MEMBER GORDON: No.

2 CHAIRMAN SALADINO: Connie?

3 MEMBER SOLOMAN: No.

4 CHAIRMAN SALADINO: Seth?

5 MEMBER KAUFMAN: No.

6 CHAIRMAN SALADINO: I'll vote no.

7 I'm going to make a motion that we grant
8 the area variance. So moved.

9 MEMBER GORDON: Second.

10 CHAIRMAN SALADINO: Jack?

11 MEMBER REARDON: Aye.

12 CHAIRMAN SALADINO: Dinnie?

13 MEMBER GORDON: Aye.

14 CHAIRMAN SALADINO: Connie?

15 MEMBER SOLOMAN: Aye.

16 CHAIRMAN SALADINO: Seth?

17 MEMBER KAUFMAN: Aye.

18 CHAIRMAN SALADINO: And I'll vote yes.

19 MS. WINKLER: Done?

20 CHAIRMAN SALADINO: All done. Easy-peasy.

21 MR. MAZZAFERRO: Easy-peasy. Thank you.

22 MS. WINKLER: Thank you so much.

23 CHAIRMAN SALADINO: Item No. 8 is any other
24 other zoning Board of Appeals business that might
25 properly come before the Board? Nobody?

1 MEMBER GORDON: Could we ask the Building
2 Department, do you have a new application for,
3 what is it, 511 Carpenter? I thought --

4 CHAIRMAN SALADINO: She talked to me about
5 that, but she can answer it. Go ahead, tell her.

6 MS. AURICHIO: They are submitting a new
7 one, yes, but they're going to be on the July
8 meeting.

9 MEMBER GORDON: Okay. All right.

10 CHAIRMAN SALADINO: Anything else? Anybody
11 else? Jay, you got something to say? No? Rob?
12 No?

13 All right, Item No. 9, motion to adjourn.
14 So moved.

15 MEMBER KAUFMAN: Second.

16 CHAIRMAN SALADINO: All in favor?

17 MEMBER GORDON: Aye.

18 MEMBER KAUFMAN: Aye.

19 MEMBER REARDON: Aye.

20 MEMBER SOLOMAN: Aye.

21 CHAIRMAN SALADINO: And I'll vote aye.

22 And let's get out of here.

23 (*The meeting was adjourned at 6:12 p.m.*)

24

25

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

2

3 STATE OF NEW YORK)

4) SS:

5 COUNTY OF SUFFOLK)

6

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

10 THAT, the above and foregoing contains a
11 true and correct transcription of the proceedings
12 taken on June 15, 2021, at Station One Firehouse,
13 Third & South Streets, Greenport, NY 11944.

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

18 IN WITNESS WHEREOF, I have hereunto set my
19 hand this 23rd day of June, 2021.

20

21

Alison Mahoney

22

23

24

25

<p style="text-align: center;">A</p> <p>accept 2:5 3:13 access 8:3 achieved 12:3 action 11:2,4 16:15 addition 7:8 adjourn 15:13 adjourned 15:23 adverse 12:25 Agency 10:18 agree 10:12 ahead 15:5 Alexandra 5:1 Alison 16:7,21 alleged 13:19 alterations 4:3 Amanda 1:23 4:16 answer 7:24 10:15 15:5 anybody 4:21 9:3,8 9:8 15:10 anyway 6:23 Appeals 1:5 2:4,7 2:17 3:1 10:18 13:22 14:24 applicant 4:3 5:18 12:3,4 application 15:2 applied 4:2 9:21 appreciate 5:24 approve 2:15 April 2:16 Apt 5:4,7,15 area 4:2,15 9:21 11:17 12:5,14 13:23 14:8 areas 6:25 argument 7:8,10,12 asking 7:6 assessment 6:19 assures 4:16 ATTORNEY 1:22 AURICCHIO 1:23 4:18 15:6 Ave 5:14 aye 2:10,11,12,13 2:14,20,21,22,23 2:24 3:7,8,9,10,11 3:21,22,23,24,25</p>	<p>9:14,15,16,17,18 10:22,23,24,25 11:8,9,10 14:11 14:13,15,17 15:17 15:18,19,20,21</p> <hr/> <p style="text-align: center;">B</p> <p>B 1:15 back 5:21 9:8 based 7:14 basement 6:2,22,25 8:11,12,18,19,21 8:21 benefit 12:2 blood 16:15 Board 1:5,22,23 2:4,6,16 3:1 10:18 13:21 14:24,25 Boucher 5:8 Building 7:19 15:1 business 14:24</p> <hr/> <p style="text-align: center;">C</p> <p>C 16:1,1 c/o 4:25 called 2:1 Carpenter 15:3 certify 16:9,14 CHAIRMAN 1:16 2:2,9,14,19,24 3:6 3:11,20,25 4:19 5:18,21 6:6,10 7:18 8:6,17,24 9:2 9:5,7,13,18 10:10 10:13,21,25 11:4 11:7,11,20,22,24 12:1,7,9,11,13,17 12:19,21,23 13:4 13:7,14,16,25 14:2,4,6,10,12,14 14:16,18,20,23 15:4,10,16,21 change 11:15 character 11:15 Christine 5:4 Clark 4:25 clear 6:11 close 9:10 code 6:23,24 7:15 7:19 10:8</p>	<p>code-compliant 7:25 codes 8:2 combined 4:12,12 4:14 come 14:25 comfortable 6:2 Commercial 3:15 compliance 10:7 comply 6:16 Concannon 5:15 concern 6:14 condition 13:8 conditions 13:1 Connie 1:19 11:22 12:9,19 13:14 14:2,14 CONNOLLY 1:22 6:24 11:3 consider 6:5 considerations 13:20 contains 16:10 convenience 7:8 correct 11:3 16:11 COUNSEL 11:3 County 1:3 3:17 9:24 16:5 Court 16:7 created 11:17 CT 5:12 current 8:2</p> <hr/> <p style="text-align: center;">D</p> <p>David 5:9 day 16:19 decision 13:21 delay 10:9 Department 15:2 designates 10:18 determinations 3:14 detriment 11:16 Diana 5:12 11:20 dibs 13:12 difficulty 13:20 dig 13:9 DINNI 1:17 Dinnie 12:7,17 13:4</p>	<p>13:25 14:12 Dinnie's 13:10 directly 10:2 dirt 8:19,22 discussion 9:20,25 10:11,14 district 3:16,16 4:7 4:8 13:2 doorway 8:1 Dr 5:12 Drive 5:4</p> <hr/> <p style="text-align: center;">E</p> <p>E 1:15,15 5:7,9,15 16:1 Easy-peasy 14:20 14:21 Edwards 5:10 effect 12:25 efforts 6:5 egress 6:3,25 egress/ingress 4:4 engineer 7:22,24 enter 4:23 environmental 13:1 evening 2:2 Ewing 4:25 extent 7:7</p> <hr/> <p style="text-align: center;">F</p> <p>F 1:15 16:1 favor 2:9,19 3:6,20 9:13 10:21 11:7 15:16 feasible 12:3 Fifth 4:5 5:3,6,10 9:19,22 findings 3:13 fine 7:17 8:4 fire 6:3,14,23,24 7:19 10:8 Firehouse 1:8 3:2 16:12 five 10:14 11:12,13 five-question 10:15 FL 5:8 Flager 5:8 folks 2:2 foregoing 16:10</p>	<p>forward 10:4,5 full 7:25 8:12,16,21 further 16:14</p> <hr/> <p style="text-align: center;">G</p> <p>general 6:19 Gentlemen 5:25 go 6:6 11:11,13 15:5 going 4:16,22 9:7 9:10 10:17 11:1 14:7 15:7 Good 2:2 Gordon 1:17 2:8,13 2:20 3:5,8,19,24 5:12 6:8,13,18 7:1 7:4,6,10,14,17 8:4 9:12,14 10:1,5,22 11:8,21 12:8,18 13:5 14:1,9,13 15:1,9,17 Gpt 4:25 grant 14:7 granting 11:17 13:23 Greenport 1:2,10 2:3 3:3 4:5 5:1,2 5:3,6,11,13 9:23 16:13 Gretchen 5:11 guess 8:18 Guilford 5:12 guys 9:6</p> <hr/> <p style="text-align: center;">H</p> <p>half-filled 8:19 hand 16:19 hearing 4:1 9:11 hereunto 16:18 Historic 3:16 4:8 hope 6:4</p> <hr/> <p style="text-align: center;">I</p> <p>II 11:2,4 impact 12:25 inches 4:15 including 4:4 ingress 6:25 intention 10:11 interested 16:16</p>
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