

1 VILLAGE OF GREENPORT  
2 COUNTY OF SUFFOLK STATE OF NEW YORK  
3 -----x

3 ZONING BOARD OF APPEALS  
4 REGULAR MEETING  
5 -----x

6  
7 Third Street Firehouse  
8 Greenport, New York  
9 July 15, 2015  
10 5:18 p.m.

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B E F O R E:

- DOUG MOORE - CHAIRMAN
- DAVID CORWIN - MEMBER
- DINNI GORDON - MEMBER
- ELLEN NEFF - MEMBER
- JOHN SALADINO - MEMBER
- EILEEN WINGATE - VILLAGE BUILDING INSPECTOR
- JOSEPH PROKOP - VILLAGE ATTORNEY

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1 CHAIRMAN MOORE: Accordin to  
2 the clock, it's 9:20, so we're not  
3 going to go by that.

4 MS. WINGATE: It's 5:18.

5 CHAIRMAN MOORE: I apologize  
6 for the delay. We've been trying  
7 to sort through some records here.  
8 So we'll have to discuss that with  
9 the applicant about an  
10 authorization for representation,  
11 so we'll need to clear that up.

12 But what we'll do is, first,  
13 we have a public hearing tonight.  
14 And then we have a number of  
15 appeals that we'll be discussing,  
16 one carried over from a month ago  
17 on Broad Street.

18 But the first is a public  
19 hearing for an appeal for an area  
20 variance for Tracy Combs,  
21 516 Second Street, Suffolk County  
22 Tax Map 1001-2.-6-24. The property  
23 is located in the R2 District. The  
24 applicant proposes to construct a  
25 house addition and in-ground

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1 swimming pool.

2 House addition: The proposed  
3 combined side yard setback is  
4 12.16 feet requiring a 12.84-foot  
5 combined side yard variance for the  
6 new extension. Section 150-12a. of  
7 the Village of Greenport Code  
8 requires a 25-foot combined side  
9 yard setback in the R2 District.

10 Swimming pool: There are  
11 three items. The proposed swimming  
12 pool setback is 7 feet on the south  
13 property line requiring a setback  
14 variance of 13 feet.

15 I'll read the next. The  
16 proposed swimming pool setback is  
17 7 feet on the north property line,  
18 requiring a setback variance of  
19 13 feet.

20 The proposed swimming pool  
21 setback is 15 feet on the east  
22 property line; the rear, requiring  
23 a setback variance of 5 feet.  
24 Section 150-7c.(3a) of the Village  
25 of Greenport Code requires the edge

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1 of the pool shall be kept a  
2 distance not less than 20 feet from  
3 all property lines.

4 I should mention that we had a  
5 site visit this afternoon at 4:30.  
6 The property was, by my  
7 observation, properly placarded  
8 with the printed notice.

9 MEMBER CORWIN: Can I just  
10 note that the placard, last week,  
11 was set back, so the only way you  
12 could see it, you had to go by and  
13 look up the walkway.

14 CHAIRMAN MOORE: It was by the  
15 front entrance, I believe?

16 MEMBER CORWIN: Right. I  
17 don't want to make an issue of it,  
18 but it was moved up for our  
19 inspection. I don't think it was  
20 really prominently placed, but I  
21 won't make an issue out of it.

22 CHAIRMAN MOORE: Okay. Well,  
23 we will obviously have some  
24 neighbors who wish to make  
25 comments. And if there's any

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1 confusion about that, we will deal  
2 with it.

3 We do have the receipt of the  
4 official notices by mail and the  
5 adjacent property owners, including  
6 those across the street and one  
7 property owner adjacent to the  
8 rear, were notified and I will read  
9 those.

10 Dowling, Caroline, and John  
11 Dowling, 617 First Street  
12 Greenport. Stacey Tesseyman,  
13 Florence Roth. There's a New York  
14 address. I'm not aware from which  
15 adjacency that is. There is Tracy  
16 Whittingham, 516 Second Street.

17 MS. COMBS: That's me.

18 CHAIRMAN MOORE: I'm sorry.  
19 Yes, I see that's your address.  
20 Valerie English and Tibor Ullmann.  
21 It's, again, a Brooklyn, New York,  
22 address of an adjacent property.  
23 99 Jessup House, LLC, a Sag Harbor  
24 address. H. and Rose Reda. They  
25 are to the south on Second Street,

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1 but they have an Illinois address.  
2 And, again, an Illinois address for  
3 the other property to the south on  
4 Second Street.

5 Those were the property owners  
6 who were notified, and I believe  
7 this was properly noticed in the  
8 Suffolk Times. So the first thing  
9 we would do is have any comments  
10 from the property owner or the  
11 representative.

12 We would like to clarify the  
13 paperwork that there is a proper  
14 representation document. There is  
15 a document that Patricia Moore has  
16 signed, but we do not seem to have  
17 signed, by the owner, authorization  
18 that she represents you. I guess  
19 the alternative is you could just  
20 represent yourself in the absence  
21 of that. But we would like to  
22 clarify that before we get too far  
23 down the line.

24 MS. P. MOORE: That's not a  
25 problem.

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1                   MEMBER CORWIN: Before you  
2 begin, Mr. Chairman, there is a  
3 letter. Are you going to read that  
4 now or after?

5                   CHAIRMAN MOORE: What I'll do  
6 is --

7                   MS. P. MOORE: I can't hear  
8 Mr. Corwin when he speaks.

9                   CHAIRMAN MOORE: He was saying  
10 that we have several letters. But  
11 what I'll do is, before public  
12 testimony, let me -- do you think  
13 it would be best if she could just  
14 give a brief overview of the  
15 project? We're not going to engage  
16 in too much back and forth at this  
17 point and then we'll take public  
18 comment and I'll read those  
19 letters.

20                   MEMBER CORWIN: Yes.

21                   MS. P. MOORE: Good evening.  
22 My name is Patricia Moore. I'm the  
23 attorney for the Combs. I have  
24 Tracy Combs, who is the property  
25 owner, here with me at the meeting.

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1                   There may be some confusion on  
2                   documentation because, as you  
3                   recall, there was one submission  
4                   and then the Notice of Disapproval  
5                   changed slightly. So we came back  
6                   with additional papers to add to  
7                   and modify the original submission.  
8                   So how it all appears in your  
9                   packets, I don't know. For the  
10                  record --

11                  MR. PROKOP: It is important  
12                  that you do know. You weren't at  
13                  the first submission. The first  
14                  submission was at the schoolhouse.  
15                  Is that what you're talking about?

16                  MS. P. MOORE: No. The first  
17                  submission I made personally.

18                  MR. PROKOP: Oh, that you  
19                  made?

20                  MS. P. MOORE: Yes, yes. When  
21                  I was retained, I submitted an  
22                  application for these same  
23                  variances, but the Board had  
24                  questions about the Notice of  
25                  Disapproval and which section of



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1 the code was being referred to. So  
2 prior to the hearing, it was to put  
3 it on for a public hearing. So in  
4 order to put it on to a public  
5 hearing, the matter was adjourned  
6 for a month to give us a chance to  
7 review the Notice of Disapproval,  
8 the paperwork that was submitted.  
9 And at that following meeting,  
10 which was the one before this one,  
11 you set it for a public hearing.  
12 So your documentation is complete.  
13 I also have, for the record,  
14 Mrs. Combs here.

15 MR. PROKOP: I'm sorry. This  
16 is the second or third time you've  
17 tried to ensure the Board that  
18 documentation is complete, but the  
19 Board has said to you that we need  
20 a written authorization. Could you  
21 please provide it?

22 MS. P. MOORE: I'm doing it  
23 right now.

24 MR. PROKOP: Thank you very  
25 much.

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1 MS. P. MOORE: Not only is the  
2 client here, but I found the blank  
3 form. I know it's part of your  
4 packet because Eileen does a very  
5 good job of reviewing all the  
6 paperwork to make sure it's all  
7 complete and I know that we had a  
8 complete packet. However, we will  
9 give you an original one that is  
10 being signed right here and handed  
11 up to the chairman, if that's all  
12 right.

13 CHAIRMAN MOORE: Thank you.

14 MS. P. MOORE: Should I  
15 proceed?

16 CHAIRMAN MOORE: Yes. I think  
17 everybody can hear.

18 MS. P. MOORE: With respect to  
19 the area variances that have been  
20 submitted, the standards that the  
21 Board has to consider, the first  
22 one being whether an undesirable  
23 change will be produced in the  
24 character of the neighborhood or a  
25 detriment to nearby properties will

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1 be created by the granting of the  
2 area variance.

3 We have provided for the Board  
4 an aerial photograph showing that  
5 the density of the area here, the  
6 Combs' property, where it is  
7 located, the house currently is  
8 very close to the property line on  
9 the one side, but that side is not  
10 being altered in any way.

11 The addition, which consists  
12 of a one-bay garage, which it would  
13 be used to replace the very  
14 nonconforming detached garage that  
15 is in the backyard. That detached  
16 garage will be demolished, and  
17 therefore opening up the air and  
18 space with respect to the location  
19 of that garage.

20 The addition will consist of,  
21 as I said, a one-bay garage and  
22 also some additional living space  
23 above that would enable the Combs  
24 to put their master bedroom over  
25 the garage space, leaving the

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1 bedroom in the house as additional  
2 space for their son.

3 The house, as you could tell  
4 from your site inspection, is a  
5 very modest, very small house. And  
6 the bedrooms upstairs are -- it's a  
7 quaint house, but it's not very  
8 roomy. And with a typical growing  
9 family, it is necessary to give a  
10 little bit of extra room for the  
11 growing family.

12 The method that is being  
13 proposed to connect the garage to  
14 the main house is by a 5 foot by  
15 10 foot, more or less. But  
16 certainly no deeper than a 5-foot  
17 setback between the main house, the  
18 principal dwelling and the  
19 addition. That 5-foot separation  
20 allows for the connection to be  
21 through a double window in the  
22 dining room presently, rather than  
23 eliminating all of the windows and  
24 the interior utilities that are  
25 already well established in the

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1 house.

2 The budget for the Combs is  
3 limited, so to the extent that the  
4 addition can cause as little  
5 disruption to the main house is the  
6 goal in this addition. So the way  
7 that it has been designed is with a  
8 very small connecting -- rather  
9 than as a breezeway, it is a  
10 closed, habitable space that  
11 connects the two spaces.

12 Also, you could see from the  
13 interior spaces that was provided  
14 to you -- some of you located it  
15 and others didn't, but we did look  
16 at it at the field inspection. The  
17 garage is going to be with proper  
18 footings, but it's on with no  
19 basement underneath, with the back  
20 area of the addition being a full  
21 basement to allow the connection  
22 between the existing basement of  
23 the main house to the addition.  
24 That will enable utilities to be  
25 connected and, again, cost savings

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1 to allow for the interior  
2 connection of the utilities --  
3 water, all of the infrastructure  
4 that's needed for the interior  
5 space.

6 The home owners tried very  
7 hard not to create an undesirable  
8 change in the community by the way  
9 of the addition being relatively  
10 modest. Again, it's the one-car  
11 garage and the setback of at least  
12 10 feet from the neighbor's  
13 property line.

14 As you know, one could put up  
15 a fence and segregate yourself from  
16 your neighbor. In this case, if  
17 the Board would entertain this  
18 addition, we would certainly agree  
19 that they would not fence in the  
20 side yard to leave open a side yard  
21 so that it is less intrusive to the  
22 neighbors, since the neighbors'  
23 house and some walkways and so on  
24 are really almost up to the  
25 property line. The neighbor's

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1 house is probably less than 5 feet,  
2 I believe, to my client's property  
3 line. So as an attempt to be  
4 less -- to reduce any impacts to  
5 the neighbor, we would keep that  
6 side very open from structures and  
7 fencing.

8 If the neighbor and the Combs  
9 prefer -- it's certainly going to  
10 be landscaped, but whether or not  
11 the neighbor would prefer  
12 vegetation or a fence, that too is  
13 offered. But, generally, to leave  
14 it open is certainly -- they're  
15 willing to leave it open.

16 The second set of variances is  
17 for the swimming pool. The  
18 swimming pool has very interesting  
19 code provisions. Your Village code  
20 allows for accessory structures to  
21 be very close to the property line.  
22 But when it comes to swimming  
23 pools, you need 20-foot setbacks.  
24 And that's very difficult to meet  
25 on very small parcels, like the

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1 Combs' property and very many of  
2 the properties in the Village.  
3 That is something that should be  
4 considered through your code  
5 revisions to make it a little more  
6 user-friendly.

7 Nonetheless, my client had, at  
8 the field inspection after staking  
9 the location of the pool, realized  
10 that in the rear yard, the  
11 neighbor's fence is encroaching  
12 onto their property.

13 Also, just the spacing that  
14 they would offer to -- as an  
15 alternative for the Board, if they  
16 should approve the pool, we would  
17 be willing to move the pool away  
18 from the rear property line an  
19 additional 5 feet. That would make  
20 the rear property line conforming.  
21 So to that variance, we could make  
22 it conforming and eliminate one of  
23 the variances.

24 With respect to the side  
25 yards, as we pointed out -- as you



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1 saw for yourself and we pointed out  
2 in the paperwork -- there is an  
3 existing garage that's one foot  
4 from the property line. The actual  
5 removal of the existing garage  
6 would certainly be an asset here  
7 because it would open up space on  
8 the property and eliminate an  
9 impact to the neighbor by the  
10 existing garage.

11 We did discuss in the field,  
12 my client is willing to relocate an  
13 in-ground fuel tank. They are  
14 prepared to leave it or remove it,  
15 but again, if the Board were to  
16 condition approvals on the removal  
17 of the oil tank for health safety  
18 welfare, they would accept that  
19 condition.

20 We also discussed the bill  
21 code door. The bill code door will  
22 not be placed on the side yard so  
23 as to not encroach into the side  
24 yard. They will design, either an  
25 access or bill code door, either in

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1 the space between the main building  
2 and the addition. We talked about,  
3 possibly, what is now 10 feet could  
4 expand slightly so as to not impact  
5 the windows that are on the  
6 existing house, but be open enough  
7 or to enlarge that center space to  
8 allow for additional utilities to  
9 be relocated.

10 Rather than recite everything  
11 that is already in writing to you,  
12 I would certainly defer to the  
13 Board's questions or comments from  
14 any neighbors that are here and we  
15 would address those comments.  
16 Thank you.

17 CHAIRMAN MOORE: Right. Just  
18 two points of business. I  
19 neglected to mention we have a new  
20 face on the Board. Mr. John  
21 Saladino has been recently  
22 appointed and approved by the Board  
23 of Trustees and we welcome him  
24 here. He will be participating  
25 here, I believe, at his discretion

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1 on this appeal. But there's  
2 another appeal that we're currently  
3 hearing which is already in  
4 progress and he has elected to  
5 abstain from participating.

6 I should also mention that I  
7 share a last name with Ms. Moore  
8 and the same spelling, but there's  
9 no relationship between us, so I  
10 don't feel necessary to abstain  
11 myself. And I don't know Ms. Moore  
12 personally.

13 I think we could take some  
14 comments in a few minutes. We have  
15 a few letters. One is one that was  
16 actually submitted originally when  
17 this plan was first submitted in  
18 March. And at that time, some of  
19 you may recall, it was an appeal  
20 for, again, the swimming pool, but  
21 a separate accessory structure,  
22 which was then subsequently  
23 withdrawn and now is an attachment  
24 to the house.

25 There was a letter back then,

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1 written by Florence Roth and Stacey  
2 Tesseyman. Are either of them here  
3 tonight?

4 (No response.)

5 CHAIRMAN MOORE: The letter  
6 itself, I think, was entered into  
7 the record.

8 Mr. Corwin, do you recall that  
9 letter being read or entered back  
10 in March?

11 MEMBER CORWIN: I don't  
12 recall.

13 CHAIRMAN MOORE: Okay. It  
14 mostly references, with some mild  
15 concerns, the accessories  
16 structure, which is no longer part  
17 of the plan. So I will keep that.  
18 I believe it's already in the file.

19 And there is another letter,  
20 which is newly arrived. And again,  
21 this is from Rose and Jane Reda.  
22 And they reside at 515 and  
23 511 2nd Street. Are they present  
24 tonight?

25 (No verbal response.)

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1                   CHAIRMAN MOORE: Did you  
2                   prefer that I read the letter or  
3                   would you like to speak personally  
4                   instead and we'll just file the  
5                   letter?

6                   MS. REDA: (Inaudible.) You  
7                   have this meeting and you had one  
8                   sometime before?

9                   CHAIRMAN MOORE: Yes.

10                  MS. REDA: I happen to be here  
11                  in Greenport tonight. I live right  
12                  across the street and I'm a  
13                  Greenporter, born and bred in  
14                  Greenport.

15                  CHAIRMAN MOORE: Would you  
16                  like to speak at the podium?

17                  MS. REDA: Yes.

18                  CHAIRMAN MOORE: I can  
19                  certainly read the letter on your  
20                  behalf as well, but if you would  
21                  just like to speak your mind about  
22                  it, that might be preferable and  
23                  then we'll get the first-person  
24                  feeling.

25                  MS. REDA: My name is Rose

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1           Reda and I now live in Fulton,  
2           Illinois. But I am a native of  
3           Greenport. And I listened to  
4           the -- I would say the acoustics in  
5           here are not very good -- I  
6           couldn't hear what was being  
7           said -- or my ears are going bad.  
8           But we were real concerned about  
9           it. It's an area where my family  
10          has been involved since the 1800s.  
11          My great-grandparents --  
12          (inaudible) -- and raised their  
13          family there. So we were concerned  
14          about it and I couldn't understand  
15          what all this was about additions.  
16          And I thought these people need to  
17          go someplace else. Like weeds.  
18          Because the neighborhood is all so  
19          different. We don't have all  
20          these -- we don't like to have all  
21          these housings.

22                 We had next door done some  
23                 years ago and they're going to put  
24                 a long house in an empty space  
25                 there. So what is it that people

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1 want to put additions to their  
2 houses? I don't understand it, but  
3 it's such a lovely house and I knew  
4 the people that lived there before  
5 and it seems like it's just another  
6 situation, you know. Especially, I  
7 think, they live there to old age.  
8 But I just was concerned thinking  
9 what that would do to the  
10 neighborhood? All these people and  
11 a swimming pool. There's water,  
12 water everywhere and not a drop to  
13 drink. All this houses around it,  
14 I'm sure it will add to the noise  
15 in the neighborhood. And my  
16 daughter and I were just concerned  
17 about it. We couldn't understand  
18 it and we were hoping that it could  
19 conform at least to the  
20 Greenport code that you have. And  
21 all these other things. So I'm  
22 concerned and I'm glad that I'm  
23 here at this time to express my  
24 feelings because, like before, we  
25 did write a letter. And I'm just

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1 hoping that (inaudible) in a way  
2 that could keep our neighborhood  
3 quiet and peaceful. And I thank  
4 you very much.

5 CHAIRMAN MOORE: I'm reading  
6 the letter while the individual is  
7 speaking. It generally reflects  
8 what the individual said. Concerns  
9 are for the esthetics of new  
10 construction and their impact if  
11 they do not maintain their required  
12 setbacks.

13 At this point, I think we  
14 could take any additional comments  
15 from members of the public if they  
16 wish to speak. Is there anybody in  
17 the audience who would like to  
18 speak?

19 MS. COMBS: Could I say  
20 something?

21 CHAIRMAN MOORE: Yes, you're  
22 certainly welcome. The applicant  
23 and representative are certainly  
24 welcome to speak.

25 MS. COMBS: Hello, Ms. Reda.



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1 I'm Tracy Combs. It's nice to meet  
2 you. I haven't seen you. I've  
3 lived in the house seven years and  
4 I've seen your houses, but I've  
5 never met you. So it's wonderful  
6 to meet you personally. I met your  
7 caretaker.

8 MS. REDA: Are you related to  
9 the Kalin [ph] family?

10 MS. COMBS: Am I related to  
11 the Kalin family?

12 MS. REDA: Yes.

13 MS. COMBS: No, I'm not. My  
14 husband is Michael Combs. I think  
15 you've met him. His family has  
16 been out here in Southold since the  
17 70s.

18 MEMBER CORWIN: Can you just  
19 confine your remarks to the  
20 business at hand?

21 CHAIRMAN MOORE: Yes. And  
22 also identify yourself as well. We  
23 know who you are but for the  
24 record.

25 MS. COMBS: Okay. I'm sorry.

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1 My name is Tracy Whittingham Combs  
2 I live at 516 Second Street.  
3 That's my permanent residence. I'm  
4 a local person, year round. In our  
5 home, there's myself, my husband,  
6 and my son. My son is thirteen  
7 years old and he is as big as I am.

8 Right now, all we're looking  
9 to do is simply put a master  
10 bedroom onto our home. The home  
11 was built in 1911. Everything is  
12 very small. There's one closet.  
13 I'm sure most of the homes in the  
14 neighborhood are the same way.  
15 We're not looking to expand in any  
16 way to hinder the quality of the  
17 neighborhood. We love Greenport.

18 As I said before, my husband  
19 is a local. He went to Southold  
20 High School. He was raised here.  
21 His father is, you know, a decoy  
22 maker, Combs Decoy. They have a  
23 farm named Hallockville. This is  
24 not a case of people coming into  
25 the area and trying to expand or

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1 take advantage of, in any way shape  
2 or form.

3 Architecturally, we are  
4 absolutely committed to the  
5 esthetic of the neighborhood and we  
6 want to do nothing to interfere.  
7 We love this town, so I just want  
8 to address any neighbor's concerns.

9 The swimming pool is simply so  
10 that we can enjoy a swimming pool  
11 in our backyard. That's it. It's  
12 not for -- we're not, you know,  
13 eighteen or twenty. We're not  
14 going to have big parties.  
15 We're not interested in having loud  
16 noise or music, nothing like that.  
17 We simply want to expand our home a  
18 little bit so that our son has a  
19 little bit of room and we want to  
20 be able to lay out by the pool.  
21 That's it.

22 MEMBER CORWIN: Question:  
23 Your January application that was  
24 withdrawn was for a studio.

25 MS. COMBS: Yes.

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1                   MEMBER CORWIN: Is any of the  
2 existing or proposed building  
3 addition going to be used as a  
4 studio?

5                   MS. COMBS: No, not at this  
6 time. My husband has a studio  
7 already offsite in Southport. We  
8 are proposing the garage simply to  
9 house a car. You know, it's  
10 possible that my husband might do a  
11 little bit of painting in that  
12 garage. I don't -- that's not what  
13 its intention is, no.

14                   Originally when we issued  
15 that -- I think all of you who were  
16 there could see how inadequate our  
17 application was and how naive we  
18 were about the process because it  
19 was our first time. We withdrew  
20 that application and hired an  
21 attorney because we realized that  
22 we didn't know what we were doing.  
23 We were hoping to avoid the cost of  
24 an attorney. We're not wealthy  
25 people. However, we realized that



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1 the record?

2 CHAIRMAN MOORE: Yes. I have  
3 it here and it will be in the  
4 record. It was a previous letter  
5 from March and then additional  
6 comments made after that. And I  
7 believe she spoke quite well as to  
8 the content of the letter, but we  
9 will submit it to include it in the  
10 record.

11 So I would entertain a motion  
12 to close public hearing.

13 MEMBER CORWIN: So moved.

14 CHAIRMAN MOORE: And a second?

15 MEMBER GORDON: Second.

16 CHAIRMAN MOORE: All in favor?

17 MEMBER SALADINO: Aye.

18 MEMBER CORWIN: Aye.

19 MEMBER GORDON: Aye.

20 MEMBER NEFF: Aye.

21 CHAIRMAN MOORE: Aye.

22 Any opposed?

23 (No response.)

24 CHAIRMAN MOORE: So that  
25 motion carries. Public hearing is

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1 closed.

2 Next item on the agenda is the  
3 matter -- we're going in order of  
4 submission of applications, so  
5 we'll give you a breather for a bit  
6 and we're going to be discussing  
7 the variance request from Walter  
8 Foote, which is on 22 Broad Street.

9 Just to reiterate what we had  
10 discussed last month, there are  
11 some issues we had with some  
12 concern about adequate drainage  
13 from the house. And I believe the  
14 plans -- there's a new drawing that  
15 depicts drywells. A key issue that  
16 came up was the aspect of an  
17 outdoor shower and whether or not  
18 there were any specific drainage  
19 requirements on that.

20 I would like to call on Eileen  
21 Wingate, if you could make some  
22 comments. She did submit to the  
23 Board some information -- I only  
24 got it just before the meeting --  
25 concerning conversations and emails

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1 with Suffolk County Department of  
2 Health.

3 MS. WINGATE: We'll start with  
4 Richard Smith, Department of State.  
5 We reviewed the Residential 2010  
6 Code. He suggested I look at  
7 Section 2601 which talks about  
8 fixtures and their ability to  
9 either be hooked up to a private  
10 sanitary system or a public  
11 sanitary system. And his  
12 suggestion was that I talk to the  
13 county because they had more detail  
14 on how to handle waste water. So I  
15 spoke with Mr. -- I forgot his  
16 name.

17 MEMBER GORDON: Digiuseppe.

18 MS. WINGATE: -- Digiuseppe  
19 just today. They're pretty busy up  
20 there. He wrote that letter  
21 suggesting that waste water at this  
22 level is in the jurisdiction of the  
23 town or village. We presently do  
24 not have anything in our code that  
25 prohibits it, but what we do have



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1 in our code is a section that  
2 prohibits septic systems because we  
3 have a public sewer.

4 CHAIRMAN MOORE: I spoke  
5 briefly with Ms. Wingate and asked  
6 the question whether the Village,  
7 to her knowledge, has ever taken a  
8 position on drywells for outdoor  
9 showers and gray water and  
10 apparently there is none, although  
11 the Village could choose to do so.  
12 The options for -- and-ings we are  
13 in discussion phase at this point.  
14 The options, I think we discussed,  
15 as to whether it was required to be  
16 into the sanitary sewer system or  
17 whether a drywell could suffice and  
18 the research indicates there is  
19 really no requirement for a  
20 sanitary sewer system. If there  
21 were septic systems present,  
22 that -- and the affluent was  
23 intended to go into that, that  
24 would be a permit issue. But  
25 that's a moot point because septic

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1 systems, as Eileen mentioned, are  
2 not permitted in the Village.

3 We also have a letter from  
4 Mr. Foote. Are you present  
5 tonight?

6 MR. FOOTE: I am.

7 CHAIRMAN MOORE: If you would  
8 want to indicate -- it was  
9 basically indicating that this  
10 would be an incidentally used  
11 outdoor shower, typical of  
12 returning from the beach. That was  
13 basically yourself and your wife  
14 that would use it?

15 MR. FOOTE: Correct.

16 CHAIRMAN MOORE: And that's  
17 where it stands. I believe the  
18 plans currently depict the affluent  
19 to be directed to a drywell  
20 immediately adjacent; is that  
21 correct?

22 MR. UELLEND AHL: Correct. We  
23 resubmitted the site plan based on  
24 Mr. Corwin's request to have all --  
25 the entire roof run off from the

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1 entire building, he expressed, into  
2 a drywell. So we calculated the  
3 drywells. We now have four larger  
4 drywells on the structure.

5 For the minutes, my name is  
6 Frank Uellendahl,  
7 U-E-L-L-E-N-D-A-H-L. I'm  
8 representing the owner.

9 MEMBER GORDON: I have a  
10 question.

11 CHAIRMAN MOORE: Yes, go  
12 ahead. We are welcome to have a  
13 discussion.

14 MEMBER GORDON: The note that  
15 we have from Mr. Digiuseppe of the  
16 Suffolk County Department of Health  
17 says if the house is connected to  
18 public sewers, then the  
19 installation of the shower drain  
20 would be at the discretion of the  
21 local sewer district. And I guess  
22 my question as a relative newcomer  
23 to this Board is: Is that  
24 equivalent to saying it's at the  
25 discretion of this Board or is

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1           there a representative of the sewer  
2           district who would make this  
3           decision?

4                   MEMBER CORWIN: The Village  
5           Administrator would do that.

6                   MEMBER GORDON: The Village  
7           Administrator would make the  
8           decision.

9                   And the house is connected to  
10          the municipal sewer, right?

11                   MR. UELLEND AHL: Correct.

12                   MEMBER GORDON: So I'm  
13          wondering whether this is a matter  
14          for us to decide or whether it is  
15          to be passed on to the Village  
16          Administrator. It's a question. I  
17          don't know the answer.

18                   CHAIRMAN MOORE: Is it a  
19          feasible alternative, one way or  
20          the other? Mr. Uellendahl, if you  
21          want to talk to that.

22                   MR. UELLEND AHL: Yes. We  
23          discussed this. I mean, we're only  
24          talking about an outdoor shower  
25          which is used for a minute or two.

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1           So there is not a lot of water  
2           going down. But we spoke to the  
3           contractor and he said it's not a  
4           problem to connect the shower to  
5           one of the drywells that we are  
6           proposing anyway. So if this is  
7           what the Board decides to do, we're  
8           willing to revise the site plan  
9           accordingly.

10           CHAIRMAN MOORE: I think, in  
11           general, this issue hasn't really  
12           come up too often --

13           MR. UELLEND AHL: No.

14           CHAIRMAN MOORE: -- for  
15           conforming properties. It's just a  
16           matter of building permits. There  
17           has not been, as you indicated from  
18           your experience, it's not been an  
19           issue. I don't see this issue,  
20           since it is an option for  
21           connection one way or the other, to  
22           be the major factor in the  
23           consideration of the variance. And  
24           I would suggest that we could leave  
25           this issue up for determination of

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1 the Village Administrator for this  
2 and for future connections.

3 So with that in mind, I think  
4 we issued really focus on the  
5 should of the setbacks that were  
6 requested in connection with the  
7 deck and the house construction.  
8 There have been no further changes  
9 in the plans other than the  
10 second-story window on the bay  
11 window area.

12 MR. UELLEENDAHL: Correct. We  
13 discussed this. This is the second  
14 window. It's not part of the  
15 application. There's no additional  
16 second-floor window proposed and we  
17 don't want it, so it's not going to  
18 be done.

19 CHAIRMAN MOORE: You would  
20 probably know this. The Historic  
21 Review Board has already considered  
22 this application?

23 MR. UELLEENDAHL: Correct. We  
24 had to go to HBC. I had to recuse  
25 myself as chairman of the

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1 HBC commission and it was passed  
2 unaniously and no problems there.

3 CHAIRMAN MOORE: Because one  
4 thing that comes up -- Mr. Prokop,  
5 I think it was just this morning  
6 you sent an email regarding --

7 MR. PROKOP: Well, there is a  
8 question that I see here.

9 CHAIRMAN MOORE: Yes. If you  
10 could just elaborate.

11 MR. PROKOP: I would just like  
12 to read what the laws are for the  
13 Board and for myself also. New  
14 York State Department of  
15 Environmental Conservation has  
16 regulations which list the  
17 different types of actions, Type I  
18 or Type II. If an action is not  
19 listed as Type I or Type II, it's  
20 considered an unlisted action.

21 Section 617 -- I think it's  
22 point 5. Point 4, I'm sorry --  
23 lists the Type I actions. And  
24 I'm just mentioning this for the  
25 future for the Board also.

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1 CHAIRMAN MOORE: It says  
2 point 4.

3 MR. PROKOP: Yes. Waste water  
4 to be Type I action, so the Type I  
5 action -- the one that's relevant,  
6 I think, to this Board is that a  
7 Type I action is any unlisted  
8 action -- and I'm going to  
9 paraphrase it -- any unlisted  
10 action which is occurring only or  
11 partly within or substantially  
12 continuous to any historic district  
13 that's listed on the National  
14 Register of Historic Places.

15 Now, we have a district in the  
16 Village which is listed on the  
17 National Register of Historic  
18 places. However, this application  
19 does not involve an unlisted  
20 action. It involves Type II  
21 actions. So in order for this  
22 action, or any action before this  
23 Board, to be considered a Type I  
24 action because of the subsection,  
25 would have to be an unlisted



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1 action, not one of the Type II  
2 actions.

3 So a Type II action includes  
4 area variances or residential --  
5 residential area variances  
6 basically, residential structures.  
7 And because the variances that are  
8 listed here are area variances for  
9 residential structures, they would  
10 be Type II actions. And because of  
11 that, they would not become a  
12 Type I by virtue of this list. So  
13 I think they would stay a Type I  
14 action -- excuse me -- a Type II  
15 action, even though they are a  
16 historic action.

17 CHAIRMAN MOORE: I'm glad you  
18 said that.

19 MS. WINGATE: Because they're  
20 unlisted?

21 MR. PROKOP: No. Because  
22 they're not unlisted.

23 MS. WINGATE: Because they're  
24 not unlisted.

25 MR. PROKOP: Because they're a

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1           Type II. So a Type II action in or  
2           near a historic district stays a  
3           Type II action. An unlisted action  
4           in or near a historic district  
5           becomes a Type I action.

6                     So we're okay with this as a  
7           Type II, it looks like.

8                     CHAIRMAN MOORE: Does  
9           everybody understand exactly what  
10          we're saying?

11                    (No verbal response.)

12                    Well, that's good. I think I  
13          get the drift. The reason why this  
14          came up is because at recent  
15          planning Board meetings, projects  
16          coming under their review in the  
17          historic district have, in some  
18          cases, been declared Type I  
19          actions, which requires a bit more  
20          homework to be done and a bit more  
21          documentation. But I'm glad to see  
22          that we could, by Mr. Prokop's  
23          interpretation, continue as we  
24          customarily do with a Type II  
25          action on this project.

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1                   Would the Board be inclined to  
2                   proceed with the determination with  
3                   the caveat that the shower drainage  
4                   issue would be done according to  
5                   the direction of the Village  
6                   Administrator? Is that agreeable  
7                   to everybody?

8                   MEMBER CORWIN: Yes. But I  
9                   would like to state my position on  
10                  the shower. Mr. Foote is a  
11                  wonderful neighbor. He's done a  
12                  wonderful job on that house, but  
13                  I'm not going to vote on a shower  
14                  that needs a variance. If somebody  
15                  wants to put a shower out that  
16                  doesn't need a variance outside,  
17                  that's fine. But not a variance to  
18                  have an outdoor shower.

19                  CHAIRMAN MOORE: Is this  
20                  shower within the setbacks that are  
21                  sought for a variance?

22                  MR. UELLEND AHL: Yes, it is.

23                  CHAIRMAN MOORE: So if not, it  
24                  would not have been an objection on  
25                  your part?

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1 MEMBER CORWIN: That's  
2 correct.

3 CHAIRMAN MOORE: Well, okay.  
4 You can vote your conviction on  
5 that then. Everybody agreeable to  
6 move forward with the  
7 determination?

8 MEMBER NEFF: I have one thing  
9 to say. We're basically saying, at  
10 the direction of the Village  
11 Administrator about the waste water  
12 from the said shower, the outdoor  
13 shower -- since we've never done  
14 this before, we certainly don't  
15 want to delay for months. I think  
16 we could offer, with our approval,  
17 that our recommendation is that the  
18 water be contained within the  
19 property, which we do the drywell  
20 or whatever, and we would like the  
21 Village Administrator to also weigh  
22 in. But that's what we've done in  
23 the past.

24 CHAIRMAN MOORE: Yes.

25 MEMBER NEFF: So I think that

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1 putting that with it is a good  
2 idea. Or we could end up with more  
3 questions.

4 MEMBER GORDON: You mean  
5 making it explicit.

6 MEMBER NEFF: Yes.

7 CHAIRMAN MOORE: So are you  
8 suggesting that we would recommend  
9 a particular type of connection and  
10 that --

11 MEMBER NEFF: That the water  
12 be contained within the property.

13 CHAIRMAN MOORE: Including the  
14 shower water in a drywell?

15 MEMBER NEFF: Yes, drywell.  
16 And any specific thing related to  
17 the shower, the Village  
18 Administrator could weigh in.

19 CHAIRMAN MOORE: But that  
20 would be subject to reversal by the  
21 Village Administrator if a new  
22 policy was to be implemented. Is  
23 that what you're saying?

24 MEMBER SALADINO: What if he  
25 took exception to it?

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1 CHAIRMAN MOORE: That's what  
2 we're doing. We're asking for him  
3 to make a further determination.

4 MEMBER SALADINO: Well, I'm  
5 not going to vote. I just have a  
6 question about this.

7 CHAIRMAN MOORE: Yes.

8 MEMBER SALADINO: If you make  
9 that recommendation and the  
10 applicant agrees to it -- that he  
11 directs the waste water to a  
12 drywell -- what would happen if the  
13 Village Administrator or the head  
14 of the sewer department takes  
15 exception to it?

16 MEMBER NEFF: I would think if  
17 there does become some kind of  
18 interpretation or regulation, that  
19 it would apply to any future  
20 application, rather than the  
21 current ones. In other words, it  
22 would be the new local -- I don't  
23 know what I want to call it -- law.  
24 Regulation, I think is a better  
25 word I think. We don't have one

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1 now.

2 CHAIRMAN MOORE: I think, at  
3 our last meeting, we discussed the  
4 obvious fact that there are many  
5 outdoor showers currently in use in  
6 the Village and have never been  
7 contested as far as on a sanitary  
8 basis. So then I would agree that  
9 we would use this, perhaps as a  
10 trigger point for the Village  
11 Administrator to make a  
12 determination. Whether he would do  
13 that alone or seek the Village  
14 Board's assistance on that, the  
15 Board of Trustees, I don't know.  
16 But I think that's agreeable.

17 Already, we know that we don't  
18 have Mr. Corwin's vote for a shower  
19 within the restricted footprint, so  
20 that we would have to proceed with  
21 that in mind. So shall we proceed  
22 then with the determination?

23 (No response.)

24 So the first part is to  
25 declare the Zoning Board of Appeals

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1 lead agency, according to the SEQRA  
2 requirements. While this is in the  
3 historic district and might be  
4 considered a Type I action because  
5 the requested variances are area  
6 variances, under the advice of  
7 Mr. Prokop, we would declare a  
8 Type II action and I would ask for  
9 someone to so move.

10 MEMBER GORDON: So moved.

11 CHAIRMAN MOORE: And a second.

12 MEMBER NEFF: Second.

13 CHAIRMAN MOORE: All in favor?

14 MEMBER NEFF: Aye.

15 MEMBER CORWIN: Aye.

16 MEMBER GORDON: Aye.

17 CHAIRMAN MOORE: Aye.

18 Any decline or extension?

19 MEMBER SALADINO: Abstained.

20 CHAIRMAN MOORE: Mr. Saladino  
21 is abstaining, so that is accepted.

22 Then we would keep in mind,  
23 just to remind everybody, we are  
24 looking at an addition of  
25 355 square feet to the interior



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1 space and, on the second floor, an  
2 addition of 80 square feet. In  
3 addition, we are looking at an  
4 addition of deck space, exterior  
5 deck space. And I'm looking for  
6 that in the write-up. I'm just not  
7 finding it immediately. I'm  
8 getting past the setbacks. There's  
9 a proposed deck expansion. I'm  
10 trying to remember if we had the  
11 square feet posted in the variance  
12 request. I don't see it here.

13 Mr. Uellendahl, do you recall  
14 what the addition of the area on  
15 the decks was? I'm just not  
16 finding it in the write-up.

17 MR. UELLEND AHL: It's  
18 mentioned on the site plan. The  
19 actual deck -- let me see. The  
20 deck is -- let me just see.

21 CHAIRMAN MOORE: If it's not  
22 stated in the --

23 MR. UELLEND AHL: 366 square  
24 feet of additional deck.

25 CHAIRMAN MOORE: Okay. That's

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1 fine then. 366 square feet of  
2 deck. The most significant issues  
3 are the setbacks and I'll read  
4 those to remind the Board.

5 The proposed front yard  
6 setback, which is actually the west  
7 First Street property line, for the  
8 new construction is 27 feet  
9 requiring a 3-foot front yard area  
10 variance because the front yard is  
11 on both the front and side streets.  
12 We are also looking at a rear yard  
13 setback 12 feet from the property  
14 line requiring an 18-foot rear yard  
15 area variance. And in the case of  
16 the rear yards, 30 feet is  
17 required.

18 I should mention that we, on  
19 the site visit, noted that this  
20 area is very well protected from  
21 view. It's actually behind the  
22 neighbor's garage area and there's  
23 no structure near that part of the  
24 property. The adjoining neighbor  
25 to the east is aware of this and

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1 made no significant objections to  
2 that variance request.

3 With that in mind, I would go  
4 through the questions that we need  
5 to ask on the variance. And that  
6 is whether, No. 1, an undesirable  
7 change would be produce in the  
8 character of the neighborhood or a  
9 detriment to nearby properties by  
10 the granting of the area variance?

11 Mr. Corwin?

12 MEMBER CORWIN: No.

13 CHAIRMAN MOORE: Ms. Gordon?

14 MEMBER GORDON: No.

15 CHAIRMAN MOORE: Ms. Neff?

16 MEMBER NEFF: No.

17 CHAIRMAN MOORE: Mr. Saladino  
18 is abstaining.

19 I will say no.

20 Whether the benefit sought by  
21 the applicant can be achieved by  
22 some method feasible for the  
23 applicant to pursue other than an  
24 area variance?

25 Mr. Corwin?

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1 MEMBER CORWIN: I'm giving a  
2 qualified no because the shower can  
3 be eliminated.

4 CHAIRMAN MOORE: Okay.

5 Ms Gordon?

6 MEMBER GORDON: No.

7 CHAIRMAN MOORE: Ms. Neff?

8 MEMBER NEFF: No.

9 CHAIRMAN MOORE: Mr. Saladino  
10 is abstaining.

11 I would answer no.

12 Whether the requested area  
13 variance is substantial?

14 Mr. Corwin?

15 MEMBER CORWIN: Yes.

16 CHAIRMAN MOORE: Ms. Gordon?

17 MEMBER GORDON: Yes.

18 CHAIRMAN MOORE: Ms. Neff?

19 MEMBER NEFF: Yes.

20 CHAIRMAN MOORE: Mr. Saladino  
21 is abstaining.

22 I would actually say no on  
23 that.

24 Whether the proposed variance  
25 will have an adverse effect or

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1 impact on the physical or  
2 environmental conditions in the  
3 neighborhood or district?

4 Mr. Corwin?

5 MEMBER CORWIN: No.

6 CHAIRMAN MOORE: Ms. Gordon?

7 MEMBER GORDON: No.

8 CHAIRMAN MOORE: Ms. Neff?

9 MEMBER NEFF: No.

10 CHAIRMAN MOORE: Mr. Saladino  
11 is abstaining.

12 I answer no.

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

20 Mr. Corwin?

21 MEMBER CORWIN: Yes.

22 CHAIRMAN MOORE: Ms. Gordon?

23 MEMBER GORDON: Yes.

24 CHAIRMAN MOORE: Ms. Neff?

25 MEMBER NEFF: Yes.

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1 CHAIRMAN MOORE: Mr. Saladino  
2 is abstaining.

3 I would also indicate yes.

4 Lastly, we would have a motion  
5 to approve the requested variances,  
6 which I stated just a moment ago.  
7 I believe the conditions we  
8 mentioned are that the affluent  
9 from the roof will be directed to  
10 the drywells as depicted in the  
11 plan. And that, as well, the  
12 shower drainage will also be  
13 directed to a drywell.

14 Were there any other  
15 conditions that the Board members  
16 can recall?

17 MEMBER CORWIN: Directed to a  
18 drywell or, on the suggestion of  
19 the Village Administrator, hooked  
20 up to the sewer system.

21 CHAIRMAN MOORE: And that  
22 determination will reside with the  
23 Village Administrator as the final  
24 decision? Is that what --

25 MEMBER CORWIN: That was my

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1 understanding, yes.

2 CHAIRMAN MOORE: We went back  
3 and forth on that. This would be a  
4 trigger, but not necessarily a  
5 change in requirement. But I will  
6 include that as a condition, that  
7 the shower affluent will be  
8 directed to a drywell or to the  
9 sanitary sewer as directed by the  
10 Village Administrator establishing  
11 a new policy for such conditions.

12 With that in mind --

13 MR. PROKOP: Can I just  
14 suggest that you qualify the  
15 language to say that subject to the  
16 recommendations of the Suffolk  
17 County Health Department,  
18 Department of Health Services?

19 CHAIRMAN MOORE: Yes, I could  
20 do that.

21 MR. PROKOP: Because depending  
22 how they choose to handle it, if  
23 there are different approvals that  
24 are required.

25 CHAIRMAN MOORE: This

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1 determination would be subject to  
2 the regulations of the Suffolk  
3 County Health Department.

4 MR. PROKOP: Yes.

5 CHAIRMAN MOORE: So with that  
6 in mind, I would offer a motion and  
7 ask for a second?

8 MEMBER GORDON: Second.

9 CHAIRMAN MOORE: And I will  
10 take a roll call.

11 Mr. Corwin, for the approval  
12 of the variances?

13 MEMBER CORWIN: No.

14 CHAIRMAN MOORE: Ms. Gordon?

15 MEMBER GORDON: Yes.

16 CHAIRMAN MOORE: Ms. Neff?

17 MEMBER NEFF: Yes.

18 CHAIRMAN MOORE: Mr. Saladino  
19 is abstaining. I would answer yes,  
20 so that motion carries out the  
21 variances. Approved.

22 Good luck with your project.

23 MR. UELLEND AHL: Thank you  
24 very much. We appreciate it.

25 CHAIRMAN MOORE: We're at the



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1 point of Item No. 2, which is the  
2 discussion and a possible decision  
3 action for the appeal for the area  
4 variance of Tracy Combs. We're now  
5 at the discussion phase and we may  
6 engage you in some questions and  
7 answers on that.

8 At the site, one of the  
9 concerns I had -- even though  
10 pre-existing, nonconforming  
11 conditions exist in the  
12 neighborhood -- is that the garage,  
13 while modest in height, still  
14 closes in quite closely to the  
15 neighboring property. I don't know  
16 if there's any way to alleviate  
17 that impact because that's  
18 essentially where the addition is  
19 being proposed. Moving it back  
20 also has an impact of softening the  
21 effect of the garage at the front  
22 of the property. This structure is  
23 actually proposed to protrude  
24 closer to the street. I believe it  
25 meets the setback calculated based

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1 on existing setbacks even though  
2 it's less than 30 feet. It is  
3 within the zone to the front of the  
4 property. It's just the closeness  
5 to the side of the property. The  
6 thing that I noticed -- and the  
7 design elements, we're not looking  
8 at -- but the depiction of the  
9 garage door is a fairly  
10 contemporary design. It's also  
11 quite close to the street. When I  
12 drove the length of the street, I  
13 don't believe there is a single  
14 property that has a garage  
15 approximate to the street and  
16 immediately facing the street.  
17 Most of the properties have a shed  
18 or a barn or a garage structure  
19 usually in the rear corner of the  
20 property.

21 So to me, that's a significant  
22 impact of this project on the  
23 neighborhood's environment. The  
24 size of the lot coverage that's  
25 being increased by the addition of

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1           some living space, which is  
2           essentially the second floor  
3           bedroom and the utility room  
4           behind, to me, is not a significant  
5           increase. I forget what the  
6           percentage of the lot coverage was,  
7           but still far less than 30 percent.  
8           I'm guessing in the low 20s?

9           MEMBER CORWIN: My  
10          calculations it's over 30 percent  
11          with the swimming pool.

12          MS. P. MOORE: Sir, could you  
13          speak a little louder?

14          CHAIRMAN MOORE: He's  
15          including the swimming pool in the  
16          calculation. We'd have to seek  
17          advice from the building inspector  
18          who is not currently here.

19          MEMBER SALADINO: I don't  
20          believe a swimming pool in  
21          Greenport -- in Southold it is, but  
22          in Greenport it's not considered  
23          lot coverage.

24          CHAIRMAN MOORE: It's usually  
25          accessory structures and principled

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1 structures. Yes, I believe that's  
2 not included.

3 MEMBER SALADINO: But the  
4 fence?

5 MS. P. MOORE: The swimming  
6 pool is not considered lot  
7 coverage, correct.

8 CHAIRMAN MOORE: No, not in  
9 Greenport.

10 MS. P. MOORE: Do you want to  
11 hear from us?

12 CHAIRMAN MOORE: I'm just  
13 making some comments that we'll  
14 have some go-around with.

15 MS. P. MOORE: Do you want  
16 us -- a dialogue as far as what  
17 we think we need to --

18 CHAIRMAN MOORE: Well, we can  
19 get to that. I just -- and I'll  
20 yell to the back. Swimming pools  
21 are not lot coverage calculated; is  
22 that correct?

23 MS. WINGATE: Swimming pools  
24 are not calculated in lot coverage.

25 CHAIRMAN MOORE: That confirms

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1           it.  If I can move my personal  
2           comments, and then the rest of the  
3           Board, obviously, has an  
4           opportunity that I'm not giving  
5           them at this moment.

6                     The swimming pool concerns me.  
7           It's generous to offer meeting the  
8           backyard setback requirement by  
9           moving it closer to the house, but  
10          the property to the rear is almost  
11          out of sight.  It's far away from  
12          the rear fence.  The impact I note  
13          is to the side properties,  
14          especially to the north.

15                    You do have a friendly  
16          neighbor who apparently, you  
17          indicate, is glad that you're  
18          building a pool.  But it's in full  
19          view of that area of the yard.  
20          That is the living area of that  
21          property.  To the south, there's a  
22          facade of a house close to the  
23          property line and less outdoor  
24          living space in that area.  So it  
25          concerns me that the orientation of

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1 the pool places it very close, even  
2 though it's not possible to meet  
3 all setback requirements. If the  
4 orientation of the pool were  
5 different and the size were  
6 different, it perhaps would have  
7 less impact. There's no indication  
8 on the current plans of screening,  
9 other than the fact that you  
10 acknowledge a fence requirement for  
11 a swimming pool.

12 MS. COMBS: Mm-hmm.

13 CHAIRMAN MOORE: But that  
14 doesn't necessarily, by the  
15 requirement, create a visual screen  
16 that might protect the view from  
17 neighboring property. I know your  
18 current neighbors don't object to  
19 it, but they may not always be your  
20 neighbors.

21 MS. COMBS: Mm-hmm.

22 CHAIRMAN MOORE: Those are my  
23 feelings. Any other comments from  
24 the Board? And then we'll engage  
25 in a little dialogue back and

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1           forth.

2           Mr. Saladino is welcome to  
3           participate because he's coming in  
4           new on this, just as all of us are  
5           at this point.

6           MEMBER SALADINO: I have a  
7           question also about the pool. It  
8           says "standard residential size,  
9           20 by 40 -- well, 18 by 37. And I  
10          imagine there will be coping around  
11          it and some kind of walkway around  
12          the pool.

13          MS. COMBS: A very small  
14          amount of coping. It's pretty much  
15          grass, is what we're thinking, and  
16          a very small amount of coping.

17          MEMBER SALADINO: It has to be  
18          large enough to walk around, I  
19          would imagine, right?

20          MS. COMBS: Yeah, but I  
21          don't -- I mean, not --

22          MS. P. MOORE: Are you asking  
23          about patio?

24          MS. COMBS: Yeah. I don't  
25          know what you're asking.

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1           MEMBER SALADINO: I'm talking  
2           about coping around the pool and  
3           combing around the pool, a walkway  
4           around the pool. It's not going to  
5           transition from grass to pool.

6           MS. COMBS: But it could only  
7           be about a foot wide. I mean,  
8           we're not talking about 3 feet or a  
9           patio or anything like that, no.

10          MEMBER SALADINO: So that  
11          could change the setbacks also.

12          CHAIRMAN MOORE: That's not  
13          included in the setback. It's the  
14          edge of the pool, I believe, as  
15          described in the code.

16          MS. P. MOORE: Just the  
17          coping, right? Coping is the edge  
18          of the pool, typically, isn't it?

19          MEMBER SALADINO: About  
20          20 by 40 is --

21          MR. PROKOP: I think I would  
22          like to have that clarified on the  
23          record because I don't think -- I  
24          mean, to me the edge of the coping  
25          is the edge of the pool. It's not



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1 the edge of the water that's the  
2 edge of the pool. It's the edge of  
3 whatever the pool structure is.

4 And then if there's any kind  
5 of a walkway -- unless if we had a  
6 subsequent setback, if there's any  
7 kind of a walkway or patio that's  
8 built around that, that needs  
9 another variance because it's a  
10 further intrusion into the setback.

11 CHAIRMAN MOORE: Is that the  
12 case, a patio?

13 MR. PROKOP: Also, a  
14 ground-level may not need it.

15 CHAIRMAN MOORE: I mean, it  
16 affects the visual impact and the  
17 buffering of grassy areas because  
18 there's not a lot of room left.

19 MS. WINGATE: To me, this  
20 looks like the coping meets the  
21 grass.

22 MEMBER NEFF: Yes.

23 MS. COMBS: Yes.

24 MS. WINGATE: That's what I'm  
25 seeing.

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1 MS. COMBS: Yes, that's  
2 correct.

3 MEMBER SALADINO: I know you  
4 explained it in the submission, but  
5 the reason for the breezeway, the  
6 reason for the mudroom is to avoid  
7 eliminating windows as opposed to a  
8 direct addition?

9 MS. P. MOORE: Multiple  
10 reasons. One is windows, but, two,  
11 it causes the least amount of  
12 disruption to the existing house.  
13 It's the siding, it's the windows,  
14 it's the heating inside, the  
15 utilities that they have. So the  
16 addition is going to provide -- the  
17 mudroom creates the -- call it  
18 underground -- the below-grade  
19 connection of all of the utilities  
20 into the basement, the back end of  
21 the garage, which is also a  
22 basement. So it allows a  
23 connection, a basement connection,  
24 between the main house and the  
25 addition. So -- but primarily it's

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1 to cause the least amount of  
2 destruction to the main house.  
3 Windows, everything stays in place  
4 as much as possible.

5 MEMBER SALADINO: I'm just  
6 confused about the basement. But  
7 if it was a direct connection and  
8 you planned on having a half  
9 basement under the garage, wouldn't  
10 access be available to the main  
11 basement from there? I mean from  
12 the --

13 MS. P. MOORE: No. There is a  
14 bill code door there now. We would  
15 get rid of the bill code door. The  
16 plumbing, heating, all the items  
17 that are in the basement now would  
18 connect through -- the bill code  
19 door would essentially be replaced  
20 with a basement connection. And  
21 then that's the way that  
22 they're going to bring in all of  
23 the utilities.

24 MEMBER SALADINO: I understand  
25 that. But if you made a direct

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1 attachment to the house and there  
2 was a foundation wall that would be  
3 adjacent to the current foundation  
4 wall, that would provide access to  
5 a mechanical plan from the main  
6 house. It would also eliminate  
7 5 feet of a variance, of a  
8 requested variance.

9 MS. P. MOORE: True, but it  
10 would eliminate all of the windows  
11 on that side of the house.

12 MEMBER SALADINO: Well, you  
13 have a 200-foot structure 5 feet  
14 away from every window on that side  
15 of the house.

16 MS. P. MOORE: That was less  
17 disruptive to the owners. Yes, I  
18 asked that same question and they  
19 said no, it's -- it still would  
20 provide light into the rooms. It's  
21 more affordable also for us.

22 CHAIRMAN MOORE: One thing,  
23 too, on the design. When I  
24 mentioned the forward position of  
25 the new addition. It appears that

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1           you don't show all of the  
2           elevations but there is a shed  
3           dormer on the second floor to the  
4           north and south, which I assume  
5           provide window openings?

6           MS. COMBS:   Mm-hmm.

7           CHAIRMAN MOORE:   And those are  
8           then immediately adjacent to the  
9           house to the south.

10          MS. COMBS:   Mm-hmm.

11          CHAIRMAN MOORE:   Now, to the  
12          north, I don't know if it has as  
13          much impact because your house is  
14          in between.

15          MS. COMBS:   It's just us.

16          CHAIRMAN MOORE:   So that's one  
17          of the things that sort of  
18          accentuates my concern for the  
19          forward position of the structure.

20          MS. P. MOORE:   Did you want us  
21          to talk about that?   Because there  
22          is room to step back the addition.  
23          That doesn't really impact, much,  
24          the design.   It's -- I don't know  
25          why you guys had it forward.

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1 MS. COMBS: I think it was  
2 because of the bill code door.

3 CHAIRMAN MOORE: Right. And  
4 you had the opportunity. That  
5 basement section would be more  
6 difficult, of course, to connect  
7 directly to the house. The  
8 basement section in the new  
9 structure was utility and  
10 mechanicals?

11 MS. COMBS: Yes. And also to  
12 provide a bill code door, an  
13 outside entrance into the basement.

14 CHAIRMAN MOORE: Right. To  
15 the rear. Perhaps something like  
16 that could be provided in the  
17 connecting part of the structure  
18 between the buildings, the old and  
19 the proposed. That might be an  
20 opportunity. And the pool again --

21 MEMBER CORWIN: Mr. Chairman.

22 CHAIRMAN MOORE: Yes?

23 MEMBER CORWIN: Your position  
24 is that it's going to be approved  
25 and you're negotiating the

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1 applicants --

2 CHAIRMAN MOORE: No, I'm

3 explaining --

4 MEMBER CORWIN: -- and I don't

5 think that's correct.

6 CHAIRMAN MOORE: I shouldn't

7 be --

8 MEMBER CORWIN: And I also

9 want to note we're going to have

10 time constraints unless we move

11 this along.

12 CHAIRMAN MOORE: Yes, we're

13 getting close. The only thing I

14 mention is, you know, we sort of

15 moved away from a dialogue of my

16 personal concerns as one member,

17 and then others will express them.

18 The way it would work, of

19 course, is we would take the plan

20 as proposed and put it to the vote.

21 You also had the opportunity not to

22 let that happen. But I would like

23 to just continue the dialogue with

24 the Board members and I would

25 express my concern about the pool.

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1 I think the position aggravates its  
2 nonconformance. And that's my  
3 comment.

4 MS. COMBS: Mm-hmm.

5 CHAIRMAN MOORE: So other  
6 members of the Board, if you would  
7 like to make comments and then we  
8 can have a limited dialogue. I  
9 understand Mr. Corwin's comment.  
10 Because we're not negotiating a  
11 solution, we're bringing up our  
12 concerns at this point. Other  
13 members of the Board?

14 MEMBER GORDON: I'm concerned  
15 about the pool because we have a  
16 code for very specific reasons. I  
17 realize it's a very narrow lot. So  
18 many of the lots do not take into  
19 account the possibility of a pool  
20 because they were determined far  
21 earlier than a time when people  
22 wanted pools. But 7 feet on each  
23 side seems to me a very, very  
24 narrow area and when you add up the  
25 two variances, we're talking about



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1 a total of 26 feet. And I am  
2 concerned about the general lack of  
3 conformance with a standard that  
4 has some meaning.

5 I'm also somewhat concerned  
6 about the look of the proposed  
7 addition from the street. It does  
8 seem to me it's going to look quite  
9 different from the rest of the  
10 block and it's going to look like a  
11 second little house. I haven't  
12 really come to a conclusion about  
13 that, but it does seem to me it  
14 does create some dissonance with  
15 the rest of the immediate  
16 neighborhood.

17 CHAIRMAN MOORE: One thing I  
18 should mention is that, like right  
19 now, the Zoning Board of Appeals  
20 sometimes appears to be putting on  
21 a Planning Board hat and I think we  
22 actually have that option of asking  
23 for input from the Planning Board  
24 to help us in guiding our decision.  
25 And I'm thinking that, at this

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1 point, to avoid a dialogue in  
2 design and changes in the design,  
3 the Board might consider forwarding  
4 the application for review by the  
5 Planning Board as it stands and  
6 they would be in a position to make  
7 suggestions.

8 MEMBER CORWIN: I object to  
9 that.

10 CHAIRMAN MOORE: Okay. On the  
11 basis?

12 MEMBER CORWIN: Let's move  
13 this thing along. I agree,  
14 basically, with what Diane is  
15 saying. The pool is just too much  
16 of a variance and the streetscape  
17 is really going to be changed by  
18 what's proposed.

19 MEMBER GORDON: And both of  
20 these issues are zoning issues, so  
21 I would feel some sense of  
22 irresponsibility by passing it to  
23 the Planning Board.

24 CHAIRMAN MOORE: Okay. Well,  
25 that's just an option. Yes?

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1           MEMBER NEFF: Also, I mean,  
2           you mentioned the part about the  
3           percentage and the numbers about  
4           the said variances. There's also  
5           to be noted, we've dealt with other  
6           pools on 50- or 51-foot wide lots,  
7           but none that were 15 feet long.  
8           That's not unusual totally, but  
9           most Village lots are 150 feet  
10          deep. So we do have this  
11          concentration in this smaller area.

12          CHAIRMAN MOORE: I'm a little  
13          confused.

14          MEMBER NEFF: In other words,  
15          this lot is 51 by 115.

16          CHAIRMAN MOORE: Oh, 115. I'm  
17          sorry.

18          MEMBER NEFF: And when I look  
19          at it I think, is there another  
20          orientation of the pool that makes  
21          this more feasible? Is there  
22          another process of making --  
23          really, an addition to the house is  
24          one issue. Combining the garage  
25          with the addition to the house,

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1           this is where we create the visual  
2           impact related to the garage, plus  
3           an addition to the house. And we  
4           also have the lot size and the  
5           orientation of the pool.

6           It's a lot. I think there are  
7           other options. Also, we don't have  
8           the mechanicals. We don't have the  
9           materials of what it would look  
10          like. I mean, I think one of the  
11          neighbors request that the shed  
12          dormer on the structure, the garage  
13          plus bedroom, not face south. In  
14          other words, that be eliminated. I  
15          think in a lot of ways it's a  
16          sketch of a plan rather than a  
17          plan.

18          CHAIRMAN MOORE: Well, I'm  
19          kind of glad that changing the  
20          plans isn't really under our  
21          purview. That's really  
22          something that --

23          MEMBER NEFF: But to suggest  
24          that they're incomplete.

25          CHAIRMAN MOORE: Yes. Well, I

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1 think that the variances requested,  
2 which are the main issues, the  
3 setbacks and the pool, are  
4 sufficiently described that we can  
5 make a decision. So we could  
6 proceed at this point.

7 MR. PROKOP: Could I make a  
8 couple of comments before?

9 CHAIRMAN MOORE: Yes.

10 MR. PROKOP: Thank you. So I  
11 have a threshold comment. This  
12 Board normally operates with plans  
13 that are certified by a  
14 professional, showing the existing  
15 conditions and also the proposed  
16 conditions. The Board does not  
17 have a set of plans that show  
18 the -- I'm sorry. That I'm aware  
19 of, I should say, that are  
20 certified by a professional that  
21 show the existing conditions and  
22 also the proposed conditions.  
23 That's highlighted by the fact that  
24 this sketch plan that was generated  
25 for the Board, this illustration I

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1 should say, has -- and I'm saying  
2 this, I'm your attorney, not your  
3 architect. There's errors in this  
4 that are fairly obvious and I don't  
5 think that you could proceed with  
6 this application unless their are  
7 plans submitted by a certified  
8 professional that are stamped and  
9 sealed that show existing  
10 conditions and also proposed  
11 conditions.

12 CHAIRMAN MOORE: We have a  
13 survey which shows existing  
14 conditions, which I assume is  
15 official?

16 MS. P. MOORE: Yes.

17 CHAIRMAN MOORE: I take the  
18 Village attorney's point that these  
19 drawings -- you didn't indicate how  
20 they were prepared or by whom.

21 MS. P. MOORE: My client  
22 actually prepared them.

23 MS. COMBS: I prepared them  
24 based on the survey.

25 CHAIRMAN MOORE: So,

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1 Mr. Prokop, the appropriate  
2 procedure, there's nothing wrong  
3 with a client preparing them, but  
4 someone in a professional capacity  
5 would have to certify them?

6 MR. PROKOP: Yes. And I also  
7 point out to the Board -- I mean,  
8 there are errors in the plans  
9 that -- and the dimensions that are  
10 shown on here. For instance, the  
11 pool length and the setbacks don't  
12 add up to the width of the  
13 property.

14 So anyway, for this level  
15 project, I don't think we should be  
16 looking at an illustration that,  
17 with all due respect to the  
18 applicant -- and I understand that  
19 this is something that she  
20 practices in, if I'm not  
21 mistaken -- I don't think that,  
22 with this level of project, the  
23 Board should consider this.

24 The second thing is with  
25 respect to the comments about the

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1           mechanicals. The mechanicals are  
2           always considered by this Board in  
3           any pool application, to the extent  
4           that they affect the impact of the  
5           project, which is two of the five  
6           considerations that the Board has  
7           to make. And I think we need the  
8           location and the buffering of the  
9           mechanicals should be shown on --  
10          whatever plans are eventually  
11          submitted, I think that they should  
12          be located together with the  
13          buffering so we could make an  
14          analysis based on the location of  
15          the mechanicals and the distance to  
16          the structures on the adjoining  
17          properties.

18                 The third thing that I wanted  
19                 to mention in this application --  
20                 and these are intended to be legal  
21                 comments. One of the five  
22                 considerations that you make that  
23                 we normally have a no on, but in  
24                 this application it would seem  
25                 pretty straightforward it would be



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1 a yes, is whether or not the  
2 applicant could achieve the relief  
3 that's requested by the variance by  
4 another feasible method. I think  
5 that in this application that that  
6 would seem to be a yes. And unlike  
7 whether the hardship was self  
8 created, which is not controlling,  
9 whether the relief can be achieved  
10 by some other method that's  
11 feasible may, in fact, be  
12 controlling. The fence is  
13 illustrated as a six-foot fence  
14 across the property. This is an  
15 existing or is this proposed?

16 MS. WINGATE: Proposed 6-foot  
17 fence.

18 MR. PROKOP: Does that need a  
19 variance?

20 MS. WINGATE: No.

21 MR. PROKOP: The application  
22 originally came to us and two of  
23 the people of the people on the  
24 Board now were not on the Board at  
25 that time -- or not present and/or

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1 not at the Board meeting. But  
2 there was an application that was  
3 considered in March, I think, which  
4 involved the proposal for an  
5 accessory structure which basically  
6 had plumbing in it. And there was  
7 a discussion at that time about the  
8 height of that accessory structure.  
9 The applicant mentioned that they  
10 were aware that they could  
11 basically take that and attach it  
12 to the house and not be limited by  
13 the height restriction of an  
14 accessory structure. I'm  
15 mentioning that because with the  
16 discussion about the Board about  
17 the way that this is attached to  
18 the property -- excuse me. That  
19 the proposed to be attached, they  
20 would have to be attached by living  
21 space. They could not be attached  
22 by space that's not unheated or not  
23 living space. The residence is  
24 separated by space that's not --  
25 excuse me. The two structures

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1 separated by space that's not  
2 living space.

3 CHAIRMAN MOORE: Such as a  
4 breezeway, you were saying?

5 MR. PROKOP: Yes. I'm just  
6 concerned about that. We did not  
7 ask the applicant the use of the  
8 two buildings, but she offered an  
9 explanation. And just given the  
10 fact that there's going to be a  
11 breezeway between the two --

12 MS. P. MOORE: There is no  
13 breezeway. It's a mudroom.

14 MR. PROKOP: A mudroom?

15 CHAIRMAN MOORE: Yes, it's a  
16 mudroom.

17 MS. P. MOORE: I don't think  
18 you're looking at the right plans.

19 MS. COMBS: If you don't mind  
20 me approaching, here are the most  
21 recent plans.

22 MS. P. MOORE: The mudroom is  
23 heated. It's considered habitable  
24 space.

25 MEMBER CORWIN: Mr. Chairman?

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1 CHAIRMAN MOORE: Mr. Corwin,  
2 yes?

3 MEMBER CORWIN: I note  
4 Mr. Prokop's comments --

5 MR. PROKOP: It says mudroom.

6 MEMBER CORWIN: (inaudible) --  
7 incorrect. I'm ready to vote  
8 because I know how I'm going to  
9 vote. I tried to do the applicants  
10 a favor in January, suggesting that  
11 they withdraw their application  
12 rather than get a no vote in  
13 January. They came back with just  
14 about the same size application.  
15 My position at this point in time  
16 is I'm going to vote no on the  
17 swimming pool and the addition.

18 CHAIRMAN MOORE: One thing  
19 that I'm hearing from Mr. Prokop is  
20 that there are some technical  
21 difficulties in the application  
22 that invalidate it as a proper  
23 appeal for a variance.

24 MS. P. MOORE: No, I don't  
25 think that's what he said.

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1           MR. PROKOP: The other thing  
2           that I wanted to mention was if you  
3           look at the survey -- so it's shown  
4           on here too. The property is not  
5           rectangular. It's almost  
6           rectangular but it's not. The  
7           minimum area -- I just wanted to  
8           point out that there's at least one  
9           error in the dimensions and I think  
10          that that should require the Board  
11          to ask for revised plans. And I  
12          suggest they be certified by a  
13          professional.

14          CHAIRMAN MOORE: Is it your  
15          recommendation then, that rather  
16          than moving this to a vote, that  
17          you're indicating that would be  
18          inappropriate and that we should  
19          do, what, request a revised set of  
20          plans? Is that what you're saying?  
21          That we should not proceed based on  
22          the plans as currently presented?

23          MR. PROKOP: I don't see how  
24          you could. And I think you need to  
25          require the location of the --

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1                   MEMBER CORWIN: The bill code  
2 door and the pool --

3                   CHAIRMAN MOORE: Yes. I  
4 think --

5                   MR. PROKOP: I mean, at the  
6 last meeting, we talked an hour  
7 about the cover of the pool. And  
8 I'm not belittling that. That's  
9 the kind of sensitivity that we  
10 have toward the neighbors.

11                   MEMBER CORWIN: But why make  
12 them go through that if they're  
13 going to get a no vote? Which is  
14 kind of what it's shaping up to be.

15                   CHAIRMAN MOORE: Yes. What  
16 I'm saying is, based on  
17 Mr. Prokop's analysis, that the  
18 plans as currently presented,  
19 should not be considered  
20 appropriate for proceeding. So we  
21 would give the applicant the  
22 opportunity to revise them and make  
23 them acceptable so that I would  
24 make a motion to table any  
25 determination at this point,

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1 pending the revision of the plans  
2 that would make them satisfactory  
3 with the issues that were discussed  
4 tonight.

5 MEMBER CORWIN: Do we have to  
6 consider the 62-day time limit?

7 MS. P. MOORE: If you reopen  
8 the hearing, because I think that's  
9 what your asking for revised plans,  
10 then there is no timeline.

11 CHAIRMAN MOORE: I think we  
12 could solve that problem by  
13 rejecting the plan. But if you  
14 would agree that the clock wouldn't  
15 start ticking until the new plans  
16 are in, I would be glad to just say  
17 that we're requiring a revision of  
18 plans. And that gives you an  
19 opportunity to correct the  
20 deficiencies that were pointed out.

21 Is that appropriate, do you  
22 think?

23 MR. PROKOP: I think the vote  
24 would be -- I think, at the  
25 hearing, it was determined that the

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1 plans were not complete and the  
2 acceptance of the plans was revoked  
3 or returned to the applicants for a  
4 revised plan application.

5 CHAIRMAN MOORE: So are we  
6 revoking the application?

7 MR. PROKOP: I think so  
8 because we accepted plans that were  
9 not --

10 CHAIRMAN MOORE: That solves  
11 the time issue.

12 It just means that you have to  
13 resubmit the plans.

14 MEMBER SALADINO: Could I make  
15 a comment about that?

16 CHAIRMAN MOORE: Yes.

17 MEMBER SALADINO: I agree with  
18 the plans being incomplete. But if  
19 and when you come back with a more  
20 technical drawing, the issues are  
21 going to be the same. And the  
22 attitudes, I'm guessing, of the  
23 Board is that it's a very, very  
24 ambitious project that perhaps some  
25 of us are uncomfortable with. So



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1           regardless if you put a more  
2           technical plan in front of us, the  
3           concept is going to be the same,  
4           the issue is going to be the same.  
5           For me, anyway.

6                     MEMBER CORWIN:   And for me.

7                     MEMBER GORDON:   I am concerned  
8           about raising expectations.

9                     CHAIRMAN MOORE:   Right.

10                    MEMBER GORDON:   I think the  
11           applicant has been through a lot  
12           already.  And if we are really  
13           doubtful about more than the  
14           procedural problems, which  
15           Mr. Prokop suggests, I guess I'm  
16           uncomfortable about encouraging a  
17           future application.

18                    MR. PROKOP:   I think that the  
19           difficulty with the mistakes in the  
20           plans and the incompleteness would  
21           be within approval.  I think that  
22           you could determine the impact  
23           sufficient to deny the application  
24           with the errors in the plans, if  
25           that seems to be the way the Board

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1 is going.

2 CHAIRMAN MOORE: Well, I would  
3 like to have, as Mr. Corwin always  
4 says, things all complete and  
5 properly signed. I would like to  
6 make the process move in that  
7 direction, that we're not deciding  
8 at this point, but we're requiring  
9 a revision of the plans. I think  
10 it also gives the applicant the  
11 opportunity to take into account  
12 the discussions that occurred  
13 tonight and consider the  
14 application.

15 One thing I might suggest is  
16 that we could consider, even though  
17 both portions -- the swimming pool  
18 and the house -- are submitted  
19 because of their overall impact on  
20 the property, whether we could  
21 consider them individually. I  
22 don't know.

23 Mr. Prokop?

24 MR. PROKOP: Yes, you could.

25 CHAIRMAN MOORE: We could?

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1 MR. PROKOP: Yes.

2 CHAIRMAN MOORE: That might be  
3 a consideration on the application,  
4 to segment it into two requests.  
5 We will, still, if they are  
6 simultaneous -- and that's the way  
7 we prefer it. I mean, we do not  
8 like to have a request for variance  
9 and then a request for something  
10 else. We would take in the overall  
11 impact, but you would have the  
12 opportunity to have one, the other,  
13 or both approved, or not.

14 MS. COMBS: We did them  
15 together originally because we  
16 thought that would be preferable  
17 for the Board.

18 CHAIRMAN MOORE: I would just  
19 like to state that I am not  
20 complaining about much of the  
21 detail on the plans. I think  
22 they're very clearly prepared and  
23 very well done. There are some  
24 technical issues of professional  
25 stamping and also some of the

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1 details of the construction on the  
2 house and also the pool.

3 At the site, it was quite  
4 clear that you were very flexible.  
5 "We could do this," or "We could do  
6 that." I think we need to know,  
7 what are you going to do? "This is  
8 really what we want. This is it."

9 MS. COMBS: I understand.  
10 We're working within a pretty tight  
11 budget, so I apologize. But any  
12 extra money that we don't have to  
13 spend, we're trying not to.

14 CHAIRMAN MOORE: Okay. That  
15 sounds goods. Then the  
16 recommendation here is to return  
17 the plans to the applicant to  
18 correct deficiencies in the plan.  
19 I'm -- if the Board agrees --  
20 amendable to tabling the  
21 proceedings, pending the  
22 resubmission of the plans, and we  
23 can resume discussions. I think we  
24 would have to rehear -- if the  
25 plans changed to any significant

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1 degree, we would have to rehear  
2 them.

3 If you're simply certifying  
4 the plans and you're presenting  
5 exactly the same plans, perhaps  
6 since it's not an increase or any  
7 change in variance, we could  
8 proceed without a hearing.

9 Do you think?

10 MR. PROKOP: If there was no  
11 change in the variances.

12 CHAIRMAN MOORE: It says no  
13 increase in nonconformance, but I  
14 would suggest you correct the  
15 application.

16 So I'm going to move that we  
17 table further discussion of the  
18 application pending resubmission of  
19 the application. If the  
20 application is significant that it  
21 increases the variances requested,  
22 we'll have to repost for public  
23 hearing again. I make that motion.  
24 May I have a second?

25 MEMBER CORWIN: Discussion?

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1 CHAIRMAN MOORE: Yes?

2 MEMBER CORWIN: I'm opposed to  
3 that. I think you're saying to the  
4 applicants, "Change a little and  
5 maybe you'll get what you want." I  
6 would like a vote tonight. And I  
7 want to hear from the applicant  
8 that the 62 days is not going to  
9 apply.

10 MEMBER NEFF: That the what?  
11 I didn't hear the last thing you  
12 said.

13 MEMBER CORWIN: I want to hear  
14 from the applicant that the 60-day  
15 approval from the date of the  
16 application is not going to apply.

17 CHAIRMAN MOORE: Let's do  
18 first things first. I think  
19 Mr. Corwin is asking that we  
20 proceed with a vote. So I will  
21 make a motion to the Board for  
22 determination that we will move  
23 forward with a vote this evening.  
24 I make that motion. As for a  
25 second?

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1 MEMBER CORWIN: Second.

2 CHAIRMAN MOORE: All in favor?

3 MEMBER CORWIN: Aye.

4 MEMBER GORDON: Aye.

5 MEMBER SALADINO: Aye.

6 CHAIRMAN MOORE: Opposed?

7 MEMBER NEFF: Aye.

8 CHAIRMAN MOORE: Aye. So we  
9 have three in favor of making a  
10 decision and two opposed, so we  
11 will proceed with a decision.

12 MS. P. MOORE: May I speak?

13 CHAIRMAN MOORE: Yes.

14 MS. P. MOORE: Okay. As far  
15 as the 62-day rule -- Mr. Prokop  
16 can confirm this -- it's actually  
17 62 days from the date of the close  
18 of the hearing.

19 CHAIRMAN MOORE: Correct.

20 MS. P. MOORE: So if you were  
21 to, as you were proposing before,  
22 have us provide some more detail in  
23 drawings with the possibility of a  
24 rehearing, which I would consider  
25 the repositioning of the pool to

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1 increase setbacks, side yard  
2 setbacks. However, encroach on the  
3 rear yard. That might necessitate  
4 a rehearing. I don't know. I'll  
5 leave it to Mr. Prokop to decide.

6 CHAIRMAN MOORE: Well, right  
7 now we're at the point of moving  
8 ahead with a determination, as we  
9 have a plan on the table.

10 MS. P. MOORE: I understand  
11 that. But given the comments that  
12 we have received, it would seem to  
13 us that, consider your comments and  
14 hopefully have a majority of the  
15 Board that would entertain part or  
16 all of the application, either  
17 separate or together. I know how  
18 Mr. Corwin feels, but with five  
19 members of the Board, I would hope  
20 that maybe with some redesign.

21 CHAIRMAN MOORE: I'm thinking  
22 I have a little problem. We just  
23 voted to proceed. And on the  
24 advice of the Village attorney, he  
25 indicated that the plans are not



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1 suitable to make a proper  
2 determination because there are  
3 technical issues with them. So I'm  
4 thinking, are we willing to  
5 reject --

6 MEMBER CORWIN: If I could  
7 make a suggestion?

8 CHAIRMAN MOORE: Yes.

9 MEMBER CORWIN: The applicant  
10 can withdraw the application and  
11 start over again for the third  
12 time.

13 CHAIRMAN MOORE: Well, you're  
14 making that issue apparent.

15 Mr. Prokop, are we in a  
16 position to overturn your  
17 recommendation and forge ahead?

18 MR. PROKOP: If you feel that  
19 the illustration that has been  
20 provided to you satisfactorily  
21 illustrates the impact or the  
22 variances that are requested, then  
23 you can proceed.

24 CHAIRMAN MOORE: So the Board,  
25 with that advice has indicated

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1           that --

2                   MR. PROKOP:  With a denial.  I  
3           don't think you could approve it  
4           because it doesn't add up.  But  
5           right now, on the table there's a  
6           request for X, Y, and Z variances.  
7           You've been there, you looked at  
8           the plans.

9                   CHAIRMAN MOORE:  Yes.  So the  
10          indication from the Board is there  
11          is a feeling there is sufficient  
12          information presented as to the  
13          nature and the variances asked for  
14          and that we could make a decision  
15          based on those questions, despite  
16          the fact there's some technical  
17          issues in the plans themselves.

18                   With that in mind, I think we  
19          can proceed since we do have an  
20          application and the application is  
21          for a house addition and a swimming  
22          pool variance combined.  At this  
23          point, we would declare the Zoning  
24          Board of Appeals lead agency,  
25          according to SEQRA.  And in this

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1 case, it would be declared a  
2 Type II action. I make that  
3 motion. Can I have a second?

4 MEMBER SALADINO: Second.

5 CHAIRMAN MOORE: All in favor?

6 MEMBER GORDON: Aye.

7 MEMBER CORWIN: Aye.

8 MEMBER SALADINO: Aye.

9 MEMBER NEFF: Aye.

10 CHAIRMAN MOORE: Aye. Moving  
11 ahead with the questions concerning  
12 this request for variance.

13 MEMBER CORWIN: One minute.

14 CHAIRMAN MOORE: Yes.

15 MEMBER SALADINO: What about  
16 the -- if we're going to move ahead  
17 with the applications?

18 MEMBER CORWIN: Frankly, I  
19 don't think we have enough time to  
20 finish this up this evening.

21 CHAIRMAN MOORE: Yes.

22 MEMBER CORWIN: We're going to  
23 have to find some other way to  
24 proceed because the fire department  
25 is going to come in here at

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1 seven o'clock. These people  
2 haven't even had a chance to say  
3 anything and we have a half an hour  
4 back and forth, at least, on this.

5 CHAIRMAN MOORE: Well, we're  
6 at the point of voting. And the  
7 voting process would take  
8 approximately five minutes, I would  
9 guess. I don't know if there are  
10 any other discussions at this  
11 point. The vote is based on the  
12 application as presented. I don't  
13 think there were any  
14 specifications. We are lacking a  
15 position of mechanical equipment,  
16 so we might have to indicate that  
17 the mechanical equipment would have  
18 to be placed on the southeast part  
19 of the property and be screened  
20 from view and provide sound  
21 screening. But other than that, we  
22 would be moving, eventually, with a  
23 motion for approving or  
24 disapproving the variance.

25 MEMBER CORWIN: The last

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1 motion we made declared this a  
2 Type II application.

3 CHAIRMAN MOORE: Yes.

4 MEMBER CORWIN: But we didn't  
5 make a determination on its effects  
6 on the environment.

7 CHAIRMAN MOORE: There is an  
8 issue of -- several of the members  
9 reviewed the short environmental  
10 form and would like to discuss that  
11 in terms of the type of action  
12 we're taking, a Type II action; is  
13 that right?

14 MEMBER CORWIN: Well, my  
15 position is -- and I get confused  
16 on whether it's a negative or a  
17 positive declaration -- that this  
18 needs -- if you're going to vote  
19 no, it needs a positive  
20 declaration.

21 MR. PROKOP: Type II means  
22 there's no declaration. Type II  
23 means there's not SEQRA review.

24 MEMBER CORWIN: Okay.

25 CHAIRMAN MOORE: We voted

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1 that, so I guess that makes that  
2 decision moved. So we'd be  
3 prepared to move ahead with the  
4 voting?

5 MEMBER CORWIN: Yes.

6 CHAIRMAN MOORE: So the first  
7 question is whether an undesirable  
8 change would be produced in the  
9 character of the neighborhood or a  
10 detriment to nearby properties will  
11 be created by the granting of the  
12 your variance? And I would ask for  
13 a roll call. My names are in a  
14 different order, so I'm going to  
15 ask Mr. Saladino first.

16 MEMBER SALADINO: I'm going to  
17 vote yes.

18 CHAIRMAN MOORE: Mr. Corwin?

19 MEMBER CORWIN: Yes.

20 CHAIRMAN MOORE: Ms. Gordon?

21 MEMBER GORDON: Yes.

22 CHAIRMAN MOORE: Ms. Neff?

23 MEMBER NEFF: Yes.

24 CHAIRMAN MOORE: And I would  
25 answer yes.

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1                   Whether the benefits sought by  
2                   the applicant can feasibly be  
3                   achieved by some method feasible to  
4                   the applicant to pursue other than  
5                   an area variance?

6                   Mr. Saladino?

7                   MEMBER SALADINO: I vote yes  
8                   again.

9                   CHAIRMAN MOORE: Mr. Corwin?

10                  MEMBER CORWIN: Yes.

11                  CHAIRMAN MOORE: Ms. Gordon?

12                  MEMBER GORDON: Yes.

13                  CHAIRMAN MOORE: Ms. Neff?

14                  MEMBER NEFF: Yes.

15                  CHAIRMAN MOORE: And I'm

16                  answering no on that one.

17                  Whether the requested area  
18                  variance is substantial?

19                  Mr. Saladino?

20                  MEMBER SALADINO: I'm going to  
21                  vote yes again.

22                  CHAIRMAN MOORE: Mr. Corwin?

23                  MEMBER CORWIN: Yes.

24                  CHAIRMAN MOORE: Ms. Gordon?

25                  MEMBER GORDON: Yes.

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1 CHAIRMAN MOORE: Ms. Neff?

2 MEMBER NEFF: Yes.

3 CHAIRMAN MOORE: I answer yes.

4 Whether the proposed variance  
5 will have an adverse effect on the  
6 physical or environmental  
7 conditions in the neighborhood or  
8 district?

9 Mr. Saladino?

10 MEMBER SALADINO: No.

11 CHAIRMAN MOORE: Mr. Corwin?

12 MEMBER CORWIN: Yes.

13 CHAIRMAN MOORE: Ms. Gordon?

14 MEMBER GORDON: Yes.

15 CHAIRMAN MOORE: Ms. Neff?

16 MEMBER NEFF: Yes.

17 CHAIRMAN MOORE: I would  
18 answer no.

19 Whether the alleged difficulty  
20 was self created, with  
21 consideration, shall be relevant to  
22 the decision of the Board of  
23 Appeals, but shall not necessarily  
24 preclude the granting of the area  
25 variance?



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1 Mr. Saladino?

2 MEMBER SALADINO: Yes.

3 CHAIRMAN MOORE: Mr. Corwin?

4 MEMBER CORWIN: Yes.

5 CHAIRMAN MOORE: Ms. Gordon?

6 MEMBER GORDON: Yes.

7 CHAIRMAN MOORE: Ms. Neff?

8 MEMBER NEFF: Yes.

9 CHAIRMAN MOORE: And I answer  
10 yes.

11 Lastly, we would have a motion  
12 to approve the requested variance  
13 which consists of three variances  
14 for setbacks on the pool. Two  
15 being 7 feet to the north and  
16 south, and one 15 feet to the east  
17 and the rear of the lot, and a  
18 combined side yard setback variance  
19 of 12.84 feet where 25 feet is  
20 required.

21 The motion is to approve the  
22 variance and it would be contingent  
23 on placement of the mechanicals for  
24 the pool at the rear of the  
25 property line to the southeast and

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1 properly screened for sound and  
2 view. I make that motion and ask  
3 for a second.

4 MEMBER SALADINO: Second.

5 CHAIRMAN MOORE: I'll take a  
6 roll call. Mr. Saladino?

7 MEMBER SALADINO: To approve?

8 CHAIRMAN MOORE: This is a  
9 motion to approve.

10 MEMBER SALADINO: No.

11 CHAIRMAN MOORE: Mr. Corwin?

12 MEMBER CORWIN: No.

13 CHAIRMAN MOORE: Ms. Gordon?

14 MEMBER GORDON: No.

15 CHAIRMAN MOORE: Ms. Neff?

16 MEMBER NEFF: No.

17 CHAIRMAN MOORE: And I vote  
18 no.

19 Unfortunately the variance, as  
20 requested, is not approved. Thank  
21 you for coming.

22 CHAIRMAN MOORE: Now, the Item  
23 No. 3, which we have run out of  
24 time once again for, is the  
25 interpretation regarding fences.

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1 I would just, at this point,  
2 like to make a motion to accept an  
3 appeal for a use variance, publicly  
4 notice and schedule a public  
5 hearing for Lydia Wells, warden of  
6 the Holy Trinity Church, 718 Main  
7 Street, Suffolk County, Tax Map  
8 1001-2.-3-5.

9 The applicant proposes to  
10 construct a second residential unit  
11 in an existing one-family house in  
12 the R1 District, Section 150-7 A  
13 does not permit any building to be  
14 used in whole or part for any use  
15 except one-family detached  
16 dwellings, not to exceed one  
17 dwelling on each lot.

18 Just to give some information  
19 on this, we had previously approved  
20 this two-family occupancy -- this  
21 is on church property -- for  
22 members of the church. The  
23 applicant is now requesting that  
24 this property be rented on the open  
25 market as two apartments as

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1 nonconforming in the R1 District.  
2 So that's the nature of this  
3 request.

4 We do have the application,  
5 which appears to me to be complete,  
6 so I make a motion that we accept  
7 that application for consideration.

8 Yes, Mr. Corwin?

9 MEMBER CORWIN: I hate to keep  
10 bringing this stuff up, but I'm  
11 gonna.

12 CHAIRMAN MOORE: Yes. Please.

13 MEMBER CORWIN: We have to  
14 have something from the church  
15 wardens appointing Lydia to make  
16 this application.

17 MS. WELLS: I'm a warden.

18 MEMBER CORWIN: I understand  
19 that, but I think we have to  
20 have --

21 MS. MILLER: Do you have a  
22 piece of paper? I'll sign it  
23 because I'm the other warden.

24 CHAIRMAN MOORE: Are there two  
25 in patrolling.

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1                   MEMBER CORWIN: I won't hold  
2                   the application and vote no  
3                   tonight, but we need some document  
4                   from the church authorizing.

5                   CHAIRMAN MOORE: I wasn't  
6                   aware that that was lacking, but  
7                   that could be done.

8                   MR. PROKOP: We could take  
9                   care of it.

10                  MS. WELLS: Can I ask a  
11                  question?

12                  CHAIRMAN MOORE: Yes.

13                  MS. WELLS: Who at the church  
14                  would sign it? We do not have a  
15                  priest.

16                  MR. PROKOP: Just have the  
17                  other one of you sign it.

18                  CHAIRMAN MOORE: If you're the  
19                  governing body of the church, then  
20                  if you both sign it --

21                  MS. MILLER: We are the  
22                  treasurer and the secretary.

23                  CHAIRMAN MOORE: -- and be  
24                  sure it's notarized.

25                  MR. PROKOP: Just have

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1 somebody stamp it.

2 CHAIRMAN MOORE: So we can  
3 accept that. And I think the  
4 procedure, since we had approved  
5 previously the variance, when we  
6 get to the point of considering a  
7 new variance, we may possibly have  
8 to rescind the original one.

9 Mr. Prokop?

10 MR. PROKOP: That's up to you.

11 MEMBER CORWIN: It's a year,  
12 so the original variance is over.

13 CHAIRMAN MOORE: Well, a year  
14 has passed. Although there has  
15 been progress in the construction,  
16 so the construction is under way.  
17 So I'm making a motion to accept it  
18 on contingent of receipt of the  
19 signed authorizations.

20 With that, I'll ask for a  
21 second.

22 MEMBER GORDON: Second.

23 CHAIRMAN MOORE: All in favor?

24 MEMBER CORWIN: Aye.

25 MEMBER SALADINO: Aye.

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1 MEMBER GORDON: Aye.

2 MEMBER NEFF: Aye.

3 CHAIRMAN MOORE: Aye.

4 So we're going to talk about  
5 it next month. There will be a  
6 public hearing scheduled for that.

7 MEMBER CORWIN: Do we need an  
8 inspection for that?

9 CHAIRMAN MOORE: It's up to  
10 the Board. We have a new member.  
11 Is the property able to be  
12 inspected safely by the members of  
13 the Board? We may wish to do an  
14 inspection at 4:30 next month. It  
15 would be the third Wednesday, which  
16 will be August 15. So we'll have a  
17 site inspection just to remind  
18 ourselves what was being asked for.

19 So did we get to the point of  
20 voting? We did, right? We  
21 accepted the application.

22 MS. WELLS: Can I just ask, Is  
23 there anything else that you would  
24 like us to expand upon in the  
25 application?

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1                   CHAIRMAN MOORE:  It's pretty  
2                   clear that you indicate you no  
3                   longer have the need for staff to  
4                   be staying there and the desire is  
5                   now to recoup income through  
6                   open-market rentals on church  
7                   property.

8                   MS. WELLS:  Yes.

9                   CHAIRMAN MOORE:  I think we  
10                  have the gist of what's being  
11                  requested.  So I would, Item No. 5,  
12                  make a motion to accept the ZBA  
13                  minutes for June 15, 2015.  Second,  
14                  please.

15                 MEMBER SALADINO:  Second.

16                 MEMBER GORDON:  May I just add  
17                 for the record that I ask that the  
18                 minutes be corrected.  On page 35  
19                 of the June meeting minutes, it  
20                 says that I voted yes on the  
21                 question of Mr. Kitz on the  
22                 question of whether his proposed  
23                 change would have a negative effect  
24                 on the physical nature of the  
25                 neighborhood.  It says that I voted



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1 yes but I didn't. I voted no.

2 CHAIRMAN MOORE: We've  
3 confirmed that from my records, so  
4 that was an error in the minutes.

5 MEMBER GORDON: So just  
6 correct that in the minutes.

7 CHAIRMAN MOORE: And we can  
8 check that next month when we  
9 approve them potentially. So  
10 anyway, I made that motion. I had  
11 a second and an explanation. All  
12 in favor?

13 MEMBER SALADINO: Aye.

14 MEMBER GORDON: Aye.

15 MEMBER NEFF: Aye.

16 CHAIRMAN MOORE: Any opposed?

17 MEMBER CORWIN: I abstain.

18 CHAIRMAN MOORE: Mr. Corwin  
19 abstains.

20 Motion to approve the ZBA  
21 minutes for May 20, 2015, so moved.  
22 Second?

23 MEMBER GORDON: Second.

24 CHAIRMAN MOORE: All in favor?

25 MEMBER GORDON: Aye.

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1 MEMBER SALADINO: Aye.

2 MEMBER NEFF: Aye.

3 CHAIRMAN MOORE: Aye. Abstain

4 or --

5 MEMBER CORWIN: I abstain.

6 CHAIRMAN MOORE: Mr. Corwin

7 abstains.

8 Motion to schedule the next

9 regular ZBA meeting for

10 August 15, 2015. That would

11 include a site inspection at the

12 church at 4:30.

13 MEMBER NEFF: It's the third

14 Wednesday?

15 CHAIRMAN MOORE: It should be

16 the third Wednesday.

17 MEMBER NEFF: Because it's not

18 the 15th, it's the 19th.

19 CHAIRMAN MOORE: 19th, I'm

20 sorry. I'll correct that.

21 August 19. So it will be the 19th.

22 Is that agreeable to everybody? I

23 don't know if we have to vote on

24 that. We have a meeting every

25 third Wednesday.

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1                   Lastly, I make a motion to  
2                   adjourn.

3                   MEMBER CORWIN:    Second.

4                   CHAIRMAN MOORE:   All in favor?

5                   MEMBER CORWIN:    Aye.

6                   MEMBER SALADINO:   Aye.

7                   MEMBER GORDON:    Aye.

8                   MEMBER NEFF:       Aye.

9                   CHAIRMAN MOORE:    Aye.   Nobody  
10                  is declining on that one.  Thank  
11                  you everybody.

12                  (Whereupon, the meeting concluded.)

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JULY 15, 2015

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

2 STATE OF NEW YORK )  
 ) ss:  
3 COUNTY OF NEW YORK )

4 I, Tracy Newman, Shorthand Reporter and Notary  
5 Public within and for the State of New York, do  
6 hereby certify that the within is a true and  
7 accurate transcript of the proceedings taken on  
8 July 15, 2015.

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

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 27th day of July, 2015.

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Tracy Newman

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