

1 VILLAGE OF GREENPORT
 2 COUNTY OF SUFFOLK STATE OF NEW YORK
 3 -----X
 4 ZONING BOARD OF APPEALS
 5 REGULAR MEETING
 6 -----X

7
 8 April 18, 2017
 9 6:00 P.M.
 10
 11 Third Street Fire Station
 12 Greenport, New York
 13

14
 15 B E F O R E:
 16
 17 JOHN SALADINO - Chairman
 18 DAVID CORWIN - Member
 19 DINNI GORDON - Member
 20 ELLEN NEFF - Member
 21 ARTHUR TASKER - Member
 22
 23 JOSEPH PROKOP - Village Attorney
 24 EILEEN WINGATE - Village Building Inspector
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1 (The meeting was called to order at 6:05 p.m.)

2 CHAIRMAN SALADINO: Folks, it's 6:05. This
3 is the regular meeting of the Zoning Board,
4 Greenport Zoning Board of Appeals.

5 Item # -- Item #1 is to -- a motion to
6 accept the minutes of the March 21st, 2017 ZBA
7 meeting. So moved.

8 MS. NEFF: Second.

9 CHAIRMAN SALADINO: All in favor?

10 MR. CORWIN: Aye.

11 MS. GORDON: Aye.

12 MS. NEFF: Aye.

13 MR. TASKER: Aye.

14 CHAIRMAN SALADINO: Aye.

15 Opposed?

16 T (No Response)

17 CHAIRMAN SALADINO: Item #2 is motion to
18 approve the minutes of the February 21st, 2017
19 ZBA meeting. So moved.

20 MS. GORDON: Second.

21 CHAIRMAN SALADINO: All in favor?

22 MS. GORDON: Aye.

23 MS. NEFF: Aye.

24 MR. TASKER: Aye.

25 CHAIRMAN SALADINO: Aye.

1 Opposed?

2 MR. CORWIN: I abstain.

3 CHAIRMAN SALADINO: Four yes, one
4 abstention.

5 Item #3 is motion to schedule the next ZBA
6 meeting for 6 p.m. on May 16th, 2017 at Station
7 One of the Greenport Fire Department. So moved.

8 MS. NEFF: Second.

9 CHAIRMAN SALADINO: All in favor?

10 MR. CORWIN: Aye.

11 MS. GORDON: Aye.

12 MS. NEFF: Aye.

13 MR. TASKER: Aye.

14 CHAIRMAN SALADINO: Aye.

15 Opposed?

16 T (No Response)

17 Item #4 is a public hearing on the
18 application for Alexander and -- how do you say
19 that name?

20 MR. HARBES: Ju-lie.

21 CHAIRMAN SALADINO: Ju-lie Bell, 302 Sixth
22 Street, Greenport, New York, 11944; Suffolk
23 County Tax Map #1001-6.-7-8.

24 The public notice is here, we're not going
25 to read it. Public notice is online. Someone

1 from the applicant. Oh, do we have the mailings,
2 before we open?

3 MS. WINGATE: Excuse me?

4 CHAIRMAN SALADINO: Do we have the
5 mailings?

6 MS. WINGATE: Yes.

7 CHAIRMAN SALADINO: And I have a couple of
8 letters. Am I going read them after this guy
9 talks or before he talks?

10 MS. WINGATE: It's up to you.

11 CHAIRMAN SALADINO: I've got a couple of
12 letters. Thanks. I got a couple of letters. Am
13 I going to read them before he speaks or after?
14 What pleases the Board?

15 MR. CORWIN: Before.

16 CHAIRMAN SALADINO: Before? All right.

17 I have the mailings. The neighbors that
18 were notified are Kathryn -- Kathryn Conklin, 237
19 Sixth Street, Greenport, New York, 11944; David
20 D'Amico, 282 South Fifth Street, Apartment 9E,
21 Brooklyn, New York; Dena Zemsky, 310 Greenwich
22 Street, New York, New York; Thomas Tupper, 361
23 77th Street, Brooklyn, New York; Paul Haining, 65
24 Main Avenue, Sea Cliff, New York; Robert
25 Buchanan, 251 Clermont Avenue, Brooklyn, New

1 York; Stephen -- Stephen Ferrari, 311 Sixth
2 Street, Greenport, New York, and John Williams,
3 229 Fifth Street.

4 I have two letters from neighbors, from the
5 neighbors that we'll read now, and then we'll let
6 the applicants representative -- here they are.

7 "Zoning Board of Appeal, Village of
8 Greenport, 236 Third Street, Greenport, New York,
9 11944.

10 "Dear ZBA Board, I am a resident in the
11 neighborhood and like to voice my concern
12 regarding the proposed pool being built in the
13 front yard of 302 Sixth Street. It will in all
14 respects be a front yard pool right of" -- "right
15 on top of us, along with the noise, safety
16 issues, and the inevitable blockade around that
17 property that will be a result of the variance.

18 If you've seen the property, you know how
19 much that corner will change. I believe this is
20 exactly the circumstances for which these rules
21 were created, and I hope the Board will consider
22 voting against it. It will be a permanent change
23 for the worse.

24 We treasure our little part of the Village,
25 and as" -- "and as I'm sure you do with yours.

1 We appreciate your efforts to preserve our
2 neighborhoods in cases like this. Please help us
3 keep it a charming Village. Sincerely, A
4 Concerned Neighborhood Resident."

5 MS. GORDON: Is there no signature?

6 AUDIENCE MEMBER: That doesn't count.

7 MS. GORDON: This is an anonymous letter?

8 AUDIENCE MEMBER: Does that count?

9 MS. GORDON: What is the rule about an
10 anonymous letter?

11 CHAIRMAN SALADINO: We're going to ask the
12 Attorney.

13 MR. TASKER: I share your concern, Dinni.

14 CHAIRMAN SALADINO: We're going to ask the
15 Attorney.

16 MR. PROKOP: There's no rule one way or the
17 other, it's up to the Board. If it's -- a letter
18 is considered testimony or a statement. If it
19 cannot be attributed to an individual, then my
20 recommendation is that it not be made part of the
21 record, because it would not be -- it could not
22 be considered testimony, because the speaker of
23 the testimony or the writer of the letter cannot
24 be identified. So my recommendation would be if
25 it can't be -- if it's not signed or identified

1 as to the -- identifiable as to the person that
2 sent it, then it should not be considered for the
3 record.

4 CHAIRMAN SALADINO: As testimony or as a
5 comment?

6 MR. PROKOP: Well, either, either.

7 AUDIENCE MEMBER: It's the same thing.

8 CHAIRMAN SALADINO: Because -- I ask
9 because I have another one here.

10 MS. NEFF: Is there a letter?

11 MS. GORDON: Also anonymous?

12 MR. TASKER: Yes.

13 CHAIRMAN SALADINO: Also anonymous,
14 Greenport homeowner.

15 MS. NEFF: Does the letter --

16 MR. PROKOP: Can I see the letter, the one
17 first?

18 CHAIRMAN SALADINO: Did you want to see it?

19 MS. GORDON: There's no return address on
20 either one, so there is --

21 CHAIRMAN SALADINO: I don't have the
22 envelope.

23 MR. PROKOP: Yeah, I don't think that -- if
24 it doesn't have the person's name, I don't think
25 it should be made part of the record.

1 MS. NEFF: Do they identify themselves as a
2 neighbor? I see -- I get that they're homeowners
3 in Greenport.

4 CHAIRMAN SALADINO: Well, I didn't -- I
5 didn't read it.

6 MS. NEFF: Okay. Well, let's listen.

7 CHAIRMAN SALADINO: If I read it, then it's
8 part of the record.

9 MS. NEFF: That's true. Excuse me.

10 MS. LINGG: I have the envelope.

11 MS. NEFF: Could we look at the envelopes,
12 please?

13 CHAIRMAN SALADINO: Is there an address?

14 MS. LINGG: It doesn't have a return
15 address on it.

16 MS. NEFF: Is that our past practice, does
17 any member recall?

18 MR. PROKOP: I don't think we every got
19 any --

20 CHAIRMAN SALADINO: I'm not sure we ever
21 had an anonymous letter before. I can't remember
22 every getting an anonymous letter.

23 MS. NEFF: I think that we have.

24 MS. GORDON: Ellen, you're the person who's
25 been on the Board the longest; do you know?

1 MS. NEFF: I know. Well, I believe we
2 have, but they usually identify themselves as a
3 neighbor.

4 MS. GORDON: Or you've been on the Board
5 the longest. Have we ever gotten an anonymous
6 letter?

7 MR. CORWIN: No.

8 CHAIRMAN SALADINO: Well, this says as "A
9 Greenport Homeowner".

10 MS. NEFF: Which is --

11 CHAIRMAN SALADINO: And this is "A
12 Concerned Neighbor." I'm going to take a
13 consensus of the Board. What -- how does the
14 Board feel about this? I have another letter
15 here, which it's -- well, it's obvious this
16 homeowner lives close, but there's no name.

17 MS. NEFF: Well, what is the phrase that
18 identifies close, please?

19 CHAIRMAN SALADINO: "As a longstanding
20 Greenport homeowner... open air, quiet,
21 neighborhood charm."

22 MS. NEFF: I think that does necessarily go
23 to close.

24 CHAIRMAN SALADINO: Well, I didn't read the
25 whole letter, but --

1 MS. NEFF: Okay. But if there is anything
2 in it, I'm interested, because I've been in the
3 position of --

4 CHAIRMAN SALADINO: Do you want to read it?

5 MS. NEFF: No. I will read it, but if you
6 want -- I'm getting the sense the Board does not
7 want to read it into the record.

8 CHAIRMAN SALADINO: Well, their opinion is
9 going to be expressed in their vote.

10 MS. NEFF: I've been in the position where
11 having to say something about something I
12 objected to in the neighbor's yard involved going
13 through the process of what can I do, and finding
14 out I have some choices. And all of them
15 involved in some way identifying myself. And,
16 thank God, I was at that time blessed with good
17 sense, we could quibble with whether I still have
18 that good sense, of not engaging in a battle or a
19 war, but doing what I could.

20 CHAIRMAN SALADINO: Well --

21 MS. NEFF: I lost, but anyway.

22 CHAIRMAN SALADINO: I think -- I think
23 that --

24 MS. NEFF: But I did sign my name. And I
25 understand the Board's reluctance, but I cannot

1 believe that all the time I've been on this Board
2 we've never had something that is not fully
3 identified as the person's name.

4 CHAIRMAN SALADINO: Well, I think -- I
5 think --

6 MS. NEFF: But "homeowner" is not
7 sufficient.

8 CHAIRMAN SALADINO: Okay.

9 MS. NEFF: In my view.

10 CHAIRMAN SALADINO: No. We're going to
11 vote on that. And just my own thought is, is
12 that, obviously, these two people are perhaps
13 adjacent neighbors and they just don't want to
14 make their neighbor --

15 MS. GORDON: It's a --

16 CHAIRMAN SALADINO: You know, voice an
17 opinion against their neighbors. But what's
18 the --

19 MS. NEFF: It is what it is.

20 CHAIRMAN SALADINO: Let's just -- just so
21 we make it official, we're going to vote. Are we
22 going to reject these letters as being read into
23 the record?

24 MR. TASKER: So moved.

25 CHAIRMAN SALADINO: David? I'm going to

1 take a roll call vote, this way there's no --

2 MR. TASKER: I second.

3 MS. GORDON: Say it again.

4 CHAIRMAN SALADINO: I second, I second.

5 MR. TASKER: Oh, you did. I'm sorry, I
6 didn't hear you.

7 CHAIRMAN SALADINO: David?

8 MR. CORWIN: No.

9 MS. GORDON: Would you repeat that? How
10 are you phrasing the motion?

11 CHAIRMAN SALADINO: Whether to reject
12 reading these into the record.

13 MS. GORDON: But are you moving to reject
14 them or --

15 CHAIRMAN SALADINO: Yes.

16 MS. GORDON: Okay. I vote yes.

17 CHAIRMAN SALADINO: Ellen?

18 MS. NEFF: Yes.

19 MR. TASKER: Yes.

20 CHAIRMAN SALADINO: I'm going to vote yes,
21 too. All right. So we're not going to read
22 them. We're going to hear from --

23 MS. NEFF: What did you vote?

24 CHAIRMAN SALADINO: Yes.

25 MS. NEFF: Okay. Thank you.

1 CHAIRMAN SALADINO: We're going to hear
2 from the applicant. We apologize to the public.

3 MR. HARBES: Hello. So as far as those
4 letters that you read that are irrelevant --

5 MR. CORWIN: Can you give your name,
6 please.

7 CHAIRMAN SALADINO: Well, we --

8 MR. HARBES: My name is Peter Harbes.

9 CHAIRMAN SALADINO: I'm sorry. We --

10 MR. HARBES: I'm here representing Alex and
11 Ju-lie Bell.

12 CHAIRMAN SALADINO: We read one letter. Do
13 you have a concern about that?

14 MR. HARBES: The letter and the validity of it?

15 CHAIRMAN SALADINO: Well, I'm not sure.
16 Once it's in the record, I'm not sure what we can
17 do about it, you know, but we chose not to read
18 the second letter.

19 MR. HARBES: Okay. Well, as far as it
20 being an undesirable change, I don't believe that
21 it is going to be an undesirable change granting
22 the variance for a 16-by-32 pool and a six-foot
23 fence on 302 Sixth Street. Just because you guys
24 have seen the property itself, it's engulfed in
25 long-lived beautiful perennials. The property is

1 gorgeous, it's an outstanding property. Even the
2 previous homeowner herself was a landscape
3 designer. So as far as it being undesirable and
4 it not -- it being a detriment to the
5 neighborhood, I don't believe that that's going
6 to be -- it's not going to be a detriment.

7 Alex and Julie are seeking a benefit to
8 themselves and it simply can't be achieved
9 without granting this variance, because the
10 property is simply too small as a direct result
11 of Greenport Village specs. It simply cannot --
12 it's not feasible without granting this variance.
13 It's not a substantial variance either. There
14 are many properties in the Village of Greenport
15 that have swimming pools and six-foot fences as
16 well.

17 CHAIRMAN SALADINO: On corner lots? You
18 have a --

19 MR. HARBES: I don't have a number. I
20 don't have a number, but I know that there are a
21 decent amount of pools.

22 And it's not going to have any kind of
23 impact on the environment or physical impact on
24 the neighborhood itself, as you can see by the
25 proposed dry well that's on the survey to -- in

1 case of any kind of an overflow or situation that
2 would happen.

3 And it's not a self-created -- it's not a
4 self-created problem, it's just the lot itself is
5 too small.

6 CHAIRMAN SALADINO: Okay.

7 MR. TASKER: How small was it before they
8 bought it?

9 MR. HARBES: How small was it before they
10 bought it?

11 MR. TASKER: How small was the lot before
12 they purchased it, was it too small?

13 MR. HARBES: For -- to put in a swimming
14 pool, as far as --

15 MR. TASKER: To do what they're proposing
16 to do.

17 MR. HARBES: For Greenport specs, yes.

18 MR. TASKER: To do what they are proposing
19 to do.

20 MR. HARBES: Yes, the lot is too small --

21 MR. TASKER: Too small before they
22 purchased it.

23 MR. HARBES: -- before they purchased it.

24 MR. TASKER: Okay. And are you familiar
25 with the definition of a self-created hardship?

1 It's called coming to the nuisance or walking
2 into the problem with prior awareness.

3 MR. HARBES: Okay.

4 MR. TASKER: So I don't agree with you,
5 that it is not a self-created hardship. The
6 hardship is you're looking for a change -- you're
7 looking for a variance and you're not sure you're
8 going to get it.

9 MR. HARBES: Absolutely.

10 CHAIRMAN SALADINO: Anyone have any
11 questions?

12 (No Response)

13 CHAIRMAN SALADINO: Okay.

14 MS. NEFF: Uh --

15 CHAIRMAN SALADINO: I'm sorry.

16 MS. NEFF: Did -- we were at the site, but
17 there -- was there maybe sufficient discussion of
18 the mechanical --

19 CHAIRMAN SALADINO: We had to ask -- we
20 asked --

21 MR. HARBES: We did discuss --

22 CHAIRMAN SALADINO: If I could.

23 MR. HARBES: Sure.

24 CHAIRMAN SALADINO: We asked the
25 applicant's representative last month to provide

1 us with updated drawings, or something that shows
2 you have a dry well that, for all intents and
3 purposes, could serve as -- to collect the storm
4 water from the garage, but it has no function as
5 far as the pool. There's no -- there's no
6 mention on this, on this plan of --

7 MS. NEFF: Filter.

8 CHAIRMAN SALADINO: Of --

9 MR. HARBES: The dry well is serving a
10 purpose to protect any kind of overflow that's
11 going to happen from the pool so that won't be
12 leached into the ground.

13 CHAIRMAN SALADINO: How could that be
14 possible, just -- and I apologize for asking
15 that, but I find that question -- that answer
16 like -- I mean, it's --

17 MR. HARBES: And it's been raining in the
18 wintertime.

19 CHAIRMAN SALADINO: It's 28 feet -- it's 36
20 feet from the pool. How's it going to handle --
21 an overflow from where? What kind of overflow
22 are we talking, if the pool fills up too much?

23 MR. HARBES: No, it's not only that. It
24 just could be the potential overflow from water,
25 but it's also for draining it in the wintertime.

1 You only drain it down to --

2 CHAIRMAN SALADINO: But that's illegal in
3 the Village of Greenport.

4 MR. HARBES: No, we only go down a
5 couple -- a little bit of water. It's just down
6 to -- you can't drain past the jets in the pool.

7 CHAIRMAN SALADINO: I'm just -- unless I
8 made a mistake, I'm just telling you where you
9 have to put --

10 MR. HARBES: Okay.

11 CHAIRMAN SALADINO: -- whatever you take
12 out of that pool and it's not a dry well.

13 MR. HARBES: Okay.

14 CHAIRMAN SALADINO: So --

15 MR. TASKER: What's the volume for the dry
16 well?

17 MR. HARBES: It's a single cell. I'm not
18 sure.

19 MR. TASKER: I don't know what that is?

20 MR. HARBES: I don't know the -- I don't
21 the volume off the top of my head.

22 MR. TASKER: I don't know what a single
23 cell is.

24 MS. NEFF: Right.

25 MR. TASKER: Can you help me?

1 CHAIRMAN SALADINO: Are you talking like an
2 eight-foot ring, one ring?

3 MR. HARBES: One ring.

4 CHAIRMAN SALADINO: Eight-foot ring?

5 MR. HARBES: Yes.

6 CHAIRMAN SALADINO: David, how tall are
7 those rings?

8 MR. CORWIN: Generally, they're four feet.

9 MR. TASKER: That's about 20 cubic feet or
10 140 gallons.

11 CHAIRMAN SALADINO: My problem is we asked
12 -- even to phrase it as a heads-up, that we would
13 be asking for this this month and I don't have
14 it. These are -- these are kind of questions
15 that I would like to --

16 MS. NEFF: But the proposed structure, you
17 know, there's -- it's vague, is what I --

18 MR. CORWIN: Well, let me just say, in
19 fairness to Mr. Harbes, he's the contractor, and
20 he's got a subcontractor to do the pool, so he
21 really doesn't have all the answers.

22 CHAIRMAN SALADINO: Well, we have a -- we
23 have a form here that says he's represent -- he's
24 the guy that's representing the owner.

25 MR. CORWIN: You are correct.

1 CHAIRMAN SALADINO: So with the owner not
2 being here, and the subcontractor not being here,
3 he's the guy I got to -- we have to ask these
4 questions to.

5 MR. CORWIN: Yes.

6 CHAIRMAN SALADINO: So --

7 MR. HARBES: So I would say that it's a
8 single cell --

9 CHAIRMAN SALADINO: Oh, we -- yeah. We
10 can't, we can't.

11 MR. HARBES: -- dry well that's going to
12 prevent any kind of environmental impact from
13 putting in this pool, from leaching into the
14 ground in the Village of Greenport.

15 CHAIRMAN SALADINO: Again, that doesn't
16 even make sense. You're talking about a dry well
17 to prevent water from leaching into the ground.
18 Isn't that -- isn't that --

19 MS. NEFF: That's what -- that's what they
20 do.

21 CHAIRMAN SALADINO: Isn't that what a dry
22 well is?

23 MR. HARBES: (Nodded yes).

24 CHAIRMAN SALADINO: I'm thinking we're
25 going to need the information that we asked for.

1 MS. GORDON: But there are other issues.
2 Can we deal with the other issues, too?

3 CHAIRMAN SALADINO: Sure, sure, we could.
4 And we're going to hear from the public about
5 what's in front of them now. But these are some
6 of the things that I think would be -- have to be
7 cleared up before we -- I think it would have to
8 be cleared up before we even close the public
9 hearing.

10 MR. TASKER: Oh, yes.

11 MS. NEFF: Right, right.

12 CHAIRMAN SALADINO: So is there anything
13 else you'd like to add?

14 MR. HARBES: Can I specifically ask what is
15 this very, very specific question that I need to
16 answer?

17 CHAIRMAN SALADINO: We want to know -- we
18 want to know -- me, personally, I would like to
19 know a little more information about the
20 mechanicals for the pool. I would like to see a
21 drawing of how you're going to get the backflush
22 from the pool into the sanitary system. I would
23 like to know -- you don't have to provide me a
24 drawing, perhaps my colleagues would like it, how
25 you're going to get the overflow that you say you

1 drain down the pool and the drain into the septic
2 system, into the wastewater septic system,
3 because that's where it has to go. So those are
4 a few of the questions that I -- just on that,
5 that I have. My colleagues might have a few of
6 their own as far as this, before we move on to
7 the other variances.

8 MR. HARBES: Okay.

9 MS. NEFF: Anybody else?

10 CHAIRMAN SALADINO: Dinni, do you have
11 anything? Dinni?

12 MS. GORDON: Not on this.

13 MR. TASKER: John, you're just ending for
14 the moment the discussion of the dry well issues?

15 CHAIRMAN SALADINO: And the drainage for
16 the pool, yeah.

17 MR. TASKER: Yeah, okay.

18 CHAIRMAN SALADINO: No?

19 MS. NEFF: What I recall is we've
20 frequently had much more information about the
21 mechanical systems, the noise level, the volume
22 of water, the -- lots of more technical --

23 CHAIRMAN SALADINO: What the enclosure
24 would look like.

25 MS. NEFF: Yes. You know, like this has

1 got dimensions, but not height. How the noise of
2 that, which is, of course, necessary for the
3 operation of the pool, to impact the
4 neighborhood.

5 MR. HARBES: Right.

6 MS. NEFF: Significantly.

7 MR. HARBES: So I do have a proposed --
8 it's what they call -- it's built by a company
9 called Noisy Pump. They are insulated pumps --
10 insulated capsules that you put over the fuel
11 pump, and they're 70 to 90% effective. I have
12 pictures of what they look like exactly with me,
13 if you'd like to see. And then along with that
14 insulation that goes over the fuel pump, the box
15 itself that we're going to build around it will
16 have an insulated sound barrier.

17 MR. CORWIN: You say fuel pump. I don't
18 think that's what you mean to say. The
19 circulating --

20 MR. HARBES: No, pool pump. Pool pump,
21 yes.

22 MS. NEFF: Right.

23 MR. HARBES: Not fuel pump. My apologies.
24 The pool pump.

25 MR. CORWIN: And, really, we need that

1 stuff before us before we can -- that it's
2 insulated for sound, or whatever, some kind of
3 drawing, or spec sheets, or stuff like that,
4 because, as I said before, we've had complaints
5 about noise before. But don't hand it up to us
6 now, because from my perspective, I need time to
7 look things over. I'm very slow.

8 MR. HARBES: It's a simple picture of what
9 it looks like. I have it, it's right here. This
10 is exactly what it looks like. You wrap it
11 around the fuel pump and then you build.

12 MR. CORWIN: You said fuel pump again.

13 MR. HARBES: I mean, I keep saying --

14 MR. CORWIN: You've got to get that out of
15 your mind.

16 MR. HARBES: I'm sorry, I'm sorry, I'm
17 sorry. Pool pump, and then you build this box
18 around it. That's what I plan on doing.

19 MR. PROKOP: Do you know what the decibel
20 ratings of the pool pump?

21 MR. HARBES: I'm sorry.

22 MR. PROKOP: The decibel rating.

23 MR. HARBES: I'm sorry, say that again.

24 MR. PROKOP: The decibel rating of the pool
25 pump.

1 MR. HARBES: No, I don't, I don't, I don't
2 know the decibel rating.

3 MS. NEFF: Is part of this proposal to make
4 the garage a pool house to have plumbing, any
5 other --

6 MR. HARBES: This proposal?

7 MS. NEFF: Yes.

8 MR. HARBES: No.

9 MS. NEFF: No.

10 CHAIRMAN SALADINO: And I'm reading your
11 EAF here, and on the EAF, it says, "Will proposed
12 action connect to an existing wastewater
13 utility?" And you have, "No." And it says,
14 "Describe the method for providing wastewater
15 treatment." It said, "Dry well." That's --
16 that's not allowed, so we're going to have to
17 correct that, too.

18 MR. HARBES: Okay.

19 CHAIRMAN SALADINO: But we're going to -- I
20 think we're all decided, we're going to keep this
21 public hearing open so you can provide us with
22 that stuff. As long as the public hearing is
23 open, we can't make a decision. We're going to
24 let the public speak as to the other requests for
25 variances, and then we'll take a consensus of the

1 Board of what we're going to do. Do you have
2 anything else for us?

3 MR. HARBES: I don't believe so.

4 CHAIRMAN SALADINO: Thank you. Is there
5 anyone from the public that would like to speak?
6 Chatty, name and address.

7 MS. ALLEN: Chatty Allen, 137 Third Street.
8 I'm a little taken aback by some of the comments
9 that were just made. That's my neighborhood,
10 that's where I grew up, so I know what this
11 property looks like. And in the center of this
12 property is a tree. The tree's going to have to
13 come out. I'd like to know how old the tree is.

14 This is a house from the '60's until today
15 I would walk past, going from my house on the
16 other corner on Fifth to go to my best friend's
17 just off of Sixth. This is a very tiny lot.
18 This has always been a very tiny lot.

19 My first objection is a 6-foot fence. I
20 sat through two hearings where the 6-foot fences
21 were denied. I'm not so much disapproving of a
22 6-foot fence, because to me it's on the side,
23 it's not at a corner. But when you have just
24 denied recently two 6-foot fences, I don't think
25 this fence should be approved.

1 He says the variances are basically
2 minimal, no big deal. I do not call 8.2 feet --
3 18.2 feet and 16.5 feet minimal. These are
4 extremely large variances.

5 This lot which was purchased the same size
6 it is right now, and to try and put a pool on
7 this little lot, you need to shrink the size of
8 the pool, first of all. But my other thing was
9 -- I just lost my train of thought.

10 CHAIRMAN SALADINO: Take your time.

11 MS. ALLEN: Oh, are the letters that were
12 submitted. We're living in a time now which a
13 recent meeting kind of showed a divide. And when
14 you speak out against something that everybody
15 else seems to want, you're the one that gets
16 attacked for it. I have recently had that happen
17 with me with some of the stuff that's been going
18 on, because I have a different take on things.
19 These could be people that live in that
20 neighborhood, and they could be people that have
21 lived there for decades and know what the
22 neighborhood looks like. And they don't want
23 another 6-foot fence put up, because it does
24 after -- it does take away. When you start
25 having these huge fences -- like I said, that's

1 my neighborhood, and, you know, I see the fences
2 in those neighborhoods now. And, you know, it
3 breaks my heart, you know, that everything now,
4 people just want to box everything in.

5 It's a gorgeous little area, and,
6 personally, I feel this should be denied, given
7 the large variances it needs, a 6-foot fence, and
8 especially tearing a tree out of a yard that's
9 been there for I don't know how long. Thank you.

10 CHAIRMAN SALADINO: Thank you, Chatty.
11 Just if I could to explain. Not to explain as
12 far as what Chatty had to say about people being
13 attacked and stuff, but we had -- how many
14 notifications were there, nine, eight?

15 MR. HARBES: Eight.

16 MS. NEFF: Something like that.

17 CHAIRMAN SALADINO: Eight? Eight. You
18 know, we have eight adjacent property owners.
19 Assuming that the applicant is going to live in
20 this house for a while, it's a beautiful house,
21 you know, assuming they're going to live there,
22 these eight people are going to be their
23 neighbors. So it's not unreasonable for me,
24 anyway. I wouldn't do it, because that's not my
25 personality. But it's not unreasonable, I think,

1 for a neighbor to not want to get off on the
2 wrong foot with another neighbor and voice an
3 opinion. So that might be the explanation why
4 the letters are unsigned. They weren't read into
5 the record, so there's no harm, no foul. But
6 just perhaps the mindset of neighbors that live
7 -- Mr. Kehl.

8 MR. CORWIN: Please --

9 MR. KEHL: Bob Kehl.

10 CHAIRMAN SALADINO: Oh, I'm sorry.

11 MR. KEHL: 242 Fifth Avenue.

12 MR. CORWIN: I'm wondering, Mr. Chairman,
13 if I can ask you if you had any knowledge of or
14 would care to divulge any knowledge of where
15 those letters came from and if they were
16 neighbors?

17 CHAIRMAN SALADINO: I think it's -- I think
18 an anonymous letter is just that. If the
19 person -- if the person chooses to remain
20 anonymous, that's their choice. It's not up to
21 me to -- I'm sorry, Arthur.

22 MR. TASKER: Well, I just want to add, too,
23 I -- just following on the Chairman's remarks,
24 frankly, I'm sympathetic to the concerns of the
25 people of these letter writers. My concern is

1 that it would be inappropriate for the reasons
2 that Counsel said to permit them to be part of
3 the record, unfortunately.

4 MS. NEFF: And if I may reiterate again,
5 Mr. Chairman, and excuse me, Bob. Again, if we
6 aren't as a Board promoting civil discourse, even
7 around very strong felt differences of opinion
8 among neighbors and community members, what else
9 are we?

10 And I -- again, I am definitely sympathetic
11 for the person who doesn't wish to sign. And,
12 actually, I do believe, although they didn't
13 identify themselves when they called me, that one
14 of them did call me, okay? And I explained what
15 my point of view is, is that you have to take a
16 look at what you're writing, and you have to make
17 it say what you think and feel, and try to base
18 it on what the grounds of your disagreement is,
19 rather than attacking somebody for wanting what
20 they want. People are not wrong for wanting what
21 they want, but they don't, to borrow the words of
22 a song we all know, always get what they want.
23 And that that's what we --

24 CHAIRMAN SALADINO: Is that a song?

25 MS. NEFF: Yeah.

1 CHAIRMAN SALADINO: Is that a song?

2 (Laughter)

3 MS. NEFF: That is our job, to try and keep
4 it civil, and I think we do a pretty good job of
5 that.

6 CHAIRMAN SALADINO: I didn't read that.
7 Well, in all fairness to the letter-writers, I
8 didn't read anything that was disrespectful or
9 discourteous.

10 MS. NEFF: No, I didn't --

11 CHAIRMAN SALADINO: I just don't see a
12 signature.

13 MS. NEFF: Exactly.

14 CHAIRMAN SALADINO: And this Board has
15 decided that we're not going to take anonymous
16 letters, which is the public hearings -- the
17 second part of that statement should be that the
18 public hearing is going to remain open.

19 MS. NEFF: Okay.

20 CHAIRMAN SALADINO: And perhaps these
21 neighbors will reconsider and submit the letter
22 with their -- with their signature.

23 Mr. Kehl, I'm sorry.

24 MR. KEHL: I sympathize with these people,
25 too, because I know, as you know, I'm outspoken.

1 I get a lot of flack back on stuff, but it
2 doesn't bother me. But I could see as older
3 people and stuff in the community that have been
4 here a long time are scared to open their mouth.
5 They don't want anyone -- they don't want to get
6 any kickback on it, and I do understand that.

7 As for the variances here, I think they're
8 all very excessive, especially with the fence. I
9 know, like Chatty said, that two of the other
10 ones were turned down for the 6-foot fence. And
11 this isn't like it's for someone's house that's
12 being built there. This is -- you know, when
13 you're building -- putting a pool in, this is a
14 luxury, this isn't something that has to be.
15 And, therefore, I really think that a lot of what
16 they're calling for on this is very excessive,
17 and I don't think -- I don't agree with any of
18 it. Thank you.

19 CHAIRMAN SALADINO: Thank you. Anyone
20 else? Joanne.

21 MS. MC ENTEE: Joanne McEntee, Fifth
22 Avenue.

23 I do -- on these letters, when I'm seeing
24 that you only have the receipts that are mailed
25 out, have you received all the cards back from

1 those homeowners?

2 CHAIRMAN SALADINO: Well, that's what I
3 read.

4 MS. MC ENTEE: No. You've gotten the
5 little cards that --

6 CHAIRMAN SALADINO: They're return receipt.

7 MS. WINGATE: We've been through this many,
8 many times.

9 MS. MC ENTEE: So you have gotten them all
10 back?

11 MS. WINGATE: We don't require they get
12 back. The law says that they have to be mailed
13 out. Whether people receive them or not is not
14 part of the situation here and now.

15 MS. MC ENTEE: So it could very well happen
16 that some residents or homeowners nearby may not
17 have --

18 MR. HARBES: I have the green receipts.

19 MS. MC ENTEE: -- received them.

20 MR. HARBES: I have the receipts.

21 CHAIRMAN SALADINO: No. Actually --
22 actually, we spoke to the -- we spoke to the
23 applicant's representative, and he, in fact,
24 pointed out the neighbors that he did mail to.
25 And I live on the block, so I know everybody that

1 he pointed to, so -- and those are the people
2 that -- whose names I read.

3 The law says -- our code says -- actually,
4 it says adjacent to. So in this particular
5 situation, there's only -- if we went by the
6 reality of the situation, I think there's only
7 two.

8 MS. WINGATE: Adjacent means across the
9 street, though.

10 MR. PROKOP: We've always interpreted it as
11 across the street.

12 CHAIRMAN SALADINO: Well, there's an
13 interpretation, but that's not the definition
14 of -- but there's --

15 MR. TASKER: How is this an issue?

16 CHAIRMAN SALADINO: There's eight, there's
17 eight responses of -- and I don't want to sound
18 like I'm the applicant's advocate here, but I
19 think he made an effort to get in touch with
20 everyone.

21 MS. MC ENTEE: I think my one concern was,
22 when it did happen to us, it went to a wrong
23 address. And that's what I'm concerned, that we
24 didn't have, when we were -- had to go to a
25 hearing, and we had a problem with the lot next

1 to us. So that's where I feel that maybe in the
2 future, that getting the actual cards, the law
3 can change. I know what the law reads as it is,
4 because if we don't get it, we don't get it. We
5 just happen to -- we happen to know what's going
6 on in the neighborhood as well, so it's just
7 something I wanted to address.

8 I do understand that the letters did come
9 in. They -- obviously, one did come in an
10 envelope. Another one was not folded, one was
11 folded. So how did that one not get there -- I
12 mean, get there when it was -- so --

13 CHAIRMAN SALADINO: Oh, wait, wait, wait.
14 I -- there's two letters.

15 MS. MC ENTEE: Right.

16 CHAIRMAN SALADINO: One I got tonight, and
17 this --

18 MS. MC ENTEE: So did it just get dropped
19 off?

20 CHAIRMAN SALADINO: And if you'd wait, I
21 could explain.

22 MS. MC ENTEE: Okay.

23 CHAIRMAN SALADINO: One I got tonight that
24 was mailed to the Village. The other letter --

25 MS. LINGG: That was mailed as well.

1 CHAIRMAN SALADINO: That was mailed. When
2 did we get it?

3 MS. LINGG: I made copies for everybody,
4 that's why it's not folded.

5 CHAIRMAN SALADINO: And both envelopes --

6 MS. MC ENTEE: Thank you.

7 CHAIRMAN SALADINO: And both envelopes
8 didn't have a return address.

9 MS. MC ENTEE: Okay.

10 MR. TASKER: Mr. Chairman, isn't all of
11 this moot? We have elected not to receive these
12 letters as part of the record.

13 CHAIRMAN SALADINO: I agree, Arthur, but --

14 MR. TASKER: We're spinning our wheels.

15 CHAIRMAN SALADINO: But our policy here is
16 we're going to let the public kind of say what
17 they want to say. Go ahead, Joanne.

18 MS. MC ENTEE: I do -- I am not in favor of
19 having -- because this is a corner lot, of having
20 a 6-foot fence in what we're going to call the
21 front yard. This is, again, a self-created
22 issue.

23 I also do believe, and when people do feel,
24 and this is going back to the letters again, some
25 people do feel threatened, or feel that there is

1 some kind of animosity, or something will get --
2 you know, may come back at them somewhere, could
3 be years down the line, that they don't want to
4 cause a ruckus with the neighbors, so maybe there
5 does become a problem there.

6 I would ask that the people that did send
7 those letters, to resend them with their
8 signatures on, or come to the next meeting, as
9 this is going to be an open hearing.

10 I am going to address an issue. Item #4
11 really is concerning to me about the shower
12 enclosure, that there is no permit currently; is
13 that correct? And so is that -- that's existing.
14 So how does that happen?

15 CHAIRMAN SALADINO: It's an as-built. It's
16 an as-built.

17 MR. GARRITANO: It was existing.

18 CHAIRMAN SALADINO: We're going to -- we're
19 going to talk, all right?

20 MR. GARRITANO: All right.

21 CHAIRMAN SALADINO: You can talk in a few
22 minutes. It was as built without a permit.
23 They're looking to codify it here.

24 MS. MC ENTEE: With this whole application?

25 CHAIRMAN SALADINO: But the applicant,

1 also, I'm sure, he'll have something to say about it.

2 MS. MC ENTEE: Okay. Thank you.

3 CHAIRMAN SALADINO: Anyone else from the
4 public?

5 MR. GARRITANO: Yeah. Bruce Garritano, 915
6 Main Street, Greenport. I represent Alex and
7 Ju-lie Bell as well. I'm Peter Harbes' partner.

8 As far as the tree is concerned, the tree
9 is rotted and is a danger, first of all. I just
10 want to address a few of the issues that the
11 Board has brought up.

12 The 6-foot fence -- Alex and Ju-lie Bell,
13 that is their second home. They're -- they've
14 been here for a few years now, and they have
15 little children, and they don't want people
16 walking by, seeing their little children in a
17 pool, they want their privacy. We could -- we
18 could put a 4-foot fence there, but then they're
19 going to want to put up a 6-foot high hedge wall
20 all the way around that property to keep their
21 privacy.

22 There was an issue with the dry well as
23 well. And the question with the dry well was? I
24 wasn't here for that, I just came in on that.

25 CHAIRMAN SALADINO: Well, we would like

1 know what it's going to service.

2 MR. GARRITANO: The dry well is to service
3 any drainage from the pool.

4 CHAIRMAN SALADINO: But if you were here,
5 you would have heard that that's not within the
6 code, you can't do that. That's why we asked
7 last month the applicant's --

8 MR. GARRITANO: Okay.

9 CHAIRMAN SALADINO: -- representative to
10 show us the corrected drawings. We raised it as
11 an issue.

12 MR. GARRITANO: Correct.

13 CHAIRMAN SALADINO: We wanted an answer.
14 We thought we would have it tonight.

15 MR. GARRITANO: Okay.

16 CHAIRMAN SALADINO: And, obviously, we
17 don't. So that was the reason for that question.

18 MR. GARRITANO: Gotcha, okay. I just think
19 that some of these issues are -- you know, it's
20 their home, it's --

21 CHAIRMAN SALADINO: Their what?

22 MR. GARRITANO: It's their home. You know,
23 they want to put a pool there.

24 CHAIRMAN SALADINO: Well, you also -- you
25 also have to realize that -- that it's not --

1 MR. GARRITANO: There are so many pools in
2 the Village of Greenport and it's not the only
3 applicant for a pool.

4 CHAIRMAN SALADINO: You also have to
5 realize it's not a prairie, they don't live on a
6 prairie.

7 MR. GARRITANO: Right, exactly.

8 CHAIRMAN SALADINO: They live in an
9 incorporated village with a zoning code.

10 MR. GARRITANO: We understand that. We
11 understand that. We're trying to work with you
12 and do whatever it is to --

13 CHAIRMAN SALADINO: Well, we didn't say you
14 weren't, we're here to listen.

15 MR. GARRITANO: You know, whatever it is
16 that, you know, would make this -- facilitate
17 this. You know, we've been working on this since
18 January. You know, we're hoping to have these
19 people swimming this summer. But, you know, it's
20 been a long, lengthy process, and, you know,
21 we're willing to work with the Village in any
22 shape, manner or form to work this out.

23 CHAIRMAN SALADINO: We didn't get this
24 applica -- the Notice of Disapproval was written
25 on January 30th, and we didn't get it until last

1 month, so --

2 MS. WINGATE: Swimming pool applications
3 are difficult. We've been requiring the surveys.

4 CHAIRMAN SALADINO: No, I'm not -- I'm not
5 questioning that, Eileen.

6 MS. WINGATE: So that takes time. It takes
7 time.

8 MR. GARRITANO: Right, we're aware of that.

9 CHAIRMAN SALADINO: I just want the
10 applicant's -- you got to speak to the Board. I
11 just want the applicant's representative to know
12 that we're not dragging our feet on this.

13 There's no --

14 MR. GARRITANO: No, I know, and neither are we.

15 CHAIRMAN SALADINO: Okay. That's good to
16 know. Okay. Thank you.

17 MR. GARRITANO: Thank you.

18 MS. NEFF: Can I raise one other issue,
19 which I just --

20 CHAIRMAN SALADINO: Sure.

21 MS. NEFF: Just looking at this for a
22 length of time. I know that we had this
23 discussion about another pool, which was not on a
24 corner lot. But the child who comes out of the
25 back porch, out of the little deck has, is on

1 this drawing, directly can walk into the pool.
2 And I think we had an in-turned fence so that
3 that was not the situation.

4 MR. TASKER: I think that was Doug Roberts'
5 property --

6 MS. NEFF: Yes, I do believe. But, you
7 know, you have to think about it. Like children
8 walk out of doors --

9 MR. GARRITANO: Absolutely.

10 MS. NEFF: -- if they're not locked. And
11 if they step out for a second --

12 MR. GARRITANO: Right.

13 MS. NEFF: -- and you're looking this way
14 to get your coffee --

15 MS. WINGATE: New York State, New York
16 State has requirements where every door gets an
17 alarm.

18 MR. GARRITANO: Every door has an alarm.

19 MS. NEFF: Okay, an alarm. All right.
20 Thank you.

21 MS. WINGATE: You have choices. You could
22 alarm your door, your rear -- any wall --

23 MS. NEFF: Any door.

24 MS. WINGATE: -- that's part of the
25 enclosure either has to have an alarm. You could

1 have an automatic cover, or you could have a
2 barrier.

3 MS. NEFF: Right, okay, you have choices.

4 MS. WINGATE: So those are your options.

5 MS. NEFF: Right. Thank you.

6 CHAIRMAN SALADINO: I think --

7 MR. GARRITANO: Or all three. We're
8 willing to do all three.

9 CHAIRMAN SALADINO: Well, I think that's
10 something you would have to work out with the
11 Building Department. That's I think outside our
12 mandate to --

13 MR. GARRITANO: It's one of the codes for a
14 pool. It has to be done and we're aware of that.

15 CHAIRMAN SALADINO: As far as the fence,
16 6-foot fence is required by code on corner
17 properties. If he has --

18 MR. CORWIN: You said that wrong.

19 CHAIRMAN SALADINO: I'm sorry?

20 MR. CORWIN: You said that wrong.

21 MS. NEFF: Yes, you did.

22 MR. TASKER: That's prohibited.

23 CHAIRMAN SALADINO: Oh, prohibited, I'm
24 sorry. I'm sorry. Six-foot --

25 MR. GARRITANO: Would it be okay if we put

1 a 4-foot fence and a hedge wall?

2 MR. TASKER: No.

3 CHAIRMAN SALADINO: Hedges --

4 MR. GARRITANO: Hedges.

5 CHAIRMAN SALADINO: There's a prior --
6 there's a prior interpretation about -- informal
7 interpretation from a previous administration.
8 That's something -- my personal feeling is a
9 hedge is a fence, but that's something that --

10 MS. WINGATE: There is also a part of the
11 code that says 30 feet from the corner in both
12 directions --

13 CHAIRMAN SALADINO: From the corner.

14 MS. WINGATE: -- you can't have anything
15 over 30 inches.

16 MR. GARRITANO: Okay.

17 MS. WINGATE: And I think it's 30 inches.
18 And the Village is fairly generous with hedges,
19 but you certainly -- you obstruct traffic if
20 there's a giant hedgerow on the corner.

21 MR. GARRITANO: Right. But we wouldn't
22 bring it down to the corner, we'd bring it to
23 that --

24 MS. WINGATE: You're going the other way.

25 MR. GARRITANO: To the edge. We would

1 bring it back 120 feet from the back property to
2 where that -- where the shower is.

3 CHAIRMAN SALADINO: Yeah, but, Bruce, in
4 all fairness, that's something you would work
5 out. That's something you would work out with
6 the Building Department. You would do it -- you
7 would do it and it would be okay with the Code
8 Enforcement Officer, or you wouldn't do it.
9 We're not going to sit here and legislate if you
10 should put a hedge, or opine if you should put a
11 hedge.

12 MR. GARRITANO: Well, would it be okay if
13 we put a 6-foot fence around the back end of the
14 property, a 4-foot fence down that side?

15 CHAIRMAN SALADINO: Do you want to change
16 your application?

17 MR. GARRITANO: No (laughter). No. I want
18 to know if that would expedite this, and we
19 remove the shower. We're willing to remove the
20 shower, put a smaller fence there, if that would
21 expedite this process, so that we could be
22 swimming this year and not next year (laughter).

23 CHAIRMAN SALADINO: We're not -- this
24 public hearing is not going to close tonight.

25 MR. GARRITANO: Okay.

1 CHAIRMAN SALADINO: That's the only thing I
2 can tell you.

3 MR. GARRITANO: Okay.

4 CHAIRMAN SALADINO: So if you want to --

5 MS. NEFF: Modify.

6 CHAIRMAN SALADINO: -- modify your
7 application and submit it for the next --

8 MR. GARRITANO: Okay.

9 CHAIRMAN SALADINO: To the next ZBA
10 meeting.

11 MR. GARRITANO: For the next hearing next
12 month.

13 CHAIRMAN SALADINO: Next month, that would
14 be --

15 MR. GARRITANO: Which is awful to have that
16 kind of construction going on in people's summer.
17 We were trying to get it done before the summer,
18 but we understand the process. So if there's
19 anything we can do to move things along and make
20 it more favorable for the next hearing, we'd love
21 to hear it.

22 CHAIRMAN SALADINO: Well, I kind of --

23 MR. GARRITANO: We'd love to hear any
24 suggestions.

25 CHAIRMAN SALADINO: Well, I kind of think,

1 if you were listening, we made our suggestions.

2 MR. GARRITANO: Okay.

3 CHAIRMAN SALADINO: We -- you know. And
4 you kind of --

5 MR. GARRITANO: I'm sorry I got here late.

6 CHAIRMAN SALADINO: You kind of like --

7 MR. GARRITANO: I got here --

8 CHAIRMAN SALADINO: I think you're kind of
9 asking us for an answer now --

10 MR. GARRITANO: Right.

11 CHAIRMAN SALADINO: -- you know, and we're
12 not prepared to do that.

13 MR. GARRITANO: Okay.

14 CHAIRMAN SALADINO: So --

15 MR. GARRITANO: Okay.

16 CHAIRMAN SALADINO: Is that it?

17 MR. GARRITANO: That's it.

18 CHAIRMAN SALADINO: Okay. Thank you.

19 MR. GARRITANO: Thank you.

20 MS. MC ENTEE: Joanne McEntee, Fifth
21 Avenue. In -- I understand that this family has
22 younger children, I get that. We all like our
23 privacy, but I'd like to have my privacy in my
24 backyard, too. I have eight to nine families
25 looking over my backyard, and so I do not

1 completely understand why he feels this family
2 needs their privacy when other families --
3 because we are in a small town, we have small
4 lots. We all are going to not -- we're not going
5 to have our privacy as we expect it. Thank you.

6 CHAIRMAN SALADINO: Anybody else?

7 (No Response)

8 CHAIRMAN SALADINO: I'm going to make a
9 motion we hold this public hearing open, and
10 request from the applicant to address the
11 questions that we have. Is that kind of like the
12 sense of the Board here?

13 MR. CORWIN: Yes. But I want to note to
14 the applicants that just because you get the
15 fence and the shower thing straightened out, you
16 still got a big hurdle with the setback in the
17 front yard. I don't want you to go away with the
18 idea you're going to get this next month just
19 because you did the fence and the shower.

20 CHAIRMAN SALADINO: If anything we said
21 here indicated to anybody in this room that we
22 pre-decided what the outcome of this is going to
23 be, that's wrong. I mean, we're going to hold
24 the public hearing open. We might have more
25 comments from perhaps neighbors that aren't too

1 concerned about speaking up. We might have
2 different people in the audience. We're going to
3 look at the plans that the applicant's
4 representative submits. And if all things go
5 well, we'll close the public hearing at that
6 time. And, usually, if you look at our agenda,
7 we close the public hearing, and after all the
8 public hearings are closed, we have a discussion
9 on the issue and we may or may not vote. We have
10 60 days to vote.

11 MS. GORDON: I'd like to add to --

12 CHAIRMAN SALADINO: Sorry, 62 days.

13 MS. GORDON: -- something that David said.
14 The question about the setback is a very -- deals
15 with one of the most basic of the five things we
16 have to consider. Whether an undesirable change
17 will be produced in the character of the
18 neighborhood or a detriment to nearby properties
19 will be created by the granting of the area
20 variance? That's a much more profound, it seems
21 to me, consideration than the technical one of
22 getting the drainage taken care of, so we still
23 have to deal with that.

24 And I'm just really adding to what David
25 was saying, that we should be sure that the

1 applicant -- I mean, I'm not suggesting we've
2 made a decision in any way based on these five
3 considerations, but that is a very important one
4 that we haven't dealt with yet.

5 CHAIRMAN SALADINO: Well, I think the
6 applicant's -- without getting into too much
7 discussion, I think the applicant's answers to
8 all five questions can kind of be disputed, so --
9 and, you know, every one of them I've made a note
10 about as far as environmental impact, you know,
11 with question number four. Was the difficulty
12 self-created? I mean, you know, these are --
13 every one of these questions -- no undesirable
14 change will be produced. You have to remember,
15 that's your opinion. We can debate opinions we,
16 can't debate facts.

17 MR. GARRITANO: Correct.

18 CHAIRMAN SALADINO: You know, so that's
19 your opinion. There's eight other neighborhoods,
20 10 other people, 2400 people in the Village that
21 might have a different opinion, plus the five
22 members here.

23 MS. NEFF: And some of them are on the ZBA.

24 CHAIRMAN SALADINO: And some of them, yes.

25 And --

1 (Laughter)

2 MR. GARRITANO: We appreciate that.

3 CHAIRMAN SALADINO: And, you know, as far
4 as it's -- I can only speak for myself, but when
5 I read in an applicant's answer, "Variance
6 approvals are absolutely necessary," to me, that
7 -- to me, sometimes --

8 MS. NEFF: We might as well go home.

9 CHAIRMAN SALADINO: Exactly. Why have a
10 ZBA? Well, it's absolutely necessary. But we're
11 going to -- we're going to adjourn this public
12 hearing to our next meeting, which is --

13 MR. TASKER: May 16th.

14 CHAIRMAN SALADINO: May 16th. So moved.

15 MS. NEFF: Second.

16 CHAIRMAN SALADINO: All in favor?

17 MR. CORWIN: Aye.

18 MS. GORDON: Aye.

19 MS. NEFF: Aye.

20 MR. TASKER: Aye.

21 CHAIRMAN SALADINO: Aye.

22 Any opposed?

23 (No Response)

24 CHAIRMAN SALADINO: That motion carries.

25 Thank you.

1 MR. GARRITANO: Thank you.

2 CHAIRMAN SALADINO: And for the
3 representatives, we've kind of voiced our
4 concerns. If you were listening, you'll have
5 that information for us next time.

6 All right. Item #5 five is a public
7 hearing regarding the following matter: An
8 Interpretation requested by the Building
9 Inspector of how Chapter 150-18 of the Code of
10 the Village of Greenport relates to the Village
11 zoning districts. The request interpretation
12 should include which zoning districts should use
13 Chapter 150-18 as a guideline for development.

14 I'm not going to read the article. I'm
15 sure everybody that's here probably read it.
16 We're going to open this public hearing. We're
17 going to hear from the Building Inspector, and
18 she's going to perhaps explain to us a little bit
19 about this request.

20 MS. WINGATE: Nothing to explain. It's a
21 question about where the multi-family --

22 CHAIRMAN SALADINO: Eileen, there's a
23 request from the Board. Maybe you get up and
24 just say it from there. Is that possible for you
25 to do that?

1 MR. TASKER: This is going to be part of
2 the record, I believe.

3 CHAIRMAN SALADINO: It is.

4 MS. WINGATE: My boss would like me to sit
5 here and not do anything except ask the question.
6 This is -- the question is -- the question is for
7 your interpretation, and the question is where
8 does Section 150-18 fit into the development for
9 the Village of Greenport? Which -- which
10 districts should be influenced by this section of
11 the code? That's the question.

12 MR. TASKER: John, let's hear from the
13 public, and then we can have our discussion.

14 CHAIRMAN SALADINO: Well, I would -- I
15 would have -- since you're asking the question,
16 an interpretation requested by the Building
17 Inspector, I would just ask what is it in your
18 mind that makes you question this? What is it
19 that -- are you saying you don't know what zoning
20 districts these standards should be held?

21 MS. WINGATE: There has been development in
22 the past several years, some in the residential
23 zone, some in the commercial zone, that have been
24 questioned as to intensity. So I would like the
25 Zoning Board to come up with their interpretation

1 of the code, so that when I get an application, I
2 could then respond and write Notices of
3 Disapproval according to an interpretation.

4 CHAIRMAN SALADINO: I'm not sure I
5 understand. And we don't want to make new law
6 here, so that's the reason my question is to you.
7 I'm not sure I understand when you say there's a
8 question of intensity. There's seven or eight
9 different places in our code that -- five or six
10 different places in our code that define
11 multi-family dwelling. If a particular --

12 MS. WINGATE: Multi-family --

13 CHAIRMAN SALADINO: If a particular project
14 is a multi-family dwelling, why would it be a
15 question in your mind if these standards would
16 have to apply, as the Code Enforcement Officer?

17 MS. WINGATE: For the past 13 years, the
18 Commercial District was never asked to look at
19 multi-family housing the way it has in the past
20 one or two. The commercial code was never --
21 never came in line with the multi-family section,
22 and the multi-family section was always used in
23 the Residential Districts. Basically, there's a --

24 CHAIRMAN SALADINO: But I'm not sure by
25 what portion of the code you interpret that,

1 because, as you know, I've looked and looked and
2 looked.

3 MS. WINGATE: Truly, there's one section of
4 the code that talks about conversions and
5 multi-family in residential districts, and that
6 is the only place that there's any significant
7 tie-in from Section 150-18 into everything else
8 in the Zoning Code. Section 150-9(18) says
9 that --

10 CHAIRMAN SALADINO: Residential over
11 commercial.

12 MS. WINGATE: Residential over commercial
13 can have apartments, plural. I have read those
14 meeting notes minutes from years ago, 2002, I
15 believe, and there was never any discussion about
16 limits, about limiting the number of apartments.
17 So that's why I'm asking for an interpretation.
18 Because if you're asking the Building Inspector
19 to write Notices of Disapproval for renovation,
20 reconstruction, construction and you want me to
21 use the multi-family code, I don't believe it
22 suits the district at all. So that's why I'm
23 asking for an interpretation.

24 CHAIRMAN SALADINO: Well, just to -- just
25 to counter that, and since you said you did read

1 these minutes --

2 MS. WINGATE: I did.

3 CHAIRMAN SALADINO: Just to counter that,
4 we've all read them also, and the intent of the
5 law in the minutes was that --

6 MS. NEFF: And these minutes are from when,
7 if you just -- I lost the thread. When are the
8 minutes from?

9 CHAIRMAN SALADINO: July 11th, 2002.

10 MS. NEFF: Okay, thank you.

11 CHAIRMAN SALADINO: They do actually say
12 two-family. They also go on to say that they're
13 not looking to increase that.

14 MS. WINGATE: That's -- two-family is not
15 commercial, though, two-family is --

16 CHAIRMAN SALADINO: They also --

17 MS. NEFF: It's not multi-family.

18 MS. WINGATE: Is a residential designation.

19 CHAIRMAN SALADINO: They also say that the
20 same logic applies in the Commercial District, so
21 -- and I have it outlined here, if you want to
22 refresh your memory. So if the Village Board at
23 that time made it plain to the public, which they
24 did, that they're only talking about two
25 apartments in a building, not multi-family --

1 wait. And when asked about -- when asked about
2 the Commercial Zone, and they responded that the
3 same logic applies there, wouldn't that lead you
4 to believe that --

5 MS. WINGATE: I don't recall reading that.

6 CHAIRMAN SALADINO: Would you like to
7 refresh your memory?

8 MS. WINGATE: Yes, please.

9 MS. NEFF: Why don't we mark which page.

10 MR. TASKER: Why don't you read the
11 appropriate section.

12 MS. WINGATE: Yes, that works better.

13 MS. NEFF: And mark which page. Do you
14 have the page number.

15 MR. TASKER: Save Eileen the time to
16 chase -- to try and find it.

17 CHAIRMAN SALADINO: Well, they're
18 highlighted, but that's fine.

19 MS. NEFF: Paper clip, anybody?

20 CHAIRMAN SALADINO: Do we want to --

21 MS. NEFF: Mark it with a paper clip or
22 something.

23 CHAIRMAN SALADINO: "Two-family use is a
24 permitted use. We're not talking about creating
25 a new use. The R-1 will stay the same. The

1 maximum number of dwelling units that would be
2 allowed in a house would remain at two. So
3 there's no potential here by this creation" --
4 "by the creation of a small accessory apartment
5 in one of these houses for another one to be
6 created. You would have a three-family house,
7 you would have a multiple dwelling. In the
8 Business District the same logic applies. What
9 we're proposing is to make it permissible for
10 upper stories of strictly existing buildings in
11 the Business District." It's kind of in black
12 and white here.

13 MR. TASKER: That was the then Mayor
14 speaking, correct?

15 CHAIRMAN SALADINO: That was the -- that
16 was --

17 MR. TASKER: Then Mayor.

18 CHAIRMAN SALADINO: That was then Mayor.
19 And then there's further -- there's a further
20 comment later on by one of the Trustees that
21 says -- someone asked about doing major -- what
22 we're -- this was Trust -- well, one of the
23 Trustees. "What we're proposing is extremely
24 modest, extremely modest, and we're not
25 increasing the zoning regulations at all. What

1 we're talking about is places where two-family
2 already is a possibility. I think you
3 misunderstand what we're doing."

4 MS. WINGATE: I think two-family, again, is
5 not commercial lingo, it's residential lingo.

6 CHAIRMAN SALADINO: Lingo?

7 MS. WINGATE: It's vocabulary, or whatever
8 you want to --

9 CHAIRMAN SALADINO: But if you want to go
10 by -- if you want to go -- again, if you want to
11 go by the definition or the lingo, there's --

12 MS. WINGATE: The question, again, is what --

13 CHAIRMAN SALADINO: Well, I think we should
14 decide -- I understand the question that you're
15 asking, but you can't ask a question without --

16 MR. TASKER: Into a vacuum.

17 CHAIRMAN SALADINO: Thank you.

18 MS. GORDON: I'd like to say something
19 about the interpretation task that we have. It
20 seems to me that we are talking about some
21 competition between 15-year-old minutes, the
22 Legislative history, and the current text in the
23 code. The current text in the code, as I read
24 it, mentions multi-family housing only three
25 times. Once is the definition of the

1 multi-family dwelling, a housing -- any dwelling
2 house designed to accommodate or accommodating
3 three or more families, and then some examples.
4 And then in the -- let's see. There's another
5 place.

6 CHAIRMAN SALADINO: I have seven
7 definitions.

8 MS. GORDON: Okay. Within the code itself,
9 within section --

10 CHAIRMAN SALADINO: Well, I have the
11 numbers, if you want them. Chapter 60 -- I'm
12 sorry.

13 MS. GORDON: Could I finish?

14 CHAIRMAN SALADINO: I'm sorry, of course.

15 MS. GORDON: In 150, which is where I think
16 all the zoning -- direct zoning provisions are
17 included, they're -- in the two-family district,
18 there is reference to the R-2 District. There is
19 reference to a situation, a conditional use where
20 conversion of an existing dwelling to a
21 multi-family dwelling is provided in the chapter,
22 subject to the following conditions, which --
23 which are very rigorous, these conditions. A
24 thousand square feet of livable floor area for
25 each dwelling unit, and a minimum of 15,000

1 square feet of lot area, and so forth. So it
2 would be very, very difficult to use the R-2
3 District.

4 And then the third place is general
5 standards for multi-family dwellings. Now it
6 seems to me none of this deals -- it's very, very
7 narrow. None of it deals with the Commercial
8 District at all. And I just don't see how -- I
9 mean, there is a competition. We have to decide,
10 are we going to rely on 15-year-old minutes of a
11 meeting, or are we going to rely on the existing
12 text?

13 CHAIRMAN SALADINO: No, no, we're relying
14 on the law. This is 2-2002. That's a law that
15 they passed. I'm quoting from the law.

16 MS. GORDON: All of your discussion has
17 been about the minutes of the 2002 meeting, and I
18 just think we should be clear about whether we're
19 going to rely on --

20 MS. WINGATE: Well, the 2002 law --

21 MS. GORDON: -- the Legislative history or
22 on the existing text.

23 MS. WINGATE: The 2002 law says
24 "apartments" with an "S". It did not limit the
25 number of apartments.

1 MR. TASKER: Nor did it expand it.

2 MS. GORDON: I'm sorry, what? I didn't
3 here you, Arthur.

4 MS. WINGATE: It also --

5 MR. TASKER: I said nor did it expand the
6 number.

7 MS. WINGATE: Well, at that point --

8 MR. TASKER: You can't -- you can't -- as
9 was pointed out, the Legislative intent is one
10 thing. Mr. Saladino has given some -- the
11 several examples that he pointed out are, in
12 fact -- are in support of an interpretation that
13 says that there is very stringent limitations on
14 where multi-family housing can be constructed.
15 Be that as it may, what counts is the text of the
16 ordinance.

17 And what you have to do, and I think
18 Ms. Gordon was leading to this, is you have to
19 examine the depth of the ordinance, very clear
20 rules of interpretation, if you will, of statutes
21 and ordinances, and the most significant one
22 is -- the first thing you look for are
23 ambiguities. If there are no ambiguities, that's
24 the end of the interpretation, because there's
25 nothing to be interpreted. That's what the

1 purpose of the interpretation is, is to look at
2 the ambiguities. So that I think it bears
3 examining it in that -- in that regime as to what
4 ambiguities there are, and to that point, I'd
5 look for either, since this is a public hearing
6 or we're speaking with a building official, I'd
7 look to that kind of input as to where ambiguity
8 is seen there, so that we can determine whether
9 or not we really have something to interpret.

10 CHAIRMAN SALADINO: Well, I'm willing to
11 open it up to the public. Just -- I would just
12 like to respond to Diana about the definitions in
13 different chapters. There is reference. Chapter
14 88-1(B), it says a multi -- multi --

15 MS. NEFF: Could you read those a little
16 slower? 88 dash --

17 CHAIRMAN SALADINO: I'm going to give you
18 this copy and then you could copy that down.

19 MS. NEFF: Okay.

20 CHAIRMAN SALADINO: Chapter 88-1(B),
21 Multi-Dwelling Building: Any building where
22 there are two or more dwelling units, any
23 building. Chapter 150-2(B), Multi-Family
24 Dwelling: Any dwelling house designed to
25 accommodate or accommodate three or more

1 families, and shall include, but not limited to,
2 apartment house, garden apartment, co-op
3 apartment, apartment hotel, and condominium.

4 Building: Any combination of material forming
5 any construction. The term "building" shall
6 include the term "structure".

7 Chapter 103-4, a building, dwelling limit
8 or self-contained port -- dwelling unit or
9 self-contained portion containing complete house,
10 household facilities for only one family.

11 Multiple dwelling building: A building or
12 portion thereof containing three or more dwelling
13 units. Structure --

14 MR. TASKER: What's the cite on that, John,
15 the one using multiple dwelling buildings?

16 CHAIRMAN SALADINO: 103-4.

17 MR. TASKER: That's the one you just read?

18 CHAIRMAN SALADINO: That's the one I just
19 read. Chapter 68 dash --

20 MS. GORDON: Well, 150, it's dwelling
21 house.

22 CHAIRMAN SALADINO: But how do -- how do
23 you --

24 MS. GORDON: And are we considering a
25 dwelling house when we're talking about buildings

1 downtown?

2 CHAIRMAN SALADINO: Well, I just read you
3 the definition of a building. You're going to
4 have to show me someplace in the code where
5 downtown is different than the R-1, R-2, or --
6 I've looked, I can't find it. Perhaps that
7 should be the interpretation.

8 We're going to open -- does anybody else
9 have anymore -- anything else to say before I
10 open it up to the public?

11 MR. TASKER: We'll talk more later.

12 CHAIRMAN SALADINO: Oh, I'm sure we're
13 going to talk some more.

14 Is there anyone from the public that would
15 like to speak?

16 MS. MULCAHY: I just have some questions.

17 CHAIRMAN SALADINO: Sure.

18 MS. MULCAHY: Hi. Name is Mary Mulcahy,
19 I'm from Broad Street.

20 I just want -- in what you were just
21 discussing, the code definitions that you were
22 reading, are -- was that residential code or
23 commercial code? And is there -- because I'm not
24 familiar. I don't have 150-18 in front of me.
25 That one didn't get printed out, so I don't have

1 that. And I was just wondering, is it not --
2 downtown, is that not commercial? Is that not
3 commercial zoning? So wouldn't that be
4 commercial code being applied and not
5 residential?

6 CHAIRMAN SALADINO: The problem is, is --
7 the problem is, is that it doesn't differentiate.
8 Our code doesn't differentiate between the
9 Residential District and the Commercial District,
10 as far as -- as far as this issue.

11 MS. MULCAHY: Should it?

12 MR. TASKER: Certainly.

13 CHAIRMAN SALADINO: Absolutely.

14 MS. MULCAHY: So isn't that what needs to
15 be done, then?

16 CHAIRMAN SALADINO: We don't, we don't make
17 the law.

18 MS. MULCAHY: You don't make the law. Who
19 makes the -- who makes the zoning law?

20 CHAIRMAN SALADINO: You got to go to the
21 other, the other Board meeting on Thursday. The
22 Village Board legislates.

23 MS. MULCAHY: (Laughter) Okay. I just
24 thank you for -- I just wanted clarification,
25 because I didn't know what the definitions are

1 that we're dealing with here.

2 CHAIRMAN SALADINO: Just as an -- just as
3 an explanation, I don't think anybody, regardless
4 how this interpretation might go, or what would
5 come of it, or whatever law is enacted later on,
6 I don't think anybody is saying that they're not
7 in favor of multi-family housing.

8 MS. MULCAHY: Uh-huh.

9 CHAIRMAN SALADINO: And I won't speak for
10 my colleagues, I'll speak for myself. All I'm
11 saying is, is that if it's contrary to what's in
12 the code, just get a variance for it, just ask
13 for a variance.

14 MS. NEFF: And if --

15 CHAIRMAN SALADINO: If that's too
16 laborious, then you have to lobby the Village
17 Board to change the code to make it clearer, or
18 easier, or whatever.

19 Never once would I ever suggest that there
20 shouldn't be multi-family housing. All I'm
21 saying is, is that to do it, you should come and
22 get a variance to do it, because in my mind it's
23 contrary to what's in our code.

24 MS. NEFF: Well, if I may just mention, in
25 150-18, if you look at the following standards,

1 after it says what a multi-family is, there are
2 very few places, in fact, maybe even, you know,
3 like two or three or four in the whole Village
4 that these standards would operate. So, clearly,
5 the idea of multi-family where the most common
6 thing you can find throughout the code is it
7 means three or more. And even the size of them,
8 each one should be 1,000 square foot. I don't
9 know the rest of you who have lived in the
10 Village long enough to know that three-family
11 houses existed somewhere that you can see from
12 your front yard that are not, not those things,
13 and yet they existed.

14 So I think this, following standards, no
15 one could develop multi-family housing
16 practically, I would say -- let me modify that
17 and say it would be very difficult to develop
18 anything like multi-family housing in the
19 commercial code or R-1 and R-2 without ending up
20 in front of the ZBA. I mean, that's -- and how
21 you apply with an individual parcel, an
22 individual plan is what this is about.

23 CHAIRMAN SALADINO: Well, the
24 interpretation here tonight at this moment in
25 time is where does this apply? I gave her mine.

1 Where does this apply? If it doesn't apply in
2 the -- in the CR, which is some people's
3 contention, or the WC, or the GC, then it
4 wouldn't come in front of --

5 MS. WINGATE: It can't apply in WC, because
6 that's Commercial District, okay? The only --
7 the only residential use you have in a Commercial
8 District is artist studios. It can't work in CG,
9 because that's also a Commercial District. You
10 can allow it to work in CR, because they have
11 some component of residential use, as they do in
12 R-1 and R-2.

13 CHAIRMAN SALADINO: Did you -- did you just
14 hear? You can't have it in WC, it's a Commercial
15 District, you can't have it in General
16 Commercial, because it's a Commercial District,
17 but you can have it in Commercial Retail because
18 it's not a Commercial District?

19 MS. WINGATE: No, because within the CR
20 rules and regs, there is a residential component,
21 okay?

22 CHAIRMAN SALADINO: But not multi-family.

23 MS. WINGATE: That's what I'm asking you
24 guys. That is the question, John.

25 CHAIRMAN SALADINO: Okay.

1 MS. MULCAHY: Well, thank you very much.

2 CHAIRMAN SALADINO: Thank you.

3 MS. MULCAHY: You answered my questions.

4 Thank you.

5 CHAIRMAN SALADINO: Is there anyone else
6 from the public that would like to speak?

7 MS. MC ENTEE: You know I'm good for a few
8 questions. Joanne McEntee, Fifth Avenue.

9 I'm reading 150-18, and Item #A
10 specifically says 48,000 square feet minimum lot
11 area. So I went through our -- the entire
12 Village --

13 MS. NEFF: Right, if you look at the --

14 MS. GORDON: 150-18?

15 MS. NEFF: One, two, three.

16 MS. MC ENTEE: Yeah, this. There are
17 approximately, let's see, 16, 17, 18, 19, 20 lots
18 in our Village that are eligible for this.

19 MS. NEFF: That are vacant?

20 MS. MC ENTEE: That are not vacant, that
21 are -- that already have existing -- with
22 structures on it. This does not make sense to
23 me. There are slightly undersized, which would
24 obviously go for variances, slightly under an
25 acre. So that concerns me deeply. Where --

1 CHAIRMAN SALADINO: Joanne, just could you
2 just express your concern again?

3 MS. MC ENTEE: Well, there are -- there are
4 hardly any lots. These lots have to be -- it
5 says here on 150-18, Item A, it says the minimum
6 lot area is 48,000 square feet, and it's bigger
7 than an acre, and an acre is what, 43,650?

8 CHAIRMAN SALADINO: Forty-four thousand.

9 MS. MC ENTEE: Right? So that's a big lot.
10 We don't have that in our Village. That's in our
11 code already.

12 It's also stating that each of these -- in
13 Item #L, that there's a minimum off-street
14 parking area, one-and-a-half cars. That's --
15 that has to be. If you're talking commercial
16 downtown in the retail area, that -- we already
17 have a parking problem. We can't -- we've had a
18 parking problem this weekend and this is just
19 April.

20 I can tell you that I came up with, that
21 are overs, over one-acre lots that are being
22 used, six R-1s, five R-2s, five WCs, three RCs,
23 one CG, and then there are -- like I said, there
24 are couple of under lots -- undersized lots.

25 We also recently had an issue on Main

1 Street, I believe it was Main Street, there are
2 -- an applicant came in, and there were four
3 families in an apartment, and then they knocked
4 it down. One was removed, and then it was three
5 families. And then the decision on the Board was
6 to -- that -- and they went with what the
7 original Building Inspector said on his
8 paperwork, basically, that it was a two-family
9 home. That to me is the way it should work,
10 where -- and then we also have another issue on
11 Center Street.

12 CHAIRMAN SALADINO: Joanne, excuse me one
13 second.

14 (Discussion with Chief Wayne Miller of the
15 Fire Department)

16 MS. MC ENTEE: So on Center Street, there
17 was -- there was a home, a one-family that was
18 converted to a two-family, and then the garage
19 was turned into an accessory apartment.
20 Unbeknownst to everybody else in this Village,
21 the Building Inspector allowed this to go through
22 without it hitting any of the Boards. So that
23 just went through, and that happened to be now
24 what we call a multi-family dwelling that's now
25 illegal.

1 What I don't understand in this whole
2 entire process is that we are here and this is
3 being presented to the Board for an
4 interpretation, which to me is somewhat ass
5 backwards, and excuse my language.

6 CHAIRMAN SALADINO: No.

7 MS. MC ENTEE: Generally, I would think
8 that we know the circumstances. Let's find out
9 what you're talking about. Let's find out what
10 -- where this information is coming from, why you
11 need it, and let's fix those particular issues
12 and address them at that time.

13 CHAIRMAN SALADINO: I thought that's what
14 we were doing.

15 MS. MC ENTEE: Well, we don't know who it
16 is. In other words, I'm not saying who, what
17 person. Like what law are you talking about?
18 Are you really talking about --

19 CHAIRMAN SALADINO: We're not talking about
20 a specific lot, we're talking about zoning
21 districts.

22 MS. MC ENTEE: And that's it. So I'm
23 just -- my point is that, sure, I would not want
24 multi-family in my R-2s or my R-1s. And that to
25 me is -- we are so crowded here in our Village,

1 how much more can you put in my backyard?

2 CHAIRMAN SALADINO: Just --

3 MS. MC ENTEE: If you can sympathize.

4 CHAIRMAN SALADINO: Just as an explanation,
5 the code is permissive. It tells you where you
6 -- if it doesn't mention where you can do
7 something, you can't do it there. There's no
8 dispute that multi-family is not a permitted use
9 in the R-1 District. I don't think there's any
10 dispute on this Board or with the Building
11 Department that multi-family is a possibility as
12 a conversion in the R-2 District.

13 MS. GORDON: But only with those enormous
14 lots and --

15 MR. TASKER: Very stringent requirements.

16 MS. GORDON: Right.

17 MS. NEFF: Which don't exist, for all
18 practical purposes.

19 CHAIRMAN SALADINO: But you always --
20 there's always the possibility everybody's
21 entitled to appeal. So, again, if there was no
22 right of appeal, there would be no Zoning Board
23 of Appeals.

24 MS. NEFF: Right.

25 CHAIRMAN SALADINO: And we would all be out

1 of jobs.

2 (Laughter)

3 MS. NEFF: Who is going to change it?

4 MS. MC ENTEE: So I imagine --

5 CHAIRMAN SALADINO: And we would have to
6 give up that big paycheck.

7 (Laughter)

8 CHAIRMAN SALADINO: The other zoning
9 district that I don't think there's any dispute
10 about is the Waterfront Commercial. I think most
11 of us agree, along with the Building Department,
12 although I hesitate to speak for the Building
13 Inspector, that multi-family is not a permitted
14 use in the Waterfront Commercial. The General
15 Commercial I don't think it's a possibility,
16 because --

17 MS. WINGATE: They have no residential
18 conditions.

19 CHAIRMAN SALADINO: It's basically railroad
20 tracks.

21 MS. WINGATE: That, too.

22 MS. MC ENTEE: That's a park district.

23 CHAIRMAN SALADINO: So it boils down to the
24 CR. And the question is does the "S" at the end
25 of "apartments" constitute more than two?

1 MS. MC ENTEE: So let's look at the three
2 CRs we have. You've got Sterling Commons.

3 MS. WINGATE: Which has five -- six
4 existing apartments.

5 MS. MC ENTEE: Uh-huh. You got Mitchell
6 Park, that's 2.92 acres. I'm sure we're not
7 going to do anything with that.

8 MS. WINGATE: That's zoned WC.

9 MS. MC ENTEE: And you got --

10 CHAIRMAN SALADINO: That's --

11 MS. MC ENTEE: You said CR, right?

12 CHAIRMAN SALADINO: But that's -- but we're
13 getting --

14 MS. MC ENTEE: And then Townsend Manor.

15 CHAIRMAN SALADINO: We're getting off track
16 with that, with that. It's -- the Commercial
17 Retail District, is more than two apartments a
18 permitted use? If it's not, does it have to
19 comply with 150-18?

20 MR. TASKER: There's a question before
21 that, is can it be --

22 CHAIRMAN SALADINO: I'm sure there's a
23 million questions before that, Arthur.

24 MR. TASKER: Can it be permitted at all,
25 irrespective of whether or not it complies with

1 150-18?

2 CHAIRMAN SALADINO: Well, I thought I said
3 that, if it's a permitted use at all.

4 MR. TASKER: Okay.

5 CHAIRMAN SALADINO: If it's not, if it's
6 not, it would have to comply with -- and you
7 would ask -- again, nobody is looking to abolish
8 multi-family housing. All I think is trying to
9 be resolved is where this enormous -- and for the
10 people that kind of -- you know, there was a
11 mindset that why this was passed. Whether people
12 are willing to admit it or not, there was a
13 mindset back in the day why this was passed,
14 48,000 square feet, 200 feet, 240 feet. If the
15 Village Board thinks this is -- this is -- it
16 would be up to them to change. All I think with
17 -- all that's on my mind is, is if it's a
18 permitted use, you don't need a variance. If
19 it's not a permitted use, you got to go for a
20 variance.

21 MS. MC ENTEE: Thank you.

22 CHAIRMAN SALADINO: Is there anyone else
23 from the public that would like to speak?

24 (No Response)

25 CHAIRMAN SALADINO: This looks like one of

1 those public hearings that we might --

2 MR. TASKER: Leave open.

3 CHAIRMAN SALADINO: Leave open. Is that --

4 MS. NEFF: Sounds like dinner over there.

5 MS. GORDON: Why are we leaving it open?

6 MR. CORWIN: I'd like to see it left open,
7 because I have to study this some more, and some
8 other people might come in and say whatever, and
9 send a letter.

10 CHAIRMAN SALADINO: Plus I don't think -- I
11 mean, we're not under any time constraints with
12 this, our backs not to the wall with this. It's
13 the Village that's making the request. I mean,
14 we could take --

15 MS. WINGATE: I have all the time in the
16 world.

17 CHAIRMAN SALADINO: We could take as much
18 time as we want with this, right? It would be
19 nice to resolve it, but -- so if --

20 MR. TASKER: So, clearly, if a building
21 permit application were to come in in the
22 meantime that might invoke questions regarding
23 this, you'd bring it to our attention.

24 MS. WINGATE: I'm not anticipating any of
25 that going into busy season.

1 MR. TASKER: Good.

2 MS. NEFF: Okay.

3 MR. TASKER: Then let's leave it open.

4 MS. WINGATE: The other thing I just might
5 throw out there, in reading 2002 minutes, there's
6 a statement from the Board of Trustees about
7 accessory apartments and garage apartments and
8 how they are a permitted use, to which --

9 CHAIRMAN SALADINO: Well, what he said was,
10 what the comment was, "Well, yeah, maybe I think
11 you might be able to convert your garage."

12 MS. WINGATE: I think that, water under the
13 bridge, we are working under new guidelines. But
14 it certainly -- if you start taking minutes as
15 Gospel, it's there.

16 CHAIRMAN SALADINO: Well, the reason -- if
17 you're making that statement to me, the reason I
18 chose to read from the minutes was because I had
19 made a comment about three apartments in a
20 particular building in the Commercial Retail
21 Zone, and I was told by a former Village
22 official -- two former Village officials that I
23 should read the law and I would understand what
24 their intent was. That's the only reason I
25 brought up these minutes. And in these minutes

1 their intent, at least what they conveyed to the
2 public, was clear.

3 MR. TASKER: And quite different from what
4 was asserted.

5 CHAIRMAN SALADINO: So --

6 MS. WINGATE: What I would really like to
7 read is when they initiate Village law, there's
8 usually a document that says "Intent", and nobody
9 has been able to come up with that. That's what
10 gets filed with the State. So we have -- we have
11 minutes, we have a law, and there's still a
12 couple of pieces of the puzzle missing.

13 MR. TASKER: Counsel, maybe you will
14 enlighten us on this, but it's only relatively
15 recently, compared to the discussions we're
16 having here about the Zoning Code and its various
17 iterations. It's only relatively recently that
18 those kind of stringencies on local laws and
19 local legislation, and particularly the filing
20 thereof, came into being; is that so?

21 MR. PROKOP: No, they were always -- you
22 were always required to state the intent of the
23 law, and they were always required to be filed.
24 What's more recent is the fact that the ability
25 to go online, look at the law. So the 2002 law

1 should be online at the Department of State.

2 MS. WINGATE: Oh, really?

3 MR. PROKOP: And you should be able to see
4 the intent. The intent should be stated.

5 MS. WINGATE: Oh, that's a good next step
6 for me.

7 MS. NEFF: All right.

8 CHAIRMAN SALADINO: So I'm going to make a
9 motion we keep this public hearing open. We
10 adjourn it to --

11 MR. CORWIN: Second.

12 CHAIRMAN SALADINO: We adjourn it to -- we
13 adjourn it to --

14 MS. WINGATE: May 19th?

15 MS. LINGG: Sixteenth.

16 MS. NEFF: Sixteenth.

17 MS. WINGATE: Sorry.

18 MS. NEFF: Yeah.

19 CHAIRMAN SALADINO: To our next regular
20 meeting, May 16th. So moved.

21 MR. CORWIN: Second.

22 CHAIRMAN SALADINO: All in favor

23 MR. CORWIN: Aye.

24 MS. GORDON: Aye.

25 MS. NEFF: Aye.

1 MR. TASKER: Aye.

2 CHAIRMAN SALADINO: And I'll vote aye.

3 Since both these public hearings are open

4 -- since both these public hearings are open,

5 there'll be no discussion on Alexander and Julie

6 Bell, and there'll be no discussion on item

7 Number 7.

8 So Number 8 is motion to adjourn. So

9 moved.

10 MR. TASKER: Second.

11 MR. CORWIN: Second.

12 CHAIRMAN SALADINO: All in favor

13 MR. CORWIN: Aye.

14 MS. GORDON: Aye.

15 MS. NEFF: Aye.

16 MR. TASKER: Aye.

17 CHAIRMAN SALADINO: Aye.

18 Any opposed?

19 (No Response)

20 CHAIRMAN SALADINO: No? Okay.

21 MS. NEFF: Oh, did we do the Findings and

22 Determinations?

23 CHAIRMAN SALADINO: Oh. Did I close the

24 meeting?

25 MS. WINGATE: You did. Too late for you.

1 MR. PROKOP: You can vote. We'll need a
2 vote to reopen.

3 MS. NEFF: Reopen.

4 CHAIRMAN SALADINO: Can I reopen this
5 meeting?

6 MR. PROKOP: Yes.

7 MR. TASKER: So moved.

8 MS. GORDON: What is it for?

9 CHAIRMAN SALADINO: All in favor? To vote
10 on the Findings and Determinations.

11 MS. GORDON: Oh, yes.

12 MS. NEFF: Second.

13 CHAIRMAN SALADINO: All in favor?

14 MR. CORWIN: Aye.

15 MS. GORDON: Aye.

16 MS. NEFF: Aye.

17 MR. TASKER: Aye.

18 CHAIRMAN SALADINO: Aye.

19 Do we have a copy of that? I don't --

20 MS. NEFF: We do.

21 MR. PROKOP: I have a copy of that.

22 CHAIRMAN SALADINO: I just want to read the
23 headline.

24 I'm going to make a motion to accept the
25 Findings and Determinations on the application of

1 James Olinkiewicz for variance approval of
2 221 Fifth Avenue; Suffolk County Tax Map
3 #1001-4-4-29. So moved

4 MS. NEFF: Lot 1 and 2.

5 CHAIRMAN SALADINO: No.

6 MS. NEFF: Well, it's about both of them.

7 CHAIRMAN SALADINO: It's the application.

8 MS. NEFF: Okay.

9 CHAIRMAN SALADINO: The entire -- we
10 voted --

11 MS. NEFF: All right.

12 CHAIRMAN SALADINO: We voted the
13 application as a whole for 221; is that correct?

14 MS. NEFF: Not sure. I have to look at
15 that.

16 CHAIRMAN SALADINO: 238 we listed the
17 variance, 221 we voted as a whole.

18 MS. GORDON: That's correct. So the
19 Findings and Determinations for 221 is for the
20 application as a whole.

21 MS. NEFF: Okay.

22 MS. WINGATE: (Nodded yes).

23 CHAIRMAN SALADINO: So moved.

24 MS. GORDON: Second.

25 CHAIRMAN SALADINO: All in favor?

1 MR. CORWIN: Aye.

2 MS. GORDON: Aye.

3 MS. NEFF: Aye.

4 MR. TASKER: Aye.

5 CHAIRMAN SALADINO: I'm going to vote aye

6 also.

7 So item Number 8-2-0 is motion to adjourn.

8 So moved.

9 MS. NEFF: Second.

10 CHAIRMAN SALADINO: Oh, I got to sign it.

11 I don't have a copy.

12 MR. PROKOP: I have a copy.

13 CHAIRMAN SALADINO: Oh, all in favor?

14 MR. CORWIN: Aye.

15 MS. GORDON: Aye.

16 MS. NEFF: Aye.

17 MR. TASKER: Aye.

18 CHAIRMAN SALADINO: Aye.

19 We're adjourned.

20 (The meeting was adjourned at 7:39 p.m.)

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