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 20 E L L E N N E F F - M e m b e r  
 21 A R T H U R T A S K E R - M e m b e r  
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 23 J O S E P H P R O K O P - V i l l a g e A t t o r n e y  
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 25 K R I S T I N A L I N G G - V I L L A G E B U I L D I N G C L E R K

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1 (THE MEETING WAS CALLED TO ORDER AT 6:07 P.M.)

2 CHAIRMAN SALADINO: Folks, are we ready?

3 This is Village of Greenport Zoning Board of

4 Appeals regular meeting.

5 Item #1 is going to be to accept the minutes  
6 of the June 20th, 2017 ZBA meeting. So moved.

7 MR. TASKER: Second.

8 CHAIRMAN SALADINO: All in favor?

9 MR. CORWIN: Aye.

10 MS. GORDON: Aye.

11 MS. NEFF: Aye.

12 MR. TASKER: Aye.

13 CHAIRMAN SALADINO: Aye.

14 Opposed?

15 (No Response)

16 CHAIRMAN SALADINO: Item #2 is motion to  
17 approve the minutes of the May 16th, 2017 ZBA  
18 meeting. So moved.

19 MR. TASKER: Second.

20 CHAIRMAN SALADINO: All in favor?

21 MS. GORDON: Aye.

22 MS. NEFF: Aye.

23 MR. TASKER: Aye.

24 CHAIRMAN SALADINO: Any abstentions?

25 MR. CORWIN: I abstain.

1 CHAIRMAN SALADINO: And I'll vote aye.

2 Item #3 is to schedule the next ZBA meeting  
3 for August 15th, 2017 at 6 p.m. at Station One of  
4 the Greenport Fire Department. So moved.

5 MR. TASKER: Second.

6 CHAIRMAN SALADINO: All in favor?

7 MR. CORWIN: Aye.

8 MS. GORDON: Aye.

9 MS. NEFF: Aye.

10 MR. TASKER: Aye.

11 CHAIRMAN SALADINO: Aye.

12 Item #4 is a public hearing, the application  
13 of Sixth Street LLC, Michael Kimack. I have it  
14 here, it's on the back. It's Michael Kimack,  
15 Agent for Sixth Street LLC, 429 Sixth Street. 429  
16 Sixth Street. Suffolk County Tax Map #1001-6-3-5.  
17 Mr. Kimack has jurisdiction here, so that's okay.

18 We'll do the mailings. The mailings went to  
19 GJC Partnership, P.O. Box 253, Greenport,  
20 New York, 11944; ADF Ventures LLC, 138 Oregon  
21 Avenue, Medford, New York, 11763; the Village of  
22 Greenport, 236 Third Street, Greenport, New York;  
23 Debra Riva, 433 Sixth Street, Greenport, New York,  
24 11944; Jennifer Kennedy, 293 Fourth Avenue,  
25 Saint James, New York, 11780; Brett Stephenson,

1 428 Sixth Street, Greenport, New York, 11944.

2 MR. CORWIN: Excuse me, Mr. Chairman. Was  
3 the notice sent to the Long Island Railroad?

4 CHAIRMAN SALADINO: We can ask the  
5 applicant.

6 MR. CORWIN: Was the notice sent to --

7 CHAIRMAN SALADINO: I don't have a response  
8 from the Long Island Railroad.

9 MR. CORWIN: Was a notice sent to the Town  
10 of Southold?

11 CHAIRMAN SALADINO: Well, I'm going to get  
12 to the Town of Southold. I thought we would need  
13 a confirmation from the Town of Southold and the  
14 Suffolk County Planning Association.

15 MS. WINGATE: What you -- the map that has  
16 the names, that's who it went out to. That's what  
17 Municipality offered. It did not go out to the  
18 Railroad, I know that for a fact. It didn't go to  
19 the Town of Southold, it went to the properties  
20 adjacent to the property.

21 CHAIRMAN SALADINO: Aren't we required to  
22 notify the Town and the Suffolk County --

23 MS. WINGATE: Only if the Town is adjacent  
24 to the property.

25 CHAIRMAN SALADINO: It is.

1 MR. TASKER: Yeah.

2 MS. WINGATE: They're a private --

3 MR. CORWIN: Well, we had this discussion  
4 three or four months ago.

5 MS. WINGATE: I don't --

6 MR. CORWIN: And I was confused as to how  
7 the Town of Southold was going to know about this,  
8 and you replied, "We're going to send them the  
9 notice."

10 MS. WINGATE: Can I see the map?

11 CHAIRMAN SALADINO: I gave it to Joe. I  
12 gave it to him --

13 MS. NEFF: It's here.

14 MR. TASKER: Is it here?

15 CHAIRMAN SALADINO: -- to give back to you,  
16 actually.

17 MS. NEFF: Yes.

18 CHAIRMAN SALADINO: But while we're doing --  
19 while the Building Inspector is looking at that,  
20 we're -- Kristina, we have a confirmation that it  
21 was sent to the newspaper?

22 MS. LINGG: Yes.

23 CHAIRMAN SALADINO: Okay. And before we let  
24 the applicant and the public speak, Joe, as far as  
25 SEQRA, do we decide what -- if this is -- what

1 type of action this is?

2 MR. PROKOP: You should -- you're supposed  
3 to do it as early in the process as possible.  
4 What I would do is I would do it -- you could  
5 determine what type of action it is, but I would  
6 not make a finding of significance until after the  
7 public hearing is done.

8 CHAIRMAN SALADINO: All I was looking to do,  
9 if it's an unlisted or a Type I Action is to  
10 declare Lead Agency now, and then make a  
11 determination later. If it's a Type II Action, we  
12 could do it later.

13 MR. PROKOP: I believe, if it's area  
14 variances for single family residence --

15 CHAIRMAN SALADINO: It's a subdivision.

16 MS. WINGATE: It's a subdivision.

17 MR. PROKOP: Oh, it's a subdivision? It  
18 ends up being a subdivision. So it would be a  
19 Type -- it's an Unlisted Action.

20 CHAIRMAN SALADINO: So we can declare Lead  
21 Agency status and --

22 MR. PROKOP: Yes. It's not in the Historic  
23 District, right?

24 MS. WINGATE: No.

25 CHAIRMAN SALADINO: No.

1 MR. PROKOP: No. So it's an Unlisted  
2 Action.

3 CHAIRMAN SALADINO: Can we get that out of  
4 the way now? This way --

5 MR. PROKOP: Yes.

6 CHAIRMAN SALADINO: -- it wouldn't be -- all  
7 right. I'm going to make a motion that the Zoning  
8 Board of Appeals declares itself Lead Agency in  
9 this -- in this application.

10 MS. GORDON: Second.

11 CHAIRMAN SALADINO: All in favor?

12 MR. CORWIN: Aye.

13 MS. GORDON: Aye.

14 MS. NEFF: Aye.

15 MR. TASKER: Aye.

16 CHAIRMAN SALADINO: Aye.

17 Okay. And do we have something from the  
18 Planning Board? I had asked you last month to --  
19 if they --

20 MS. LINGG: They never returned it back to  
21 me signed.

22 MR. TASKER: This was the written request  
23 from the Planning Board to us, correct?

24 CHAIRMAN SALADINO: To either -- all I  
25 wanted was something over the -- over the



1 Chairman's name saying they either had a comment  
2 or they didn't have a comment, as per the policy  
3 that we all agreed to. I don't understand the  
4 push-back, but we're not going to hold this public  
5 hearing up because of that. But before we close  
6 it, I'm going to kind of want that.

7 Did anybody else have any question about the --

8 MR. TASKER: There was a -- in dealing with  
9 notice to neighbors and so forth, we noted that  
10 there was no sign on the property.

11 MS. WINGATE: There was no placard. That  
12 was my error. It didn't -- the placard did not  
13 get published for the -- for placement in the  
14 yard.

15 MR. TASKER: So the neighborhood did not get  
16 the notice it's entitled to --

17 MS. WINGATE: Just -- just --

18 MR. TASKER: -- by virtue of having the sign  
19 on the front yard.

20 MS. WINGATE: My error.

21 MR. TASKER: But irrespective of whose error  
22 it is, it didn't happen.

23 MS. WINGATE: It did not happen.

24 MR. TASKER: I think we had a notice  
25 problem.

1 CHAIRMAN SALADINO: So there's another  
2 question for the Attorney. No placard.

3 MR. PROKOP: If it's in the -- if it's in  
4 the code or our agreed -- our adopted procedures  
5 that there needs to be a placard, then there would  
6 not have been proper notice. But I have to -- we  
7 would have to first make sure that it's -- like I  
8 said, make sure that it's in your -- in either the  
9 code or the -- our procedures.

10 MS. WINGATE: I know it's in the Planning  
11 Board. I don't believe that we ever changed our  
12 code for the Zoning Board. I will look that up  
13 right now. I'm getting there.

14 Section 150-27(A) says, "The Planning Board  
15 shall not decide upon any appeal for a variance or  
16 for an interpretation of this chapter without  
17 first holding a public hearing. Notice of a  
18 public hearing and substance of the appeal or  
19 application shall be given by publication of the  
20 official newspaper of the Village and at least 10  
21 days before the date of such hearing and by  
22 posting a placard of notice of a public hearing."  
23 So I screwed up.

24 MR. CORWIN: Well, let's get it straight  
25 who's responsible. As far as I'm concerned, the

1 applicant is just as responsible as you are, so  
2 I'm not putting the whole thing on you.

3 MS. WINGATE: I'm willing to --

4 MR. CORWIN: No. I don't hear that.

5 CHAIRMAN SALADINO: We're not here to  
6 assign. We don't have to -- we don't have to  
7 put -- the question on the -- for now is where do  
8 we -- do we move forward from here? I'm going to  
9 ask the Attorney.

10 MR. PROKOP: Can I see the section?

11 CHAIRMAN SALADINO: I'm going to ask the  
12 Attorney if we can open this public hearing, hear  
13 from -- the members of the public took time out to  
14 come here, the applicant took time to come here,  
15 open the public hearing, but keep it open.

16 MS. GORDON: Right.

17 CHAIRMAN SALADINO: And notice the public  
18 hearing with a placard, and keep the public  
19 hearing open and continue until next month.

20 MR. PROKOP: My recommendation is that yes,  
21 you could do that. You could have -- if there are  
22 people that are here that would like to be heard,  
23 you can have them give testimony and have their  
24 testimony be part -- be included in the minutes of  
25 the next minute, or in the record, even though

1 that this is not -- it cannot officially be the  
2 opening of the public hearing. However, people  
3 had been led to believe that there would be a  
4 public hearing tonight, and if they have something  
5 they'd like to say, then they should be allowed to  
6 say it, and we'll -- you could make those comments  
7 part of the record of the application.

8 CHAIRMAN SALADINO: So, just so it's clear  
9 in my mind, we won't open the public hearing. We  
10 won't open the public hearing.

11 MR. PROKOP: The public hearing cannot be  
12 officially open, no.

13 MS. NEFF: It's kind of like the prequel.  
14 (Laughter)

15 MR. PROKOP: It's in lieu of writing a  
16 letter, in other words. You know, you don't --  
17 you don't write a letter at the public hearing,  
18 you write it -- so if they would like to give  
19 testimony that's being recorded verbatim, they can  
20 do that, and the verbatim testimony will become  
21 part of the record.

22 MR. TASKER: We can just move to incorporate  
23 that into --

24 MR. PROKOP: By motion.

25 MR. TASKER: Yes.

1 MS. NEFF: All right.

2 MR. PROKOP: But there -- I would recommend  
3 that you have very limited back and forth with the  
4 applicant, because there's people that are  
5 entitled to hear that it did not get notice.

6 CHAIRMAN SALADINO: Well, they could  
7 certainly -- they could certainly attend the next  
8 public hearing.

9 MR. PROKOP: They can attend the next  
10 meeting.

11 MR. TASKER: And won't hear what's been said  
12 tonight.

13 MR. PROKOP: Right.

14 CHAIRMAN SALADINO: Well, it would be part  
15 of the public record. You heard.

16 MR. KIMACK: No. I understand the  
17 legalities of it, basically, and your Attorney is  
18 correct on that matter. When's the next hearing?

19 CHAIRMAN SALADINO: The next hearing is --  
20 we just read that.

21 MR. TASKER: August 15.

22 MS. GORDON: Meeting.

23 CHAIRMAN SALADINO: August 15th.

24 MR. KIMACK: Okay. Then probably the most  
25 prudent way to go forward, in order to take care

1 of this matter, is that -- the posting is 10 days  
2 prior, Eileen?

3 MS. WINGATE: Yes.

4 MR. KIMACK: So the posting would be by  
5 August 5th.

6 MS. WINGATE: Yes. Do I need to renotice in  
7 the newspaper?

8 MR. TASKER: Yes.

9 MR. PROKOP: And I would over-notice the  
10 surrounding -- if there's any question, please  
11 have the applicant send that notice.

12 MR. KIMACK: If you -- I mean, we could  
13 expand the -- we could expand the certified  
14 mailings, that's not a problem. From my  
15 understanding, you would like one to go to the  
16 Town of Southold.

17 CHAIRMAN SALADINO: We would -- we would  
18 like it. We would like it if the Town of  
19 Southold --

20 MR. KIMACK: And the LI -- the LI RR, which  
21 is --

22 CHAIRMAN SALADINO: And the MTA, perhaps.

23 MR. KIMACK: Okay.

24 CHAIRMAN SALADINO: I'm not sure how --

25 MR. KIMACK: So we'll treat it as a de novo

1 and start over again.

2 MR. PROKOP: Right, because --

3 CHAIRMAN SALADINO: And do it --

4 MR. PROKOP: Thanks for bringing that up.

5 So I wanted -- if you start the public hearing and  
6 then you adjourn it --

7 MR. KIMACK: No, no, no. It's --

8 MR. PROKOP: -- you don't have to notice the  
9 adjournment. But we're not -- we're not doing  
10 that. It's going to be a new hearing.

11 MR. KIMACK: The difficulty that I'm going  
12 have is that I'm going -- I would like to be able  
13 to resolve some issues, but we can't resolve any  
14 issue, because it's not going to be a matter of  
15 record, it's not going to matter of the public  
16 record.

17 CHAIRMAN SALADINO: Well, it is going to be  
18 a matter of record. We're going to take testimony  
19 from the neighbors.

20 MR. KIMACK: Yeah, but you can't take any  
21 testimony from me, so --

22 MS. NEFF: Okay.

23 MR. KIMACK: -- essentially, so.

24 CHAIRMAN SALADINO: So I'm going to make  
25 that motion.

1 MS. NEFF: Can I just ask?

2 CHAIRMAN SALADINO: Sure.

3 MS. NEFF: Who would you notice in the Town  
4 of Southold, the Superintendent of Highways, the  
5 ZBA?

6 CHAIRMAN SALADINO: Southold Town Planning  
7 Board.

8 MS. WINGATE: No, the Town Clerk.

9 MS. NEFF: The Town Clerk, got it.

10 CHAIRMAN SALADINO: Or the Clerk.

11 MS. NEFF: Thank you.

12 CHAIRMAN SALADINO: And she would pass it on  
13 to --

14 MR. KIMACK: Yeah.

15 CHAIRMAN SALADINO: -- the appropriate --  
16 but also Suffolk County. Shouldn't -- aren't we  
17 required to give them 45 days?

18 MS. WINGATE: I believe they were noticed.  
19 I hadn't gotten a response from them, that's  
20 typical.

21 MR. TASKER: Do you have the outgoing mail  
22 certificate?

23 MS. WINGATE: It's all --

24 MR. TASKER: For the outgoing?

25 MS. WINGATE: I speak to Suffolk County on



1 my computer, not through the mail.

2 MR. TASKER: They get their notices that  
3 way?

4 MS. WINGATE: Those I will mail.

5 CHAIRMAN SALADINO: Maybe you can, for the  
6 public hearing, just get something from Suffolk  
7 County.

8 MS. WINGATE: No problem.

9 MR. KIMACK: That's a good idea, though.  
10 May I ask a question on those?

11 CHAIRMAN SALADINO: Sure.

12 MR. KIMACK: On the posting, would it be  
13 helpful if we had two signs, one for Sixth Street  
14 and one for Corwin?

15 MS. WINGATE: If that's what you want,  
16 that's --

17 MR. KIMACK: I -- I let's overkill.

18 MS. WINGATE: Okay.

19 MR. KIMACK: I'd put one on the Railroad,  
20 but they'd probably knock it down.

21 MR. TASKER: I'd also like to note for the  
22 benefit of the -- any people of the public who are  
23 going to speak tonight, they will not have had an  
24 opportunity to hear the applicant's representative  
25 tonight. So I think we want to make it clear that

1 they have the opportunity to speak again at the  
2 public hearing, which will probably -- we haven't  
3 made the motion yet -- which will be held at the  
4 next ZBA meeting. So you will have -- so anyone  
5 in the public will have an opportunity to speak  
6 tonight informally, have it incorporated into the  
7 record, but also to come back and respond, if they  
8 wish, to any comments by the applicant.

9 MR. KIMACK: Yeah, they would have the  
10 opportunity to formulate additional questions  
11 based upon whatever presentation I make.

12 CHAIRMAN SALADINO: Well, I think the  
13 majority of the public that's been to a ZBA  
14 meeting knows we give everybody a couple of bites  
15 at the apple. So, you know, nobody gets shut out  
16 here as far as -- so Mr. Kimack -- oh, I got to  
17 make a motion that we reschedule this public  
18 hearing for --

19 MR. KIMACK: August 15th?

20 CHAIRMAN SALADINO: For -- we're going to  
21 reschedule the public hearing for Sixth Street LLC,  
22 with Michael Kimack as the representative, for  
23 August 15th, 2017 at 6 p.m.

24 I don't think we have to do another site  
25 visit. Is that agreeable to everyone?

1 MR. CORWIN: Yes

2 MS. NEFF: Yes

3 MR. TASKER: Yes.

4 MR. KIMACK: Are you okay with that? Okay

5 CHAIRMAN SALADINO: No more site visit. And  
6 for that public hearing, we would like from the  
7 applicant the additional mailings.

8 MR. KIMACK: Yes.

9 CHAIRMAN SALADINO: Long Island Railroad  
10 Company and the Town of Southold.

11 MR. KIMACK: It would be --

12 MR. TASKER: Full round of mailings, I  
13 believe.

14 MR. KIMACK: Pardon?

15 MR. TASKER: Full round of mailings, I  
16 believe.

17 MR. KIMACK: I --

18 MR. PROKOP: All the mailings have to be  
19 done again.

20 MR. KIMACK: Oh, no, no, I know, everything  
21 goes out.

22 MR. PROKOP: We agreed to it.

23 CHAIRMAN SALADINO: No, this is in addition.

24 MR. TASKER: Full round.

25 MR. KIMACK: Plus every -- the six, plus the

1 three we additionally talked about.

2 MR. TASKER: Yes.

3 MR. KIMACK: No, no, that's easy enough to do.

4 CHAIRMAN SALADINO: Okay. And we're going  
5 to hear from the Building Inspector about Suffolk  
6 County. So we voted. So moved to move the public  
7 hearing. All in favor?

8 MR. CORWIN: Aye.

9 MS. GORDON: Aye.

10 MS. NEFF: Aye.

11 MR. TASKER: Aye.

12 CHAIRMAN SALADINO: And I'll vote aye.

13 Thank you, Mr. Kimack.

14 MR. KIMACK: Okay.

15 CHAIRMAN SALADINO: We're going to -- we're  
16 going to take some comments from the public. If  
17 you would, you could come to the podium, give  
18 your --

19 MS. KENNEDY: I have no comments tonight.

20 MS. BRAATEN: I'm sorry, what is your name?

21 MS. KENNEDY: Jennifer Kennedy.

22 MS. RIVA: Debra Riva. I have no comments  
23 tonight.

24 CHAIRMAN SALADINO: We have these, these  
25 letters. I believe Ms. Riva wrote one. You would

1       rather read it yourself at the -- at the next  
2       public meeting?

3               MS. RIVA:    Yes.

4               CHAIRMAN SALADINO:    Okay.    That makes it  
5       easy.    That makes Item #5 very easy.

6               And Item #6 is going to be -- unless the --  
7       unless anybody else has a comment about Sixth  
8       Street LLC.    No?    And then Item #6 is a motion to  
9       adjourn.

10              MR. TASKER:    So moved.

11              CHAIRMAN SALADINO:    All in favor?

12              MR. CORWIN:    Aye.

13              MS. GORDON:    Aye.

14              MS. NEFF:    Aye.

15              MR. TASKER:    Aye.

16              CHAIRMAN SALADINO:    Aye.    Sorry, folks.

17              (THE MEETING WAS ADJOURNED AT 6:25 P. M.)

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