

1 *VILLAGE OF GREENPORT*
 2 *COUNTY OF SUFFOLK : STATE OF NEW YORK*
 3 -----X
 4 *ZONING BOARD OF APPEALS*
 5 *REGULAR SESSION*
 6 -----X
 7 *Old Schoolhouse*
 8 *Front & First Streets*
 9 *Greenport, NY, 11944*

11 *April 19, 2022*
 12 *6:00 p.m.*

14 *B E F O R E:*
 15 *JOHN SALADINO - CHAIRMAN*
 16 *DINNIE GORDON - MEMBER*
 17 *SETH KAUFMAN - MEMBER*
 18 *JACK REARDON - MEMBER*

19 *******

20 *ALSO IN ATTENDANCE:*
 21 *AMANDA AURICHIO - SECRETARY TO THE BOARD*
 22 *BARBARA KUJAWSKI - RESIDENT OF GREENPORT*
 23 *ERIC BRESSLER - WICKHAM, BRESSLER & GEASA*
 24 *ERIC URBAN - RESIDENT OF GREENPORT*

25

1 *(*The meeting was called to order at 6:04 p.m. *)*

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

5 *Item No. 1 is a motion to accept and*
6 *approve the minutes of the March 15th, 2022*
7 *Zoning Board of Appeals meeting. So moved.*

8 MEMBER REARDON: I'll second.

9 CHAIRMAN SALADINO: All in favor?

10 MEMBER GORDON: Aye.

11 MEMBER KAUFMAN: Aye.

12 MEMBER REARDON: Aye.

13 CHAIRMAN SALADINO: And I'll vote aye.

14 *(Minutes Approved - VOTE: 4/0/0/0).*

15 *Item No. 2 is a motion to schedule the next*
16 *Zoning Board of Appeals meeting for May 17th,*
17 *2022 at 6pm at Station One Firehouse, Third and*
18 *South Street, Greenport, New York, 11944.*

19 So moved

20 MEMBER GORDON: Second.

21 CHAIRMAN SALADINO: All in favor?

22 MEMBER REARDON: Aye.

23 MEMBER KAUFMAN: Aye.

24 MEMBER GORDON: Aye.

25 CHAIRMAN SALADINO: And I'll vote aye.

1 *(Meeting Scheduled - VOTE: 4/0/0/0).*

2 Item No. 3 -- folks, we had a public
3 hearing scheduled for six o'clock and the
4 applicant withdrew their application, so we're
5 going to skip over that.

6 *Item No. 3 is 316 Front Street. It's a*
7 *motion to accept the application, schedule a*
8 *public hearing and arrange a site visit regarding*
9 *the application of Barbara Kujawski.*

10 MS. KUJAWSKI: Close enough.

11 CHAIRMAN SALADINO: Well, tell us for real.

12 MS. KUJAWSKI: Kujawski.

13 CHAIRMAN SALADINO: Kujawski, okay. *For*
14 *the property located at 316 Front Street,*
15 *Greenport, New York, 11944. This property is*
16 *located in the Commercial Retail District and is*
17 *not located in the Historic District. This*
18 *property requires a use variance. Is the*
19 *applicant here?*

20 MS. KUJAWSKI: Yes. When I bought the
21 house --

22 MS. MAHONEY: Can you come a little closer,
23 please?

24 CHAIRMAN SALADINO: Could you just come up
25 a little.

1 MS. KUJAWSKI: When I purchased my house it
2 was --

3 CHAIRMAN SALADINO: Name and address for
4 the stenographer, please.

5 MS. KUJAWSKI: Barbara Kujawski, 175 Sound
6 Avenue, Mattituck. When I purchased the house it
7 was a three-family house. It stayed the same,
8 three-family house, I renovated it totally when I
9 bought it to make it safe. Eileen went through
10 the whole process with us and CAST was across the
11 street. CAST had a property, they lost their
12 lease, they didn't have any place to go. I had
13 worked for Northfork Housing in the 80s and 90s
14 under Bessie {Swan}(sic) and I really felt badly
15 that they had no place to go.

16 They wanted a five-year lease. They needed
17 parking, they needed commercial space, so I came
18 before the Zoning Board with Linda Ruland who was
19 then the head of CAST and asked if it could be
20 turned into commercial. They, of course, you
21 realize, they left and purchased a church in
22 Southold which is very well suited for what they
23 need now. And I would like to turn this back to
24 workforce housing because that's what Greenport
25 needs, it needs workforce housing. It doesn't

1 need more commercial space, it needs housing and
2 it needs parking; solve those two issues and
3 Greenport would be a better place.

4 So I'm just asking for it to go back to
5 what it originally was. I didn't take the
6 kitchens out; they needed the kitchens, CAST did,
7 for food storage. So it was -- they rented the
8 whole downstairs, all I had to do was open up a
9 hallway and put it back to two one-bedroom
10 apartments, I'll close up the hallway.

11 CHAIRMAN SALADINO: And the second floor is
12 one -- one apartment?

13 MS. KUJAWSKI: One-bedroom, yes. And that
14 stayed to the same man who rented it originally,
15 I understand he's still there.

16 CHAIRMAN SALADINO: Um --

17 MS. KUJAWSKI: I have pictures of what it
18 looks like if --

19 CHAIRMAN SALADINO: Okay. But -- okay.
20 One of the problems we're running into here is,
21 first of all, the application is lacking, it's
22 almost barren.

23 MS. KUJAWSKI: I don't know what more to
24 say because you asked me to -- we did no work and
25 the application is mostly about work being done

1 and there was no work to be done. It's --

2 CHAIRMAN SALADINO: The other problem --
3 one of the other things is there's -- the
4 application is lacking, there's no EAF, there's
5 no survey.

6 MS. KUJAWSKI: Oh, I have a survey. I also
7 have -- I've spent a thousand dollars to have it
8 re -- an architect come in and redraw everything
9 that was in it.

10 CHAIRMAN SALADINO: Well, this is -- this
11 is what you provided, the architect's rendering,
12 what you provided is just the first floor. We
13 would --

14 MS. KUJAWSKI: Because nothing was changed
15 on the second floor at all; it's exactly as it
16 was.

17 CHAIRMAN SALADINO: The other -- the other
18 problem that we're seeing with this application
19 is is that -- is that when you -- when you
20 converted a non-conforming building to a
21 conforming building -- which the building was, is
22 non-conforming Residential in the Commercial
23 District and you've turned it into a conforming
24 building -- that's what stays. Now you're asking
25 to turn it into residential property.

1 In addition to that -- that in itself is a
2 use variance, hard --

3 MS. KUJAWSKI: Okay.

4 CHAIRMAN SALADINO: Also, there's a law in
5 Greenport that you can't -- you want three
6 apartments it becomes a multi-family dwelling;
7 that's not a permitted use in the Commercial
8 District. So --

9 MS. KUJAWSKI: You're making it very
10 difficult for young people to live here and work
11 here. There's just --

12 CHAIRMAN SALADINO: I was just reading --
13 I'm just reading what's in the Code.

14 MS. KUJAWSKI: I understand where you're
15 coming from, but have you thought about looking
16 at the --

17 CHAIRMAN SALADINO: Let me --

18 MS. KUJAWSKI: The zoning?

19 CHAIRMAN SALADINO: Have I looked at what?

20 MS. KUJAWSKI: At the zoning as is, because
21 there is just no place for these people to live.

22 CHAIRMAN SALADINO: Unfortunately, when it
23 comes to a use variance --

24 MS. KUJAWSKI: You don't need more
25 commercial space in Greenport, you need workforce

1 housing.

2 MEMBER GORDON: May I say something?

3 CHAIRMAN SALADINO: Sure.

4 MEMBER GORDON: The problem is that the
5 task of this Board is to deal with these
6 categories of land use that are given to us in
7 the Code.

8 So, I think, of course, you're absolutely
9 right, there is not nearly enough housing,
10 workforce housing or other kinds of housing, and
11 that the -- I mean, the larger argument is
12 absolutely sensible and I don't think anybody
13 would disagree with you. But what we have to do
14 is to apply your situation, apply the Code to
15 your situation. And so we have to go through
16 this rigamarole to figure out whether we can
17 reconvert what you had converted. And I would
18 like to know --

19 MS. KUJAWSKI: Yes.

20 MEMBER GORDON: -- a little bit more about
21 the history of the conversion in the first place.

22 MS. KUJAWSKI: Okay.

23 MEMBER GORDON: Because there's something
24 that land use professionals recoil against which
25 is called spot zoning, that is you rezone for a

1 particular person for a little spot --

2 MS. KUJAWSKI: I totally agree.

3 MEMBER GORDON: And when I read what I
4 could understand of this, that popped into my
5 head as a case of spot zoning.

6 So, you know, I'd like to know a little bit
7 more about how this occurred and what it meant
8 for the Village when it decided -- you know, was
9 this a decision to change the zoning of your
10 building, or was it simply a consideration to
11 find a temporary solution for your particular
12 problem? Can you tell us a little bit more about
13 that.

14 MS. KUJAWSKI: Sure. The house directly to
15 the west is a three-family. I also -- also
16 thought when I purchased it, it was an estate, it
17 was a legal three-family; those were
18 grandfathered. It had Section 8 Housing in it,
19 it was in deplorable shape. I went in there and
20 I redid the three apartments. It was rented as
21 three apartments until --

22 MEMBER GORDON: And that is still within
23 the commercial -- it's zoned -- that's still
24 within the Commercial District, right?

25 MS. KUJAWSKI: I --

1 MEMBER GORDON: It's the CR District,
2 right? Yeah.

3 MS. KUJAWSKI: But it was still -- when I
4 purchased it, it had three tenants, three Section
5 8 tenants.

6 MEMBER GORDON: Still residential.

7 MS. KUJAWSKI: Still residential.

8 MEMBER GORDON: Uh-huh.

9 MS. KUJAWSKI: The only reason I went and
10 changed it was for CAST, and it's kind of like no
11 good deed goes unpunished.

12 MEMBER GORDON: Right.

13 MS. KUJAWSKI: Otherwise it'd still be
14 grandfathered as a three one-bedroom apartment.
15 And I just -- I was -- since I had worked with
16 CAST, when I worked with the North Fork Housing
17 they were in the same building. I worked with
18 Bessie {Swan} for years and when they came to me,
19 as I said, what could I do? I couldn't say no.

20 MEMBER GORDON: Uh-huh.

21 MS. KUJAWSKI: They were really between a
22 rock and a hard place.

23 MEMBER GORDON: Uh-huh.

24 MS. KUJAWSKI: And that meant going and
25 changing the zoning for them, which I probably in

1 hindsight should never have done because I'd

2 MEMBER GORDON: Well --

3 MS. KUJAWSKI: -- be perfectly legal now.

4 MEMBER GORDON: It was fine for you to ask
5 to have it done. If anybody is at fault here for
6 changing it, it would be those who decided to
7 change the Code for you.

8 So now the question, I think, is was that
9 decision a kind of permanent establishment of a
10 zoning exception, or was it something that can be
11 accommodate -- accommodated to put back into the
12 category with which it came.

13 CHAIRMAN SALADINO: Wait, wait. Excuse me
14 one second. Wait, are you asking if they were
15 like just fooling around and just --

16 (*Laughter*)

17 I'm not sure what you're saying.

18 MS. KUJAWSKI: When I went to do that it
19 was me -- it was Eileen who was a building
20 inspector, it was Linda Ruland, the head of CAST
21 and we went, all three of us, to ask the Zoning
22 Board --

23 MEMBER GORDON: Uh-huh.

24 MS. KUJAWSKI: -- to help them out.

25 Especially CAST because they -- they really had

1 no place to go at that point.

2 MEMBER GORDON: And the Zoning -- but what
3 did the -- the Zoning Board then --

4 MS. KUJAWSKI: They said "Sure".

5 MEMBER GORDON: They didn't -- did they
6 require you to -- did they require you to
7 establish the zoning status of the new use, or
8 was it -- I mean, you just said they said "sure".
9 Was it really as simple as that?

10 MS. KUJAWSKI: It was as simple as that.
11 It was done practically that night; I think it
12 was done that night.

13 MEMBER GORDON: Uh-huh. Uh-huh.

14 Okay. Well, of course our Chair is right
15 that the application is not --

16 MS. KUJAWSKI: I understand, totally.

17 MEMBER GORDON: -- complete. And maybe --

18 MS. KUJAWSKI: What more would you like?

19 MEMBER GORDON: Well, the first step is
20 certainly -- a use variance is more complicated
21 than an area variance, and I think you need
22 somebody -- have you talked to a lawyer about how
23 to do this?

24 MS. KUJAWSKI: No.

25 MEMBER GORDON: I think that would be a

1 good step. I mean, it's incomplete in some very
2 simple ways as well as some complicated ways. I
3 mean, for instance, it asks if a prior appeal has
4 been made and you don't say -- you checked yes,
5 but you don't say when that happened or how that
6 happened.

7 And then, of course, there's the more
8 complicated question about how the transformation
9 or reconversion would fit with the kinds of
10 questions that we ask when a use has changed.

11 MS. KUJAWSKI: I was trying --

12 MEMBER GORDON: I mean, that is just the
13 sort of set of principles that we have to go by
14 as we try to do this in a slightly more
15 professional way than was done for you and for
16 CAST.

17 CHAIRMAN SALADINO: The narrative that --
18 I'm sorry, Dinny,

19 MEMBER GORDON: I was going to say, you go.

20 CHAIRMAN SALADINO: The narrative that you
21 gave us, there's a test, a balancing test in area
22 variances, in use variances. The narrative --
23 and a use variance is predicated only on
24 hardship, so you would have to show this Board
25 that you're suffering a hardship. And you're

1 really -- you really don't do that. The answers
2 that you give are --

3 MS. KUJAWSKI: What kind of --

4 CHAIRMAN SALADINO: -- more of a moral
5 answer than it is --

6 MS. KUJAWSKI: What kind of a hardship?

7 CHAIRMAN SALADINO: That's why -- we're not
8 here to do your application for you.

9 MS. KUJAWSKI: I see. So --

10 CHAIRMAN SALADINO: We're going to give you
11 some advice.

12 MS. KUJAWSKI: Go get a lawyer.

13 CHAIRMAN SALADINO: I'm going to talk to
14 the Board here. I think what I would like, and
15 I'm hoping maybe they agree, is that we put a pin
16 in this for you and there's -- you talk to
17 someone and -- first of all, you complete the
18 application; you get us the survey, you get us an
19 environmental assessment form, you complete all
20 the questions that you left blank. If you need
21 some help with that, I'm sure somebody could
22 recommend somebody to you.

23 MEMBER GORDON: You need to get a lawyer.

24 MS. KUJAWSKI: *(Laughter)* As I said, no
25 good deed goes unpunished *(laughter)*. I will go

1 get a lawyer.

2 CHAIRMAN SALADINO: So, we're thinking
3 we're going to table this instead of --

4 MEMBER KAUFMAN: Yes.

5 CHAIRMAN SALADINO: All right, we're going
6 to table this application. We're going to hold
7 it, we're going to give it back to Amanda.
8 You're going to talk to somebody at Village Hall,
9 they're going explain to you what else you're
10 going to need here. Because right now it would
11 be almost impossible for us to accept this
12 application.

13 MS. KUJAWSKI: Will the original survey
14 that I had done when I purchased the property,
15 will that be acceptable? I mean, the property
16 hasn't changed any.

17 CHAIRMAN SALADINO: I don't -- I
18 wouldn't -- I don't think that --

19 MS. KUJAWSKI: Because you know how much it
20 costs to get a new survey.

21 CHAIRMAN SALADINO: I know, I know. And
22 since we're on television here I'm not going to
23 give you my opinion. But if we were talking
24 outside I would say I probably wouldn't have a
25 problem with that, you know.

1 MEMBER GORDON: Yeah.

2 MEMBER KAUFMAN: How old is the survey?

3 MS. KUJAWSKI: Like probably 10 years ago,
4 something like that.

5 MEMBER KAUFMAN: And nothing's changed,
6 correct? So if --

7 MS. KUJAWSKI: No.

8 MEMBER KAUFMAN: Yeah, it's the same survey
9 for 10 years.

10 CHAIRMAN SALADINO: I don't think we would
11 have a problem with that.

12 MEMBER GORDON: That's fine.

13 MEMBER KAUFMAN: Yeah, I don't think you'll
14 have a problem with that.

15 MS. KUJAWSKI: I will go get a lawyer, I
16 will have six copies of the survey done and fill
17 everything out and figure out what --

18 CHAIRMAN SALADINO: And we're going to --
19 we're going to get an EAF, we're going to
20 complete the application.

21 The other thing I'm going to tell you is
22 the Village, there might be a second use variance
23 involved here depending if you want to go with
24 this plan or not, two rooms, two apartments on
25 the bottom floor. Again, the Village, you're

1 restricted to only two apartments or else it
2 becomes a multi-family dwelling. And to convert
3 to a multi-family dwelling --

4 MS. KUJAWSKI: I could make it one large
5 downstairs apartment, but the -- from what I've
6 been seeing, it really -- you need one-bedroom
7 apartments here more than -- for a large family.

8 CHAIRMAN SALADINO: Again, we're in the --

9 MS. KUJAWSKI: I know, I know.

10 CHAIRMAN SALADINO: -- the land use
11 business, you know, so we have to -- we have to
12 follow those guidelines. So that would be my
13 suggestion to you. I'm going to ask my
14 colleagues, what do we think.

15 MEMBER KAUFMAN: Do we need to see the
16 previous decision? Because it sounds like the
17 whole *go ahead, it all sounds good* is not really
18 a decision. So, if that's part of the argument
19 here --

20 CHAIRMAN SALADINO: Well, I kind of
21 think -- I don't want to -- I don't want to say
22 anything about a previous Zoning Board and stuff.
23 But no matter who they were, I mean, if it's
24 going from Residential to Commercial, it's going
25 from a non-conforming use which was residential

1 to a conforming use.

2 MEMBER GORDON: Within the Commercial
3 District.

4 CHAIRMAN SALADINO: Yeah.

5 MEMBER KAUFMAN: Yeah, but we don't need to
6 see it because it was just --

7 CHAIRMAN SALADINO: I'm going to -- I'm
8 going to take the -- you know, right now the
9 property is Retail Commercial, you know.

10 MEMBER REARDON: Is there any residential
11 use going on there right now?

12 MS. KUJAWSKI: Yes.

13 MEMBER REARDON: Upstairs?

14 MS. KUJAWSKI: Yes.

15 MEMBER REARDON: And that's --

16 MS. KUJAWSKI: One-bedroom.

17 MEMBER REARDON: One-bedroom.

18 MS. KUJAWSKI: Yep, and a bathroom.

19 MEMBER REARDON: And the downstairs is
20 vacant at the present time?

21 MS. KUJAWSKI: No.

22 MEMBER REARDON: Okay.

23 CHAIRMAN SALADINO: We -- we -- we didn't
24 hear that.

25 MEMBER REARDON: All right.

1 CHAIRMAN SALADINO: We didn't hear that.

2 MS. KUJAWSKI: Well, I'm not going to lie.

3 MEMBER KAUFMAN: I believe the stenographer
4 heard it, so it doesn't really matter what we
5 heard.

6 (*Laughter*)

7 CHAIRMAN SALADINO: Well, we're not the
8 zoning police is what I'm saying. But right now
9 you're in violation, you know, so.

10 MS. KUJAWSKI: I understand that.

11 CHAIRMAN SALADINO: But we're not going to
12 say anything. So we're going to hold this over.
13 We're going to hold this over.

14 MS. KUJAWSKI: Who makes the decisions on
15 land use?

16 CHAIRMAN SALADINO: The Zoning Board of
17 Appeals.

18 MEMBER GORDON: We do.

19 MS. KUJAWSKI: That that is zoned
20 Commercial. Because as I said, Greenport Village
21 doesn't need more retail and commercial.

22 MEMBER GORDON: Well, the Code, the Code
23 sets the --

24 MS. KUJAWSKI: Who sets the Code?

25 CHAIRMAN SALADINO: The Village Board.

1 MEMBER GORDON: The Village Board. There's
2 also a map, you know, a zoning map that --

3 MS. KUJAWSKI: I saw the map --

4 MEMBER GORDON: -- we'll show you.

5 MS. KUJAWSKI: -- and I will show you the
6 map.

7 MEMBER GORDON: Okay. Yeah.

8 MS. KUJAWSKI: And I disagree with the map.

9 (*Laughter*)

10 CHAIRMAN SALADINO: So let -- well, let me
11 -- all right. Just hypothetically, if they --
12 you realize if they change the map to suit you to
13 get your --

14 MS. KUJAWSKI: No, I don't think they
15 should do it to suit me.

16 CHAIRMAN SALADINO: Then we'll have to tear
17 down the Greenporter Hotel.

18 MS. KUJAWSKI: I don't think they should
19 suit me -- to suit me. I think they should
20 really rezone a lot of Greenport to multi-family
21 housing because you need workforce housing. And
22 I also think you should build a municipal parking
23 garage. There's no parking here.

24 CHAIRMAN SALADINO: Well, unfortunately
25 there's no vacant land either.

1 MS. KUJAWSKI: You've got enough parking
2 space there, I think you could fit one in, but
3 that's beyond me.

4 CHAIRMAN SALADINO: That's a whole -- you
5 know when we've got to bring that up? We've got
6 to bring that -- and I'll see you there, we've
7 got to bring it up on Thursday night in front of
8 the Village Board.

9 MS. KUJAWSKI: Really?

10 CHAIRMAN SALADINO: Absolutely.

11 MS. KUJAWSKI: You sure you want me to?

12 *(Laughter)*.

13 CHAIRMAN SALADINO: They're used to my big
14 mouth, so I'm sure they'll be used to yours.

15 MS. KUJAWSKI: I was born here in Greenport
16 and I've worked here quite often through the
17 years and I've seen what's happened to Greenport
18 since I was born many, many years ago. It's
19 totally a different place, totally different.
20 It's changed beyond anybody's expectation or
21 vision.

22 MEMBER GORDON: Uh-huh.

23 MS. KUJAWSKI: And I think it -- things
24 have to be looked at in a different way. We have
25 to go with what's currently happening, not what

1 it was in the 80's and 90s when I worked here.
2 And I think the Village Board should really
3 refocus their -- what's going on in town.

4 CHAIRMAN SALADINO: Like I said, Thursday
5 nights they're there, they'll listen to anything
6 you have to say.

7 MS. KUJAWSKI: Where's it going to be?
8 The firehouse?

9 CHAIRMAN SALADINO: At the Firehouse, yeah.

10 MS. KUJAWSKI: What time?

11 CHAIRMAN SALADINO: Their meetings start at
12 seven? Seven o'clock.

13 MS. KUJAWSKI: I'll be there. Good.

14 CHAIRMAN SALADINO: The third and fourth
15 Thursday of the month.

16 MS. KUJAWSKI: And I will get a letter.

17 MEMBER REARDON: Excuse me, Barbara.

18 MS. KUJAWSKI: Yes.

19 MEMBER REARDON: How long have you owned
20 the property?

21 MS. KUJAWSKI: About 10 years, I think.

22 MEMBER REARDON: And how long was CAST in
23 there?

24 MS. KUJAWSKI: Five years. They had a --
25 no, they extended it another year, so six years.

1 CHAIRMAN SALADINO: Six years; yeah, that's
2 what I remember.

3 MEMBER REARDON: So you owned it for four
4 years before CAST moved in.

5 MS. KUJAWSKI: Yes .

6 MEMBER REARDON: And during that four years
7 it was used as a three-family --

8 MS. KUJAWSKI: When I purchased it was,
9 yes.

10 MEMBER RERDON: -- with three units in it.

11 MS. KUJAWSKI: Yes.

12 MEMBER REARDON: It was always rented to
13 the three different people?

14 MS. KUJAWSKI: Oh, Lord. No, it wasn't,
15 I'm wrong.

16 MEMBER REARDON: And does it have free
17 electric services --

18 MS.KUJAWSKI: Yes.

19 MEMBER REARDON: -- and free water
20 services?

21 MS. KUJAWSKI: Yes, it does.

22 MEMBER REARDON: Okay. Thanks.

23 MS. KUJAWSKI: It has three different
24 meters and I pay the water and sewer; I always
25 did.

1 CHAIRMAN SALADINO: Okay.

2 MEMBER GORDON: And you said next door is
3 also --

4 MS.KUJAWSKI: Yes.

5 MEMBER GORDON: -- essentially the same
6 situation.

7 MS. KUJAWSKI: Yes

8 MEMBER GORDON: Non-conforming use in a
9 Retail Commercial.

10 MS. KUJAWSKI: Yep.

11 MEMBER GORDON: With three apartments?

12 MS. KUJAWSKI: Yes.

13 MEMBER GORDON: And three services?

14 MS. KUJAWSKI: I assume so. I couldn't
15 swear to that.

16 MEMBER GORDON: Yes.

17 CHAIRMAN SALADINO: Because the house to
18 the east is commercial space on the bottom.

19 MS. KUJAWSKI: Yeah, he was a dentist,
20 wasn't he?

21 CHAIRMAN SALADINO: A dentist, yeah.

22 MEMBER GORDON: Yeah.

23 MS.KUJAWSKI: Yeah, and I think -- I think
24 they lived up there.

25 CHAIRMAN SALADINO: Now it's going to be a

1 bike store.

2 MS. KUJAWSKI: It is?

3 CHAIRMAN SALADINO: That's what they say.

4 We're going to -- we're going to table
5 this --

6 MS. KUJAWSKI: Okay.

7 CHAIRMAN SALADINO: -- for you. Amanda has
8 all the notes that are going to be -- that you're
9 going to need. You'll talk to her and she'll let
10 you know what you're going to need.

11 MS. KUJAWSKI: Okay.

12 CHAIRMAN SALADINO: There's a handbook
13 on-line about zoning that explains use variance,
14 but you should really -- you should really see an
15 attorney.

16 MS. KUJAWSKI: Okay. As I said --

17 MEMBER REARDON: Barbara?

18 MS. KUJAWSKI: Yes?

19 MEMBER REARDON: Barbara, you own the house
20 to the west?

21 MS. KUJAWSKI: No, that's the only house I
22 own.

23 MEMBER REARDON: Do you own any other
24 properties in Greenport?

25 MS. KUJAWSKI: No.

1 MEMBER REARDON: But you live in Greenport.

2 MS. KUJAWSKI: I was born in Greenport, I
3 worked in Greenport. I work for Betsy Swan with
4 Northfork Housing. We developed a lot of the
5 housing here, we put up a lot of the houses here.
6 We just did a lot of the housing when I worked
7 for her and then we we lost a grant. And then I
8 went to work for Dominican Sisters and I ran
9 their thrift store here for, oh, I don't know how
10 many years; quite a few years.

11 MEMBER REARDON: Okay, thank you.

12 MS. KUJAWSKI: So, thank you.

13 CHAIRMAN SALADINO: Okay, thank you.

14 Item No. 4 -- *Item No. 5 on the agenda, 440*
15 *First Street. Motion to accept the application,*
16 *schedule the public hearing and arrange for a*
17 *site visit regarding the application of Eric*
18 *Urban for the property located at 440 First*
19 *Street, Greenport, New York, 11944. This*
20 *property is located in the R-2 One & Two-Family*
21 *District and is located in the Historic District.*
22 *This property requires a use variance. The*
23 *Suffolk County Tax Map #1001-4.-7-1. Before --*
24 *is the applicant here?*

25 Before the applicant speaks, in looking at

1 the application, I'm reading the attorney's
2 narrative in his application and he goes on to
3 say, *"As the ZBA has conceded, there is no*
4 *published form for an appeal seeking a reversal*
5 *of the determination of the building inspector*
6 *and the emission has not been cured" -- I take*
7 *exception to that -- "Thus the refusal of the ZBA*
8 *to entertain the application because it's not on*
9 *the approved form when it has not provided a form*
10 *for the application is arbitrary and capricious";*
11 I dispute that, too. And I want to say that's
12 only his opinion.

13 It goes on to say that, *"Indeed, the ZBA*
14 *Counsel conceded";* I'll say to that that I went
15 through the entire record from the last time the
16 attorney was here and I can't find that in the
17 official record that the attorney conceded
18 anything as far as a form.

19 *"It says that the form needed to be*
20 *amended" -- he never said that, for the record --*
21 *"but to date no such amendment has occurred. As*
22 *a result, the ZBA must consider the application*
23 *as submitted";* I have a problem with that, too.
24 Is the applicant here?

25 *(*Eric Urban raised His Hand*)*

1 Name and address --

2 MR. BRESSLER: To please the Board, my name
3 is Eric Bressler of Wickham, Bressler & Geasa.

4 At the last hearing it was discussed when
5 you, Mr. Chairman, brought up the notion that it
6 wasn't on the form that the Board put out. And I
7 stated that there was no form that had the word
8 reversal on it, and we all agreed that that was
9 the case.

10 CHAIRMAN SALADINO: But we all agreed --
11 the Board, anyway, agreed that this Board
12 provided you a path to get to where you wanted to
13 be. It was your decision that you didn't want to
14 follow that path.

15 MR. BRESSLER: I have a right under State
16 law to ask this Board for a reversal. That is
17 the law.

18 CHAIRMAN SALADINO: We gave you the
19 opportunity to follow the process that's been in
20 effect here for 73 years.

21 MR. BRESSLER: You are required, with all
22 due respect, to hear use variances --

23 CHAIRMAN SALADINO: Yes.

24 MR. BRESSLER: -- area variances,
25 interpretations and reversals, that is in the

1 State law. That is what's there and that is what
2 I'm seeking. If this Board determines that it is
3 not going to grant that relief, that is within
4 your power. However, with all due respect, it is
5 not within your power to say that you will not
6 listen to a reversal. That's my point. And
7 since you have no form that said reversal on it,
8 I typed it in because you must listen to
9 reversals.

10 So I don't understand what the problem is.
11 The form has otherwise got all the information
12 about the property.

13 CHAIRMAN SALADINO: Because you won't
14 acknowledge that the applicant needs a use
15 variance.

16 MR. BRESSLER: No, we disagree!

17 CHAIRMAN SALADINO: Well, the Village's
18 contention is that you do need a use variance.

19 MR. BRESSLER: They are wrong and it's for
20 you to determine whether the building inspector
21 is right or wrong.

22 CHAIRMAN SALADINO: You have to address the
23 Notice of Disapproval.

24 MR. BRESSLER: I did.

25 CHAIRMAN SALADINO: No, you didn't.

1 MR. BRESSLER: He's wrong.

2 CHAIRMAN SALADINO: Then you ask for an
3 interpretation.

4 MR. BRESSLER: I don't want --

5 CHAIRMAN SALADINO: You --

6 MR. BRESSLER: Mr. Chairman, I don't
7 want --

8 CHAIRMAN SALADINO: Mr. Bressler.

9 MR. BRESSLER: -- an interpretation, I want
10 a reversal. Perhaps the Board is not clear on
11 the difference between --

12 CHAIRMAN SALADINO: I have the State law
13 here.

14 MR. BRESSLER: -- an interpretation and a
15 reversal.

16 CHAIRMAN SALADINO: I have the State law
17 here about interpretations.

18 MR. BRESSLER: I don't want an
19 interpretation. Does the Board understand the
20 difference between an interpretation and a
21 reversal?

22 CHAIRMAN SALADINO: Yes.

23 MR. BRESSLER: You do.

24 MEMBER GORDON: Of course.

25 MR. BRESSLER: I don't want an

1 interpretation of any section of the zoning
2 ordinance. I don't want that, there's nothing to
3 interpret. There is a decision that was wrong
4 and it needs to be reversed.

5 Let me ask you a question. You don't have
6 to answer it, Mr. Chairman. But if there's no
7 difference between an interpretation and a
8 reversal, why does the State law say that you
9 have the power to hear both?

10 CHAIRMAN SALADINO: I'm reading from State
11 law here, it says, "*If an applicant for a*
12 *building permit receives a decision from the*
13 *zoning enforcement official denying the*
14 *permit*" -- are we in agreement so far?

15 MR. BRESSLER: Absolutely.

16 CHAIRMAN SALADINO: "*And if the applicant*
17 *believes that the permit should have been granted*
18 *under the terms of the zoning law, the applicant*
19 *can appeal from the denial to the Board of*
20 *Appeals.*" This is under interpretations.

21 MR. BRESSLER: No, it -- no. I don't want
22 an interpretation. If you want to go into the
23 Village law, I am happy to lay it out for you.

24 CHAIRMAN SALADINO: I'm going in --

25 MR. BRESSLER: But I have to tell you, that

1 is just wrong. And I have to tell you that of
2 all of the boards I've been in front of, every
3 single other board recognizes the existence of
4 the right to seek a reversal. It is in the State
5 law and I am asking you to exercise your power
6 and reverse it.

7 MEMBER GORDON: May I have a --

8 MR. BRESSLER: The issue is whether there's
9 one lot or two lots; that does not call for an
10 interpretation of any provision of the Village
11 Code.

12 CHAIRMAN SALADINO: What it calls for is a
13 decision about if there's one lot or two lots.

14 MR. BRESSLER: That's --

15 CHAIRMAN SALADINO: If it's two lots, this
16 Board would look at your evidence. You would ask
17 for an interpretation, this Board would look at
18 your evidence, decide, perhaps, in fact, there is
19 two lots, and the building inspector's denial
20 becomes moot because there is two lots. Then you
21 just have to deal with obtaining a building
22 permit with a building already on the lot.

23 If this Board decides that it's one lot
24 after looking at your evidence, then you need a
25 use variance.

1 MR. BRESSLER: I agree. And I'm asking --

2 CHAIRMAN SALADINO: But we're giving you --
3 we're giving you the path to get there.

4 MR. BRESSLER: I can't -- Mr. Chairman, I
5 cannot ask for an interpretation because I'm not
6 asking you to interpret a section of the Code.
7 Perhaps you could enlighten me on what section of
8 the Code --

9 CHAIRMAN SALADINO: But you're asking --

10 MR. BRESSLER: -- you think I should be
11 seeking an interpretation of. There aren't any.

12 CHAIRMAN SALADINO: If the building
13 inspector misinterpreted the Code as it pertains
14 to your application, that's where we would come
15 in with an interpretation.

16 MR. BRESSLER: He didn't misinterpret. The
17 Code says what it says. There is no section of
18 the Code that needs to be interpreted, there's
19 either one lot or two lots. Either the building
20 Inspector is right or the building Inspector is
21 wrong.

22 CHAIRMAN SALADINO: Well, isn't that what
23 this Board would decide?

24 MR. BRESSLER: Yes and that's a reversal.

25 MEMBER GORDON: May I?

1 CHAIRMAN SALADINO: Sure.

2 MEMBER GORDON: May I try a different
3 perspective on this? Is it not possible to use
4 the amended Notice of Disapproval to make a
5 decision on both the reversal, which is a matter
6 of making a judgment on administrative behavior,
7 and then dealing with the other items which are,
8 in fact, it seems to me, not use applications
9 but --

10 MR. BRESSLER: Correct, they're area.

11 MEMBER GORDON: They're area applications.

12 MR. BRESSLER: You're right, they're area
13 applications.

14 MEMBER GORDON: So, can we not -- can we
15 not -- can we not use this perhaps deficient form
16 to deal with the reversal question separately? I
17 mean, why -- I'm sort of distressed at the idea
18 that we're tied up by a dispute over what the
19 form should be and --

20 MR. BRESSLER: I agree.

21 MEMBER GORDON: And I -- it seems to me we
22 could, in fact, deal with item one, the reversal
23 question, quite separately from other -- and then
24 figure out whether it's a use variance or an area
25 variance that we need for the other items.

1 MR. BRESSLER: I don't -- I don't disagree
2 with you.

3 CHAIRMAN SALADINO: But how do we ignore --
4 how do we ignore the Notice of Disapproval?

5 MEMBER GORDON: We aren't ignoring it.

6 CHAIRMAN SALADINO: We are.

7 MEMBER GORDON: We're using it for a
8 slightly different purpose. We could write a
9 memo that describes how we're dealing with this.
10 It just seems to me that, you know, we have a
11 factual question and the idea that we can't get
12 to the factual question --

13 CHAIRMAN SALADINO: As far as I'm
14 concerned, that's your -- that's your comment and
15 you're welcome to it. As far as I'm concerned
16 we're giving you -- we're giving you a pass to
17 move your application forward.

18 MR. BRESSLER: The path doesn't apply, with
19 all due respect, Mr. Chairman. I've taken --

20 CHAIRMAN SALADINO: If you're willing -- if
21 you're willing to accept perhaps a memo or
22 something written in the margin from my
23 colleague, you're willing to accept that but not
24 my solution. I don't understand.

25 Anyway. Anyway, my -- my --

1 MR. BRESSLER: I just want you to make a
2 schedule --

3 CHAIRMAN SALADINO: My question is -- my
4 question is -- I'm not in a position -- unlike
5 Diana, I'm not in a position to ignore the Notice
6 of Disapproval.

7 I looked at your application, your
8 application is for an area variance. The five
9 questions are different. I think you need an
10 application for a use variance.

11 MR. BRESSLER: I disagree. And I don't
12 have to ask you, with all due respect. I don't
13 have to ask you for a use variance if I don't
14 want one. I want what your colleague just said;
15 I want you to look at question number one, which
16 is one lot or two and reverse it. And then if
17 you do that, we have to get to the area variance.
18 It's a very simple --

19 CHAIRMAN SALADINO: Well --

20 MR. BRESSLER: -- thing that I'm asking you
21 to do and I think --

22 CHAIRMAN SALADINO: I'm not prepared to do
23 that.

24 MR. BRESSLER: And I think --

25 CHAIRMAN SALADINO: Hold --

1 MR. BRESSLER: I think she got it right.

2 CHAIRMAN SALADINO: Anybody?

3 MEMBER REARDON: *(Shook head no)*.

4 CHAIRMAN SALADINO: Seth?

5 MEMBER KAUFMAN: *(Laughter)* I have problems
6 with this, too. I don't -- I think this is such
7 a stew that we need legal advice, which
8 unfortunately we don't have tonight.

9 CHAIRMAN SALADINO: Well, that's the other
10 thing also. Our attorney's not here, he had a
11 problem with COVID. The Village Attorney was
12 going to be here, Joe Prokop, I took a phone call
13 from him --

14 MR. BRESSLER: I'm happy to go to -- I
15 don't see Brother Prokop; is he coming?

16 CHAIRMAN SALADINO: I had a conversation
17 with Joe, I was going to tell you. I had a
18 problem -- a problem; you have a problem, I don't
19 have a problem. I had a conversation with Joe,
20 he can't make it either, so we have no attorney
21 here this evening. His advice to me was not to
22 rule about anything about this until there was
23 counsel present.

24 MEMBER KAUFMAN: It's not clear to me that
25 we can answer the question of one lot versus two.

1 So I prefer to have legal rep -- you know, our
2 legal representation here to clarify what our
3 duties are.

4 MR. BRESSLER: I'm sorry. What was the
5 beginning of your question?

6 MEMBER KAUFMAN: It wasn't a question, it
7 was a statement.

8 MR. BRESSLER: Oh. I think it's within
9 your power to determine whether the building
10 inspector is right or wrong.

11 MEMBER KAUFMAN: Well, that's your opinion.
12 That's your opinion.

13 MR. BRESSLER: I have to say -- you know, I
14 hadn't intended to say much, but since you
15 brought it up again, I don't understand why the
16 Board would not take the application before it
17 and make a determination on it. I don't
18 understand. A building inspector's decision has
19 been challenged, I have laid out grounds to
20 challenge it. If the Board is uncertain whether
21 it has the power to reverse and the Board is not
22 willing to accept what I say about its power, by
23 all means consult Counsel. I'm confident in his
24 answer. I've been there and I've done that many
25 times. I know it not your Board, but this is not

1 -- this is not new law. But if you want to rely
2 on the advice of your Counsel, by all means, I
3 think that's prudent on your part. I'm
4 disappointed, but I understand you want to talk
5 to Joe, talk to Joe.

6 CHAIRMAN SALADINO: Well --

7 MR. BRESSLER: I can't say that's
8 unreasonable, I'm just disappointed that he's not
9 here, that's all

10 CHAIRMAN SALADINO: Well, it's not that we
11 -- I don't -- I don't want to say that what's
12 happening here tonight is only because we would
13 rather talk to Joe first. I'm just taking our
14 attorney's advice that --

15 MEMBER GORDON: We got this memo just --

16 CHAIRMAN SALADINO: That --

17 MEMBER GORDON: -- at 2:43 today saying
18 that he wasn't available and saying that he
19 recommended that we not proceed with this
20 application without Counsel present because of
21 legal issues.

22 CHAIRMAN SALADINO: So --

23 MEMBER GORDON: So this is something that
24 we are confronting just now.

25 MR. BRESSLER: And there's nothing that I

1 can do about that. I said I'm disappointed but I
2 understand why you would want to take that
3 position; I get that. I don't like it but I
4 understand it.

5 CHAIRMAN SALADINO: Okay.

6 MR. BRESSLER: And maybe I can reach out to
7 Mr. Prokop before this thing gets rescheduled and
8 attempt to resolve that issue.

9 I also understand that you're going to take
10 advice from Mr. Prokop, but you're not bound by
11 it. This Board gets to do what it wants. Just
12 like my clients sometimes don't do what I advise
13 them to do, so.

14 CHAIRMAN SALADINO: Well, we would -- we
15 appreciate that. But me personally, I'm not an
16 attorney. Diana's an attorney, I'm not an
17 attorney, so I would be kind of foolish not to
18 take our lawyer's advice.

19 MR. BRESSLER: In most cases --

20 CHAIRMAN SALADINO: In a matter like this.

21 MR. BRESSLER: In most cases I would agree,
22 yes.

23 CHAIRMAN SALADINO: In this particular
24 case.

25 So, I'm going to make a motion that we

1 table this till next month.

2 MEMBER KAUFMAN: Second.

3 CHAIRMAN SALADINO: All in favor?

4 MEMBER REARDON: Aye.

5 MEMBER KAUFMAN: Sorry, I prematurely
6 seconded.

7 MEMBER GORDON: I just -- is tabling what
8 we're doing? Because we tabled the woman,
9 Ms. Kusniski's (*sic*) without a vote. Are we --

10 MR. BRESSLER: I think you're adjourning
11 it.

12 MEMBER GORDON: Are we tabling or --

13 CHAIRMAN SALADINO: We haven't --

14 MEMBER GORDON: -- adjourning or are we --

15 CHAIRMAN SALADINO: We haven't accepted an
16 application from this client here, this applicant
17 here. We haven't --

18 MEMBER GORDON: Then aren't we voting not
19 to accept it, at least at the moment, or not
20 voting at all and tabling it the way we did her?

21 CHAIRMAN SALADINO: That's what I thought.

22 MEMBER GORDON: Yeah, without --

23 CHAIRMAN SALADINO: Well, what would you
24 like? What would make you comfortable?

25 MEMBER GORDON: I think it is more

1 consistent not to vote; that's what I'm --

2 CHAIRMAN SALADINO: To table the
3 application?

4 MEMBER GORDON: Yeah.

5 CHAIRMAN SALADINO: Well, how -- do you
6 want us -- would you rather I say not accept the
7 application this evening; would that make you
8 more comfortable? And it would have a vote?

9 MEMBER GORDON: No, I just -- I just felt
10 that it wasn't a matter for the Board's vote and
11 that we, therefore, would do what we did with
12 her. In both cases we have a use variance where
13 -- well, they're very different kinds of issues,
14 but in both cases we have use variance questions
15 for which the sort of basic appropriateness of
16 the applicant's approach is at issue. And it
17 seems to me we are setting these aside rather
18 than making a Board decision on --

19 CHAIRMAN SALADINO: Well -- okay. With the
20 last applicant --

21 MR. BRESSLER: Last time -- last time you
22 adjourned it.

23 CHAIRMAN SALADINO: With the last applicant
24 -- excuse me. With the last applicant she was
25 willing to take our advice, go to Village Hall,

1 address the deficient application. It seems the
2 dynamic here is a little bit different than that.

3 So, I thought a more formal vote about
4 tabling it would make more sense, if this
5 conversation ever came up in front of a different
6 board or -- it would at least -- that part of the
7 conversation, if it was to ever go somewhere else
8 than here, would at least be on the record, our
9 vote that we were tabling it.

10 MR. BRESSLER: Let me just say one thing
11 that might inform your decision making. If you
12 vote not to accept this application, then you
13 start the clock running on me and I have to do
14 something. I'm not threatening you, I'm telling
15 you; if you vote not to accept it, the clock
16 starts running against me. If you kick this over
17 to the next session, that clock doesn't start
18 running.

19 CHAIRMAN SALADINO: As I explained to you
20 last time, we don't welcome an Article 78 but
21 we're not afraid of it either. So, you know, you
22 have to do what you have to do.

23 MR. BRESSLER: Right.

24 CHAIRMAN SALADINO: This Board -- this
25 Board -- I'm only one vote and there's four

1 free-thinkers here. So, I mean, if I make a
2 motion to table this and the vote is three to one
3 against, then they -- it becomes something for
4 next month. But I'm not prepared to vote to
5 accept this application tonight, as per my
6 attorney's advice.

7 MEMBER KAUFMAN: No, I thought we were
8 adjourning to next month on this issue; that was
9 what I thought we were voting on.

10 MEMBER GORDON: I'd just like the language
11 to be clear. Is this -- could we use the word
12 *adjourn*? I don't want somebody in the future to
13 think that we voted to reject the application,
14 not to accept it when we didn't.

15 MEMBER KAUFMAN: If we had Counsel -- sorry
16 to interrupt. If we had Counsel here tonight we
17 would be dealing with this tonight; that is the
18 issue. That is why we want to move this to next
19 month; correct?

20 MEMBER GORDON: Uh-huh.

21 MEMBER KAUFMAN: So, whatever language
22 makes everyone comfortable to convey the fact
23 that we're just moving it to next month because
24 we don't have the people here we need to have
25 here, is what I would prefer.

1 MEMBER REARDON: Does that suit you?

2 MR. BRESSLER: I think I've made my
3 position clear. If you vote --

4 CHAIRMAN SALADINO: I think you have.

5 MR. BRESSLER: If you vote to deny it then
6 you start the clock running. If you want to
7 adjourn it because you don't have Counsel here, I
8 don't like it but I understand it, given the
9 legal issues.

10 MEMBER REARDON: Uh-huh.

11 MEMBER KAUFMAN: And --

12 MR. BRESSLER: And I'm not going to give
13 you an opinion as to whether I think the clock is
14 running or not because I'm not your lawyer.

15 CHAIRMAN SALADINO: I'm not -- I don't
16 believe we asked you.

17 MR. BRESSLER: So, what date in May do you
18 anticipate putting this on for?

19 MEMBER REARDON: Well, it's the 17th, I
20 believe.

21 CHAIRMAN SALADINO: Nobody has an agenda
22 *(laughter)*.

23 MS. MAHONEY: Yes, it's the 17th.

24 MEMBER GORDON: We have --

25 CHAIRMAN SALADINO: The 17th, May 17th, six

1 o'clock at the Firehouse.

2 MR. BRESSLER: I will try to reach out to
3 Mr. Prokop before that time and get that issue
4 straightened out so that we know where we're
5 going with this. My client is anxious to move
6 forward one way or another. I'm not talking
7 about the ultimate decision, I am talking about
8 the process and getting the process going.

9 Like I said, I'm not happy. I understand
10 that Counsel isn't here. I think my client's
11 been prejudiced, but we'll see what happens on
12 May 17th and then we'll decide which way to go.
13 Thank you.

14 CHAIRMAN SALADINO: Thank you.

15 MEMBER REARDON: Mr. Bressler?

16 MR. BRESSLER: Yes?

17 MEMBER REARDON: I would like to say, after
18 reviewing all the documentation that you
19 presented, and it was significant, that you
20 appear to have done, you know, your due diligence
21 in presenting your case and presenting the
22 paperwork and the history bringing us to this
23 point. So, I just wanted to say, you know, not
24 all is in vain, you have done your job.

25 MR. BRESSLER: Thank you, Member Reardon.

1 I appreciate that. I try to.

2 And what I would say in response to that is
3 I'm just doing my job and I will see you on the
4 17th.

5 MEMBER REARDON: We'll digest it and we
6 we'll get through it.

7 MR. BRESSLER: Thank you. I appreciate
8 that.

9 CHAIRMAN SALADINO: Okay. I have an
10 agenda.

11 *Item No. 6 is any other Board of Appeals*
12 *business that might properly come before this*
13 *Board; anybody? No?*

14 *Item No. 7 is a motion to adjourn.*
15 So moved.

16 MEMBER KAUFMAN: Second.

17 MEMBER GORDON: Second.

18 CHAIRMAN SALADINO: All in favor?

19 MEMBER GORDON: Aye.

20 MEMBER REARDON: Aye.

21 MEMBER KAUFMAN: Aye.

22 CHAIRMAN SALADINO: And I'll vote aye.

23 ***(*The meeting was adjourned at 6:52 p.m. *)***

24

25

