

INCORPORATED VILLAGE OF GREENPORT  
ZONING BOARD OF APPEALS

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*In the Matter of*

CYNTHIA SCHOLL and DONALD SCHOLL,  
174 Sterling Street, Greenport  
(SCTM No. 1001-002.00-03.00-016.000)

*Applicants.*

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## **EXHIBITS**

**APPLICANTS' MEMORANDUM OF LAW IN SUPPORT OF THE APPLICATION  
AND  
IN OPPOSITION TO THE APPEAL OF LGTS PROPERTY TRUST CHALLENGING  
THE DETERMINATION OF THE BUILDING INSPECTOR**

*Submitted February 17, 2026*

Martha F. Reichert, Esq.  
*Attorneys for the Applicants*  
Twomey, Shea, Kelley, Dubin &  
Quartararo, LLP  
33 West Second Street  
Riverhead, New York 11901  
Tel: 631-727-2180  
Email: [mreichert@suffolklaw.com](mailto:mreichert@suffolklaw.com)

### **List of Exhibits:**

- Exhibit A – Notice of Disapproval, dated November 7, 2025
- Exhibit B – 1977 Building-Structure Inventory Form for 174 Sterling Street
- Exhibit C – Certificate of Occupancy, dated May 4, 1994 with Survey dated April 8, 1995 prepared by Anthony W. Lewandowski
- Exhibit D – Certificate of Occupancy, dated June 11, 2015 and Building Permit #02483
- Exhibit E – Letter from Division of Historic Preservation of the NYS Office of Parks, Recreation, and Historic Preservation (OPRHP), [date]
- Exhibit F – NYSDEC Letter of No Jurisdiction
- Exhibit G – Notice of Disapproval, dated April 9, 2024
- Exhibit H – ZBA Transcript, July 16, 2024
- Exhibit I – ZBA Transcript, December 16, 2025
- Exhibit J – Annotated Map of the Greenport Historic District
- Exhibit K – FIRM Panel Number 361004-001-C
- Exhibit L – Survey of 174 Sterling Street by Young Associates, last revised September 19, 2025
- Exhibit M – 172 Sterling Street Documents
- Exhibit N – 230 Fourth Street Documents
- Exhibit O – Near Map Aerial with house footprint analysis
- Exhibit P – 178 Sterling Street Documents

Exhibit A

Notice of Disapproval, dated November 7, 2025



# ZONING BOARD OF APPEALS NOTICE OF DISAPPROVAL

236 THIRD STREET  
GREENPORT, NY 11944

Tel: (631)477-0248  
Fax: (631)477-1877

villageofgreenport.org

**MAYOR**  
KEVIN STUESSI  
EXT 215

**TRUSTEES**  
PATRICK BRENNAN  
DEPUTY MAYOR  
LILY DOUGHERTY-JOHNSON

JULIA ROBINS  
MARY BESS PHILLIPS

**TREASURER**  
ADAM BRAUTIGAM  
EXT. 217

**VILLAGE CLERK**  
CANDACE HALL  
EXT 214

FROM: VILLIAGE OF GREENPORT BUILDING DEPARTMENT

APPLICANT: DONALD AND CYNTHIA SCHOLL

ADDRESS: 174 STERLING STREET  
GREENPORT, NY 11944

SCTM: 1001-002-003-016

DATE: NOVEMBER 7, 2025

BUILDING FILE #25-012

The building permit application for **ADDITIONS AND RENOVATIONS TO EXISTING HOME** at the above-mentioned premises has been denied for the following reasons:

- EAST LOT LINE OF 10' IS REQUIRED. YOU HAVE .8.3' THEREFORE A VARIANCE OF 1.7' IS REQUIRED
- WEST LOT LINE OF 10' IS REQUIRED. YOU HAVE 6.9' THEREFORE A VARIANCE OF 3.1' IS REQUIRED

George Pfriendr  
Building Inspector

Exhibit B

1977 Building-Structure Inventory Form  
for 174 Sterling Street

15

# BUILDING-STRUCTURE INVENTORY FORM

FOR OFFICE USE ONLY

DIVISION FOR HISTORIC PRESERVATION  
NEW YORK STATE PARKS AND RECREATION  
ALBANY, NEW YORK (518) 474-0479

UNIQUE SITE NO. 103-68-0830  
QUAD \_\_\_\_\_  
SERIES \_\_\_\_\_  
NEG. NO. \_\_\_\_\_

202

YOUR NAME: Kelemen DATE: August 1977

YOUR ADDRESS: 18 South St. TELEPHONE: 477 1121

ORGANIZATION (if any): Cultural Resource Center

L

\*\*\*\*\*

2-3-15

## IDENTIFICATION

- BUILDING NAME(S): \_\_\_\_\_
- COUNTY: Suffolk TOWN/CITY: Southold VILLAGE: Greenport
- STREET LOCATION: 174 Sterling St.
- OWNERSHIP: a. public  b. private
- PRESENT OWNER: Ruth & Jean Rodenberg ADDRESS: same
- USE: Original: 2 family residence Present: same
- ACCESSIBILITY TO PUBLIC: Exterior visible from public road: Yes  No   
Interior accessible: Explain with permission

## DESCRIPTION

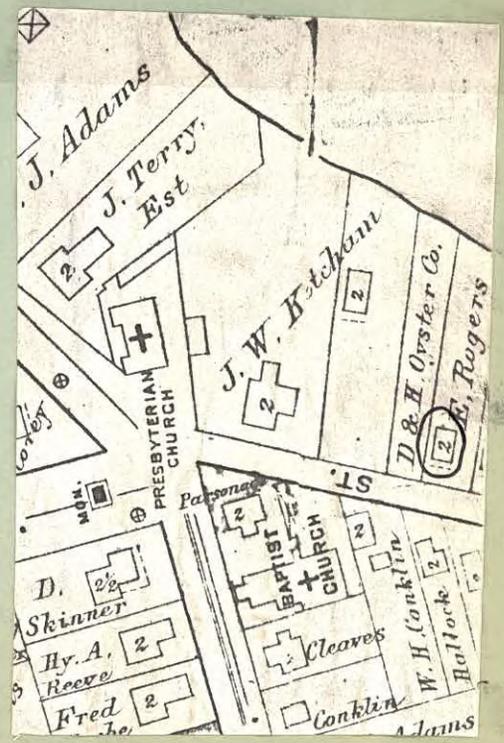
- BUILDING MATERIAL: a. clapboard  b. stone  c. brick  d. board and batten   
e. cobblestone  f. shingles  g. stucco  other: asbestos
- STRUCTURAL SYSTEM: a. wood frame with interlocking joints   
b. wood frame with light members   
c. masonry load bearing walls   
d. metal (explain) \_\_\_\_\_  
e. other f. c. b.
- CONDITION: a. excellent  b. good  c. fair  d. deteriorated
- INTEGRITY: a. original site  b. moved  if so, when? \_\_\_\_\_  
c. list major alterations and dates (if known):  
porches added in 1910; bathroom added in 1910;  
kitchen remodeled 1965

12. PHOTO: Roll 1 Frame 21

13. MAP: 1909 Suf. Co. Atlas



HP-1



14. THREATS TO BUILDING: a. none known  b. zoning  c. roads   
 d. developers  e. deterioration   
 f. other: \_\_\_\_\_
15. RELATED OUTBUILDINGS AND PROPERTY:  
 a. barn  b. carriage house  c. garage   
 d. privy  e. shed  f. greenhouse   
 g. shop  h. gardens   
 i. landscape features: \_\_\_\_\_  
 j. other: \_\_\_\_\_
16. SURROUNDINGS OF THE BUILDING (check more than one if necessary):  
 a. open land  b. woodland   
 c. scattered buildings   
 d. densely built-up  e. commercial   
 f. industrial  g. residential   
 h. other: \_\_\_\_\_
17. INTERRELATIONSHIP OF BUILDING AND SURROUNDINGS:  
 (Indicate if building or structure is in an historic district)  
 rear yard abuts bay; yard bulkheaded; dock built in 1930.  
 structure in historic district on tree lined street with  
 houses of similer size.
18. OTHER NOTABLE FEATURES OF BUILDING AND SITE (including interior features if known):  
 gambrel roof - first and second story bay windows

SIGNIFICANCE

19. DATE OF INITIAL CONSTRUCTION: 1905
- ARCHITECT: Ernest Rogers
- BUILDER: Ernest Rogers
20. HISTORICAL AND ARCHITECTURAL IMPORTANCE:

21. SOURCES: occupant and previous owner  
1909 Sanborn map,

22. THEME:

Exhibit C

Certificate of Occupancy, dated May 4, 1994  
with Survey dated April 8, 1995  
prepared by Anthony W. Lewandowski

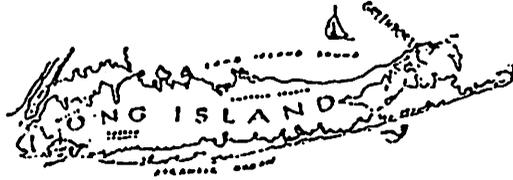
Officers

MAYOR  
GEORGE W. HUBBARD

TRUSTEES  
WILLIAM D. ALLEN  
STEPHEN L. CLARKE  
DAVID S. CORWIN  
GAIL L. HORTON

Village of Greenport

INCORPORATED 1838  
NEW INCORPORATION APRIL 7, 1968  
RE-INCORPORATION UNDER GENERAL LAW MAY 20, 1984



236 THIRD STREET • P.O. BOX 111  
GREENPORT, NEW YORK 11944

TELEPHONE  
(516) 477-2385

CLERK  
LORNA M. CATUS

TREASURER  
MARY E. THORNHILL

May 4, 1994

Date

TO WHOM IT MAY CONCERN:

RE: ISSUANCE OF CERTIFICATES OF OCCUPANCY

TAX MAP #: 1001

SECTION: 2 BLOCK: 3 LOT: 16

The Village of Greenport established the authority for issuance of a Certificate of Occupancy in October 1971. Therefore, any building or use established or built on or after October 1971, is required to make application for a Certificate of Occupancy. Prior to the above date, no Certificate of Occupancy was required.

The following: 174 Sterling Street - 2 story frame single family residence with front and side porch.

was built prior to 1971, therefore no Certificate of Occupancy is required.

Very truly yours,

Richard L. Caggiano  
Village Administrator/CD Director

Filing fee \$ 50.00  
Receipt # 30443



STERLING CREEK

552°52'40"E  
WOOD BULLHEAD  
52.96'

226.89'

239.32'

LONG SLAB

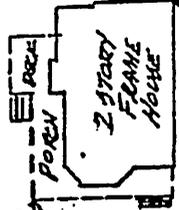
FORMERLY NANIFF  
DE PROLO

KRIEGER  
DELE

FORMERLY SHIRLEY

ARTHUR  
FORMERLY

NZ1°00'E

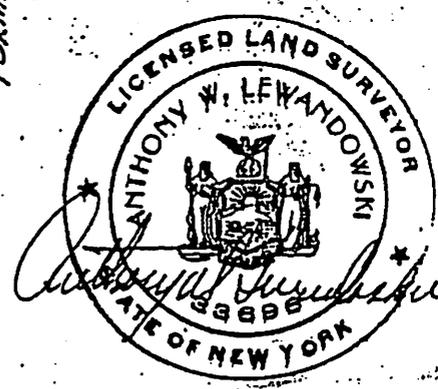


27.85' 22.50'

N67°45'W N64°45'10"W

STERLING

STREET



SURVEY FOR: AGNES ABRAMSKI

LOCATION: GREENPORT, TOWN OF SOUTHOLD, N.Y.

GUARANTEED TO: AGNES ABRAMSKI, CENTERBANK MORTGAGE  
CO. & T.R.W. TITLE INSURANCE CO.

ANTHONY W. LEWANDOWSKI  
LAND SURVEYOR  
BOX 448  
SOUTHOLD, N.Y. 11971

SCALE: 1"=40'

DATE: APRIL 18, 1994

SUPPLEMENTAL CO. TAX MAP NO 1001-02-03-16

Exhibit D

Certificate of Occupancy, dated June 11, 2015 and  
Building Permit #02483



**BUILDING DEPARTMENT**  
Village of Greenport Building Department  
236 Third Street, Greenport, NY 11944  
Phone 631.477.2385 ext. 210  
Fax 631.477.1877

6/11/2015

## CERTIFICATE OF OCCUPANCY

**Building Permit No:** 02483

**Date Permit Issued:** 11/7/2014

**Building Work:**

Rebuild existing porch deck and handrails, to include replacement porch header and columns, repair and replace as required.

All construction to conform with all Federal, state and Local rules and regulations.

**Suffolk County District** 1001      **Section-Block-Lot** 2.-3.-16

**Street Address:** 174 Sterling St

**Land Use Zone:** R-2

**Use and Occupancy:** Single Family Residential

THIS CERTIFIES that the building authorized by the Building Permit described above has been substantially completed in accordance with the approved plans and specification, and relevant provisions of the New York Fire Prevention and Building Code.

**Comments:** Property located within the Historic District.

**Village Administrator/Building Inspector:**

**Date:**

6/11/2015

**Note:** The issue of a Certificate of Occupancy does not guarantee strict compliance with all laws, regulations, codes and standards. The responsibility for such compliance remains with the owner of the premises and the person carrying out the building work thereon. Nor does a Certificate of Occupancy indicate the achievement of a particular standard of workmanship or compliance with any contractual arrangement between owner and contractor. It is recommended that the owner seek appropriate professional advice on contractual matters.



Building Department  
**VILLAGE OF GREENPORT**

236 Third Street, Greenport, LI, NY 11944  
(631) 477-1217 or 477-2385

**BUILDING PERMIT**

This Permit Must Be Kept on the Premises With One Set of Approved Plans and Specifications until Full Completion of the Work Authorized.

Permit #: 02483

Date: 11/7/2014

Permission is hereby granted to:

**Ovisinak, Susette & Scholl, Cynthia  
C/O Agnes Abramski  
174 Sterling St  
Greenport, NY 11944**

To:

**Rebuild existing porch deck and handrails, to include replacement porch header and columns, repair and replace as required.**

**All construction to conform with all Federal, state and Local rules and regulations.**

At premises located at:

**174 Sterling St, GREENPORT, NY  
SCTM # 1001-2.-3-16**

Pursuant to application dated **10/16/2014**, and plans and specifications approved by the Village Administrator/Building Inspector.

Fee Type: **\$75.00**

Receipt #: **31248**

Fee Type: **\$150.00**

Receipt #: **31036**

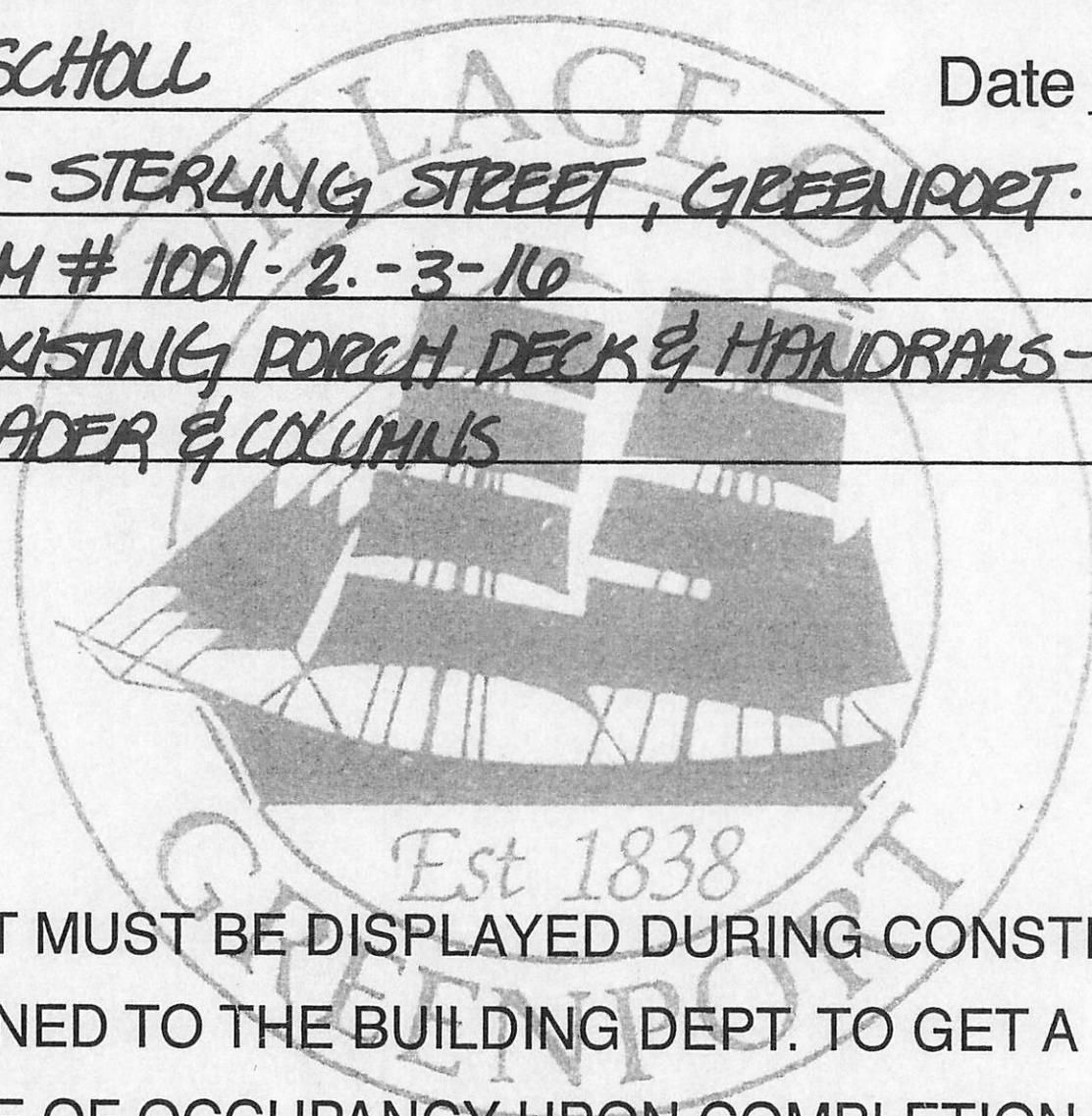
*Village Administrator / Building Inspector*

# BUILDING PERMIT

Issued to C. SCHOLL Date 11/7/14

Address 174 - STERLING STREET, GREENPORT, NY  
SCM # 1001 - 2 - 3 - 10

To REBUILD EXISTING PORCH DECK & HANDRAILS - REPLACE  
PORCH HEADER & COLUMNS



THIS PERMIT MUST BE DISPLAYED DURING CONSTRUCTION  
AND RETURNED TO THE BUILDING DEPT. TO GET A  
CERTIFICATE OF OCCUPANCY UPON COMPLETION OF WORK.

Signed *[Signature]*

No. 2483

Exhibit E

Letter from Division of Historic Preservation of the NYS  
Office of Parks, Recreation, and Historic  
Preservation (OPRHP), [date]



**New York State  
Parks, Recreation and  
Historic Preservation**

**KATHY HOCHUL**  
Governor

**ERIK KULLESEID**  
Commissioner

November 20, 2023

Robert Brown  
Robert I Brown Architect PC  
205 Bay Ave  
Greenport, NY 11944

Re: DEC  
Scholl Residence Addition  
174 Sterling St, Greenport, Suffolk Co.  
23PR07794

Dear Robert Brown:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law).

The house contributes to the National Register listed Greenport Village Historic District. Because of this we have reviewed the project.

The design is appropriate. Therefore, it is the opinion of OPRHP that the project will have No Adverse Impact on the historic house.

If you have any questions, I can be reached at [sloane.bullough@parks.ny.gov](mailto:sloane.bullough@parks.ny.gov) or 518-268-2158.

Sincerely,

Sloane Bullough  
Historic Sites Restoration Coordinator      via email only

Exhibit F

**NYSDEC Letter of No Jurisdiction**

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1  
SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790  
P: (631) 444-0365 | F: (631) 444-0360  
www.dec.ny.gov

## LETTER OF NO JURISDICTION TIDAL WETLANDS ACT

December 12, 2023

Donald & Cynthia Scholl  
6 Gayton Dr  
Highland Mills, NY 10930

Re: Application # 1-4738-01801/00005  
Facility: 21174 Sterling St, Greenport  
SCTM# 1001-02-03-16

Dear Applicant,

Based on the information you submitted, the Department of Environmental Conservation has determined that the above referenced property landward of the functional bulkhead greater than 100 feet in length, including adjacent properties, as shown on the survey prepared by Howard W. Young, last revised 9/14/2019, which was constructed prior to 8/20/1977, as evidenced by the 4/7/1969 historic aerial by GdB Geospatial, is beyond the jurisdiction of the Article 25 Tidal Wetlands Act. Therefore, in accordance with the current Tidal Wetlands Land Use Regulations (6NYCRR Part 661), no permit is required to conduct regulated activities landward of that bulkhead.

Be advised, no construction, sedimentation, or disturbance of any kind may take place seaward of the tidal wetlands jurisdictional boundary, as indicated above, without a permit. It is your responsibility to ensure that all precautions are taken to prevent any sedimentation or disturbance within Article 25 Jurisdiction which may result from your project. Such precautions may include maintaining adequate work area between the jurisdictional boundary and your project (i.e. a 15' wide construction area) or erecting a temporary fence, barrier, or hay bale berm.

This letter shall remain valid unless site conditions change.

Please note that this letter does not relieve you of the responsibility of obtaining any necessary permits or approvals from other agencies or local municipalities.

Sincerely,



Mary MacKinnon  
Permit Administrator

Cc: Robert I. Brown, BMHP, File

Exhibit G

Notice of Disapproval, dated April 9, 2024



## Village of Greenport Building Department

236 Third Street, Greenport, New York 11944

OFFICE: 631.477.0248 / FAX: 631.477.1877

### **NOTICE OF DISAPPROVAL**

April 9, 2024

To: Robert Brown  
205 Bay Ave  
Greenport New York 11944

PLEASE TAKE NOTICE that your application dated January 11, 2024 and plans dated June 5, 2023 proposed addition and renovations at existing property located at 174 Sterling Street, Greenport NY 11944 in the R2 Historic District, is returned herewith and disapproved on the following grounds:

#### **2 Front Yard Setback Requirements.**

##### 150-12 Schedule Regulations

R-2 District: Minimum Front Yard Requirement: 30 feet.

The plans show the front yard setback of 23'3"

This would require an area variance of 6'7"

#### **3 Side Yard Setback Requirements.**

##### 150-12 Schedule Regulations

R-2 District: Minimum Side Yard Requirement: 10'

The plans show the side yard setback of 7'4"

This would require an area variance of 2'8"

#### **4 Side Yard Setback Requirements.**

##### 150-12 Schedule Regulations

R-2 District: Minimum Side Yard Requirement: 10 feet.

The plans show the side yard setback of 7'6"

This would require an area variance of 2'6"

**5 Combined Side-Yard Setback Requirements.**

150-12 District Regulations

R-2 District: Minimum Combined Side-Yard Setback: 25 feet.

The plans show a combined side yard-setback of 14'10"

This would require an area variance of 10'2"

**This application is therefore denied, requiring the above-mentioned area variances.**

The premise to which this application applies to is located at 174 Sterling Street, Greenport NY 11944 in the R2 Historic District.

Map: 1001 Section: 2 Block: 3 Lot: 16



.....  
Alex Bolanos  
Date : 04/9/2024  
Code Enforcement Official

Exhibit H

ZBA Transcript, July 16, 2024

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 Station One Firehouse  
 8 Third & South Streets  
 9 Greenport, New York 11944  
 10 July 16, 2024  
 11 6:00 p.m.

12  
 13 B E F O R E:  
 14 JOHN SALADINO - CHAIRMAN  
 15 DINNI GORDON - MEMBER  
 16 DAVID NYCE - MEMBER  
 17 JACK REARDON - MEMBER  
 18 SETH KAUFMAN - MEMBER (Absent)

19 \*\*\*\*\*

20 ALSO IN ATTENDANCE:  
 21 BRIAN STOLAR - VILLAGE ATTORNEY

22  
 23  
 24  
 25

1 (The Meeting was Called to Order at 6:03 p.m.)

2 CHAIRMAN SALADINO: Good evening, folks.

3 This is the Zoning Board of -- it's 6:03. This is  
4 the Village of Greenport Zoning Board of Appeals  
5 Regular Meeting.

6 *Item No. 1 is, is a motion to accept the*  
7 *minutes of the June 18th, 2024 Zoning Board of*  
8 *Appeals meeting. So moved.*

9 MEMBER REARDON: Second.

10 MEMBER GORDON: Second.

11 CHAIRMAN SALADINO: All in favor?

12 MEMBER REARDON: Aye.

13 MEMBER NYCE: Aye.

14 MEMBER GORDON: Aye.

15 CHAIRMAN SALADINO: And I'll vote aye.

16 Just as an explanation to the public, we have  
17 one member out, he has COVID, so we told him he  
18 couldn't come.

19 (Laughter)

20 CHAIRMAN SALADINO: *Item No. 2 is a motion to*  
21 *schedule the next Zoning Board of Appeals meeting*  
22 *for August 20th, 2024, at 6 p.m., at Station One*  
23 *Firehouse, Third and South Streets, Greenport,*  
24 *New York 11944. So moved.*

25 MEMBER GORDON: Second.

*Pages 3-23 Intentionally Deleted  
as they do not pertain to 174 Sterling Street*

1        *regarding the application of Robert I. Brown, RA,*  
2        *on behalf of Donald and Cynthia Schroll? Scholl?*

3            ATTORNEY STOLAR: Scholl.

4            CHAIRMAN SALADINO: *Applicant proposes an*  
5        *addition to an existing two-story, wood frame,*  
6        *single family residence. This is a proposed*  
7        *increase in building coverage of 1,386 square feet*  
8        *for each floor, and it would require the following*  
9        *variances.*

10           The variances are listed on the agenda. For  
11        someone that doesn't have an agenda, there's an  
12        extra one here. I'm not going to read them. Is  
13        the applicant here?

14           MS. REICHERT: Yes.

15           CHAIRMAN SALADINO: Name and address for the  
16        Stenographer, please.

17           MS. REICHERT: Good afternoon, Chairman and  
18        Members of the Zoning Board. My name is Martha  
19        Reichert. I'm an Attorney, I'm a partner at  
20        Twomey, Latham, Shea, Kelley, Dubin & Quartararo,  
21        33 West Second Street, Riverhead, New York, for the  
22        applicant, Cynthia Scholl. I'm also joined by  
23        Cynthia today, and the Architect, Robert Brown.

24           There are a couple of things that I want to  
25        bring before the Board, I briefly spoke to Counsel

1 about them, and one of them is that in reviewing  
2 the Notice of a Disapproval, in conjunction with  
3 the newly adopted Chapter 150, I believe that there  
4 may be reason to revise the Notice of Disapproval.  
5 It would not result in additional variances or  
6 greater variances, but there are a couple of  
7 sections of the new code, and specifically 150-13,  
8 that may actually reduce the amount of relief  
9 that's being sought.

10 So rather than, you know, not raise this at  
11 this moment, I'd like to take that opportunity to  
12 say that I would like to move forward with  
13 scheduling of the Public Hearing, but I also  
14 intend to consult with the Building Inspector to  
15 see whether or not those particular sections of the  
16 newly adopted code -- I mean, I guess it's almost  
17 been -- it's been several months, right, if that  
18 would affect it, only because it may not have been  
19 taken into consideration, and those are specifically --  
20 so it's 150-13, which is exceptions to the yard  
21 requirements, and there is a section for existing  
22 lots.

23 And then there is also E(1), which is  
24 commonly known in most municipalities as the  
25 Four-Tenths Rule. It didn't exist before in the

1 code, but it does now, and that actually computes  
2 the side yard relief you need on an undersized or  
3 under-width lot, the four-tenths of the actual lot,  
4 which would result in a total combined side yard  
5 area requirement of 20, as opposed to 25, which,  
6 again, would change the magnitude of the variances  
7 that are being sought.

8 So I did want to bring that to the Board's  
9 attention, because I think it's an important thing  
10 to raise with the Building Inspector, just to make  
11 sure he considered it.

12 CHAIRMAN SALADINO: We always -- okay. We  
13 always, and I could perhaps understand the Building  
14 Inspector, we've always applied that portion of the  
15 code to new construction, so --

16 MS. REICHERT: Which we do have, based --  
17 especially in terms of what you were just saying in  
18 the last --

19 CHAIRMAN SALADINO: No. When we say new  
20 construction, we meant like an unoccupied lot.

21 MEMBER NYCE: Unoccupied lot.

22 CHAIRMAN SALADINO: I'm pretty --

23 MS. REICHERT: No, I appreciate that.

24 Although, looking at it, it says new proposed one  
25 or two-family dwelling, right? So -- and that's

1 fine with respect to -- oh, sorry, I'm in the wrong  
2 section. So it says existing small lot, right? So  
3 it has to be an existing lot in order to not have  
4 merged, right, to have it necessarily approved. So  
5 I'm looking at 150-13(E), Existing Small Lots, and  
6 I don't see anything that would expressly require  
7 that for a brand new residence.

8 CHAIRMAN SALADINO: Again, just, just as an  
9 explanation, in the past, the policy has been,  
10 especially with the old code, the policy has  
11 been that the Building Inspector considered  
12 undersized lots, existing small lots, and to use  
13 the Four-Tenths -- am I getting that right,  
14 Four-Tenths?

15 MS. REICHERT: Yes, the Four-Tenths Rule.

16 CHAIRMAN SALADINO: Four-Tenths for new  
17 construction. So we're going to have to -- if a  
18 revised Notice of Disapproval is -- but just, just  
19 as a question, just as a question, in looking at  
20 the relief sought, it also says that the minimum is  
21 10 feet.

22 MS. REICHERT: Well, it says the minimum of  
23 10 feet, but what the Four-Tenths Rule does is it  
24 changes what the combined total side yard is,  
25 right? So in the R-2 Zoning District, the combined

1 total side yard is 25.

2 CHAIRMAN SALADINO: Twenty-five.

3 MS. REICHERT: Right? But under the  
4 Four-Tenths Rule, the calculation on a 50-foot-wide  
5 lot would be 20 feet --

6 CHAIRMAN SALADINO: So your contention is  
7 that --

8 MS. REICHERT: -- again, which just reduced  
9 the magnitude of the variance.

10 CHAIRMAN SALADINO: I understand what you're  
11 saying. So your contention is, is that the  
12 combined, the combined side yard setback, instead  
13 of being 25 feet, should be 20 feet, and the relief  
14 sought would be --

15 MS. REICHERT: Well, it would be reduced by  
16 5 feet.

17 CHAIRMAN SALADINO: By 5 feet. But the side  
18 yards would still require relief.

19 MS. REICHERT: Yes, they would still require  
20 relief. But, as you all know, that goes towards  
21 one of the --

22 MEMBER GORDON: Well --

23 MS. REICHERT: -- the balancing test factors.

24 MEMBER GORDON: It says, and presumably you  
25 would argue, that there would be virtually no need

1 for relief, because 5 -- we have two side yards,  
2 and you divide the 5 by -- in half, and it's 2.5?

3 CHAIRMAN SALADINO: No, no, no, no.

4 MS. REICHERT: No, no, no.

5 MEMBER GORDON: It doesn't work?

6 MS. REICHERT: At a minimum, it would still  
7 have to be 10 feet on each side. It just changes  
8 that combined total yard requirement from 25 to 20  
9 under the Four-Tenths Rule.

10 MEMBER GORDON: Yeah, okay. Yeah, I see.

11 MS. REICHERT: And then I also wanted to,  
12 you know, consult with the Building Inspector  
13 regarding -- hold on one second, because this is in  
14 the way. But it's also in 150-13, and that is  
15 Subsection D(3), which is Existing Setback. And I  
16 would have to have our architect calculate that,  
17 but I think that's also a relevant section that was  
18 not considered in the Notice of Disapproval.

19 CHAIRMAN SALADINO: Well, again, we talk a  
20 lot about policy here that's not like written down,  
21 but the policy currently in the Village is that any  
22 preexisting nonconforming building, which this house  
23 is right now --

24 MS. REICHERT: Sure.

25 CHAIRMAN SALADINO: -- we list, we list in

1           our -- we list the requirements that would normally  
2           be required, and the term the Village uses is it  
3           comes to the Zoning Board and we legitimize them,  
4           you know, the front yard.

5           MS. REICHERT: Sure.

6           CHAIRMAN SALADINO: Any side yard that's --

7           MS. REICHERT: We often call them sort of  
8           housekeeping variances. Like an instance, if this  
9           property where the nonconforming front yard setback  
10          is existing, right, and this is a historic home  
11          that was clearly built prior to the implementation  
12          of mapping and zoning.

13          CHAIRMAN SALADINO: But, but, there's always  
14          a but, but with the proposed addition that's new  
15          construction, and those existing setbacks --

16          MS. REICHERT: Uh-huh.

17          CHAIRMAN SALADINO: -- the new construction  
18          would have to apply, would have to conform to code.

19          MS. REICHERT: Absolutely.

20          CHAIRMAN SALADINO: So that's the reason --

21          MS. REICHERT: But this, but this section is  
22          about proposed dwellings.

23          CHAIRMAN SALADINO: I didn't hear you,  
24          I'm sorry.

25          MS. REICHERT: I'm sorry. So Village Code

1 150-13(D), Subsection 3, says, "No proposed one-  
2 or two-family dwelling need have a setback greater  
3 than the average setback of the two existing  
4 dwellings with the greatest setbacks within  
5 200 feet on each side of said proposed dwelling, on  
6 the same side of the street and within the same  
7 block and the same district."

8 CHAIRMAN SALADINO: For front yard setback.

9 MS. REICHERT: No, it doesn't say for front  
10 yard.

11 CHAIRMAN SALADINO: Then it's wrong. Hard to  
12 believe. No, that's only -- that was always  
13 applied for a front yard setbacks. I understand  
14 what it says in the code now. I understand what  
15 it's been for the last -- since 1971. This came  
16 into effect --

17 MS. REICHERT: In October of 2023, and it  
18 went into effect immediately.

19 CHAIRMAN SALADINO: Local Law 3. And I  
20 apologize for not having it committed to memory.

21 MS. REICHERT: No, that's okay, that's okay.  
22 Trust me, it's new for everyone.

23 CHAIRMAN SALADINO: But, again, the policy  
24 and the code in the past was always that applied to  
25 front yard setbacks.

1           MS. REICHERT: Right, but it doesn't say that  
2           in the code, which is why I'm happy to consult with  
3           the Building Inspector, because, ultimately, he is  
4           the interpreter, right? And this Board is an  
5           Appellate Board, so if he chooses to revise the  
6           Notice of Disapproval, then that's fine. It  
7           doesn't change, right?

8           So in terms of the relief that this Board is  
9           now being asked to grant, if the Building Inspector  
10          agrees that these provisions apply, then we're not  
11          being -- we're not requesting greater relief than  
12          what's already currently in the current Notice of  
13          Disapproval, it would just be a revised one. But  
14          that's why I wanted to bring it to this Board  
15          before we were noticed and before we proceeded  
16          towards moving towards a Public Hearing.

17          CHAIRMAN SALADINO: So would it be -- just,  
18          just you don't have to answer, but just for my own  
19          information, if the Building Inspector decides that  
20          this is how he wants to apply the code, or apply  
21          contrary to what it says here, you would be asking  
22          for an interpretation or a variance?

23          MS. REICHERT: No, no. I would be asking for  
24          him to review -- personally, I would probably  
25          initiate a conversation with the Building Inspector

1 and just ask him whether or not he considered these  
2 provisions when he drafted the Notice of Disapproval.

3 CHAIRMAN SALADINO: And if the answer was  
4 a firm yes?

5 MS. REICHERT: If he says yes, well, then,  
6 you know, we would have to take our next steps from  
7 there. But, at this point, what we have is an  
8 application which is based on a Notice of  
9 Disapproval, and so we just want to confirm, it's  
10 been revised before, that it accurately reflects an  
11 application of the new zoning code as its been  
12 adopted.

13 ATTORNEY STOLAR: So the applicant's  
14 representative is essentially asking to protect her  
15 client, rather than --

16 CHAIRMAN SALADINO: As she should, right?

17 ATTORNEY STOLAR: Rather than just move  
18 forward and getting, you know, an approval or  
19 denial based on what is before the Board.

20 CHAIRMAN SALADINO: So --

21 ATTORNEY STOLAR: So it's reasonable, it's a  
22 reasonable request, and I think it's something the  
23 Board should consider in a positive way.

24 CHAIRMAN SALADINO: So all we're expecting  
25 Alex to do is to come up with a revised --

1 either --

2 MEMBER NYCE: Either revised or not.

3 CHAIRMAN SALADINO: Stick to his guns or  
4 revise the Notice of Disapproval.

5 MEMBER NYCE: Right.

6 ATTORNEY STOLAR: Correct.

7 MS. REICHERT: Correct.

8 CHAIRMAN SALADINO: And that doesn't affect  
9 anything we're going to do here tonight.

10 ATTORNEY STOLAR: No, she's -- Counsel is  
11 asking that you hold off taking any action tonight  
12 while it's being reviewed, well, it will subsequently  
13 be reviewed by the Building Inspector.

14 MS. REICHERT: Well --

15 CHAIRMAN SALADINO: Is that what you're  
16 asking, that you don't want us to accept this  
17 application tonight?

18 MS. REICHERT: No, no, no, no. I mean, I  
19 would prefer not to hold off from scheduling the  
20 Public Hearing, but I also know that it's a very  
21 busy time of year, and that the Chief Building  
22 Inspector might not be able to accommodate or  
23 review this prior to the publication and noticing  
24 deadlines, once we set forth the public hearing.  
25 And I don't know what the publication deadline

1 would be based on the next -- you know, when we're  
2 being calendared for.

3 But I suppose one of the things this Board  
4 could do is they could set the Public Hearing, not  
5 for the closest, soonest meeting, but perhaps the  
6 one afterwards. That way that would give us  
7 adequate time to review with the Building  
8 Inspector. And that way when this is noticed in  
9 terms of the newspaper and publishing and mailings,  
10 that we have a potentially revised mailing list.

11 But the reason why I would think that this  
12 would be okay, and, obviously, you have to defer to  
13 your Counsel, is that any revised Notice of  
14 Disapproval will not be greater in magnitude in  
15 terms of, right, we're not submitting revised  
16 plans, it's just how it's written in terms of the  
17 relief that's being granted. And, of course, by  
18 the time, you know, notice and posting and  
19 everything goes out, the involved neighbors will  
20 all be receiving a copy of the current Notice of  
21 Disapproval, or the same one, if there's no change  
22 required, and the application.

23 CHAIRMAN SALADINO: Well, why wouldn't -- why  
24 wouldn't this Board tabling this application this  
25 evening?

1 MS. REICHERT: That's also suitable. If you  
2 want to table it, that's fine.

3 CHAIRMAN SALADINO: Well, we would do it at  
4 your request.

5 MS. REICHERT: Okay.

6 ATTORNEY STOLAR: If you table it, you can  
7 discuss it again in August, at the August meeting,  
8 and then schedule it possibly for September.

9 CHAIRMAN SALADINO: Well, that's kind of like  
10 what she's asking.

11 MS. REICHERT: At that point you may know.

12 MS. REICHERT: Yeah. No, we have no  
13 objections to the Board proceeding that way. And,  
14 in fact, you know, I don't think it would be  
15 appropriate to submit it right now. But as the  
16 architect and I were reviewing something, we saw a  
17 printing error where one of the west elevation --  
18 right, you saw that the east --

19 MEMBER NYCE: There's two east elevations.

20 MS. REICHERT: The east elevation appeared  
21 twice. So we'll be submitting revised plans, so  
22 that they could be uploaded and reviewed properly.  
23 So, you know, I think that if you want to table  
24 this to the August meeting, then we can also have  
25 time to consult with the Building Inspector.

1           CHAIRMAN SALADINO: Well, that makes it easy  
2 for us.

3           MS. REICHERT: Yeah.

4           CHAIRMAN SALADINO: Thank you. So, while I  
5 have you, just so you are prepared, just some stuff  
6 that I kind of saw, easy stuff on the -- or I could  
7 address it next month.

8           MS. REICHERT: No, that's fine, because this,  
9 I think, will give us the opportunity to make -- to  
10 address it, so that by the time it does get  
11 scheduled for a hearing, we're dealing with sort of  
12 the final application, right? That's the purpose  
13 of this.

14           CHAIRMAN SALADINO: You know, one or two  
15 things on the application that I'll certainly --  
16 I'm positive we'll ask you about at the Public  
17 Hearing, but just before we get to the Public  
18 Hearing, looking at the EAF, a couple of questions  
19 on the EAF that perhaps you can address before,  
20 before the next time.

21           MS. REICHERT: Absolutely.

22           CHAIRMAN SALADINO: It would be -- one of  
23 them would be question No. 7, "Is the site of the  
24 proposed action located in, or does it adjoin, a  
25 State listed Critical Environmental Area", and you

1 put no, and, you know, we were kind of unsure  
2 about that.

3 "Does the site contain a structure that's  
4 listed" -- I don't know why I'm on that. I'm sorry.  
5 Oh. "Is the proposed action located in an  
6 archeological sensitive area?" I can't -- I'm not  
7 sure about that.

8 "Would the proposed action physically alter  
9 or encroach into any wetlands or by" -- I'm of the  
10 opinion it does, but you have a Letter from -- of  
11 Nonjurisdiction from the DEC --

12 MS. REICHERT: Absolutely. Well, you know,  
13 and --

14 CHAIRMAN SALADINO: Which I kind of dispute,  
15 but --

16 MS. REICHERT: Well, but, you know, just I  
17 know a thing or two about wetlands. I used to be  
18 the Southampton Town Conservation Board Counsel,  
19 which grants wetlands permits, you know, and the  
20 Village of Greenport, their wetlands code is a  
21 different chapter from the zoning code, is a  
22 vegetation-based code, right? So what it look at  
23 is you have two different sort of wetland  
24 boundaries, artificial ones, like a bulkhead,  
25 right? So in the instance of this property, it was

1 eligible for a Letter of Nonjurisdiction because of  
2 the bulkheaded.

3 On an unbulkheaded property, what you look at  
4 in terms of determining your wetlands boundary is  
5 where the wetlands vegetation no longer has a  
6 competitive edge over the upland species.

7 So I understand in terms of discussing  
8 wetlands, but we do have the Letter of  
9 Nonjurisdiction from the DEC. We are also not  
10 within any tidal waters in terms of the work that's  
11 being done. There's no freshwater wetland  
12 vegetation to suggest that we're working within a  
13 freshwater wetland. The wetlands code, which,  
14 again, is not part of the Zoning Code --

15 CHAIRMAN SALADINO: No. But Chapter, Chapter  
16 130 -- 134, Waterfront Consistency Act is  
17 adjudicated by the Zoning Board.

18 MS. REICHERT: Sure.

19 CHAIRMAN SALADINO: So that -- but just, just  
20 again, just as a policy question.

21 MS. REICHERT: No, I understand that.

22 CHAIRMAN SALADINO: Just as a policy  
23 response.

24 MS. REICHERT: What we can do is review the  
25 EAF, and, you know, any of those questions,

1       you know, we'll go over them with a fine tooth  
2       comb.

3               I did not prepare the EAF myself. I was  
4       retained after the application was submitted, but  
5       we can look at it and address anything in terms of  
6       CEAs. And, you know, in some of the neighbors'  
7       letters, they had a question about, you know,  
8       surface water runoff, and drainage, and point  
9       sources, so, you know, we can address all of that.  
10      And if anything needs to be revised, then we'll  
11      submit a revised EAF.

12             CHAIRMAN SALADINO: Just, again, and just to  
13      get it on the record, because, again, I think it's  
14      important, we talk a lot about policy in Greenport.  
15      Greenport is the last permitting agency when it  
16      comes to a permit. And even though you have a  
17      Letter of Nonjurisdiction from, from the DEC, the  
18      DEC -- I believe, the bulkhead is 95 feet from the,  
19      from the, from the accessory structure. The DEC  
20      code for tidal wetlands says 300 feet is an  
21      adjacent area. Southold Town says 100 feet. The  
22      Village of Greenport uses 100 feet. And the linear  
23      distance is not measured from the fixed bulkhead,  
24      it's measured from the tidal zone, and the tidal  
25      zone AE intrudes onto the property 50 or 60

1 additional feet past the bulkhead.

2 So I understand you have that Letter of  
3 Nonjurisdiction, but, again, the Village of  
4 Greenport is the last permitting agency for the --  
5 and for the members of the public that don't know,  
6 I'm a member of the Conservation Advisory Council,  
7 and for the last 16 years that's how we applied  
8 that policy, from the tidal zone, not from the  
9 fixed bulkhead. So that will be stuff that I'm  
10 going to, that I'm going to raise, just so --

11 MS. REICHERT: Sure.

12 CHAIRMAN SALADINO: -- you could respond.

13 MS. REICHERT: And, just for the record, the  
14 proposed porch is shown as 96 feet from the  
15 bulkhead, but the principal dwelling is about  
16 180 feet deep.

17 CHAIRMAN SALADINO: But it's fixed. I don't  
18 want to debate it with you here.

19 MS. REICHERT: No, no, it's fine, you know.

20 CHAIRMAN SALADINO: I don't want to debate it  
21 with you here. It's a fixed construction, it's  
22 masonry construction, there's a wall around it.  
23 The Village of Greenport considers that an  
24 accessory structure, it's -- and you're -- the DEC  
25 says 100 feet. Well, the DEC says 300 feet. The

1 Town of Southold and Village of Greenport says 100  
2 feet. If we look at the map, it's 95 feet from the  
3 bulkhead. So even with those dimensions, it would  
4 require a wetland permit. That's something you  
5 could talk to the Village about, the Village  
6 Attorney, the Village Building Inspector. Right  
7 now it's not the time to talk about that, because  
8 I'm going home, and I apologize.

9 MS. REICHERT: That's fine.

10 CHAIRMAN SALADINO: So we're going to take  
11 your advice and we're going to table this until our  
12 August meeting, which is -- I have it here in front  
13 of me.

14 MS. REICHERT: You just had a motion on it,  
15 actually.

16 CHAIRMAN SALADINO: I'm sorry?

17 MS. REICHERT: You just had a motion on that.

18 MEMBER NYCE: August 20th.

19 CHAIRMAN SALADINO: We had a motion to table it?

20 MS. REICHERT: No, no, no. I said you had a  
21 motion to set the date of your next meeting at the  
22 beginning of this meeting.

23 ATTORNEY STOLAR: She's referring to the  
24 earlier motion that you set for August 20th.

25 CHAIRMAN SALADINO: I understand that, and I

1 apologize to the public, I apologize to the  
2 Attorney. I'm an old coot and sometimes I forget.

3 MS. REICHERT: Don't worry.

4 CHAIRMAN SALADINO: You know, that's why I  
5 have the agenda in front of me, to refer to it.

6 So we're going to set the -- we're going to  
7 table this application until our August 20th  
8 meeting, 6 p.m., at this firehouse. How's that?

9 MS. REICHERT: Thank you very much.

10 CHAIRMAN SALADINO: Thank you. You're good,  
11 we're good?

12 MEMBER NYCE: Do that as a motion?

13 CHAIRMAN SALADINO: Okay. I'm not sure if we  
14 need that.

15 ATTORNEY STOLAR: You don't need it as a  
16 motion.

17 MEMBER NYCE: Oh.

18 ATTORNEY STOLAR: Your practice is not --  
19 it's better practice to do so, but you don't --  
20 it's not required.

21 MEMBER NYCE: Fantastic. I'm good.

22 CHAIRMAN SALADINO: I thought I screwed up  
23 again.

24 MEMBER NYCE: No.

25 CHAIRMAN SALADINO: All right. Item No. 4,

1 Item -- whatever the item number is, because we're  
2 out of order, I apologize.

3 MEMBER NYCE: Next item.

4 CHAIRMAN SALADINO: Next item is 181 Fifth  
5 Street. This is a motion to accept the  
6 application --

7 MR. KOHUT: Thank you. We're all leaving now  
8 after 174 Sterling Street.

9 MEMBER NYCE: Was it something we said?

10 CHAIRMAN SALADINO: Yes.

11 (Laughter)

12 CHAIRMAN SALADINO: *181 Fifth Street. This*  
13 *is a motion to accept the application, schedule a*  
14 *Public Hearing, and arrange a site visit regarding*  
15 *the application of 181 Fifth Street LLC. The*  
16 *Applicant proposes a 612 square foot, two-story*  
17 *addition with basement. This requires the*  
18 *following additional variance:*

19 *A Side Yard Setback Requirement.*

20 *Minimum Side Yard Requirement is 10 feet.*

21 *The plan shows a side yard setback of 8.7 feet.*

22 *This would require an area variance of 1.3 feet.*

23 *The property is located in the R-2 One and*

24 *Two-Family District and is not located in the*

25 *Historic District.*

1           *The Suffolk County Tax Map number is*  
2           11001-7-4-19.

3           Is the applicant here? Name and address for  
4           the Stenographer.

5           MEMBER GORDON: We've seen you before.

6                                 (Laughter)

7           MR. MAZZAFERRO: Hi. Nick Mazzaferro,  
8           Engineer of Record for the project, P.O. Box 570,  
9           Greenport, New York 11944.

10           So there's a quick history behind this, we've  
11           been here before. We came in February to get  
12           preexisting C of O's for the building. The  
13           structure has been in the same family for over 80  
14           years. At that time, we were proposing a one -- a  
15           two-story extension off the rear of the house, and  
16           we were going to have the rear extension conform to  
17           all the setbacks.

18           We did get the C of O's issued for the  
19           preexisting conditions. We also acquired a  
20           demolition permit for the existing structure, and  
21           we also acquired a building permit to start  
22           rebuilding the interior of the existing structure,  
23           basically ripping out all the plaster and all the  
24           amenities. And during that time we were designing  
25           the addition off the back. And by keeping the

Exhibit I

ZBA Transcript, December 16, 2025

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VILLAGE OF GREENPORT  
COUNTY OF SUFFOLK : STATE OF NEW YORK

- - - - -

VILLAGE OF GREENPORT  
ZONING BOARD OF APPEALS

REGULAR SESSION

- - - - -x

Greenport Firehouse  
December 16, 2025  
6:00 p.m.

B E F O R E:

- JOHN SALADINO ~ CHAIRMAN
- DINNI GORDON ~ MEMBER
- SETH KAUFMAN ~ MEMBER
- DAVID NYCE ~ MEMBER
- JACK REARDON ~ MEMBER
  
- BRIAN STOLAR, ESQ. ~ ZONING BOARD ATTORNEY
- MICHAEL NOONE ~ CLERK TO THE BOARD
  
- All other interested parties

2 CHAIRPERSON SALADINO: It's  
3 approximately 6:05. This is the  
4 Village of Greenport Zoning Board of  
5 Appeals Regular Meeting.

6 Item number 1 is a motion to accept  
7 the minutes of the November 18, 2025,  
8 Zoning Board of Appeals Meeting. So  
9 moved.

10 MEMBER NYCE: Second.

11 CHAIRPERSON SALADINO: All in  
12 favor?

13 MEMBER REARDON: Aye.

14 MEMBER NYCE: Aye.

15 MEMBER GORDON: Aye.

16 MEMBER KAUFMAN: Aye.

17 CHAIRPERSON SALADINO: And I'll  
18 vote aye.

19 Item Number 2 is a motion to  
20 schedule the next Zoning Board of  
21 Appeals meeting for January 20, 2026  
22 at 6:00 p.m. at Station One Firehouse,  
23 Third and South Street, Greenport, New  
24 York 11944. So moved.

25 MEMBER GORDON: Second.

*Pages 3-46 Intentionally Deleted  
as they do not pertain to 174 Sterling Street*

2 CLERK NOONE: No.

3 CHAIRPERSON SALADINO: Whenever --

4 CLERK NOONE: The potential next  
5 meeting would be January 12th, the  
6 Planning Board.

7 CHAIRPERSON SALADINO: So they  
8 did -- they have no comment about this  
9 application. Like I said, they'll  
10 address whatever issues they have at  
11 their meeting for site plan review.  
12 Is that what their meet would be?

13 BOARD COUNSEL STOLAR: Correct.

14 CHAIRPERSON SALADINO: I'm sorry.  
15 Thank you, folks.

16 Item number --

17 MEMBER GORDON: Five.

18 CHAIRPERSON SALADINO: Number 5 is  
19 174 Sterling Street. This is a motion  
20 to accept the application, schedule a  
21 public hearing and arrange a site  
22 visit regarding the application of  
23 Martha F. Reichert, Esquire on behalf  
24 of Cynthia and Donald is Scholl. Am I  
25 getting that right?

2 Applicant proposes an  
3 addition/renovation to an existing  
4 two-story, wood-frame, single family  
5 residence and porch. This is a  
6 proposed increase in building coverage  
7 of 1,273 square feet, 20.6 percent  
8 total lot coverage and the variance is  
9 listed on the agenda. If anybody  
10 wants, that doesn't have an agenda, I  
11 would read it, but if it's okay...

12 This property is located in the R-2,  
13 One- and Two-Family Residential  
14 District. It's also located in the  
15 Historic District. The Suffolk County  
16 Tax Map Number is 1001-2-3-16. Is the  
17 applicant here?

18 MS. REICHERT: Good afternoon,  
19 Mr. Chairman, Members of the Board of  
20 the Zoning Board of Appeals for the  
21 Village of Greenport. My name is  
22 Martha F. Reichert. I'm a partner at  
23 Twomey, Latham, Shea, Kelley, Dubin  
24 and Quartararo; 33 West Second Street,  
25 Riverhead, New York for the property

2 owners, Cynthia and Donald Scholl.

3 CHAIRPERSON SALADINO: Okay.

4 MS. REICHERT: Do you have any  
5 questions for me?

6 CHAIRPERSON SALADINO: I do. As  
7 strange as that may sound, I do have  
8 one or two questions. We have -- I'm  
9 not sure if you were the attorney that  
10 appeared the last time this  
11 application came in front --

12 MS. REICHERT: I was.

13 CHAIRPERSON SALADINO: At that  
14 time there was a question about the  
15 notice of disapproval. There were  
16 three requests for relief on that  
17 notice of disapproval, two of them for  
18 east side, west side and side yard  
19 variance, and total and combined side  
20 yard setback.

21 MS. REICHERT: Correct.

22 CHAIRPERSON SALADINO: And if I  
23 recall, you, as the attorney, chose to  
24 put a pin in that proceeding to --

25 MS. REICHERT: Correct. Well, if

2 you'd like, I can recite the history  
3 of what happened. So approximately  
4 two years ago we had a notice of  
5 disapproval. We were at this exact  
6 stage that we're at right now, which  
7 is the application had been deemed  
8 complete. The Board, as an agenda  
9 item, was going to accept the  
10 application and schedule public  
11 hearing.

12 Just as I am standing here before  
13 you right now, I asked the Board to  
14 respectfully to not schedule the  
15 public hearing because there were  
16 errors in the notice of disapproval.  
17 That, of course, had the unfortunate  
18 timing of the building inspector's  
19 departure, so it took quite a while  
20 for us to get a revised notice of  
21 disapproval that was in compliance  
22 with the Village code.

23 And so we obtained a new notice of  
24 disapproval, revised to comport with  
25 the Village code, including what's

2 known as four-tenths rule, which  
3 applies. I didn't know I was going to  
4 have to speak to it today, but I think  
5 it's -- what is it, Section 13 of the  
6 Zoning Code, which applies to this lot  
7 as found by the chief building  
8 inspector. And so it changes the size  
9 of the variances requested as  
10 permitted under the code in compliance  
11 with the code.

12 So the notice of disapproval you  
13 have before you now is the correct one  
14 upon which this application has been  
15 made to the Zoning Board.

16 CHAIRPERSON SALADINO: At that  
17 time -- at that time I had expressed  
18 to you that it was -- it's been my  
19 experience that -- and my knowledge,  
20 that prior to my service on the Zoning  
21 Board of Appeals -- and I'm thinking --

22 MEMBER GORDON: Prior to mine  
23 also.

24 CHAIRPERSON SALADINO: Diana's  
25 also, there was an interpretation

2 that -- and I think I expressed that  
3 at that time -- that undersized  
4 lots -- the interpretation interpreted  
5 that undersized lots came under the  
6 four-tenths rule only for unimproved  
7 properties.

8 MS. REICHERT: And if you'll  
9 recall, what I had told you was that  
10 the Village had just readopted a new  
11 zoning code and that's not in the old  
12 code and it's also not in the new  
13 code. So you had said it was a  
14 policy.

15 CHAIRPERSON SALADINO: What I said  
16 was there was an interpretation --

17 MS. REICHERT: An interpretation  
18 by who?

19 CHAIRPERSON SALADINO: By the  
20 Zoning Board of Appeals prior to this  
21 Zoning Board of Appeals. I can't give  
22 you the date.

23 MS. REICHERT: No, that's fine,  
24 but what I can tell you is that if  
25 this is still a live question for the

2 Board, again, because it sounds like  
3 the Board wants to challenge the  
4 building inspector's determination,  
5 which is, again, procedurally odd and  
6 you can have your attorney speak to  
7 that. But this is, it's in the code.  
8 There is no differentiation about  
9 improved, unimproved, but I can  
10 certainly --

11 CHAIRPERSON SALADINO: But the  
12 interpretation you --

13 MS. REICHERT: Hold on just a  
14 moment, Mr. Chairman, because can I  
15 put in probably about seven to ten  
16 examples where this Zoning Board has  
17 heard appeals based on notices of  
18 disapproval prepared by whoever was  
19 the chief building inspector at the  
20 time, which employed the four-tenths  
21 rule, not to vacant lots, but to  
22 improved lots, to existing lots that  
23 were doing additions.

24 So I understand that you're talking  
25 about an interpretation, but I

2 certainly can show a precedent from  
3 the Board as recent as, you know, a  
4 year or two ago, all the way through  
5 the early 2000's where the four-tenths  
6 rule was employed exactly as it's been  
7 employed right now by the chief  
8 building inspector.

9 There is no change to the new zoning  
10 code as opposed to prior version to  
11 this particular section, and there are  
12 no qualifications of how it applies or  
13 doesn't apply. The sole criteria for  
14 the application of the four-tenths  
15 rule is the size of the lot and the  
16 zoning code -- the zoning district  
17 that it is located in, all of which  
18 this particular property qualifies  
19 for.

20 CHAIRPERSON SALADINO: Can I  
21 respond now?

22 MS. REICHERT: Sure.

23 CHAIRPERSON SALADINO: The  
24 interpretation by the Zoning Board was  
25 that that four-tenths rule would apply

2 only to unimproved properties at that  
3 time. The policy in the Village for  
4 the last, in my recollection, 20 years  
5 has been that that would apply only to  
6 unimproved properties.

7 MS. REICHERT: I may I ask a  
8 question?

9 CHAIRPERSON SALADINO: My turn.  
10 My turn. You say that this Board has  
11 misinterpreted that -- and we know  
12 that interpretations carry the weight  
13 of president and I don't recall -- in  
14 my experience, yeah, I don't recall us  
15 applying that rule as short as a year  
16 ago to a property.

17 MS. REICHERT: Not a year ago  
18 because it would have to be prior to  
19 when we were first before --

20 CHAIRPERSON SALADINO: Didn't you  
21 just say a year ago?

22 MS. REICHERT: No, I said as far  
23 as a couple years ago. So perhaps I  
24 misspoke. At least two years ago from  
25 when the first time we were here.

2 But I just -- let's be clear about  
3 what we're here for. This is  
4 basically like a work session almost.  
5 This is not the public hearing. The  
6 Board does not have jurisdiction to  
7 hear this application until notice has  
8 been given to neighbors, right, posted  
9 in accordance with the Village law of  
10 New York. So what we're --

11 CHAIRPERSON SALADINO: We do have  
12 the right to either accept or not  
13 accept this application unless it's  
14 complete or correct.

15 MS. REICHERT: Well, I guess that  
16 is up for you to make that  
17 determination. I mean, really it's --  
18 actually, no, I'm sorry, it's not.  
19 It's up for the chief building  
20 inspector, right?

21 He is the interpreter of the code  
22 under the Village law, under the  
23 Village code as well. We have  
24 received a notice of disapproval from  
25 him that says the variances that are

2 required and that is what this Board  
3 has appellate jurisdiction to hear.

4 This Board doesn't have jurisdiction  
5 to change what needs to be applied for  
6 a variance. I mean, the Second  
7 Department and all the courts of this  
8 state have upheld that several times.  
9 Riverhead v -- Capetola v Town of  
10 Riverhead is probably one of the best  
11 examples of that.

12 So we're either proceeding to the  
13 public hearing, which I am up here to  
14 say we are ready to proceed to the  
15 public hearing. That is why it's on  
16 the agenda. Or the Board can make  
17 whatever determination it wants to  
18 make at this point, at which point  
19 will be a final determination and we  
20 will, you know, respectfully --

21 CHAIRPERSON SALADINO: We're here  
22 now --

23 MS. REICHERT: -- advance our  
24 rights.

25 CHAIRPERSON SALADINO: We're here

2 now to accept application or not, not  
3 to proceed to a public hearing. We're  
4 here to accept this application or  
5 not. Sometimes --

6 MS. REICHERT: What does that  
7 mean? I mean, it was accepted, the  
8 fee was paid. Are you --

9 CHAIRPERSON SALADINO: What?

10 MS. REICHERT: Are you deeming the  
11 application incomplete? I don't --  
12 you know, the application has been  
13 accepted. It's either going to be  
14 scheduled for a public hearing in  
15 accordance with the law or you're  
16 refusing to schedule a public hearing.

17 CHAIRPERSON SALADINO: I'm not  
18 saying we're looking to overstep our  
19 bounds here.

20 MS. REICHERT: Well, I think you  
21 are.

22 CHAIRPERSON SALADINO: I'm sorry?

23 MS. REICHERT: You are  
24 overstepping your bounds. You either  
25 schedule a public hearing, you've

2 accepted the application. It has  
3 been --

4 CHAIRPERSON SALADINO: We haven't  
5 accepted the application.

6 MS. REICHERT: The submission of  
7 the application was accepted. It has  
8 advanced tot agenda item for this  
9 Board to determine if it's going to  
10 schedule the public hearing. But that  
11 is this Board's purview, at this  
12 point, is to schedule a public  
13 hearing. And until then, the Board's  
14 jurisdiction is not triggered until  
15 the public hearing is opened.

16 CHAIRPERSON SALADINO: In this  
17 municipality --

18 MS. REICHERT: Which follows the  
19 Village law of the State of New York.

20 CHAIRPERSON SALADINO: In this  
21 municipality, this Board has the right  
22 to either accept an application or  
23 not. That's how it is. If the  
24 application is complete and correct,  
25 we would gladly accept it.

2 MS. REICHERT: And on what grounds  
3 would you not be accepting the  
4 application?

5 CHAIRPERSON SALADINO: I didn't  
6 say we would or wouldn't.

7 MS. REICHERT: Well, I just -- I  
8 mean, I've been doing this for 20  
9 years. This is all I do is zoning and  
10 land use and I've never had a  
11 Zoning Board tell me --

12 CHAIRPERSON SALADINO: All we hear  
13 from people, all we hear from experts  
14 is, I've been doing for 20 years, I've  
15 been doing this for 25 years, I've  
16 been doing this for 100 years, but  
17 right now what we have in front of us  
18 is a Village law --

19 MS. REICHERT: Village code.

20 CHAIRPERSON SALADINO: An  
21 interpretation is Village law.

22 MS. REICHERT: You do not have  
23 legislative authority. The Zoning  
24 Board can grant variances as part of  
25 its jurisdiction. It can issue

2 interpretations upon request of the  
3 building inspector or upon --

4 CHAIRPERSON SALADINO: Does that  
5 interpretation become Village law?

6 MS. REICHERT: No, it does not.  
7 You're not a legislative body, so it  
8 has -- whatever you're --

9 CHAIRPERSON SALADINO: Does that  
10 interpret the code as it should be  
11 read?

12 MS. REICHERT: The chief building  
13 inspector interprets the code. You  
14 grant variances from it.

15 CHAIRPERSON SALADINO: And nobody  
16 has authority over him?

17 MS. REICHERT: If it falls within  
18 your appellate jurisdiction, then you  
19 have authority. But, again, the  
20 court's upheld that when a building  
21 inspector says, this is what needs a  
22 variance, that is what you are limited  
23 to. You cannot invent additional  
24 variances.

25 CHAIRPERSON SALADINO: Doesn't the

2 Zoning Board have the right to review  
3 that as if it was a new application?

4 MS. REICHERT: No. It depends on  
5 -- de novo review is limited to the  
6 instances of the Village code where it  
7 is appropriate where I say, I was  
8 challenging the building inspector's  
9 interpretation. I'm not challenging  
10 the building inspector's  
11 interpretation.

12 I am appealing the notice of  
13 disapproval to this Board for an  
14 exception from the side yard  
15 variances. They are two very  
16 different things and, again, your  
17 counsel can instruct you and advise  
18 you how the law views that, but you do  
19 not get de novo review on a straight  
20 up area variance appeal. That is not  
21 part of your area variance appeal  
22 under the Village law. I'm making a  
23 distinction between Village law and  
24 Village code.

25 CHAIRPERSON SALADINO: So you're

2 saying there is no recourse for this  
3 Board if we see something that's  
4 contrary to the code that the building  
5 inspector perhaps missed. We should  
6 just accept it?

7 MS. REICHERT: Why don't you  
8 review Capetola v Riverhead?

9 CHAIRPERSON SALADINO: I'm sorry?

10 MS. REICHERT: Why don't you  
11 review Capetola v Riverhead? That is  
12 exactly what the Second Department  
13 said.

14 CHAIRPERSON SALADINO: Okay, so  
15 you're suggesting we adjourn this  
16 meeting now so we can review that?

17 MS. REICHERT: I am suggesting  
18 that you --

19 AUDIENCE MEMBER: Come on.

20 MS. REICHERT: -- schedule us for  
21 a public hearing in accordance with  
22 the law.

23 CHAIRPERSON SALADINO: But if the  
24 application is incomplete and  
25 incorrect we don't have -- we

2 shouldn't accept it.

3 MS. REICHERT: That's really not  
4 within your jurisdiction to determine.  
5 The building inspector has advanced it  
6 to you.

7 CHAIRPERSON SALADINO: Well, in my  
8 experience, unlike your 20-year  
9 experience in zoning, in my  
10 experience, this Board has the right  
11 to either accept or reject an  
12 application. You can certainly  
13 challenge that.

14 MS. REICHERT: If you want to make  
15 a final determination, please, go  
16 ahead and make a final determination.

17 CHAIRPERSON SALADINO: I don't  
18 know why this has become adversarial.  
19 I'm just asking you like why are we  
20 going through this process?

21 MS. REICHERT: I'll also say that  
22 this is the only Board that I have  
23 ever appeared before that does this,  
24 which is why you end up with neighbors  
25 feeling like they weren't properly

2 noticed, but this is not the public  
3 hearing.

4 CHAIRPERSON SALADINO: We have a  
5 neighbor here that wasn't properly  
6 noticed?

7 MS. REICHERT: No, they haven't  
8 been noticed because this isn't the  
9 public hearing. This is your agenda  
10 item to schedule the hearing.

11 CHAIRPERSON SALADINO: Why are you  
12 saying you have neighbors here that --

13 MS. REICHERT: Because there's a  
14 letter that was sent to -- into the  
15 record, which doesn't actually exist  
16 yet at this point, stating they didn't  
17 receive notice.

18 CHAIRPERSON SALADINO: I'm not  
19 following. What are you talking  
20 about?

21 MS. REICHERT: Mr. Noone --

22 CHAIRPERSON SALADINO: We have a  
23 letter that was entered into the  
24 record?

25 CLERK NOONE: Nothing has been

2 entered into the public record.

3 MS. REICHERT: Because the record  
4 doesn't exist yet until the hearing is  
5 open.

6 CLERK NOONE: I shared --

7 MEMBER GORDON: But we should know  
8 if there has been a neighbor who has  
9 complained or --

10 CLERK NOONE: Any letters that I  
11 received were given to the entire  
12 Board and to the attorney.

13 CHAIRPERSON SALADINO: But we  
14 can't read those letters --

15 CLERK NOONE: Correct.

16 CHAIRPERSON SALADINO: -- until  
17 the public hearing is open.

18 CLERK NOONE: But in the interest  
19 of transparency, everybody got them.  
20 They asked to be shared ahead of this  
21 meeting, but nothing has been entered  
22 into the public record.

23 CHAIRPERSON SALADINO: Okay. So  
24 I'm not sure what your point is.

25 MS. REICHERT: My point is, this

2 is not the public hearing. We are  
3 substantively discussing the  
4 application. You do not have --

5 CHAIRPERSON SALADINO: I thought  
6 that's what we were doing.

7 MS. REICHERT: You do not have  
8 jurisdiction to discuss this  
9 application until the public hearing  
10 record is opened, until the public has  
11 been properly noticed, until the  
12 property has been posted. This is  
13 what the law requires. This is an  
14 unusual procedure that is unique to  
15 the Village of Greenport --

16 CHAIRPERSON SALADINO: I'm sorry.

17 MS. REICHERT: -- where this  
18 Board, as an agenda item, places the  
19 scheduling of the public hearing on  
20 the agenda. And what it does is it  
21 often creates confusion. But we're  
22 here now and either you're going to  
23 schedule the public hearing or you're  
24 going to make a motion to not schedule  
25 the public hearing. But your grounds

2 for saying that the application is  
3 incomplete are not supported by the  
4 Village official who is charged with  
5 interpreting the code, and that is the  
6 building inspector.

7 He has issued a notice of  
8 disapproval. It is here the  
9 application is based upon it. I have  
10 not been told that I am missing any  
11 information. So at this point, I  
12 respectfully request that this Board  
13 schedule a public hearing.

14 CHAIRPERSON SALADINO: All I did  
15 was ask you and let you know what I  
16 know about this, that there was an  
17 interpretation about one of the items  
18 that was on the original notice of  
19 disapproval that was to be discussed  
20 later on between you and, I'm guessing  
21 someone else. And now we have a new  
22 notice of disapproval that doesn't  
23 show that.

24 MS. REICHERT: Doesn't show what?

25 CHAIRPERSON SALADINO: Combined

2 side yard setback.

3 MS. REICHERT: Because, again, if  
4 you read --

5 CHAIRPERSON SALADINO: No, no.

6 MS. REICHERT: If you read your  
7 code and the four-tenths rule, the  
8 combined required side yard setback  
9 really kind of goes out by the wayside  
10 because the side yard then just  
11 becomes ten feet on each side. Again,  
12 this is --

13 CHAIRPERSON SALADINO: Again,  
14 again --

15 MS. REICHERT: -- your building  
16 inspector who --

17 CHAIRPERSON SALADINO: Again --

18 MS. REICHERT: -- who knew,  
19 because it took two years to get this  
20 revised notice of disapproval --

21 CHAIRPERSON SALADINO: Again.

22 MS. REICHERT: -- because of  
23 changeover with building inspectors.  
24 Again, your attorney can speak to if  
25 you want to challenge the building

2 inspectors interpretation of the code  
3 and the building inspectors notice of  
4 disapproval, but this is completely  
5 inappropriate and not in accordance  
6 with the law.

7 CHAIRPERSON SALADINO: Again, in  
8 your experience, in your stated  
9 20-year experience --

10 MS. REICHERT: Nearly 20 years.

11 CHAIRPERSON SALADINO: How many?

12 MS. REICHERT: Nearly 20 years.

13 CHAIRPERSON SALADINO: In your  
14 close to 20 years experience in doing  
15 this, when a Zoning Board of Appeals  
16 is asked for an interpretation --

17 MS. REICHERT: I'm not asking for  
18 an interpretation.

19 CHAIRPERSON SALADINO: I'm not  
20 saying you did.

21 MS. REICHERT: And that's the only  
22 time you get de novo review. You do  
23 not have de novo review powers.

24 CHAIRPERSON SALADINO: I stated a  
25 previous Zoning Board of Appeals in

2 the Incorporated Village of Greenport  
3 was asked for an interpretation about  
4 this exact situation and they decided  
5 that that portion of the code -- let  
6 me finish -- that portion of the code  
7 applied to unimproved properties.

8 MS. REICHERT: Can you cite to  
9 this decision?

10 CHAIRPERSON SALADINO: To the day?

11 MS. REICHERT: No, I mean you're  
12 talking about something you want to  
13 bind every single property in the  
14 Village of Greenport. Now this Board  
15 issues decisions based upon specific  
16 applications. It is not a legislative  
17 Board. So an interpretation is  
18 limited to the application that was  
19 before it. You don't get to make  
20 blanket interpretations and then not  
21 have the legislative body, which is  
22 the Board of Trustees, follow it up  
23 with an amendment to your code. And  
24 again --

25 CHAIRPERSON SALADINO: But the --

2 MS. REICHERT: -- your zoning code  
3 was redone. It went through multiple  
4 hearings. It went through the full  
5 adoption vetting process and the text  
6 of the code was not changed. It is  
7 not in accordance with the plain text  
8 reading of the Village code and the  
9 four-tenths rule.

10 So I know that you're citing to  
11 something, but you can't even tell me  
12 what it is. You can't cite the  
13 decision. We need to see this in  
14 writing and see what the context was  
15 if it even exists, but the Zoning  
16 Board does not get to legislate. They  
17 get to examine --

18 CHAIRPERSON SALADINO: I'm not  
19 suggesting --

20 MS. REICHERT: -- specific  
21 applications before the --

22 CHAIRPERSON SALADINO: I'm not  
23 suggesting --

24 MS. REICHERT: No, you are because  
25 you're saying that what's in the code

2 doesn't apply unless you modify it by,  
3 again, an un-cited interpretation that  
4 you say was made, but you don't have  
5 in front of me, in front of any sort  
6 of place where it can be publicly  
7 read. The law is the law. You get to  
8 grant variances from the zoning code.

9 CHAIRPERSON SALADINO: Are you --

10 MS. REICHERT: And the zoning code  
11 says that any lot that has a narrow  
12 width is entitled to the four-tenths  
13 rule. This rule exists in almost  
14 every single municipality.

15 CHAIRPERSON SALADINO: Almost  
16 every?

17 MS. REICHERT: I don't know every  
18 single's municipality's code, but I  
19 can tell you that every one that I  
20 practice is has the four-tenths rule,  
21 which is why I knew when I saw the  
22 notice of disapproval that it was in  
23 error.

24 CHAIRPERSON SALADINO: Is the  
25 Zoning Board obligated -- this is

2 turning into a debate, but is the  
3 Zoning Board obligated to follow  
4 interpretations issued by previous  
5 Zoning Boards?

6 MS. REICHERT: I can't speak to  
7 this interpretation because I haven't  
8 read it.

9 CHAIRPERSON SALADINO: That's not  
10 the question I'm asking you.

11 MS. REICHERT: No. I mean, again,  
12 interpretations are not the same as  
13 the force of a precedent of a  
14 decision. So I don't know what this  
15 is.

16 CHAIRPERSON SALADINO: Is it --

17 MS. REICHERT: No.  
18 Interpretations and decisions on  
19 variances are different.

20 CHAIRPERSON SALADINO: Don't  
21 interpretation carry the weight of  
22 precedence?

23 MS. REICHERT: It's all  
24 contextual.

25 CHAIRPERSON SALADINO: Yes --

2 MS. REICHERT: No. No, no, no.

3 It's contextual and it depends on how  
4 it came to this Board. You are an  
5 Appellate Board, unless you are  
6 hearing something like special  
7 permit --

8 CHAIRPERSON SALADINO: I'm not --  
9 I'm not saying --

10 MS. REICHERT: No. Sir, you're  
11 fundamentally misunderstanding the  
12 charge of your Board.

13 CHAIRPERSON SALADINO: I'm not  
14 saying we have the right to overturn  
15 anything. I'm not saying you don't  
16 have the rights in front of this  
17 Board.

18 MS. REICHERT: You do have the  
19 right to change your precedent. You  
20 can look back at a decision and say,  
21 you know what, upon studied review, we  
22 are changing the prior precedent of  
23 this Board.

24 CHAIRPERSON SALADINO: Are you  
25 asking for an interpretation?

2 MS. REICHERT: No, I am not asking  
3 for an interpretation.

4 CHAIRPERSON SALADINO: That's the  
5 only way we would have the right to do  
6 that, if someone asked for an  
7 interpretation.

8 MS. REICHERT: The code is what  
9 the code says, sir.

10 CHAIRPERSON SALADINO: I'm just  
11 telling you the interpretation --

12 MS. REICHERT: The building  
13 inspector has issued a notice of  
14 disapproval. You are limited to  
15 granting the variances under that  
16 notice of disapproval.

17 If you want to Article 78 your own  
18 decision afterwards, by all means, it  
19 would be they very interesting to see.  
20 But you are limited to what is on that  
21 notice of disapproval. You do not  
22 have authority to say, this variance  
23 isn't needed or an additional variance  
24 is needed or this rule doesn't apply  
25 because there's no support --

2 CHAIRPERSON SALADINO: We do that  
3 all the time.

4 MS. REICHERT: -- in the four  
5 corners or your Village Code to  
6 support that interpretation that  
7 you're taking right now.

8 CHAIRPERSON SALADINO: We do it  
9 all the time.

10 MS. REICHERT: That doesn't mean  
11 it's right. That doesn't mean it  
12 complies with the law.

13 CHAIRPERSON SALADINO: The fact  
14 that you're suggesting that this Board  
15 doesn't have the right to follow  
16 previous interpretations, I'm just not  
17 understanding.

18 MS. REICHERT: Well, perhaps you  
19 can present the interpretation so that  
20 we all know what it is.

21 CHAIRPERSON SALADINO: Well, we  
22 can certainly --

23 MS. REICHERT: That would be  
24 wonderful. I mean, if you really  
25 think there is some sort of written

2 determination of this Board that has  
3 current, binding effect to change the  
4 plain language implementation of the  
5 Village Code, including one that was  
6 just adopted within the last two  
7 years. By all means, let's see what  
8 is says, but right now you're talking  
9 about something that you have no proof  
10 of that the building inspector  
11 certainly isn't following because it's  
12 not binding upon him. So present it  
13 if you feel the need to present it.

14 CHAIRPERSON SALADINO: By your own  
15 statement that the building inspector  
16 was new to the job, wasn't fully up to  
17 speed on certain things, the fact that  
18 this interpretation was issued  
19 15 years ago or 12 years ago, and the  
20 policy in the Village for the last  
21 20 years has been to interpret the  
22 code --

23 MS. REICHERT: Sir, I'm talking  
24 about law. I'm talking about the code  
25 that you are charged with enforcing.

2 And you are not enforcing the code  
3 that is before you. The plain  
4 language of this code.

5 CHAIRPERSON SALADINO: Only  
6 because you say the interpretation  
7 doesn't exist.

8 MS. REICHERT: I don't know.

9 CHAIRPERSON SALADINO: Produce --

10 MS. REICHERT: Produce it, but,  
11 again, I don't know if it's binding  
12 because your code was newly adopted.  
13 And, again, it's never been changed.  
14 You are not a legislative Board. You  
15 are is judicial board. You are a  
16 quasi-judicial board --

17 CHAIRPERSON SALADINO: We don't  
18 claim to be.

19 MS. REICHERT: Well, what you're  
20 claiming is legislative in nature,  
21 that you're changing how the code is  
22 to be read.

23 CHAIRPERSON SALADINO: No. What  
24 I'm claiming is that there's an  
25 interpretation in --

2 MS. REICHERT: There is no  
3 vagueness in the Village zoning code  
4 where it talks about under-width lots.  
5 There is no vagueness that requires an  
6 interpretation. The language is  
7 plain. The language is clear. You  
8 are supplying language from an unknown  
9 source.

10 So, again, if you can show it and  
11 have your counsel review it and he can  
12 call me and let me know. But at this  
13 point, and I would love to hear from  
14 the Village attorney, the code is the  
15 code. The code is the code. It is  
16 not an ambiguous provision.

17 I believe it's 150-13, I don't have  
18 it in front of me. It's not  
19 ambiguous. It is very clear. It does  
20 not have any sort of qualification  
21 about what time of parcel benefits  
22 from it other than what its lot width  
23 is.

24 CHAIRPERSON SALADINO: Well, I'm  
25 willing to ask our attorney.

2 BOARD COUNSEL STOLAR: Not here  
3 you're not.

4 CHAIRPERSON SALADINO: I'm sorry?

5 BOARD COUNSEL STOLAR: Not here.  
6 If you want legal advise, I'll give it  
7 to you, but not in a public forum.

8 CHAIRPERSON SALADINO: No, I  
9 totally agree with that. If we can --

10 MS. REICHERT: I'm happy to clear  
11 the room so you can go into Executive  
12 Session.

13 CHAIRPERSON SALADINO: No, you  
14 don't have to. It's cold outside.  
15 We'll go.

16 MEMBER GORDON: John, it seems to  
17 me that maybe we need to, as a Board,  
18 decide on whether we're going to  
19 accept the notice of disapproval and  
20 that we could vote on that. Because  
21 at the core of this is your sense that  
22 the notice of disapproval is wrong  
23 still.

24 CHAIRPERSON SALADINO: No. My  
25 sense is that there was a notice of

2 disapproval issued and it included  
3 something that was a part of Village  
4 code -- not part of Village code, an  
5 interpretation by a previous Zoning  
6 Board that allowed that to be included  
7 on the previous notice of disapproval.

8 Now, because of someone not having  
9 access to that interpretation or  
10 someone not believing that  
11 interpretation, would make this  
12 application with this notice of  
13 disapproval incorrect.

14 MEMBER GORDON: You have said --

15 CHAIRPERSON SALADINO: But, but,  
16 but if we want to accept it, and we  
17 can hear from Brian. We can take a  
18 minute or two and hear from Brian. If  
19 not, we'll accept it.

20 MEMBER KAUFMAN: I feel like we're  
21 going in circles here. So there's  
22 this notice of disapproval and they're  
23 contending that this is the notice of  
24 disapproval and you're contending that  
25 there's additional variances that are

2 required that are no longer there?

3 BOARD COUNSEL STOLAR: Why don't  
4 we -- I think we can resolve involve  
5 it if we go into Executive Session for  
6 legal advise.

7 MEMBER KAUFMAN: Okay.

8 CHAIRPERSON SALADINO: Okay. Not  
9 to belabor it and stuff --

10 MS. REICHERT: I --

11 CHAIRPERSON SALADINO: Wait. Just  
12 let me finish.

13 MS. REICHERT: Sure.

14 CHAIRPERSON SALADINO: Do we  
15 really have to, as opposed to just  
16 accept this and bring this up at the  
17 public hearing?

18 BOARD COUNSEL STOLAR: That's  
19 fine. You can do it that way too.

20 MEMBER KAUFMAN: It seems to me  
21 that we're in agreement there are  
22 variances that need to be examined.  
23 So whether it's this or something  
24 else, why don't we just accept it  
25 because there's something to be

2 adjudicated, and then figure it out  
3 instead of casting people into the  
4 cold.

5 CHAIRPERSON SALADINO: Oh, I  
6 wasn't going to send them outside. We  
7 were the ones --

8 MEMBER KAUFMAN: I was trying to  
9 make it traumatic.

10 MS. REICHERT: Well, so I just --  
11 I want to give you an example of where  
12 four-tenths rule has been applied in  
13 recent time by your current building  
14 inspector on a property that was  
15 improved.

16 So we have the notice of disapproval  
17 for 320 Carpenter issued in June of  
18 2024, which acknowledges under, again,  
19 150-12e, which is where you have the  
20 existing small lots. Again, existing  
21 small lots. And it says, site plane  
22 notes, existing two-story framed  
23 residence within the required side  
24 yard. This would require a variance  
25 for the side yard of 5.7. So this was

2 applied to an existing structure.

3 Again, you know, this is just one

4 example, but --

5 CHAIRPERSON SALADINO: Again, like  
6 you, we don't have that information in  
7 front of us right now.

8 MS. REICHERT: Well, I just gave  
9 it to you literally, 320 Carpenter,  
10 but what I can do is --

11 CHAIRPERSON SALADINO: Well, we  
12 don't have the application in front of  
13 us. We don't know how it applies to  
14 this. So don't be a sore winner.  
15 Please don't be a sore winner. Our  
16 attorney told us we can kind of  
17 resolve this and bring it up at the  
18 public hearing if that's kind of okay  
19 with you or if not --

20 MS. REICHERT: I mean --

21 CHAIRPERSON SALADINO: We can --

22 MS. REICHERT: I am not  
23 entertaining an area variance  
24 application at its public hearing,  
25 something that wades in the territory

2 of this Board pretending it has the  
3 authority to engage --

4 CHAIRPERSON SALADINO: We're not  
5 pretending anything.

6 MS. REICHERT: Yes, you are.

7 CHAIRPERSON SALADINO: No, we're  
8 not.

9 MS. REICHERT: Fine. Charading  
10 around pretending that you get to  
11 conduct de novo review and that's what  
12 you're trying to do. You're trying to  
13 shoe-in to a public hearing on an area  
14 variance -- you are, sir, what is an  
15 improper standard review for this  
16 Board.

17 CHAIRPERSON SALADINO: No, you're  
18 wrong, we're not. We're telling you  
19 of a previous interpretation by this  
20 Board how this application affects a  
21 small lot. That's what we're telling  
22 you.

23 MS. REICHERT: If you want to  
24 raise this at the public hearing, then  
25 it's going to be very clear where the

2 limits of your de novo review, which  
3 is nonexistent --

4 CHAIRPERSON SALADINO: Why are you  
5 projecting for next month? We're  
6 talking about here and now.

7 MS. REICHERT: Because this is not  
8 public hearing. It is inappropriate  
9 to be engaging in this level of  
10 discussion of an application. You do  
11 not have jurisdiction yet to discuss  
12 it.

13 BOARD COUNSEL STOLAR: If I might,  
14 we haven't discussed anything. You're  
15 just going back and forth talking  
16 about a disagreement. So --

17 CHAIRPERSON SALADINO: None of  
18 this is on the -- as far as this  
19 application, none of it -- there's no  
20 public hearing and none of it is on  
21 the public record as far as that  
22 hearing.

23 So what are you saying? We have the  
24 right to ask any question we want at  
25 any time, whether you agree with that

2 or not in your almost 20 years.

3 MS. REICHERT: You can ask the  
4 questions you want, but your --

5 CHAIRPERSON SALADINO: I did.

6 MS. REICHERT: -- your authority  
7 and your standard of review are  
8 different depending on the matter that  
9 is before you.

10 CHAIRPERSON SALADINO: We're not  
11 here for you to lecture us on our  
12 duties and responsibilities.

13 MEMBER KAUFMAN: Can I just make a  
14 suggestion that we accept this  
15 application and then we can --

16 CHAIRPERSON SALADINO: I thought  
17 that's what we were going to do.

18 MEMBER KAUFMAN: -- open this up  
19 and then we can discuss it.

20 MS. REICHERT: I'd be happy to do  
21 it in a public hearing.

22 BOARD COUNSEL STOLAR: Somebody  
23 just make a motion.

24 MEMBER KAUFMAN: I'm making a  
25 motion right now.

2 BOARD COUNSEL STOLAR: And  
3 schedule it for public hearing in  
4 January.

5 MEMBER KAUFMAN: I'm make a motion  
6 that we accept this application.

7 MEMBER GORDON: And schedule a  
8 public hearing.

9 MEMBER KAUFMAN: And schedule a  
10 public, I'm sorry. I'm not very good  
11 at this.

12 CHAIRPERSON SALADINO: I second  
13 that.

14 MEMBER KAUFMAN: All right, all in  
15 favor?

16 MS. REICHERT: Well, what are you  
17 schedule the public hearing for?

18 CHAIRPERSON SALADINO: We're going  
19 to tell you in a second. We're going  
20 to schedule a public hearing -- we're  
21 going to schedule a public hearing  
22 for --

23 CLERK NOONE: January 20th.

24 MEMBER KAUFMAN: January 20th.

25 CHAIRPERSON SALADINO: --

2 January 20th at 6:00 p.m.

3 CLERK NOONE: Site visit.

4 CHAIRPERSON SALADINO: Well, let's  
5 decide on the public hearing first and  
6 then we'll decide if we need a site  
7 visit or not.

8 This is yours, David. I'm sorry.  
9 I don't have my agenda in front of me.

10 MEMBER NYCE: No, that's good.

11 CHAIRPERSON SALADINO: Were going  
12 to schedule a public hearing for  
13 January 20th at 6:00 p.m. at this  
14 location. Do we need a site visit?

15 MEMBER KAUFMAN: Yes, very much  
16 so, and I'll cut it off and say 4:00.

17 CHAIRPERSON SALADINO: So we're  
18 going to schedule a public hearing for  
19 January -- what's the date?

20 MEMBER KAUFMAN: 20th.

21 DEFENSE ATTY one: January 20th at  
22 6:00 p.m.

23 MS. REICHERT: So my --

24 CHAIRPERSON SALADINO: We're going  
25 to schedule it here at 6:00 p.m. and

2 we're going to do a site visit at --

3 MEMBER KAUFMAN: Four.

4 CHAIRPERSON SALADINO: 4:00 p.m.

5 MS. REICHERT: Chairman Saladino,  
6 my client just informed me that she  
7 will not be here during January.

8 CHAIRPERSON SALADINO: Can you be  
9 here?

10 MS. REICHERT: I can be here, but  
11 I feel that given the Scholl's  
12 connection to this property that it  
13 would be appropriate to have the  
14 property owner there, especially if  
15 you want to be able to ask questions  
16 pursuant to the --

17 CHAIRPERSON SALADINO: Can you  
18 suggest a date that's convenient to  
19 your property owner?

20 BOARD COUNSEL STOLAR: We usually  
21 meet the third Tuesday of the month.

22 MS. SCHOLL: Yes. February?

23 MEMBER REARDON: February 17th.

24 CLERK NOONE: It would be  
25 February 17th.

2 MS. REICHERT: The February  
3 meeting, please.

4 CHAIRPERSON SALADINO: Okay.

5 BOARD COUNSEL STOLAR: So the  
6 motion is amended to the February 17th  
7 public hearing at 6:00 p.m. with a  
8 site visit at 4:00 p.m.?

9 MEMBER KAUFMAN: 4:00 p.m.

10 DEFENSE ATTY one: So that's the  
11 motion. You have a second.

12 CHAIRPERSON SALADINO: All in  
13 favor?

14 MEMBER REARDON: Aye.

15 MEMBER NYCE: Aye.

16 MEMBER GORDON: Aye.

17 MEMBER KAUFMAN: Aye.

18 CHAIRPERSON SALADINO: And I'll  
19 vote aye.

20 MS. REICHERT: Thank you.

21 CHAIRPERSON SALADINO: Before we  
22 move on, we don't usually -- we  
23 don't -- this is -- we scheduled the  
24 public hearing. We scheduled the site  
25 visit. We usually give the public a

2 chance to respond only about accepting  
3 this application. Since we've already  
4 done it, it's kind of moot. But...

5 BOARD COUNSEL STOLAR: On to  
6 Number 6 then.

7 CHAIRPERSON SALADINO: Item Number  
8 6 is -- do I have to get up again?

9 BOARD COUNSEL STOLAR: You're here  
10 on Item 6. Item 7 you recused  
11 yourself.

12 MEMBER KAUFMAN: 229 Sixth Street  
13 is this one.

14 BOARD COUNSEL STOLAR: 229 Sixth  
15 Street. That's the infamous mudroom.

16 MEMBER GORDON: It's 229 --

17 CHAIRPERSON SALADINO: Item Number  
18 6 is 229 Sixth Street. This is a  
19 discussion and possible motion on an  
20 area variance applied for by Jessica  
21 Zarychi and Scott D. Buschman for  
22 property located at 229 Sixth Street,  
23 Greenport, New York 11944. This is  
24 Suffolk County Tax Map Number remains  
25 the same at 1001-7-1-5. What are we

*Remaining Pages Intentionally Deleted  
as they do not pertain to 174 Sterling Street*

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

I, REBECCA WOOD, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

THAT the above and foregoing contains a true and correct transcription of the proceedings.

I further certify that I am not related, either by blood or marriage, to any of the parties in this action; and

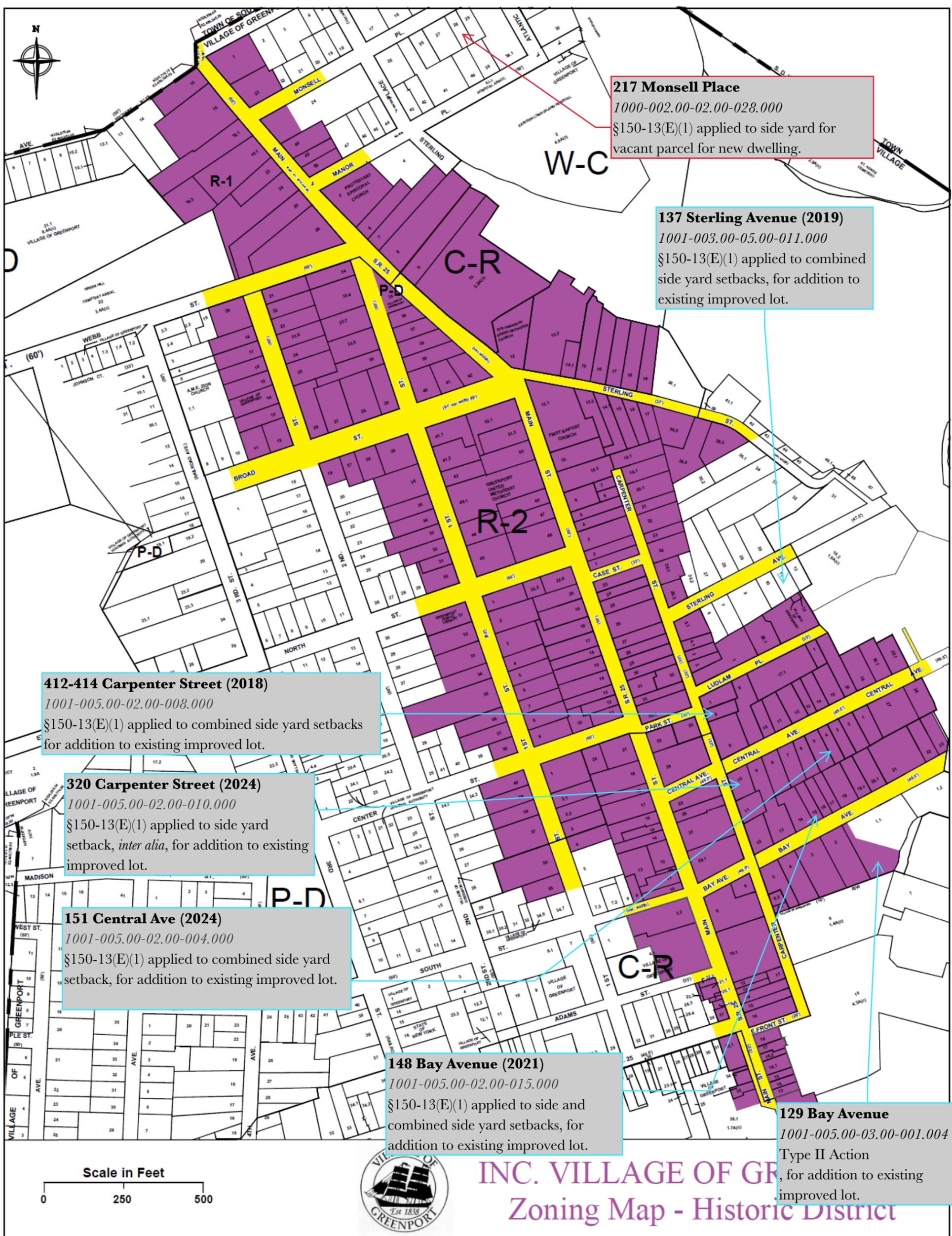
THAT I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of December, 2025.

  
-----  
REBECCA WOOD

Exhibit J

Annotated Map of the Greenport Historic District



The Greenport Village Historic District consists of a dense concentration of (primarily wood frame) residential and commercial structures radiating out in a fan shape from the village's Main Street waterfront business district (on the south). This large district comprises Greenport's historic eighteenth-century core and surrounding areas of nineteenth and early twentieth century development. The Greenport Village Historic District includes all of Main Street and Carpenter Street, most of First Street, the 600 block of Second Street, and structures on east-west streets that intersect with Main and Carpenter. The Greenport Village Historic District is defined on the east and south by Greenport Harbor and on the north and west by adjacent residential and commercial areas comprised of altered historic or modern structures. The Greenport Village Historic District represents the largest, most intact concentration of historic resources in the village.

In addition to the properties located within the District shown on the map above, all properties listed in the State/National Historic Registry are also under the jurisdiction of the Historic Preservation Commission.

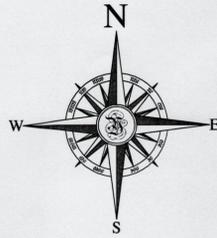
Exhibit K

FIRM Panel Number 361004-001-C



Exhibit L

Survey of 174 Sterling Street by Young Associates, last  
revised September 19, 2025



400 Ostrander Avenue, Riverhead, New York 11901  
 tel. 631.721.2303 fax. 631.721.0144  
 admin@youngengineering.com

**Young associates**

Howard W. Young, Land Surveyor  
 Thomas C. Hoipart, Professional Engineer  
 Douglas Adams, Professional Engineer & Geologist  
 Daniel A. Weaver, Land Surveyor

**SITE DATA**

AREA = 11,765 SQ. FT.

- \* SEE FLOOD INSURANCE RATE MAP PANEL NO. 36103C0176 H LATEST DATED SEPT. 25, 2009.
- \* VERTICAL DATUM = N.A.V. DATUM (1988)
- \* ZONING USE DISTRICT = R-2 ONE & TWO STORY RESIDENCE (HISTORIC DISTRICT)

**VILLAGE CODE 150-13-E CALCULATION**

\* 4/10 OF LOT WIDTH: 4/10 x 50.4' = 20.2'

**SURVEYOR'S CERTIFICATION**

\* WE HEREBY CERTIFY TO DONALD P. SCHOLL & CYNTHIA L. SCHOLL THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.



Howard W. Young  
 HOWARD W. YOUNG, N.Y.S. L.S. NO. 45893  
 DANIEL A. WEAVER, N.Y.S. L.S. NO. 90771

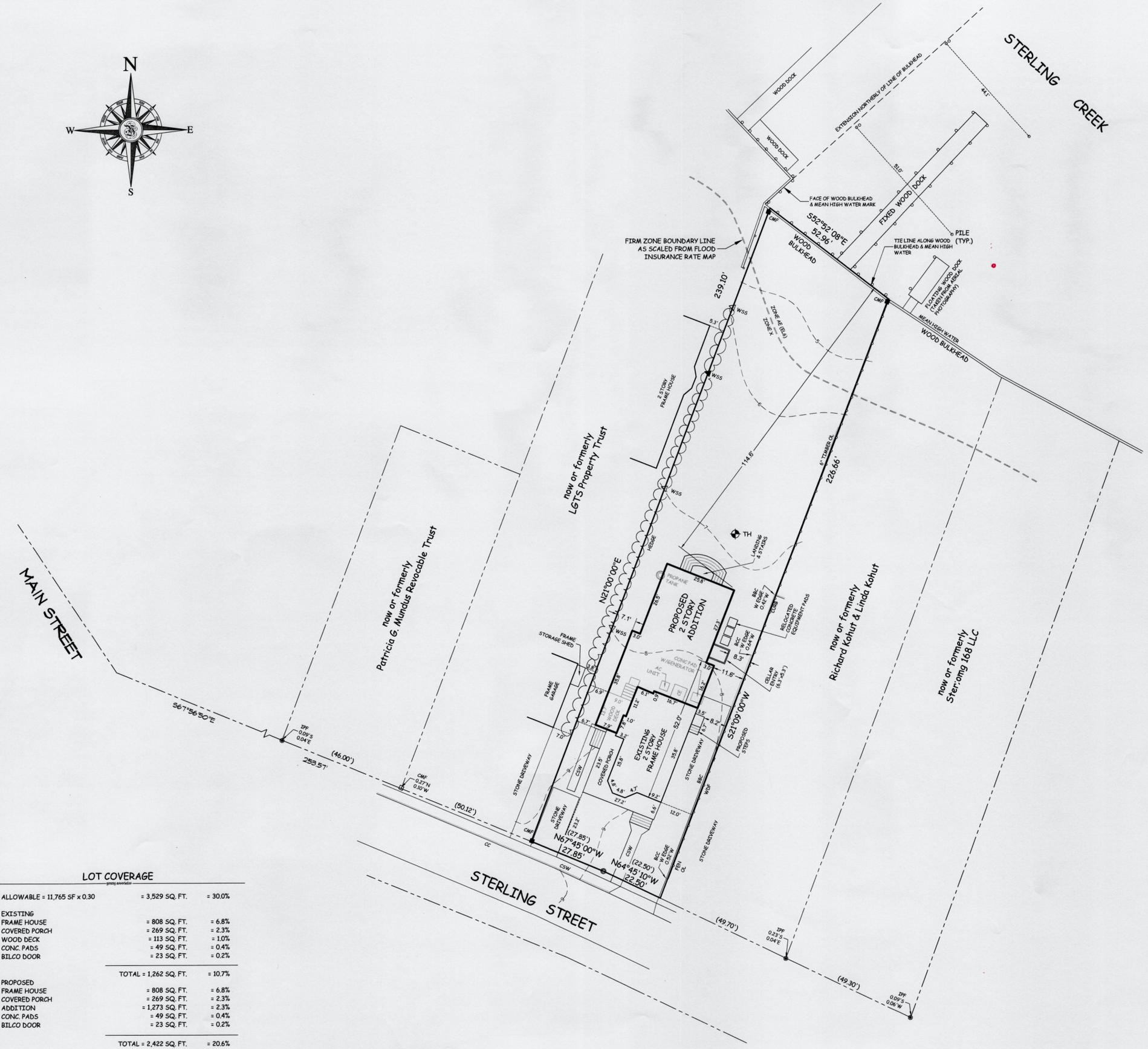
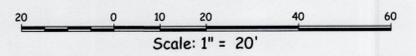
**SURVEY FOR DONALD P. SCHOLL & CYNTHIA L. SCHOLL**  
 at Village of Greenport, Town of Southold  
 Suffolk County, New York

**BUILDING PERMIT SURVEY**

County Tax Map District 1001 Section 02 Block 03 Lot 16  
 FIELD SURVEY COMPLETED AUG. 16, 2019  
 MAP PREPARED SEP. 14, 2019

**Record of Revisions**

REVISION	DATE
DEED DIMENSIONS & CLEANUP	OCT. 22, 2019
B8 CURB LOCATIONS	OCT. 24, 2019
RE DATA	APR. 09, 2025
RE DATA	JUNE 02, 2025
UPDATED TO SHOW PTLINGS	AUG. 20, 2025
GENERAL AMENDMENTS	AUG. 26, 2025
LOT COVERAGE	SEPT. 19, 2025



**TEST HOLE**

BY SHAWN M. BARRON M.S.  
 DATE: 08/07/2024

0.0'	LOAMY SAND (SM)
2.1'	COARSE SAND WITH GRAVEL (SP)
6.8'	WATER IN COARSE SAND WITH GRAVEL (SP)
13.0'	

**LEGEND**

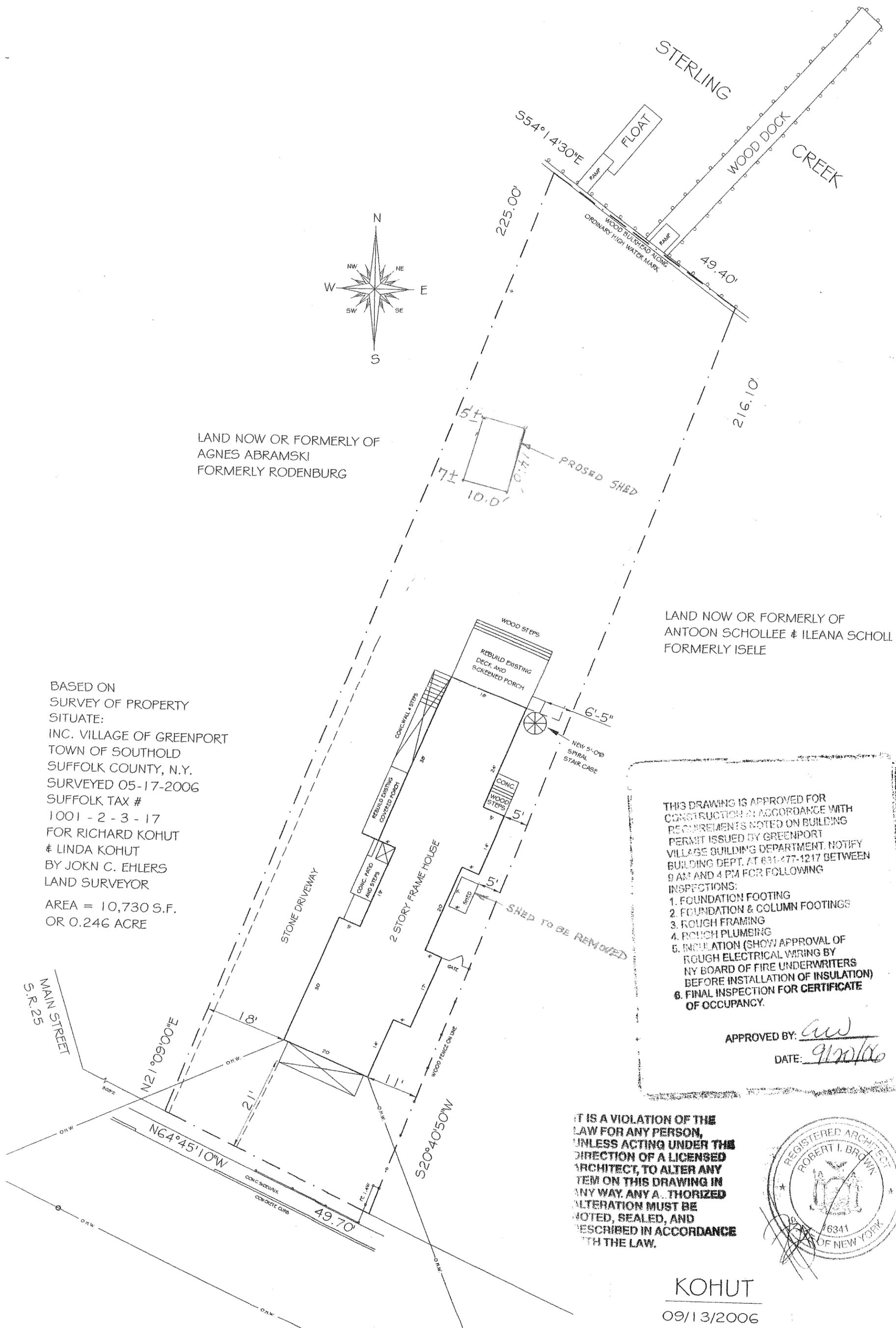
- BCC = BELGIAN BLOCK CURB
- CC = CONCRETE CURB
- CE = CELLAR ENTRANCE
- CSW = CONCRETE SIDEWALK
- WDF = WOOD FENCE
- CMS = CONCRETE MONUMENT SET
- CMF = CONCRETE MONUMENT FOUND
- WSS = WOOD STAKE SET
- WSF = WOOD STAKE FOUND
- WV = WATER VALVE
- FH = FIRE HYDRANT
- OL = ON BOUNDARY LINE
- BF = BASEMENT FLOOR
- DF = DECK FLOOR
- FF = FIRST FLOOR
- ⊕ = CHANGE BOUNDARY DIRECTION
- (49.70') = DEED DIMENSION

**LOT COVERAGE**

ALLOWABLE = 11,765 SF x 0.30			
EXISTING FRAME HOUSE	= 808 SQ. FT.	= 6.8%	
COVERED PORCH	= 269 SQ. FT.	= 2.3%	
WOOD DECK	= 113 SQ. FT.	= 1.0%	
CONC. PADS	= 49 SQ. FT.	= 0.4%	
BILCO DOOR	= 23 SQ. FT.	= 0.2%	
<b>TOTAL = 1,262 SQ. FT.</b>		<b>= 10.7%</b>	
PROPOSED FRAME HOUSE	= 808 SQ. FT.	= 6.8%	
COVERED PORCH	= 269 SQ. FT.	= 2.3%	
ADDITION	= 1,273 SQ. FT.	= 2.3%	
CONC. PADS	= 49 SQ. FT.	= 0.4%	
BILCO DOOR	= 23 SQ. FT.	= 0.2%	
<b>TOTAL = 2,422 SQ. FT.</b>		<b>= 20.6%</b>	

Exhibit M

172 Sterling Street Documents



LAND NOW OR FORMERLY OF  
AGNES ABRAMSKI  
FORMERLY RODENBURG

LAND NOW OR FORMERLY OF  
ANTOON SCHOLLEE & ILEANA SCHOLL  
FORMERLY ISELE

BASED ON  
SURVEY OF PROPERTY  
SITUATE:  
INC. VILLAGE OF GREENPORT  
TOWN OF SOUTHOLD  
SUFFOLK COUNTY, N.Y.  
SURVEYED 05-17-2006  
SUFFOLK TAX #  
1001 - 2 - 3 - 17  
FOR RICHARD KOHUT  
& LINDA KOHUT  
BY JOHN C. EHLERS  
LAND SURVEYOR  
AREA = 10,730 S.F.  
OR 0.246 ACRE

THIS DRAWING IS APPROVED FOR  
CONSTRUCTION IN ACCORDANCE WITH  
REQUIREMENTS NOTED ON BUILDING  
PERMIT ISSUED BY GREENPORT  
VILLAGE BUILDING DEPARTMENT. NOTIFY  
BUILDING DEPT. AT 631-477-1217 BETWEEN  
9 AM AND 4 PM FOR FOLLOWING  
INSPECTIONS:  
1. FOUNDATION FOOTING  
2. FOUNDATION & COLUMN FOOTINGS  
3. ROUGH FRAMING  
4. ROUGH PLUMBING  
5. INSULATION (SHOW APPROVAL OF  
ROUGH ELECTRICAL WIRING BY  
NY BOARD OF FIRE UNDERWRITERS  
BEFORE INSTALLATION OF INSULATION)  
6. FINAL INSPECTION FOR CERTIFICATE  
OF OCCUPANCY.

APPROVED BY: *aw*  
DATE: *9/13/06*

IT IS A VIOLATION OF THE  
LAW FOR ANY PERSON,  
UNLESS ACTING UNDER THE  
DIRECTION OF A LICENSED  
ARCHITECT, TO ALTER ANY  
ITEM ON THIS DRAWING IN  
ANY WAY. ANY A. THORIZED  
ALTERATION MUST BE  
NOTED, SEALED, AND  
DESCRIBED IN ACCORDANCE  
WITH THE LAW.

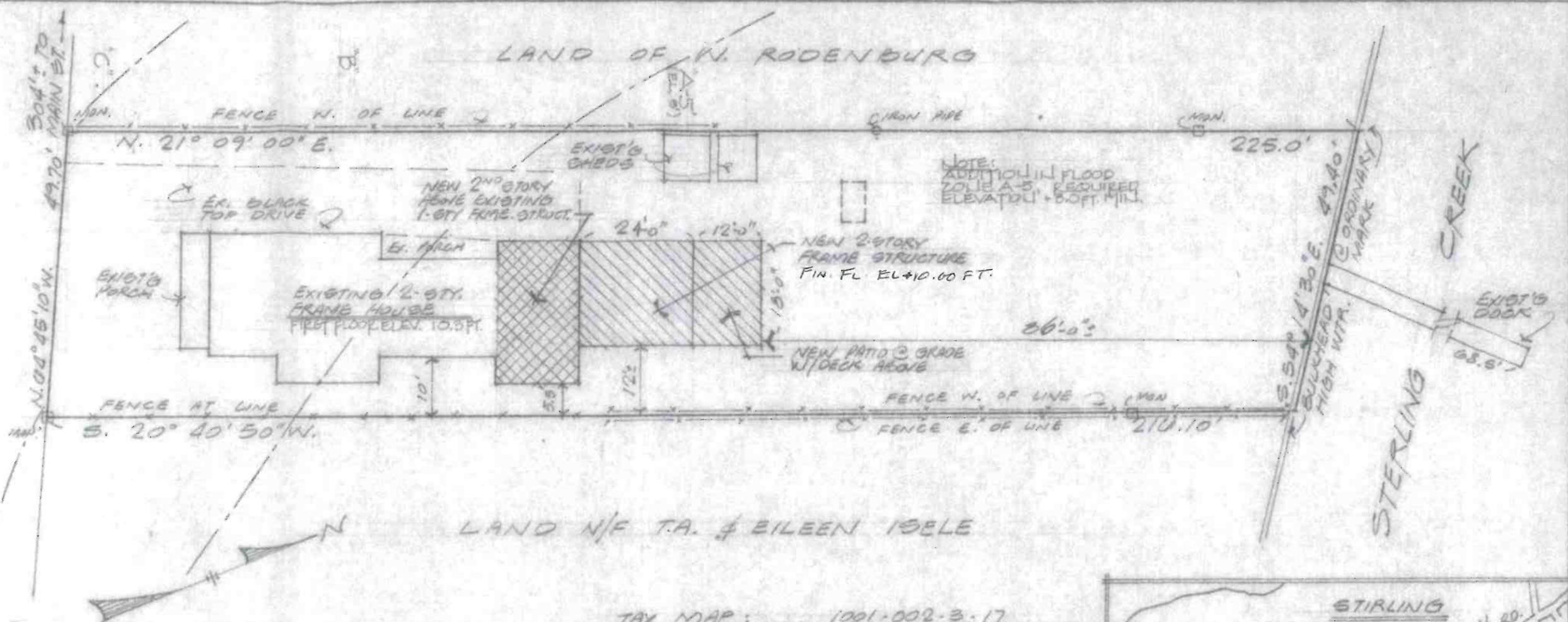


# SITE PLAN

SCALE: 1"=20'-0"  
EXISTING EXCEPT AS NOTED

KOHUT  
09/13/2006  
FAIRWEATHER-BROWN  
DESIGN ASSOCIATES, INC.  
205 BAY AVENUE  
GREENPORT, N.Y. 11944  
631-477-9752 (Fax) 631-477-0973

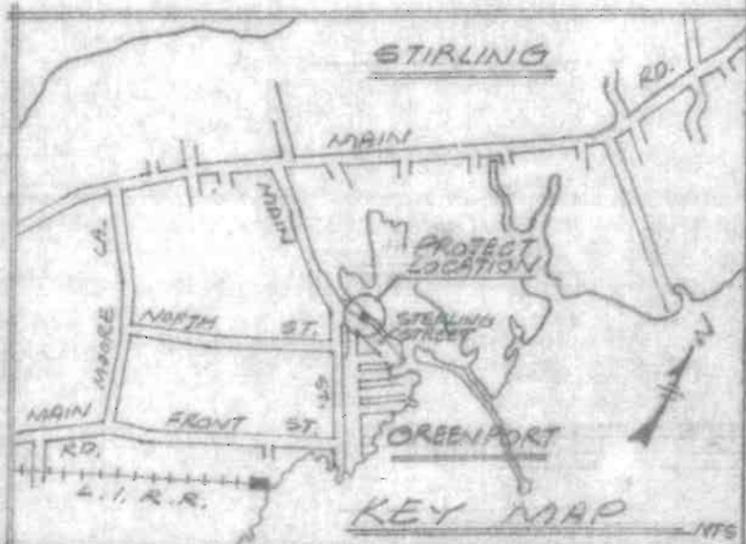
STERLING STREET



**SITE PLAN**  
SCALE: 1" = 20'

NOTE:  
SITE PLAN PREPARED FROM SURVEY BY RODERICK VAN TUYL, P.E. LICENSED LAND SURVEYOR, GREENPORT, N.Y. DATED JUNE 20, 1983

TAX MAP: 1001-002-3-17  
PROPERTY OWNER: ARTHUR & ANNELIESE KRIEGER  
335 TULIP AVENUE  
FLORAL PARK, N.Y. 11001  
AREA OF PROPERTY: 10,914 S.F.  
AREA OF EX. HOUSE: 1,000 S.F.  
AREA OF PROPOSED ADDITIONS: 570 S.F.  
PROPOSED TOTAL LOT COVERAGE: 19%



**GARRETT A. STRANG**  
architect

Main Road P.O. Box 1412 Southold N.Y. 11971  
516-765-5455

TITLE PROPOSED ALTERATIONS & ADDITIONS TO THE KRIEGER RESIDENCE		DRAWING NO 01-1 1 OF 1
LOCATION STERLING STREET GREENPORT, NEW YORK		
SCALE AS NOTED	REVISED 5/19/87 - ADD FLOOD ZONE INFO.	AUG 25 1987 2100
DATE MAY 19 '87	DRAWN BY J.A.	
PROJECT NO 87-11		

## Officers

MAYOR  
GEORGE W. HUBBARD

TRUSTEES  
STEPHEN L. CLARKE  
JEANNE M. COOPER  
DAVID S. CORWIN  
GAIL F. HORTON

# Village of Greenport

INCORPORATED 1838  
NEW INCORPORATION APRIL 7, 1868  
RE-INCORPORATION UNDER GENERAL LAW MAY 28, 1894



236 THIRD STREET  
P.O. BOX 4H  
GREENPORT, SUFFOLK COUNTY  
NEW YORK 11944

TELEPHONE  
(516) 477-2385

CLERK  
NANCY W. COOK

TREASURER  
MARY E. THORNHILL

June 25, 1987

### MEMO

To: Village Attorney John Munzel  
From: Village Clerk Nancy Cook  
Re: Board of Appeals Resolution on  
Krieger action

As per your instructions, I am returning herewith a certified copy of the resolution adopted by the Board of Appeals on June 24, 1987 with regard to the Krieger matter.

I am also forwarding a certified copy to Building Inspector David Abatelli for his file.

cc: Bldg. Inspec.  
Board of Appeals  
Village Attorney

VILLAGE OF GREENPORT  
ZONING BOARD OF APPEALS

Date Adopted: June 24, 1987  
Re: Arthur Krieger

At a meeting of the Village of Greenport Zoning Board of Appeals held on June 24, 1987 at the Village Hall, 236 Third Street, Greenport, N. Y., a motion was made by Douglas Schumejda and seconded by Victoria Heaney to adopt the following resolution:

RESOLUTION

BE IT RESOLVED, that the Village Attorney is authorized to settle the action entitled ARTHUR KRIEGER AND ANNELIESE KRIEGER v. INCORPORATED VILLAGE OF GREENPORT, NANCY W. COOK, WARREN OLSEN, CHARLES BRIGHAM, WINGATE MULLEN, DOUGLAS SCHUMEJDA, HALSEY STAPLES, presently pending in the United States District Court for the Eastern District of New York, with the following stipulation:

1. That premises are deemed to be a non-conforming three-family premises:
2. That the applicant may build an addition to his facility provided that he does not further encroach on any area, sideyard, or rear-yard non-conformity than allowed under the present zoning code.

The question of the adoption of the foregoing resolution was put to a vote which resulted as follows:

Charles Brigham, Chair. -	Aye
Victoria Heaney -	Aye
Gary Charters -	Abstained
Douglas Schumejda -	Aye
Wingate Mullen -	Absent

This resolution was thereupon declared duly adopted:

BY ORDER OF THE  
ZONING BOARD OF APPEALS

*Nancy W. Cook*  
Nancy W. Cook, Village Clerk

Board of Appeals Action of 6/24/87  
Re: Arthur Krieger, Sterling St.

CERTIFICATION OF RESOLUTION

I, Nancy W. Cook, Village Clerk of the Village of Greenport of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such Zoning Board of Appeals, at a legally convened meeting held on the 24th day of June, 1987 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original. I further certify that the full Zoning Board of Appeals consists of five (5) members, and that four (4) of such members were present at such meeting and that three (3) of such members voted in favor of the above resolution with one abstaining.

IN WITNESS WHEREOF, I have hereunto  
set my hand and the seal of the  
Village of Greenport  
on this 25th day of June, 1987

*Nancy W. Cook*

Nancy W. Cook, Village Clerk

SEAL

G-Kreiger KRIEGER LITIGATION CHRONOLOGY

- 12/ /81 Abatelli begins working for Village
- 2/ /81 Nancy begins working as Village Clerk and prior thereto she was account clerk for utilities department and secretary to Planning Board and ZBA, and she continued in the last two jobs and also payroll clerk for Village and a bit of the account clerk work (Nancy Testimony)
- 9/23/82 Dave Abatelli basically took over as building inspector and when he issued his first building permit (Dave's testimony)
- 1/ /83 Guidaman (former building inspector terminates employment and Dave Abatelli became responsible for issuing CO's; (there is no written procedure for handling this type of thing); Abatelli was building inspector for a short time only (about a year or so) Nancy testimony)(Abatelli testimony)
- 2/ /83 Plaintiff claims to have made inquiry as to purchase of property (para 6 complaint)
- 3/ /83 tel from Kapell as to inspection (Abatelli testimony)
- 3/17/83 Village elections at which Dave Kapell was elected trustee to take office on 4/1/83 and would be Abatelli's boss (as he had been when he was community development supervisor
- 3/29/83 (about) Dave Abatelli did inspection; house was empty two straight forward apartments in main house addition in back (inside room about 1 minute) and it had a kitchen type unit up against the south wall, a small bathroom on southwest wall (bathroom had toilet, shower (possibly a sink) -- nothing stands out in his memory; with him was Dave Kapell who told him it was used as a three family house and the inference was that it was used only during the summer (a cottage feeling about the place -- a summer use if anything); if there was furniture it was every little; (Abatelli testimony) Abatelli's log says nothing about it (Abatelli's testimony)
- 3/31/83 letter from Abatelli as to 172 Sterling being a 3 family residence; based on inspection, affidavit (short one by Isele stating that "the house consisted of three apartments with three kitchens. and representations by Kapell was basis for letter) (Nancy file, abatelli testimony)
- 4/1/83 Kapell takes office as village trustee
- 6/20/83 Survey by Van Tuyl dated on the property (village records)
- 7/7/83 Krieger takes title to property from Isele (para 8 complaint)
- 9/12/83 Abatelli issues last building permit before Olsen started; (Abatelli's tesimony)

..... Olsen began as building inspector  
 1/1/84 Krieger, through Environment East submits second application for building permit (para 8 ans)  
 1/24/84 Letter to Warren Olsen from Krieger re plans to expand (para 9 answer)  
 1/24/84 Letter from Krieger to Abatelli enclosing copy of survey (village records)  
 2/2/84 Letter from Olsen to Krieger re insufficient side yards on east side and advising to see Village Code 85-11 (para 10 ans) (village records)  
 2/6/84 Krieger applies for building permit through Environment East, inc to enlarge rear apartment from 300 sq feet to 1000 square feet (para 11 ans)  
 2/6/84 Receipt issued for \$115 to Environment east for building permit  
 2/8/84 Notice of disapproval from Olsen to Krieger on grounds of multi-family dwelling and citing 85-17, 85-18, 18-19, 85-20, 85-22 and 85-23 of Village Code (para 12 of ans)  
 2/13/84 Krieger, through Environment East applies for variance before ZBA (para 13)  
 2/21/84 Appeal form from decision of building inspector received by Village (originally dated 2/13/84) (village records) (Exhibit 4 pl's deposition)  
 2/22/84 Letter from Environment East sending check for appeal;  
 2/22/84 Form letter from Environment East Inc stating that the property is not within 300 feet of wetlands (village records)  
 2/22/84 EIS form prepared on behalf of Kreiger (village records)  
 2/24/84 Letter from Nancy to Environment East Inc re receipt of application and placing on agenda of ZBA for 3/28/84 (village records)  
 3/6/84 Letter from Krieger to Cook advising of the meeting held on 2/29 and scheduled public hearing for 3/28/84 (village records)  
 3/8/84 Affidavit of notice of hearing  
 3/15/84 Notices of application sent to neighbors  
 3/19/84 Letter from Nancy to Planning Board enclosing copies of ZBA referral (village records)  
 3/20/84 Letter from nancy to Kreiger advising of hearing scheduled for 3/28/84 (village records)  
 3/23/84 Letter from Olsen to Environment East enclosing copies of Village Code showing flood plain section (date of letter)  
 3/24/84 Letter from Warren Olsen as to flood plain requirements  
 3/27/84 Letter from Nancy to ZBA advising that the Planning Board was in process of considering site plan (why? did the Planning Board have it?) Code says that any ZBA applications goes to Plan Bd for recommendation (Nancy's tesitmony)  
 3/27/84 Letter from Nancy to Suf Cty Plan with all papers (village records)  
 3/28/84 Public Hearing by ZBA on expansion of back apartment to

a fuller 3 family unit for the house; (Paul Gulliano noted that he had lived next door for 10 years and the place had only been rented once; Betty Kalin was recording secretary) para 14 of ans) NOTE: Peter Stoutenberg was at the meeting representing Kreiger -- (Nancy's testimony) (Village minutes)

- 3/29/84 Letter from Kreiger to Nancy advising he could not get to meeting of 3/28/84 because of storm. He claims building is legal 3 family house, conversion predating the zoning code, also applauding "... the efforts of the Village Fathers to upgrade the Greenport waterfront." (village records)
- 4/4/84 Resolution of ZBA denying variance to expand non-conforming use
- 4/9/84 letter from Suffolk Department of Planning re application "appears inappropriate a sufficient information has not been submitted to demonstrate compliance with applicable variance criteria. A self imposed hardship appears evident" (village records)
- 4/17/84 Letter from Zovko and Hilbrand re opposition to 3 family unit and erroneous CO (village records)
- 4/29/84 letter from Krieger to Cook and ZBA re application and claim that it is a legal three family (Nancy files)
- 5/11/84 Resolution of ZBA denying the application to expand nonconforming use (para 15 ans)
- 5/11/84 Filing of resolution of 4/4/84 with Nancy (village records) NOTE: this is at variance with the note above of para 15 of the ans
- 5/11/84 letter from Nancy to Krieger advising of denial of application and actions that he can take (village records)
- 6/1/84 Application for building permit dated and received from Environment East Inc (village records)
- 6/4/84 Notice of Disapproval from Olsen to Environment East Inc identical to prior notice except inclusion of 82-10 (WETLANDS requirement) is added (para 18 of ans) (village records)
- 6/4/84 Covering letter from Olsen enclosing notice of disapproval; (village records)
- 6/4/84 Application for variance from Environment East Inc (village records)
- 6/4/84 Receipt for \$20 issued to Environment East Inc by Nancy for ZBA application (village records)
- 6/12/84 Letter from Environment East Inc withdrawing application submitted 6/4/84 (Nancy files)
- 6/21/84 Letter from Nancy to Environment East Inc acknowledging receipt of withdrawal of application and mentioned that she sent letters to Krieger and adjoining owners that application as been withdrawn (village records)
- 6/22/84 Letter from Environmental East thanking Nancy for her prompt attention to the application. (Nancy files)

6/27/84 Notice of public hearing states that the application of Krieger was on for this date (village records)

3/4/85 another application for variance based on erroneous determination by building inspector that this was a non-conforming use and that the side yards were too small. They claimed that it was not a non-conforming use but a non-complying (too small a unit) for the building (para 19 of ans) (village records)

3/6/85 Check for \$20 from Krieger to Village (village records)

5/9/85 affidavit of publishing of notice of hearing scheduled for 5/22 by Suffolk Times (village records)

5/14/85 letter from Nancy to Krieger advising of hearing (Nancy files)

5/14/85 Notices sent to neighbors (village records)

5/14/85 receipt from Nancy to Kreiger for \$20 (village records)

5/22/85 ZBA held hearing; Krieger represented by Bill Price and stenographic notes taken (ans para 20) (Krieger further claims not to have received any decision or resolution by ZBA (ans para 21), William Price, stenographer, minutes from stenographer, Nancy files) (Nancy's handwritten notes) (Exhibit 5 pl's deposition) -- resolution determining .....

7/26/85 Letter from nancy to Suf Cty Plann enclosing documents for their review. (village records)

7/29/85 letter from Suffolk Planning saying that it appears inappropriate, and a self imposed hardship (village records)

8/28/85 Meeting of ZBA denies application (too late according to 7-712 of Village Law) (this was the first meeting after the letter from Suffolk Planning) (village records)  
NOTE: ZBA meets once a month at the end of the month -- thus the letter from Suf Cty Plan did not reach them in time for the 7/85 meeting and they could not pass anything without hearing from Suf Cty Plann first (CHECK LAW ON THIS)

11/13/85 Letter from Price to Nancy requesting copy of decision. (para 22 ans) (Nancy Files)  
NOTE: Bill and Nancy had been in a number of telephone conversastions after this as to status of action (nancy's testimmony)

1/30/86 letter #2 from Price as to decision. (Nancy had no one to assist her as deputy clerk worked downstairs and recording secretary was also unavailable.) (Nancy Files and Nancy testimony)

8/2/86 Federal action begun?

10/7/86 Notice enclosing summons and complaint CV 86-3307 (village records)

1/16/87 conference between counsel and Judge Bramwell in which it was agreed that Krieger would submit new and different application that would not require any variance from the side yard requirements and we

would issue a building permit (ans para 24)

3/5/87 Letter from nancy to Kreiger enclosing copies of building permit applications and brief instructions as to what to do (village records)

5/6/87 Authorization from Kreiger to allow Garrett Strang to act on his behalf in making application to NYSDEC for project (village records)

5/29/87 Application for wetlands permit mentioned in letter from Strang of 1/4/88 (Nancy's testimony is that the same application is used for both the building permit and the wetlands application (see below 6/2/87) (Letter from Strang dated 1/4/88) Nancy's testimony)

6/2/87 application for building permit filed by Strang (actually an application for a wetlands permit)(village records)

6/22/87 Letter from DEC to Strang saying no jurisdiction (village records)

6/24/87 resolution by ZBA authorizing Munzel to settle that premises be deemed a non-conforming use that the applicant be allowed to expand the third apartment. (This was based on the strength of the affidavits as to continuous use) (village records)

6/25/87 Letter from Nancy to jjm enclosing copy of resolution (village records)

7/21/87 Note from Strang to Nancy enclosing DEC letters of no jurisdiction from DEC (village records)

11/23/87 Wetlands hearing (no decision made, thus in effect approving the wetlands application). Actually we had no grounds on the wetlands to deny the application) Village Bd Minutes)

11/23/87 Village Board of Trustees authorizes investigation of building permits on grounds of possible fraud in affidavits (Bd Minutes?)

11/23/87 Freedom of Information form filed by Guillano on Kreiger application (village records)  
NOTE: Nancy was slow in responding despite a number of requests from Guillano as to status (Nancy's testimony)

11/23/87 Bd of Trustees public hearing on Wetlands (village records)

1/4/88 letter from Strang to mayor re action to be taken on wetlands permit. (village records)

3/31/88 Krieger application for Freedom of information on Gulliano was filed (there is note that he will have to wait until nancy returns from vacation on 4/4/88 (village records)

4/4/88 Nancy returns from vacation (Nancy's testimony)

4/7/88 Krieger picked up files on Gulliano from Village (Nancy)

7/19/88 Letter from Strang to mayor as to status of decision (this letter is copy of letter of 1/4/88-- this was done at Nancy's suggestion)(Nancy's testimony) (village records)

NOTE: Nancy had talked on the phone with Bill Price and had given him the information verbally and it was a confirmation of what had happened on 8/10/85 Nancy's directive was to take care of the Board of Trustee's business first. (Nancy testimony) (possibly Bill Price testimony)

NOTE 2 -- Practice at that time was to notify persons orally and not to send them notices (Nancy testimony)

NOTE 3 -- To send out a resolution, Nancy has to listen to the tape, make up the minutes (type them) and then double check them before she sends them out. this takes quite a bit of time. (Nancy Testimony and Abatelli testimony)

THOUGHT -- Nancy pointed out that this action is against the ZBA who in fact gave Krieger what he wanted, and the case should be dismissed.

Actually the action is against the Village of Greenport and the ZBA members so the best I could do is to get the ZBA out of the case;

TO BE CHECKED:

8/10/85 who was present when the ZBA denied the application;

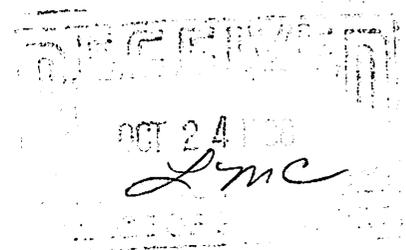
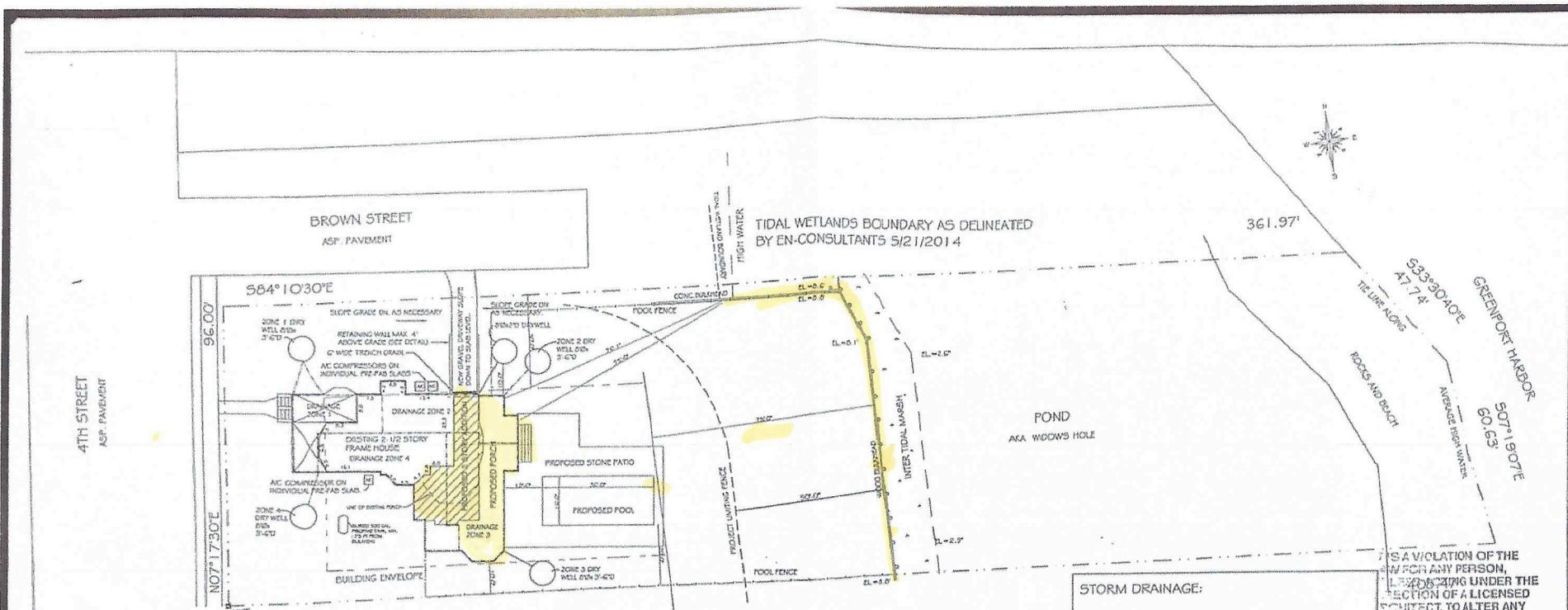


Exhibit N

230 Fourth Street Documents

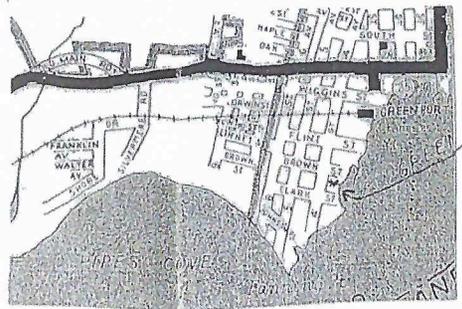
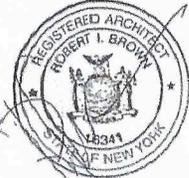


BASED ON SURVEY FOR:  
 NATHANIEL EWING AND  
 EMILY SMITH EWING  
 SITUATE: VILLAGE OF GREENPORT  
 TOWN: SOUTHOLD  
 SUFFOLK COUNTY, N.Y.  
 SURVEYED: APRIL 29, 2014  
 SUFFOLK COUNTY TAX#  
 1001-7-3-16  
 AREA=37,607 S.F. OR 0.8634 ACRES  
 SURVEYED BY: JOHN EHLERS LAND SURVEYOR  
 WETLANDS JUNE 3, JULY 25, 2014

LOT COVERAGE:  
 HOUSE & PORCHES: 2,655 S.F. = 7.06%  
 POOL: 576 S.F. = 1.5%  
 PATIO: 858 S.F. = 2.3%  
 TOTAL: 4,089 S.F. = 10.9%

STORM DRAINAGE:  
 ZONE 1 515 S.F. x 0.17 = 87.6 C.F.  
 PROVIDE (1) 3'-6" x 8'0" = 147.8 C.F.  
 ZONE 2 612 S.F. x 0.17 = 104.0 C.F.  
 PROVIDE (1) 3'-6" x 8'0" = 147.8 C.F.  
 ZONE 3 776 S.F. x 0.17 = 131.9 C.F.  
 PROVIDE (1) 3'-6" x 8'0" = 147.8 C.F.  
 ZONE 4 772 S.F. x 0.17 = 131.2 C.F.  
 PROVIDE (1) 3'-6" x 8'0" = 147.8 C.F.

IT IS A VIOLATION OF THE  
 LAW FOR ANY PERSON  
 TO REPRODUCE UNDER THE  
 SIGNATURE OF A LICENSED  
 ARCHITECT TO ALTER IN  
 ANY WAY ANY A. THORIZED  
 OPERATION MUST BE  
 NOTED, SEALED, AND  
 DESCRIBED IN ACCORDANCE  
 WITH THE LAW.



**SITE PLAN**  
 SCALE: 1"=30'-0"

EWING RESIDENCE  
 230 FOURTH ST. GREENPORT, NY 11944  
 08/14/2014

ROBERT I. BROWN ARCHITECT, P.C.  
 W/ FAIRWEATHER DESIGN ASSOCIATES, INC.  
 205 BAY AVENUE  
 GREENPORT, N.Y. 11944  
 631-477-9752 (fax) 631-477-0973

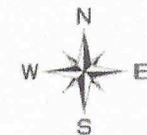
**SURVEY OF PROPERTY**  
**SITUATE: VILLAGE OF GREENPORT**  
**TOWN: SOUTHOLD**  
**SUFFOLK COUNTY, NY**

SURVEYED: APRIL 24, 2014  
 WETLANDS JUNE 3, 2014, JULY 25, 2014  
 UPDATE JULY 20, 2015

SUFFOLK COUNTY TAX #  
 1001 - 7 - 3 - 16

CERTIFIED TO:

NATHANIEL EWING  
 EMILY SMITH EWING  
 JPMORGAN CHASE BANK, N.A.  
 CB TITLE AGENCY OF NY, LLC



Land Now or Formerly of  
 JAMES GREENFIELD

**NOTES:**

■ MONUMENT FOUND

AREA = 37,607 SF. OR 0.8634 ACRES



FLAGS LOCATED E1, E2 & E3 EQUAL TIDAL WETLANDS BOUNDARY  
 AS DELINEATED BY EN-CONSULTANTS, 5-21-2014

TIDAL WETLANDS BOUNDARY ALONG SEAWARD TOE OF BULKHEAD,  
 AS DETERMINED BY EN-CONSULTANTS, 5-21-2014



**JOHN C. EHLERS LAND SURVEYOR**  
 6 EAST MAIN STREET  
 RIVERHEAD, N.Y. 11901  
 N.Y.S. L.I.C. NO. 50202  
 369-8288 Fax 369-8287  
 REF: C:\Users\John\Dropbox\10\10-136 update 07-20-2015.pro

Professional seal of John C. Ehlers, State of New York Licensed Land Surveyor No. 50202. This seal is not to be used for any other purpose. The seal is the property of the State of New York and is not to be used for any other purpose. The seal is the property of the State of New York and is not to be used for any other purpose.

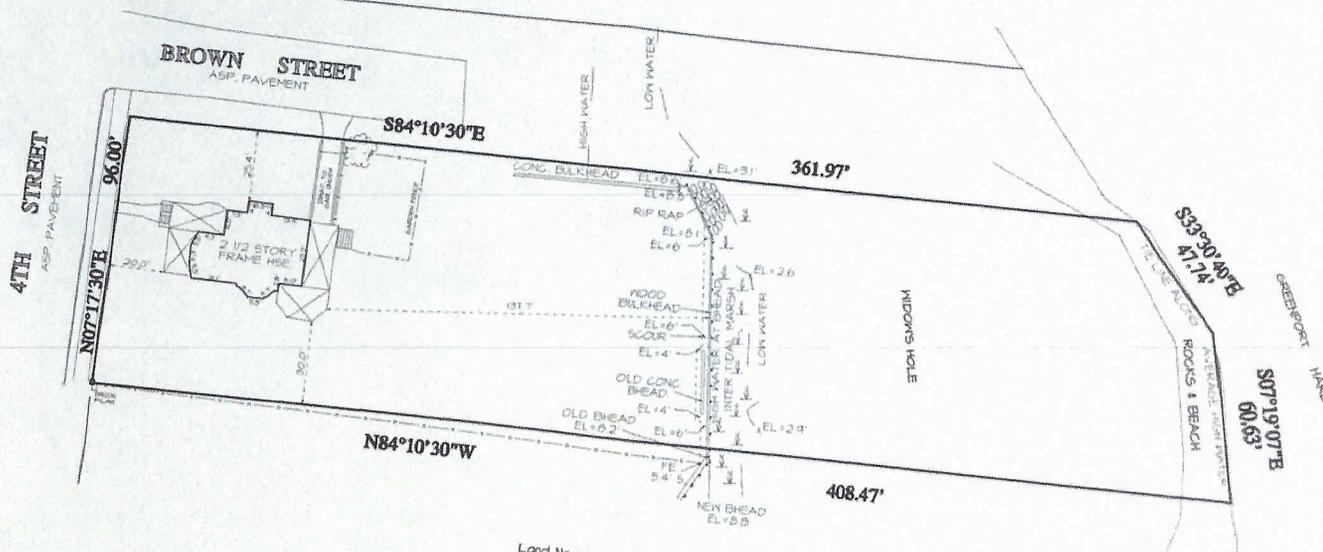
**SURVEY FOR THOMAS F. PRICE & MARILYN FIEDLER**  
**SITUATE: VILLAGE OF GREENPORT**  
**TOWN: SOUTHOLD**  
**SUFFOLK COUNTY, NY**

SURVEYED: MAY 21, 2010

SUFFOLK COUNTY TAX #  
 1001 - 7 - 3 - 16

CERTIFIED TO:

MARILYN FIEDLER  
 THOMAS F. PRICE



Land Now or Formerly of  
 JAMES GREENFIELD

NOTES:

■ MONUMENT FOUND

AREA = 31607 SF. OR 0.6634 ACRES

GRAPHIC SCALE 1" = 40'



**JOHN C. EHLERS LAND SURVEYOR**  
 6 EAST MAIN STREET  
 RIVERHEAD, N.Y. 11901  
 N.Y.S. LIC NO 30202  
 369-8288 Fax 369-8287  
 REF C:\Documents and Settings\Owner\My Documents\My Dropbox\110-116-136 pro

THIS DOCUMENT IS THE PROPERTY OF JOHN C. EHLERS, LAND SURVEYOR. IT IS TO BE USED ONLY FOR THE PURPOSES SPECIFIED IN THE TITLE HEREON. ANY REPRODUCTION OR TRANSMISSION OF THIS DOCUMENT IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF JOHN C. EHLERS, IS STRICTLY PROHIBITED. THE USER ASSUMES ALL LIABILITY FOR ANY DAMAGE OR INJURY RESULTING FROM THE USE OF THIS DOCUMENT. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES RENDERED AND DOES NOT EXTEND TO THE ACCURACY OF THE DATA PROVIDED BY THE CLIENT. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES RENDERED AND DOES NOT EXTEND TO THE ACCURACY OF THE DATA PROVIDED BY THE CLIENT.

New York State Department of Environmental Conservation  
Division of Environmental Permits, Region 1  
SUNY @ Stony Brook  
50 Circle Road, Stony Brook, NY 11790-3409  
Phone: (631) 444-0365 • Fax: (631) 444-0360  
Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

**TIDAL WETLANDS LETTER OF NO-JURISDICTION**

September 17, 2014

Mr. Nathaniel M. Ewing  
56 7<sup>th</sup> Avenue Apt. 20B  
New York NY 10011

Re: **Application ID 1-4738-03988/00004**  
**230 Fourth Street**  
**Greenport**  
**SCTM # 1001-7-3-16**  
**ARNO-DEP**

Dear Mr. Ewing:

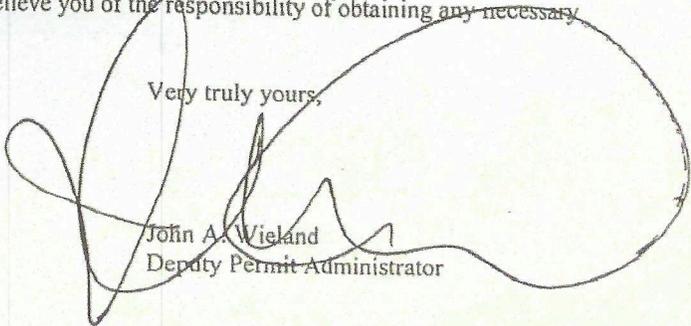
Based on the information your agent submitted and additional New York State Department of Environmental Conservation (DEC) information, DEC has made the following determination.

The portion of the referenced property that is landward of the existing bulkhead and adjacent bulkheads having a combined total length greater than 100 linear feet and were constructed prior to 8/20/77 (TW Map 720-552; 1960 aerial photograph), is beyond the jurisdiction of Article 25 Tidal Wetlands.

Therefore, in accordance with the current Tidal Wetlands Land Use Regulations (6 NYCRR Part 661), no permit is required under the Tidal Wetlands Act for work occurring landward of the bulkhead. Please be advised, however, that no construction, sedimentation, discharge, or disturbance of any kind may take place within Article 25 Tidal Wetlands jurisdiction without a permit. It is your responsibility to ensure that all necessary precautions are taken to prevent any sedimentation or other alteration or disturbance to the ground surface or vegetation within Tidal Wetlands jurisdiction which may result from your project. Such precautions may include maintaining adequate work area between the tidal wetland jurisdictional boundary and your project (i.e. a 15' to 20' wide construction area) or erecting a temporary fence, barrier, or hay bale berm.

Please be further advised that this letter does not relieve you of the responsibility of obtaining any necessary permits or approvals from other agencies.

Very truly yours,

  
John A. Wieland  
Deputy Permit Administrator

CC: En-Consultants  
BOH - TW  
File

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VILLAGE OF GREENPORT  
COUNTY OF SUFFOLK STATE OF NEW YORK

-----X

BOARD OF TRUSTEES

WORK SESSION

-----X

Third Street Firehouse  
Greenport, New York

November 17, 2014  
6:00 P.M.

B E F O R E:

DAVID NYCE - MAYOR

GEORGE HUBBARD, JR. - TRUSTEE

DAVID MURRAY - TRUSTEE

MARY BESS PHILLIPS - TRUSTEE

JULIA ROBINS - TRUSTEE

JOSEPH PROKOP - VILLAGE ATTORNEY

SYLVIA LAZZARI PIRILLO - VILLAGE CLERK

PAUL PALLAS - VILLAGE ADMINISTRATOR

22  
23  
24  
25

ROBERT BRANDT - VILLAGE TREASURER

2

1 (Whereupon, the meeting was called to order  
2 at 6:00 p.m.)

3 MAYOR NYCE: We'll call this meeting to  
4 order. Please rise and join me for the Pledge of  
5 Allegiance.

6 (Whereupon, all stood for the Pledge of  
7 Allegiance.)

8 MAYOR NYCE: Thanks. You may be seated.  
9 This is the November work session of the Board of  
10 Trustees. We have an unusual -- we have a public  
11 hearing that we scheduled for a Wetlands Permit  
12 Application. We don't normally do these on work  
13 sessions. The applicant is anxious to move  
14 forward with the project before the weather gets  
15 too horrible. So what I'd like to do --  
16 actually, the Fire Department is not here, so if  
17 nobody minds, maybe we'll take the Wetlands

18 Permit Application first.

19 So I will note that this public hearing was  
20 properly noticed; that anybody wishing to comment  
21 on this application can do so at this time.  
22 Their comments will be taken down for the record.  
23 I will ask that the applicant, or the  
24 representative of the applicant, introduce the  
25 project and we'll go from there.

3

1 MS. MARTIN: Good evening. Amy Martin of  
2 Fairweather and Brown, 205 --

3 MR. MURRAY: Hold on, Amy.

4 MAYOR NYCE: Sorry. I had turned off this  
5 microphone. We don't have this going.

6 MS. MARTIN: Amy Martin, Fairweather and  
7 Brown, 205 Bay Avenue in Greenport, representing  
8 Emily and Nathaniel "Nat" Ewing. They are the  
9 new owners of the Price property at 230 Fourth  
10 Street here in Greenport.

11 We have a very straightforward application,  
12 we feel, for an addition to the home and a  
13 swimming pool to be added to the property. And,

14 hopefully, we have addressed the concerns that  
15 the CAC had, that the 10-foot non-turf buffer  
16 that the previously owners had asked about should  
17 have been in place when the bulkhead was  
18 refurbished. It will be addressed when the  
19 project landscaping is done. And the landscape  
20 plan we submitted to you should show that that is  
21 on both the seaward side and the Town landing  
22 side. There will be a 10-foot non-turf buffer  
23 installed and maintained.

24 We have also addressed basic landscaping  
25 concerns for the purpose of this hearing, but --

4

1 and that's addressed on that plan, but the Ewings  
2 reserve the right to hire a landscape contractor  
3 later to do a more interesting plan when the pool  
4 is in place, and whatever. But the basics are  
5 there, and they will maintain whatever the permit  
6 regulates them to do.

7 The closest section of the pool is proposed  
8 at 75 feet from the bulkhead, and there --  
9 basically, there is no Village Code requiring

10 that, but that is the code that is adhered to in  
11 other surrounding townships, so we use that as  
12 our maximum to make sure that we're protecting  
13 the bay.

14 All the additions to the home are  
15 as-of-right and within the building envelope, and  
16 no variance is needed for any of them or sought.

17 And all the drainage from the house will be  
18 conveyed by leaders and gutters, two dry wells  
19 that will be installed on the property.

20 The owners, with the help of Rob Brown as  
21 Architect, have addressed the changes to the home  
22 to keep in character with the neighborhood, and  
23 to -- as this is a well-known landmark, they are  
24 not really changing, other than making the house  
25 larger. They're trying to stay very appropriate

5

1 to the neighborhood.

2 And I think that's about all I, you know,  
3 have to say. I think we're asking for -- we  
4 have -- the DEC permit is a nonjurisdiction, as  
5 this had a 100-foot bulkhead that predated the

6 jurisdiction of the DEC. It's probably been  
7 there for at least 100 years. And I believe even  
8 what we are proposing would have been easily  
9 granted a permit by the DEC, if it was required.  
10 So, if you have any questions.

11 MAYOR NYCE: I think what I'd like to do is  
12 open it up, if anyone from the public has  
13 comment. But like if there are questions --

14 TRUSTEE MURRAY: Actually, could I, since  
15 she's up at the podium, ask one of them?

16 MAYOR NYCE: Yes.

17 TRUSTEE MURRAY: One of the -- one of the  
18 things that was brought back on the report was a  
19 dry well for the pool discharge.

20 MS. MARTIN: Yes.

21 TRUSTEE MURRAY: Has that been figured into  
22 this plan?

23 MS. MARTIN: I think we showed that on the  
24 landscape plan, an approximate location. It's up  
25 to the pool contractor to make sure.

6

1 TRUSTEE MURRAY: That's going to be a dry

2 well for the pool?

3 MS. MARTIN: There will be a dry well for  
4 backwashing the pool.

5 TRUSTEE MURRAY: Okay.

6 MS. MARTIN: And that will be away from the  
7 property line, so --

8 TRUSTEE MURRAY: I don't remember. No, I  
9 don't remember seeing that.

10 MR. PALLAS: It's supposed to be to the  
11 sanitary sewer, not dry well.

12 TRUSTEE MURRAY: Or sanitary sewer, okay.

13 MR. PALLAS: It's supposed to go to a sewer  
14 system.

15 TRUSTEE ROBINS: Okay. So it goes into the  
16 sewer, not into the dry well.

17 TRUSTEE PHILLIPS: I'm sorry. Could you  
18 say that loud enough, because I couldn't quite  
19 hear.

20 MR. PALLAS: I'm sorry. One of the CAC  
21 recommendations was for the pool discharge water  
22 to discharge into the sanitary sewer, as opposed  
23 to the dry wells onsite.

24 TRUSTEE MURRAY: As opposed to the dry  
25 well, okay.

1           MAYOR NYCE: Which is why it's not on the  
2 plan.

3           TRUSTEE PHILLIPS: Right.

4           MS. MARTIN: We'll be glad to --

5           TRUSTEE MURRAY: Thank you.

6           MS. MARTIN: -- adhere to that.

7           MAYOR NYCE: Terrific. Thanks, Amy. Is  
8 there anyone from the public who wishes to  
9 address the Board on this?

10          MR. CORWIN: (Raised hand.)

11          MAYOR NYCE: If not --

12          TRUSTEE HUBBARD: There's Dave.

13          MAYOR NYCE: I'm sorry?

14          TRUSTEE ROBINS: In the back.

15          MAYOR NYCE: Please, in the back.

16          MR. CORWIN: My name is David Corwin. The  
17 landscape plan for this project shows a lawn,  
18 just lawn. It doesn't say what kind of turf it's  
19 going to be. So I make the assumption it's going  
20 to be Kentucky bluegrass, which I think is a fair  
21 assumption. And, of course, Kentucky bluegrass  
22 requires an irrigation system, which is not shown

23 on the plan, and it requires chemicals,  
24 fertilizer, pesticides.

25 And there's a policy in the LWRP, the Local

8

1 Waterfront Revitalization Program, that addresses  
2 that particular issue. And I'm sorry, I didn't  
3 realize you're having a public hearing this  
4 evening, or I would have -- I would quote the  
5 policy. But one thing it says is the Village is  
6 supposed to have an educational program for  
7 contaminants from lawns going into the water,  
8 which the Village doesn't have.

9 And I have to submit to you that when the  
10 owner puts fertilizer down on the lawn, it's  
11 going to infiltrate right into the sand, the  
12 sandy soil there, and then it's just going to run  
13 into the groundwater out into Widow's Hole,  
14 eventually to Peconic Bay.

15 Part of the fertilizer, of course, is  
16 nitrogen, and there's a big problem with the  
17 nitrogen added into the bay. If you go on the  
18 Sound and the bays way to the west on Long

19 Island, they have a problem with hypoxia, I don't  
20 know if I said that right, with all the oxygen  
21 being used up in the water, and then, of course,  
22 the fish die. You usually read -- you didn't  
23 read so much this year, but you usually read in  
24 Newsday about these inlets on the Sound where all  
25 the fish die, and what they attribute that to is

9

1 the fertilizer, the nitrogen, and the salt water.  
2 The nitrogen is the governing factor, and the  
3 fresh water, the phosphorous is the governing  
4 factor. So the nitrogen goes into the water,  
5 acts as fertilizer in the bay water and creek  
6 water, and it encourages these algae blooms. So,  
7 when the homeowner puts fertilizer down in the  
8 water, again, it's going to infiltrate, it's  
9 going to go right out into Widow's Hole.

10 "That little bit of fertilizer, how much is  
11 that going to hurt," the homeowner says. And I  
12 say you add up the condominiums near Sixth  
13 Street, and Fifth Street, the lawns on Fourth  
14 Street, the park -- I don't know if the park is

15 using fertilizer or not. I had asked when it was  
16 originally built that they use a grass that  
17 didn't need so much fertilizer. Of course, that  
18 wouldn't happen.

19 I question this application because it's  
20 turf grass, Kentucky bluegrass, and it's going to  
21 put contaminants into Widow's Hole, into the bay.  
22 Right out there, we have a -- or a gentleman has  
23 an oyster growing operation. It seems to be  
24 working very well, God bless him. I think it's a  
25 wonderful thing. But as each one of these homes

10

1 gets improved, and they plant Kentucky bluegrass,  
2 it's more nitrogen into the water. And I'm just  
3 totally opposed to planting Kentucky bluegrass on  
4 these parcels right next to the water. I think  
5 it's wrong, and I think the Village should make  
6 arrangements with the applicant that they use  
7 some kind of grass besides Kentucky bluegrass.  
8 Thank you.

9 MAYOR NYCE: Thank you. Anyone else that  
10 wishes to address the Board before you address

11 that?

12 TRUSTEE PHILLIPS: I just have a question.

13 MAYOR NYCE: All right. Then, Amy, go  
14 ahead, if you want.

15 MS. MARTIN: As I mentioned, the plan is  
16 basic. We addressed the issue we were told that  
17 was an earlier concern. I've just been told that  
18 the homeowner does not want to have lawn all the  
19 way out there, that he will be reducing the  
20 amount of lawn. And we will definitely adhere to  
21 whatever the Board requires of us.

22 MAYOR NYCE: Okay.

23 MS. MARTIN: And we are very sensitive.  
24 You know, I mean, I know all the properties along  
25 there have grass to the bulkheads. Very few of

11

1 them have any other, you know, constraints,  
2 because they were done before everything was in  
3 place. But the homeowner does not want to create  
4 any problems.

5 MAYOR NYCE: Understood. Is there anyone  
6 else from the public that wishes to address the

7 Board on this?

8 (No response.)

9 MAYOR NYCE: Any questions? Trustee  
10 Phillips, you had question?

11 TRUSTEE PHILLIPS: You answered it, because  
12 I thought I was missing paperwork out of here.

13 MAYOR NYCE: Okay. If that's the case,  
14 then close the public hearing?

15 TRUSTEE ROBINS: Yes.

16 MAYOR NYCE: Someone make that motion.

17 TRUSTEE HUBBARD: I make a motion we close  
18 the public hearing.

19 MAYOR NYCE: Is there a second?

20 TRUSTEE MURRAY: Second.

21 MAYOR NYCE: All those in favor?

22 TRUSTEE HUBBARD: Aye.

23 TRUSTEE MURRAY: Aye.

24 TRUSTEE PHILLIPS: Aye.

25 TRUSTEE ROBINS: Aye.

12

1 MAYOR NYCE: Aye.

2 Any opposed or abstentions?

3 (No response.)

4 MAYOR NYCE: The motion carries.

5 Understanding that the applicant has  
6 stipulated to -- oh, I'm sorry. I do also want  
7 to read in that the Conservation Advisory Council  
8 from the Village of Greenport did review the  
9 project. They had three notes. One was that the  
10 applicant must provide facilities to discharge  
11 the pool water into the sanitary sewer, which  
12 you've heard from Mr. Pallas they have arranged  
13 to do. The second is the applicant is encouraged  
14 to provide landscaping that does not require the  
15 use of pesticides or fertilizer, as you heard Mr.  
16 Corwin speak to. And note number three, the  
17 applicant must provide a 10-foot no-turf buffer  
18 at rear of property, as required in prior  
19 wetlands permit, as you've heard from Ms. Martin  
20 they've already acquiesced to.

21 I agree in almost all of -- with almost all  
22 of what Mr. Corwin said. The difficulty with a  
23 lot of the stuff is that, as a municipality, you  
24 can't require -- to have requirements for every  
25 plant that's planted gets a little cumbersome.

1 It has been the Village's policy to not use  
2 fertilizers on our properties, and we've  
3 encouraged property owners not to use fertilizers  
4 as well. Also, as part of the MS4 Program, that  
5 for now we are participating in, there's a large  
6 move to eliminate fertilizers on properties that  
7 are adjacent to the water.

8 As to the type of grass, I don't know that  
9 we're going to be able to stipulate what type of  
10 grass they plant. And while I appreciate  
11 Mr. Corwin's comments and what the implications  
12 are, I don't know that we would be in a very -- I  
13 don't know if we would be in a position to -- a  
14 defensible position, if we started requiring them  
15 to plant a specific type of grass. That's a  
16 stated question for the Village Attorney.

17 TRUSTEE PHILLIPS: Unless Suffolk County  
18 tells us to.

19 MR. PROKOP: Once it comes through the --  
20 well, we have to do a SEQRA -- we will do a SEQRA  
21 consideration at the meeting. It may become part  
22 of that. But, generally, that's not a condition.

23 MAYOR NYCE: Okay.

24 MR. PROKOP: It's not the type of grass  
25 that you would tell them to do, but you may

14

1 restrict use -- you know, activities on the  
2 grass.

3 MAYOR NYCE: Right, that's what I thought.

4 TRUSTEE PHILLIPS: I think that's most of  
5 what the Peconic Bay Estuary is doing, is that  
6 they're suggesting that certain types of  
7 non-fertilizer, or was looking for --

8 MAYOR NYCE: Right.

9 TRUSTEE PHILLIPS: -- as I said, product or  
10 vegetation. But it's an interesting -- it's an  
11 interesting discussion that's going to be coming  
12 up in the future, considering we're on the  
13 waterway a lot.

14 MAYOR NYCE: Absolutely. And the other  
15 thing that I had asked them, if we have this on  
16 here tonight, they are anxious to move forward.  
17 The Village Attorney has reminded me that we have  
18 to do a SEQRA resolution.

19 MR. PROKOP: We could do that at the

20 meeting if --

21 MAYOR NYCE: Yeah. I was just going to  
22 suggest that we give them the authorization to  
23 move forward.

24 MR. PROKOP: Oh.

25 MAYOR NYCE: Which we can't do at this

15

1 meeting. Does the Board have a problem with  
2 having them starting all of the other work, and  
3 that as of Monday, then we could give them  
4 authorization to start?

5 TRUSTEE PHILLIPS: Never really done that  
6 before.

7 TRUSTEE ROBINS: The regular building  
8 permit. You're referring to the regular building  
9 permit that they can commence, just not the work  
10 on the pool?

11 MAYOR NYCE: Yeah. Do you guys -- is  
12 that a --

13 MS. MARTIN: They would like to do  
14 demolition and things inside the house, and start  
15 with those things, not --

16                   MAYOR NYCE: The Wetland Permit Application  
17 would not preclude you from getting a demo  
18 permit, so that's what -- if there are other  
19 things that you could to get started, I guess the  
20 general feeling of the Board is positive to  
21 the -- to this application, so --

22                   MR. PROKOP: That would be fine. It's only  
23 the wetlands --

24                   MAYOR NYCE: So if you could do that, and  
25 then we would approve the wetlands permit, which

16

1                   is the only thing we're going to approve anyhow.  
2 All of the other building permit stuff you can do  
3 as of right through the Building Department, and  
4 wouldn't -- yeah, you wouldn't need further  
5 authorization from us.

6                   MR. BROWN: When will the Board resolve all  
7 of the issues?

8                   MAYOR NYCE: A week from tonight. That  
9 would be a week from tonight.

10                  TRUSTEE HUBBARD: The 24th.

11                  MR. BROWN: In the meantime, we could file

12 for the building permit?

13 MAYOR NYCE: Yes.

14 MR. PROKOP: Is the building going to be  
15 within the wetlands buffer, the wetlands area or  
16 buffer?

17 MS. MARTIN: No.

18 MR. PROKOP: The building that you're  
19 talking about?

20 MR. BROWN: No.

21 MR. PROKOP: No?

22 TRUSTEE ROBINS: It's existing.

23 MR. PROKOP: Then it's okay.

24 TRUSTEE ROBINS: It's a pre-existing  
25 building.

17



1 MS. MARTIN: Well over 100. The building  
2 itself is over 100 feet from the wetlands.

3 MAYOR NYCE: Right.

4 MR. PROKOP: That's fine. So you just  
5 can't have any activity within the wetlands area  
6 until --

7 MS. MARTIN: The pool is 75 feet.

8                   MAYOR NYCE: Right. The pool is 75, so the  
9                   pool would fall within the 100 feet. So you'd  
10                   have to wait a week on starting the pool, but you  
11                   could certainly start on the house, if that's --  
12                   does that seem a reasonable resolution?

13                   TRUSTEE MURRAY: (Nodded yes.)

14                   TRUSTEE HUBBARD: Yes.

15                   MAYOR NYCE: Fantastic. All right. So we  
16                   will put it on the -- if you could have the SEQRA  
17                   resolution.

18                   MR. PROKOP: Yes.

19                   MAYOR NYCE: And put it on the agenda for  
20                   Monday for approval. Thank you all very much.

21                   MR. BROWN: Thank you very much. Thank you  
22                   all for your consideration.

23                   MAYOR NYCE: Absolutely.

24

25

18

1                   Next would be the monthly report from the  
2                   Fire Department. The Chief is still not here.  
3                   They had nothing that they needed from us, except

Exhibit O

Near Map Aerial with house footprint analysis

# Application of Cynthia and Donald Scholl 174 Sterling Street Building Footprint Analysis Dated 1-13-2026

- 🏠 190 Sterling Street  
Total Building Footprint: 3038.04 ft<sup>2</sup>
- 🏠 182 Sterling Street (Mundus)  
Total Building Footprint: 2174 ft<sup>2</sup>
- 🏠 178 Sterling Street (Gillooly & Spi)  
Main Residence Footprint: 2515.68 ft<sup>2</sup>  
Cottage Footprint: 503.25 ft<sup>2</sup>  
Garage Footprint: 738 ft<sup>2</sup>  
Total Building Footprint: 3756 ft<sup>2</sup>
- 🏡 174 Sterling Street (Scholl)  
Total Building Footprint: 1190 ft<sup>2</sup>  
Proposed Building Footprint: 2081 ft<sup>2</sup>  
Proposed Lot Coverage: 2422 ft<sup>2</sup>
- 🏠 172 Sterling Street (Kohut)  
Total Building Footprint: 2461.56 ft<sup>2</sup>
- 🏠 168 Sterling Street  
Total Building Footprint: 2146 ft<sup>2</sup>  
Main Residence Footprint: 1743 ft<sup>2</sup>  
Garage Footprint: 403.48 ft<sup>2</sup>
- 🏠 162 Sterling Street  
Total Building Footprint: 2989 ft<sup>2</sup>  
Main Residence Footprint: 1991.13 ft<sup>2</sup>  
Garage Footprint: 998.35 ft<sup>2</sup>
- 🏠 160 Sterling Street  
Total Building Footprint: 3691.14 ft<sup>2</sup>

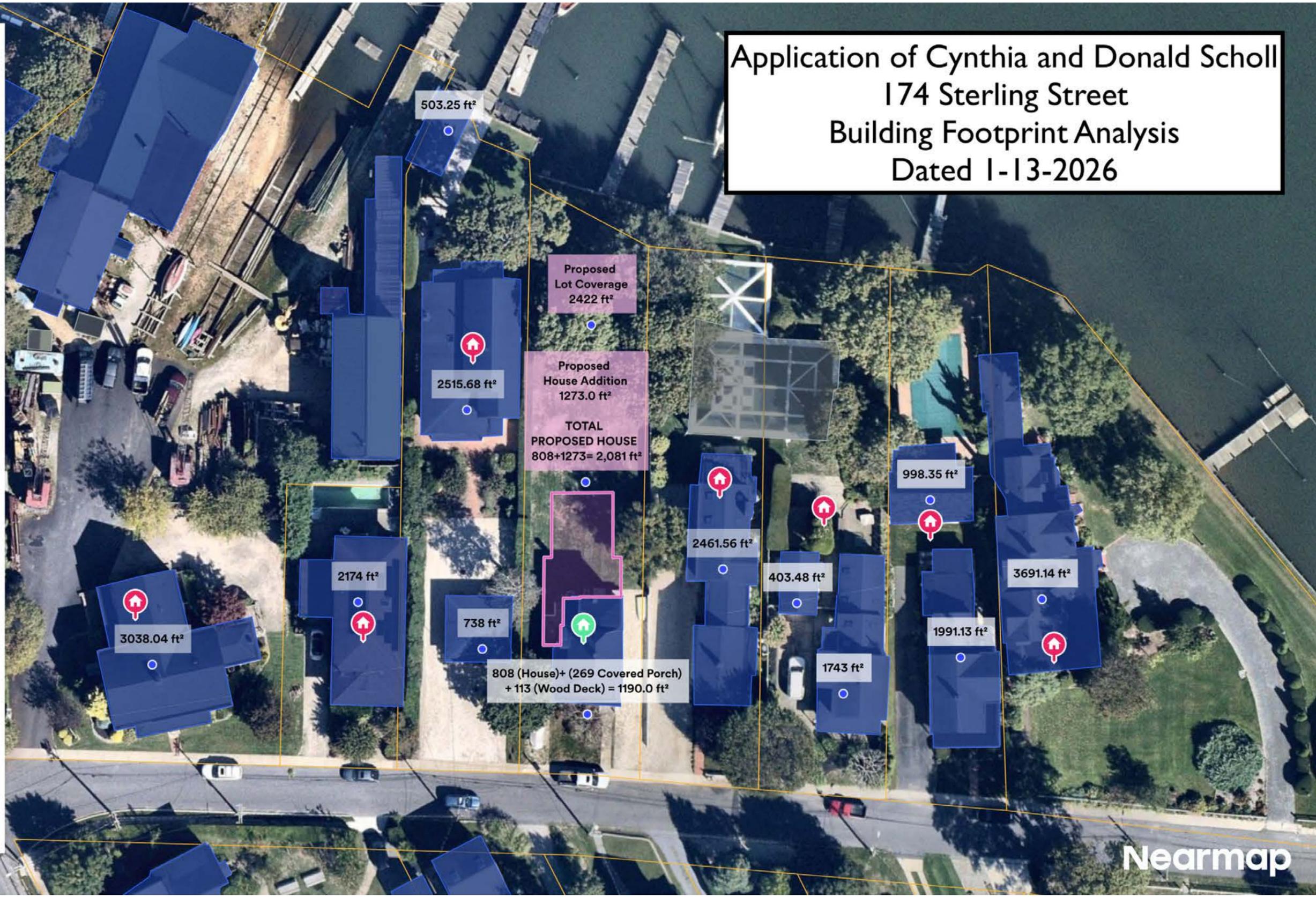
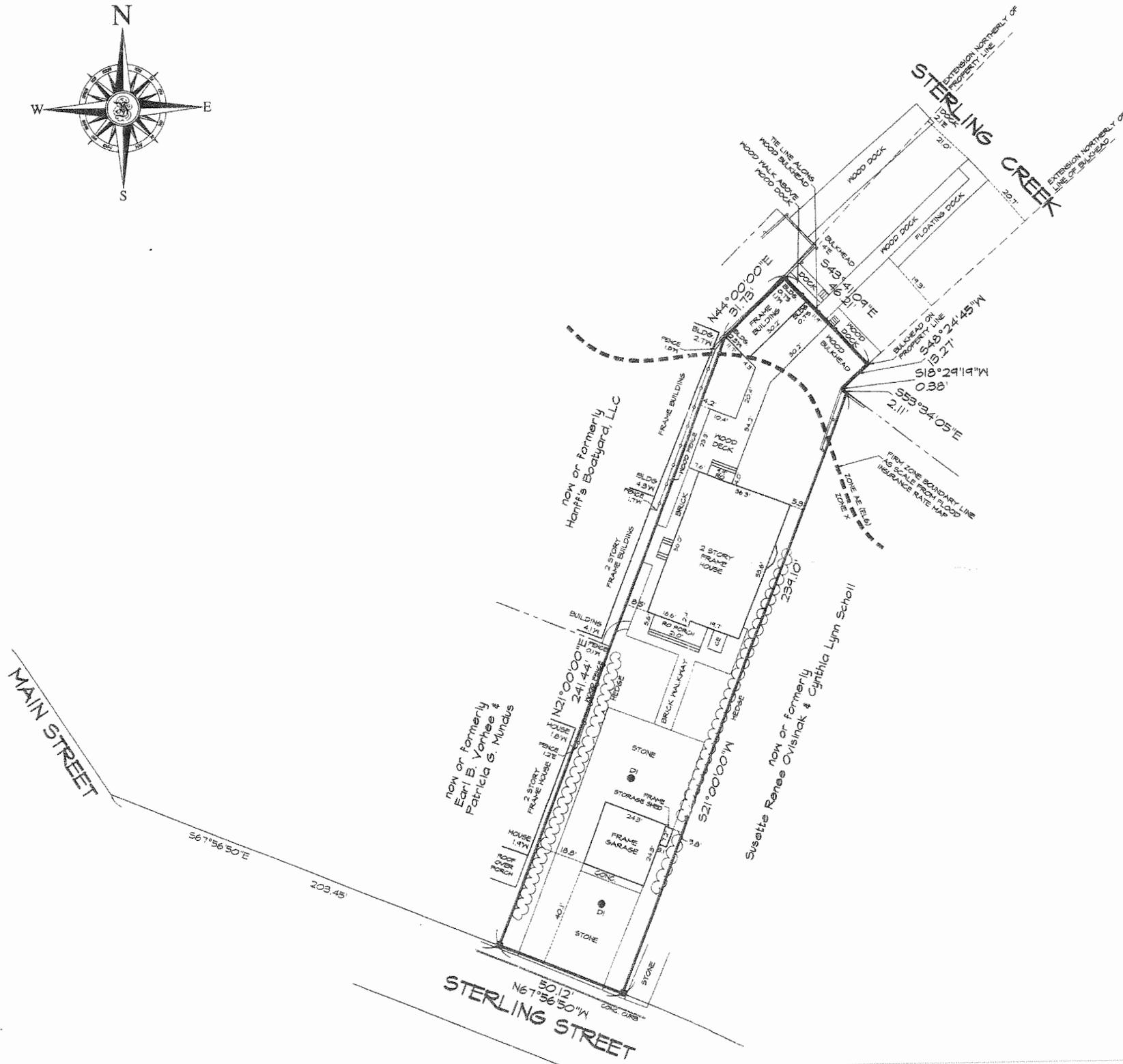
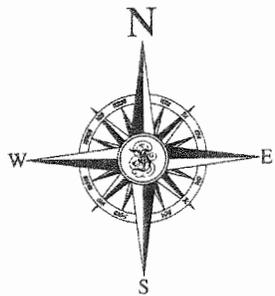


Exhibit P

178 Sterling Street Documents

(1) UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 2203 OF THE NEW YORK STATE EDUCATION LAW. (2) DISTANCES SHOWN HEREON FROM PROPERTY LINES TO EXISTING STRUCTURES ARE FOR A SPECIFIC PURPOSE AND ARE NOT TO BE USED TO ESTABLISH PROPERTY LINES OR FOR DIRECTION OF FINICES. (3) COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S UNSEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY. (4) CERTIFICATION INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED AND BY HIS DEPUTY TO THE TITLE COMPANY, GOVERNMENTAL, FEDERAL, AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEE OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. (5) THE LOCATION OF WELLS (W), SEPTIC TANKS (ST), & CESSPOOLS (CP) SHOWN HEREON ARE FROM FIELD OBSERVATIONS AND DO NOT OBTAINED FROM OTHERS.



400 Ostrander Avenue, Riverhead, New York 11901  
 tel: 631.727.2303 fax: 631.727.0144  
 admin@youngengineering.com

# Young & Young

Howard W. Young, Land Surveyor  
 Thomas C. Wolpert, Professional Engineer  
 Douglas E. Adams, Professional Engineer

Robert C. Taat, Architect  
 Robert Stramski, Architect

**SITE DATA**

AREA = 13,083 SQ. FT.

\* SEE FLOOD INSURANCE RATE MAP PANEL NO. 36103C0176 H LAST DATED SEPT. 25, 2009.

**SURVEYOR'S CERTIFICATION**

I WE HEREBY CERTIFY TO TONY SPIRADAKIS, LISA GILLOOLY & FIDELITY NATIONAL TITLE INSURANCE COMPANY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.

*Howard W. Young*  
 HOWARD W. YOUNG, N.Y.S. LE NO. 45849

**SURVEY FOR**  
**TONY SPIRADAKIS & LISA GILLOOLY**  
 at inc. Village of Greenport,  
 Town of Southold  
 Suffolk County, New York

**CERTIFIED SURVEY**

County Tax Map District 1001 Section 02 Block 03 Lot 15

FIELD SURVEY COMPLETED JAN. 17, 2018  
 MAP PREPARED JAN. 17, 2018

RECORD OF REVISIONS

RECORD OF REVISIONS	DATE

Scale: 1" = 30'

JOB NO. 2018-0006  
 DWG 2017\_0162\_2018\_0006.cs

DWG FILE: R:\2017\2017\_0162\449\2018\_0006\2017\_0162\_2018\_0006.dwg

PLOT DATE: Jan 26, 2018 - 2:54pm

PLOTTED BY: Diana Lopez

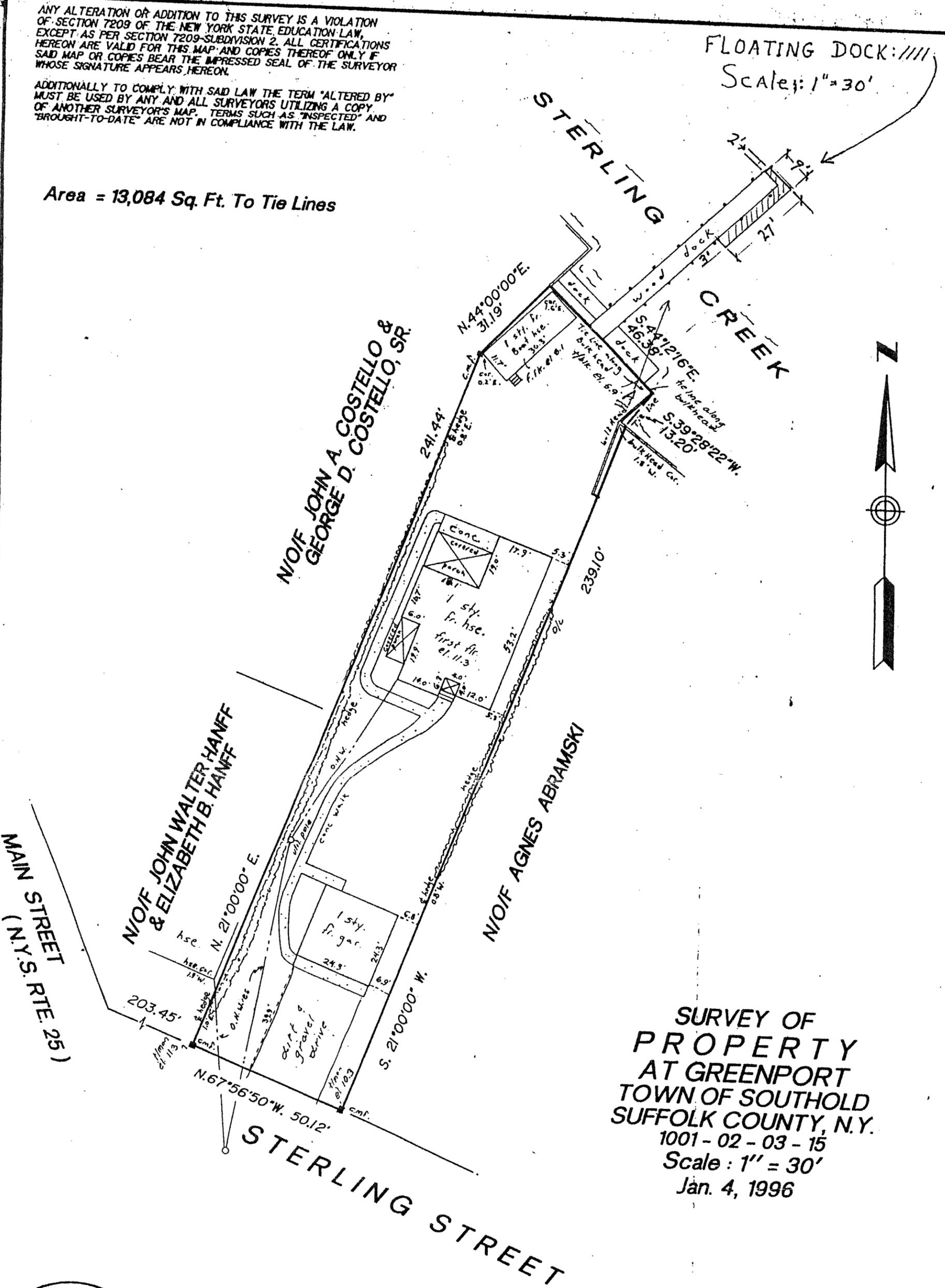
□ = MONUMENT SET   ■ = MONUMENT FOUND   △ = STAKE SET   ▲ = STAKE FOUND   ○ = DRAINAGE INLET

ANY ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW, EXCEPT AS PER SECTION 7209-SUBDIVISION 2. ALL CERTIFICATIONS HEREON ARE VALID FOR THIS MAP AND COPIES THEREOF ONLY IF SAID MAP OR COPIES BEAR THE IMPRESSED SEAL OF THE SURVEYOR WHOSE SIGNATURE APPEARS HEREON.

ADDITIONALLY TO COMPLY WITH SAID LAW THE TERM "ALTERED BY" MUST BE USED BY ANY AND ALL SURVEYORS UTILIZING A COPY OF ANOTHER SURVEYOR'S MAP. TERMS SUCH AS "INSPECTED" AND "BROUGHT-TO-DATE" ARE NOT IN COMPLIANCE WITH THE LAW.

Area = 13,084 Sq. Ft. To Tie Lines

FLOATING DOCK://///  
Scale: 1" = 30'



**SURVEY OF  
PROPERTY  
AT GREENPORT  
TOWN OF SOUTHOLD  
SUFFOLK COUNTY, N.Y.**  
1001 - 02 - 03 - 15  
Scale: 1" = 30'  
Jan. 4, 1996



N.Y.S. LIC. NO. 49618

PECONIC SURVEYORS, P.C.  
(516) 765 - 5020  
P. O. BOX 909  
1230 TRAVELER STREET  
SOUTHOLD, N.Y. 11971

CERTIFIED TO:  
R. RANDOLPH RICHARDSON  
SUSAN RICHARDSON  
FIDELITY NATIONAL TITLE  
INSURANCE COMPANY OF NEW YORK  
# 2015115

Filing Fee: \$50.00  
Paid: \_\_\_\_\_  
Receipt No. \_\_\_\_\_

VILLAGE OF GREENPORT  
APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

PURSUANT TO THE PROVISIONS OF CHAPTER 48  
HISTORIC PRESERVATION LAW OF THE VILLAGE OF GREENPORT

LOCATION OF PROPERTY 178 STERLING STREET, GREENPORT, N.Y. 11944  
SUFFOLK COUNTY TAX MAP NO. Dist.1001 Section 2 Block 3 Lot 15  
PROPERTY OWNER (TENANT) Shirley De Paolo to Randolph & Susan Richardson  
ADDRESS & PHONE NO. R.Richardson, 50 E 89th St. NYC (212) 987-2530  
ARCHITECT/DESIGNER Robert L. Rotner Arch.  
ADDRESS & PHONE NO. 310 E. 46th St. NYC 10017 (212) 949-0011  
BUILDER/CONTRACTOR To Be Selected  
ADDRESS & PHONE NO. NA

TYPE OF PROPOSED WORK

SITE WORK

- Fence or well
- Driveway, walk, patio, other pavement
- Major excavation or regrading, berm
- Swimming pool, tennis court
- Other structural landscape element

LANDSCAPE PLANTING

- Hedge along street boundary
- Plantings intended to screen other work described in this application

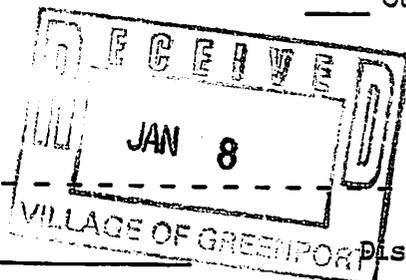
BUILDINGS

- New construction
- Addition
- Demolition
- Removal

BUILDING ALTERATIONS

- Wall materials
- Roof
- Chimneys
- Foundation material
- Doorways (including storm/ screen doors)
- Windows (including storm/ screen sash)
- Porches and steps
- Trim
- Gutters and leaders
- Paint and stain

Other See Architect's Drawings



Approved: Date \_\_\_\_\_ Disapproved: Date \_\_\_\_\_

Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Provide a general description of the proposed work (use additional sheets  
If necessary, refer to the accompanying exhibits)

See Architect's Drawings For Detailed Descriptions of construction; photos of existing  
street scene.

Existing House ( one story ) , partial basement with crawl spaces, to be completely  
renovated into new one story house with partial second story bedrooms and complete  
new basement and porches.

Guest Cottage ( one story ) to have interior finishes completed, with exterior colors  
to match new house colors. No changes to exterior.

Garage to be repaired with new interior finishes; exterior to be repaired to match  
new house materials and colors. No changes in size; new windows and doors to match  
house.

List all exhibits submitted with this application (refer to the instructions  
for the required submissions)

Architect's drawings : Site Plan (s)  
~~7/16/96 10/12/96~~  
Building Elevations ( Paint/Stain colors )  
Photos of Existing Street and Houses

Other approvals required \_\_\_\_\_

Signature of owner or authorized agent Robert Loren Rotner

DATE: Jan 12, 1996

Robert Loren Rotner, Architect Jan 12, 1996



A NEIGHBOR  
ACROSS STREET



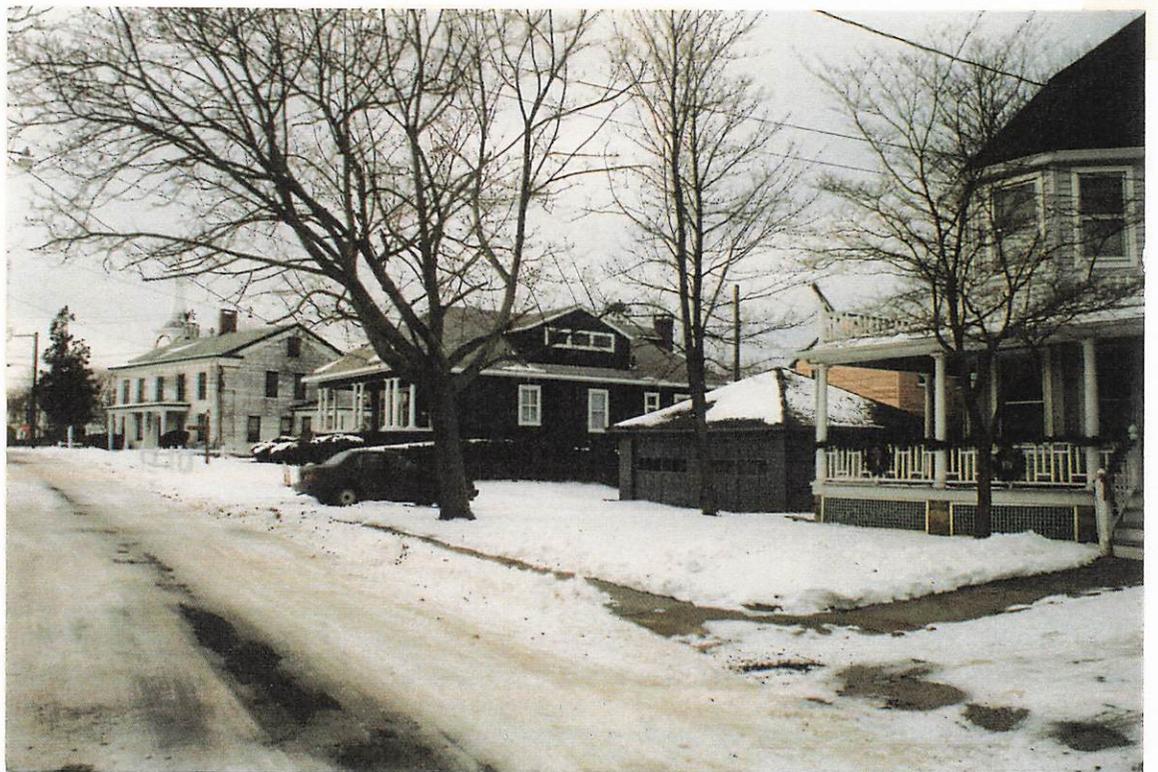
STREET-FRONT  
GARAGE

NEIGHBOR'S HOUSE



BOATYARD BLDG  
NEIGHBOR

EWIST'S HOUSE



STREET  
SCENE

Building Department  
**VILLAGE OF GREENPORT**  
236 Third Street, Greenport, L.I., NY 11944  
(516) 477-2385

**BUILDING PERMIT**

**This Permit Must Be Kept on the Premises With One Set of Approved Plans and Specifications until Full Completion of the Work Authorized.**

No. **1481**

Date April 12, 1996

Permission is hereby granted to:

Randolf & Susan Richardson

178 Sterling Street, Greenport, NY

SCTM No.: 2-3-15

to demolish existing and replace with new dwelling

at premises located at 178 Sterling Street, Greenport

SCTM # 2-3-15

pursuant to application dated April 11, 1996, and plans and specifications approved by the Village Administrator.

Cost of Construction \$                     

Fee \$ 890. —

Receipt # 32258

Victor Lessard  
Village Administrator

PROCESSED TO QUALITY

FOR THE... (mirrored text)

... (mirrored text)

QUALITY PERMIT

This permit shall be valid for the period of... (mirrored text)

1981

... (mirrored text)

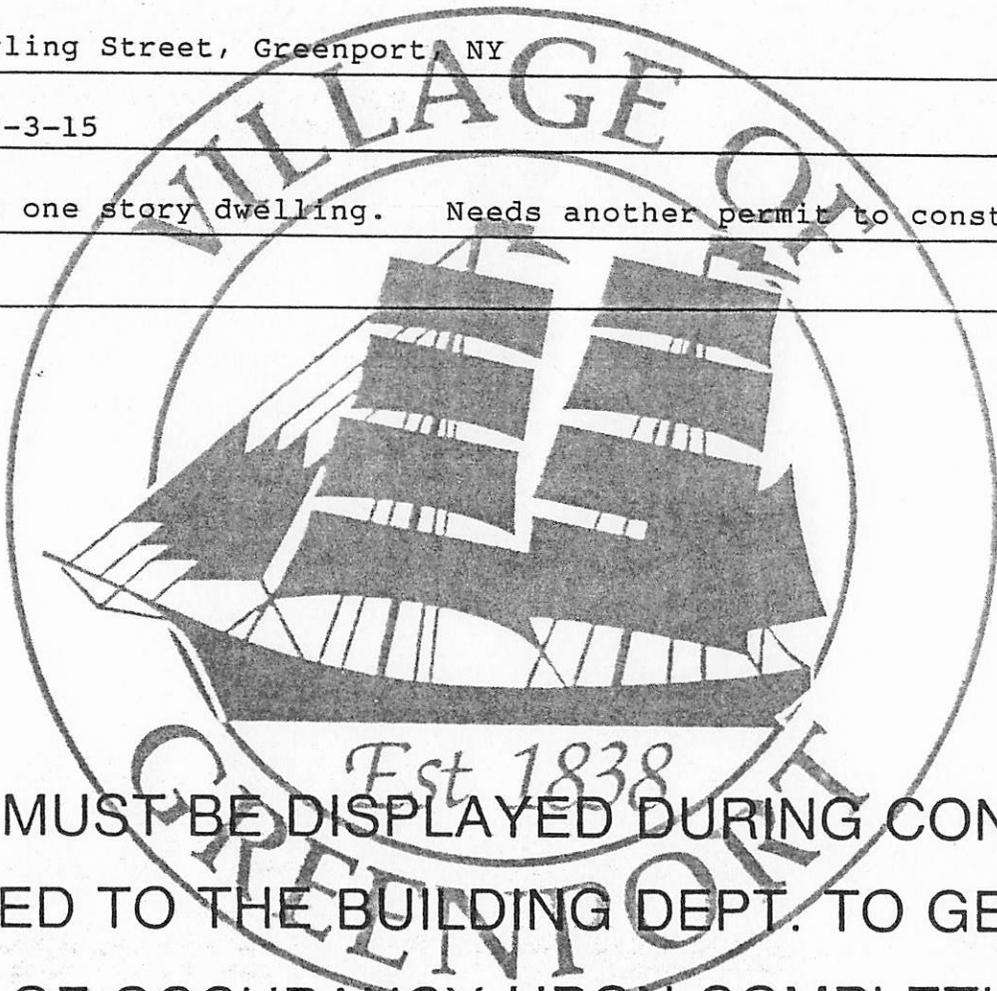
# BUILDING PERMIT

Issued to Randolf & Susan Richardson Date April 11, 1996

Address 178 Sterling Street, Greenport, NY

SCTM # 2-3-15

To Demolish existing one story dwelling. Needs another permit to construct.



THIS PERMIT MUST BE DISPLAYED DURING CONSTRUCTION AND RETURNED TO THE BUILDING DEPT. TO GET A CERTIFICATE OF OCCUPANCY UPON COMPLETION OF WORK.

Signed Victor Lussard  
Superintendent of Buildings

No. 1467