

VILLAGE OF GREENPORT

COUNTY OF SUFFOLK : STATE OF NEW YORK

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ZONING BOARD OF APPEALS

REGULAR SESSION

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Station One Firehouse

Third & South Streets

Greenport, NY 11944

May 19, 2026

6:00 p.m.

B E F O R E :

DINNI GORDON - ACTING CHAIRPERSON

DAVID NYCE - MEMBER

JACK REARDON - MEMBER

SETH KAUFMAN - MEMBER

ALSO IN ATTENDANCE :

MICHAEL NOONE - CLERK TO THE BOARD

BRIAN STOLAR - VILLAGE ATTORNEY

1 ACTING CHAIRPERSON GORDON: Good
2 evening. This is the May 19th meeting
3 of the Zoning Board of Appeals of
4 Greenport. Our leader, John Saladino,
5 is absent for good medical reason, so
6 I'm going to officiate.

7 MEMBER NYCE: I'll offer a motion
8 to appoint Dinni as the temporary chair
9 of the Zoning Board of Appeals for
10 tonight's meeting.

11 MEMBER REARDON: I'll second that
12 motion.

13 ACTING CHAIRPERSON GORDON: I
14 guess I can vote for myself.

15 All in favor?

16 (Aye said in unison.)

17 MEMBER NYCE: Congratulations.

18 MEMBER REARDON: Hi, John.

19 ACTING CHAIRPERSON GORDON: Yes,
20 maybe John is watching. We miss you.
21 We will muddle through.

22 First item is a motion to accept
23 the minutes of the April 21, 2026 ZBA
24 Appeals meeting. May I have --

25 MEMBER KAUFMAN: I'll second that.

1 ATTORNEY STOLAR: All in favor?

2 ACTING CHAIRPERSON GORDON:

3 Everybody in favor?

4 (Aye said in unison.)

5 ACTING CHAIRPERSON GORDON: Item

6 Number 2 is a motion to schedule the

7 next Zoning Board of Appeals meeting

8 for June 16, 2026 at 6:00 p.m. at the

9 Station One Firehouse, Third and South

10 Streets, Greenport, New York 11944.

11 MEMBER NYCE: I'll second that.

12 MEMBER KAUFMAN: All in favor?

13 (Aye said in unison.)

14 ACTING CHAIRPERSON GORDON: All in

15 favor, yes? And I'm in favor.

16 Item Number 3 is 429 Sixth Street,

17 a motion to accept the findings and

18 determinations for James and Jennifer

19 Kennedy. The property is located in

20 the R-2 One and Two Family Residential

21 District and is not located in the

22 Historic District. Suffolk County Tax

23 Map Number 1001-6-3-5.

24 Second, please.

25 MEMBER NYCE: I'll second that.

1 ACTING CHAIRPERSON GORDON: All in
2 favor?

3 (Aye said in unison.)

4 ACTING CHAIRPERSON GORDON: Item
5 Number 4, 174 Sterling Street, a motion
6 to accept the findings and
7 determinations for Martha F. Reichert,
8 Esquire on behalf of Cynthia and Donald
9 Scholl. The property is located in the
10 R-2 One and Two Family Residential
11 District and is also located in the
12 Historic District. Suffolk County Tax
13 Map Number 1001-2-3-16.

14 May I have a second?

15 MEMBER REARDON: Second.

16 ACTING CHAIRPERSON GORDON: All in
17 favor?

18 (Aye said in unison.)

19 ACTING CHAIRPERSON GORDON: Motion
20 passes.

21 Item Number 5, 746 Main Street.
22 This is a public hearing regarding the
23 application of Wayne Turett. The
24 applicant proposes to construct a 7 by
25 40 foot lap pool in the rear yard of

1 the house. This requires the following
2 variance: West long lot line
3 requirement is 20 feet. The plans show
4 the north lot line setback of 14 feet.
5 This would require an area variance of
6 6 feet. This property is located in
7 the R-2 One and Two Family Residential
8 District and is also located in the
9 Historic District. Suffolk County Tax
10 Map Number 1001-2-3-8.2.

11 The applicant is here, I believe.
12 Would you please stand at the podium
13 and --

14 MEMBER NYCE: Ask John if it was
15 noticed properly.

16 ACTING CHAIRPERSON GORDON: The
17 public hearing was noticed properly,
18 both on the street and in the
19 newspaper?

20 CLERK NOONE: As well as mailings,
21 yes, it was.

22 ACTING CHAIRPERSON GORDON: And
23 you have the mailings?

24 CLERK NOONE: I do.

25 ACTING CHAIRPERSON GORDON: We

1 don't need them until there's a vote,
2 right?

3 Please go ahead. Tell us about
4 your project.

5 MR. TURETT: Can everyone hear me?
6 I'm Wayne Turett with one R and two Ts.
7 So I'm applying for this lap pool, 7 by
8 40 feet. So lap pools are usually
9 longer. 40 feet is a -- kind of an
10 accepted minimum for swimming laps. So
11 we placed it in the rear yard, and
12 we're looking for relief for going over
13 the pool setback on the north side. We
14 talked about reorienting it 90 degrees,
15 but I will say that I'm encumbered
16 because I would not be able to put it
17 there if it was 40 feet long because I
18 do need to set back from the water, I
19 believe it's 70 feet, and I need to set
20 away from the deck 10 feet, so it would
21 not leave me 40 feet. So I don't know,
22 I don't exactly know what encumbered
23 really means, but in some ways I think
24 we're encumbered by that.

25 There aren't that many other

1 places to put it. You could say that
2 we could make it a 34 foot pool, but
3 then it wouldn't necessarily be a pool
4 that we could use to swim laps. So I'm
5 asking for relief from the Zoning Board
6 to allow me to go beyond that pool
7 setback line and still not going over
8 the building setback line. I'm also
9 asking that that side of the house is
10 against the part the yard, a
11 neighboring yard that is a shed, a
12 large shed actually, and a storage of
13 boats in the backyard. So I don't
14 think that we'd be actually impeding or
15 imposing among any neighbor by doing
16 that.

17 ACTING CHAIRPERSON GORDON: I have
18 a couple of questions, and I'm sure
19 others do too. Is that the only -- to
20 the north of you, is that the only
21 function of their property, the owners
22 of the property across from you on the
23 north side? It's storage, no other
24 function?

25 MR. TURETT: Yeah, what you didn't

1 see, because he took it out last week
2 was a fairly large boat back there.
3 There's also a sailboat that's back
4 there. And that shed isn't going to be
5 anything other than a shed. He uses it
6 for some metal work, some welding.
7 It's a big shed, it's not just for
8 storage, but it's --

9 ACTING CHAIRPERSON GORDON: Are
10 there people working in it on occasion?

11 MR. TURETT: Only him. Like, a
12 wood shop and a metal shop. So there
13 is no residential component to that at
14 all.

15 ACTING CHAIRPERSON GORDON: My
16 other question is, I guess I just don't
17 understand why a 34 foot pool would not
18 be appropriate for doing laps. Is it
19 just that you can only do so many --

20 MR. TURETT: Yeah, you know, I
21 don't know the mechanics of it, but
22 obviously six less feet is more laps
23 you have to do to get to where you're
24 going.

25 ACTING CHAIRPERSON GORDON: Are 34

1 feet pools made?

2 MR. TURETT: You mean, lap pools?

3 ACTING CHAIRPERSON GORDON: Lap
4 pools.

5 MR. TURETT: From what I read,
6 it's not worth having a 34 foot pool
7 because by the time you do a few
8 strokes, you're at the other end.

9 MEMBER KAUFMAN: Is 40 feet the
10 standard length for that?

11 MR. TURETT: No. 75 feet is the
12 standard length.

13 MEMBER KAUFMAN: Where did 40 come
14 from?

15 MR. TURETT: I looked it up in a
16 book. I can't tell you from experience
17 that I swam 40 feet, but I look in
18 books and so that's where I found that.

19 MEMBER NYCE: I'm sorry,
20 clarification, you said the typical one
21 is 70 feet?

22 MR. TURETT: It's usually an
23 Olympic size pool, but a lot of people
24 do 70 feet, 60 feet, but I haven't seen
25 anything shorter than 40.

1 MEMBER NYCE: Understood. 35
2 feet, you're half of 70, so you're
3 doing twice as many laps.

4 MR. TURETT: Yeah, you know, and
5 when you do laps, I mean, you want to
6 be able to, just like if you were
7 running, you'd want to be able to run,
8 I don't know, if I wanted to do a mile
9 in this room and go back and forth,
10 that's pretty painful because you're
11 turning all the time. If you're doing
12 laps, you want to be able to swim as
13 long a length as you can.

14 MEMBER NYCE: Understood. For the
15 sake of argument, your backyard is only
16 X number of feet long and you want to
17 run in your backyard, you're going to
18 do as many times back and forth in your
19 backyard.

20 MR. TURETT: It's true, you're
21 right.

22 ACTING CHAIRPERSON GORDON: Jack,
23 do you have any questions?

24 MEMBER REARDON: No questions. I
25 asked all my questions, and oddly

1 enough, I have a pool that was designed
2 so that we could do laps and it's 40
3 feet long.

4 ACTING CHAIRPERSON GORDON: Oh,
5 goodness.

6 MEMBER REARDON: I didn't want to
7 let that cat out of the bag.

8 MR. TURETT: I hope you enjoy your
9 pool.

10 MEMBER REARDON: I'm just going to
11 corroborate what Wayne has said about
12 the length of the pool. I know a
13 couple of lappers, and their pools are
14 50 feet for that purpose. He's looking
15 to get the most out of what he can.

16 MR. TURETT: It's mostly for my
17 wife who is shorter than I am, and so
18 40 feet would probably work. 34 might
19 not work so well.

20 ACTING CHAIRPERSON GORDON: Other
21 questions?

22 ATTORNEY STOLAR: In terms of
23 turning, endless pools, which are
24 usually maybe 12, 15, 20 feet in
25 length, endless pools provide the

1 avoidance of turning by use of jets.
2 So you can go in one direction and get
3 a 20 foot -- you get the same lapping
4 opportunity at 20 feet or even 15 feet
5 using one of those pools without having
6 to turn.

7 MR. TURETT: I would only say to
8 that that running on a track is very
9 different than running on a treadmill.
10 So...

11 ACTING CHAIRPERSON GORDON: No
12 more questions?

13 MEMBER REARDON: Wayne, if I might
14 just validate, you're looking to put
15 all the pool equipment up against the
16 west side of the house?

17 MR. TURETT: No, that's the east
18 side of the house.

19 MEMBER REARDON: That's the east
20 side? I would call it the north side,
21 but --

22 MR. TURETT: You're talking about
23 the variance part, this is the north
24 going past the --

25 MEMBER REARDON: I'm talking about

1 the pool equipment.

2 MR. TURETT: Oh, the pool
3 equipment.

4 MEMBER REARDON: I see it on the
5 plan.

6 MR. TURETT: Yeah, it would be on
7 the north side of the house.

8 MEMBER REARDON: And will it be a
9 heated pool, or will there be a heater?

10 MR. TURETT: There will be a heat
11 pump heater, not a gas heater.

12 MEMBER REARDON: Okay.

13 MR. TURETT: We don't have gas at
14 all.

15 MEMBER REARDON: Right. I know.
16 Unfortunately.

17 ACTING CHAIRPERSON GORDON: Is
18 that the end of your question? I think
19 Seth wants to raise another issue that
20 we discovered in the site visit.

21 MEMBER KAUFMAN: Yeah, I have two
22 questions. First of all, one thing
23 that we raised at the site visit was
24 that even though the variance -- notice
25 of disapproval, rather, is about the

1 length of the pool and the setbacks,
2 you also seem to have an issue where
3 it's too close to the house. You know,
4 it should be to the edge of the deck,
5 10 feet from the edge of the deck to
6 the pool and it's clearly not. I see
7 on the plan here, the site plan you had
8 given us, that you are taking those
9 steps off.

10 MR. TURETT: Yes.

11 MEMBER KAUFMAN: So that's going
12 to give you some room.

13 MR. TURETT: Yes.

14 MEMBER KAUFMAN: But even though
15 it's not on the notice of disapproval,
16 we're going to need you to -- if we
17 were to approve this -- shift it 10
18 feet from the edge of the deck.

19 MR. TURETT: Right. So we talked
20 about that. I'm perfectly willing to
21 do that.

22 MEMBER NYCE: I just wanted to ask
23 the Village Attorney, I just looked
24 through our code, and I recall the same
25 thing, but I'm not finding that 10 foot

1 requirement from the structure in our
2 code.

3 ATTORNEY STOLAR: I could look for
4 it.

5 MEMBER NYCE: Could you?

6 ATTORNEY STOLAR: I could look for
7 it now, if you'd like.

8 MEMBER NYCE: That would be
9 fantastic.

10 MEMBER KAUFMAN: I remember it
11 coming up.

12 MR. TURETT: Basically, if you
13 look under accessory structures, I
14 believe they consider the deck an
15 accessory structure.

16 ACTING CHAIRPERSON GORDON: It's
17 7-157-9(c)(9) or something like that.

18 MR. TURETT: Not that I want to
19 kill my own variance appeal.

20 MEMBER KAUFMAN: Well, if we're
21 wrong and the code says you don't have
22 to do it, then you don't have to do it,
23 but we've applied it before, that's why
24 I'm bringing it up now.

25 MR. TURETT: Although, as I said,

1 talking to -- I sat down with the
2 Building Department examiner, and he
3 said that he'd be okay with what I had
4 put down on the plan, but like I said
5 on the site, if I need to move it a few
6 feet to make 10 feet, I'm willing to do
7 that.

8 MEMBER KAUFMAN: Okay. While
9 we're waiting, the other question I
10 have is a little simpler. As far as
11 the screening goes you have in the
12 plan, what are the plans? What are the
13 screening plans, what exactly are you
14 going to put there?

15 MR. TURETT: You mean, what
16 vegetation?

17 MEMBER KAUFMAN: How tall are
18 these trees going to be? I'm curious.

19 MR. TURETT: To tell you the
20 truth, I don't know yet.

21 MEMBER KAUFMAN: Okay. I just see
22 it on the plans. I was just curious.

23 MR. TURETT: Well, I know I have
24 to show that I'm going to screen it, so
25 we put it on the plans. But again, the

1 idea of screening it from your neighbor
2 seems to be, you know, in a way moot
3 here.

4 MEMBER KAUFMAN: Well, that
5 property, that shed next door, is that
6 zoned commercial?

7 MR. TURETT: No.

8 MEMBER KAUFMAN: It's a
9 residential property.

10 MR. TURETT: You gave them a
11 variance.

12 MEMBER KAUFMAN: That's what I
13 mean. So you do have to screen it
14 because you don't know what's going to
15 be there in the future. It's not a gas
16 station.

17 MR. TURETT: No, it's true. But
18 it's going to be a really long time
19 before that shed is gone.

20 MEMBER KAUFMAN: I'm not going to
21 argue, I'm saying it's not a commercial
22 property, it's a residential property,
23 regardless of what the guy is doing
24 with it right now.

25 MR. TURETT: Okay. No, I plan to

1 screen it.

2 MEMBER KAUFMAN: No, I'm just
3 curious of what the plan was for that
4 because there's these nice little green
5 bushy things on the plan.

6 MR. TURETT: Is there a
7 preference?

8 MEMBER KAUFMAN: I have no
9 preference at all. I'm just curious
10 what the plan is.

11 Part of it goes back to relief,
12 which is if you're going to take back
13 the space, you want to mitigate that,
14 you know, you want to mitigate the
15 effect of the pool on the environment,
16 one way to do that is to screen it from
17 your neighbors. I understand if your
18 neighbor is not looking and if they
19 have a metal shop back there, but it's
20 something that's on the plan.

21 MR. TURETT: Right, right. And by
22 the way, those neighbors, I walked them
23 to show the pool, where it was going to
24 be and everything, and they were going
25 to write -- they were very willing to

1 write a letter in support, it just
2 didn't come yet.

3 MEMBER KAUFMAN: Okay.

4 CLERK NOONE: We didn't receive a
5 letter. We only received one e-mail on
6 this property.

7 MEMBER KAUFMAN: I saw that.

8 ACTING CHAIRPERSON GORDON: I
9 would like to ask Brian, this distance
10 from the house, if we -- would he need
11 a new notice of disapproval, and
12 therefore, a new hearing, or could this
13 be conditioned if we approved, it could
14 be conditioned on the placement of the
15 pool 10 feet from the house?

16 ATTORNEY STOLAR: So yes and yes.
17 If you approve it, it would -- you can
18 approve it with that condition that it
19 be 10 feet, if determined by the
20 Building Department to require a 10
21 foot separation distance from another
22 structure, it would have to be at least
23 10 feet from the deck structure or
24 whatever the nearest structure is.

25 Alternatively, if the intent is to

1 keep it in place and have it less than
2 10 feet, then no, you wouldn't be able
3 to approve it unless you get
4 confirmation from the Building
5 Department that that 10 foot separation
6 distance is not required.

7 MEMBER NYCE: That makes sense.

8 ACTING CHAIRPERSON GORDON: So if
9 we approved it, we could move it
10 forward with the condition.

11 We talked about at the site visit
12 about the possibility of putting the
13 pool perpendicular to the house, and
14 your feeling was that it would be an
15 eyesore, but also you were concerned
16 about the closeness of the pool in that
17 situation to the water. Could you say
18 a little more about that? Because it
19 doesn't -- it didn't look to me as
20 though it was that close, but I also
21 know that SEQRA probably has
22 regulations about this that I don't
23 know about.

24 MR. TURETT: So unfortunately,
25 there isn't a dimension on here, but if

1 you look at the curved dotted line, I
2 believe that's the 12 foot elevation,
3 and in order to build the house, I have
4 a letter of non-jurisdiction from DEC,
5 and I can't do anything on the other
6 side of that line. And so I can't -- I
7 wouldn't have enough room to put it 10
8 feet from the deck. I don't believe it
9 would fit. And plus, there is another
10 rule, I believe, of 70 feet from the
11 water.

12 ACTING CHAIRPERSON GORDON: Yes, I
13 see.

14 Now, your house appears to be 57
15 feet long. And if you add 10 feet for
16 the introduction of the pool, then from
17 there 40 feet takes you close to that
18 line.

19 MEMBER NYCE: Rough scaling.

20 ACTING CHAIRPERSON GORDON: What
21 do you think? You could fit it.

22 MR. TURETT: Well, if you're
23 looking at the size of the house,
24 there's also a deck past that house,
25 right, so it makes it even longer.

1 And --

2 ACTING CHAIRPERSON GORDON: Oh,
3 that's true.

4 MR. TURETT: And so I believe
5 it's -- I wish I had measured this, but
6 I think that when you take the setback
7 from the water that's required, which
8 is different than the DEC
9 non-jurisdiction, then you're even set
10 back further from the 12 foot elevation
11 mark.

12 ACTING CHAIRPERSON GORDON: Does
13 anyone want to comment on this?
14 Because this is an important
15 consideration if we're thinking about
16 suggesting that he apply with a
17 different orientation and --

18 MEMBER REARDON: Well, this is his
19 application for this one.

20 ACTING CHAIRPERSON GORDON: Right.

21 MEMBER REARDON: I think we should
22 just take it for its merits and vote on
23 it.

24 ACTING CHAIRPERSON GORDON: And
25 see what happens.

1 MR. TURETT: One of the issues is
2 whether I have alternatives, and so I'm
3 saying I'm encumbered, I don't think I
4 have an alternative to turn it 90
5 degrees.

6 ACTING CHAIRPERSON GORDON: Any
7 other comments on this, questions?

8 MEMBER KAUFMAN: No.

9 ACTING CHAIRPERSON GORDON: Are we
10 ready to close the hearing?

11 MEMBER NYCE: Does anyone else
12 from the public want to --

13 ACTING CHAIRPERSON GORDON: Yes,
14 anyone else from the public? Would you
15 like to comment, sir?

16 AUDIENCE MEMBER: No, I'm all set.

17 ATTORNEY STOLAR: Can I just point
18 another item out? So it's 14, 4 from
19 the northerly property line and 22.9
20 from the southerly property line. The
21 requirement is 20 feet from both
22 property lines, I believe.

23 ACTING CHAIRPERSON GORDON: Yes.

24 ATTORNEY STOLAR: So if you're
25 inclined to grant this, you also have

1 to consider the minimum variance
2 necessary to achieve the desired
3 result, which could involve shifting
4 the pool 2.9 feet in a southerly
5 direction, thus reducing the northerly
6 encroachment less than the 14 feet --
7 14.4 feet, whatever 2.9 is, it would be
8 17.3 feet from the northerly property
9 line.

10 MR. TURETT: That's true. If I
11 was able to -- if I was to shift it,
12 it's that issue I brought up before
13 about the aesthetics of the house. You
14 know, in my mind, as the architect of
15 the house and the way I designed it,
16 yeah, you could push it back that way.
17 You'd still need a variance from the
18 north side, so whether it's a 3 foot
19 variance or a 6 foot variance, is there
20 really that much of a difference for
21 your consideration?

22 ACTING CHAIRPERSON GORDON: So the
23 variance -- the 3 foot variance -- I've
24 lost this. The 3 foot variance would
25 be on which side?

1 MR. TURETT: It would still be on
2 the north side. What he's saying is
3 that if you look on the south side, I'm
4 a couple of feet -- I have a couple of
5 feet before I hit the 20 foot setback
6 for pools, so if you were to pull it
7 back a few feet, but you'd still need a
8 variance for the north side.

9 ACTING CHAIRPERSON GORDON: But
10 the total variance then would be less.

11 MR. TURETT: It would be less,
12 it's true. But, as I said, is 3 feet
13 that much different than 6 feet? You
14 are obviously the judges, but it's a
15 variance the same.

16 ACTING CHAIRPERSON GORDON: What
17 do the rest of you think? Are we ready
18 to say this hearing -- we've heard what
19 we need to hear for this hearing?

20 MEMBER REARDON: Ready to close.

21 ACTING CHAIRPERSON GORDON: All
22 right. I move that we close the
23 hearing on 749 -- 746 Main Street.

24 MEMBER REARDON: Second.

25 ACTING CHAIRPERSON GORDON: Thank

1 you very much. Dave?

2 MEMBER NYCE: I'm in favor.

3 MEMBER KAUFMAN: I'm in favor.

4 ACTING CHAIRPERSON GORDON: And I
5 vote yes.

6 All right. The next item here is
7 140 Main Street.

8 UNIDENTIFIED SPEAKER: I came to
9 vote.

10 MEMBER REARDON: That's at the
11 school.

12 UNIDENTIFIED SPEAKER: Oh, at the
13 school? Thank you. Have a nice night.

14 ACTING CHAIRPERSON GORDON: You
15 too.

16 My understanding about the
17 discussion, which is the topic for Item
18 Number 6 about 140 Main Street is that
19 we need to discuss the Main Street --
20 the 140 Main Street decision because
21 part of that decision was the
22 requirement that the applicant
23 diligently pursue construction within
24 six months of the issuance of the
25 decision with the Village Clerk. And

1 unfortunately, it was impossible for
2 the owner of 140 Main Street to comply
3 with the six month timeline, and this
4 was not out of any fault of the
5 applicant, but simply because the
6 Planning Board process took too long
7 for compliance to be possible. There
8 is apparently no statutory provision
9 that specifically allows for an
10 extension of this time period, so it is
11 left to us to decide whether we want to
12 essentially reopen or amend the
13 decision so we don't have to reopen it.

14 ATTORNEY STOLAR: If you do it
15 that path, you would have to have a
16 hearing, but if you amend the decision,
17 keeping in mind that the term in the
18 decision, the six month period has not
19 lapsed and the request was made before
20 that period expired, the Board can
21 simply move to amend the decision to
22 provide for the extension that's being
23 requested.

24 MEMBER NYCE: I read the minutes
25 earlier today from last month and

1 napped through half of them. The time
2 that you're looking at now to be able
3 to start is next winter?

4 MR. CARLOS: Do you want me to.

5 ATTORNEY STOLAR: The letter
6 request submitted by the applicant was
7 that the likely start of construction
8 would be in November of this year,
9 so --

10 MEMBER NYCE: And that was
11 acceptable to the Planning Board?

12 ATTORNEY STOLAR: It was key to
13 the Planning Board decision that the
14 construction take place during the off
15 season.

16 MEMBER NYCE: So the question
17 would be, can we amend our decision to
18 be in alignment with the Planning
19 Board's decision on commencement of the
20 project?

21 ATTORNEY STOLAR: Well, the
22 specific written request -- and you
23 know, if it's for a further time
24 period, that's fine, the applicant
25 would just have to so state -- is to

1 the end of the year. So that would be
2 for the building permit and for
3 diligent commencement of the
4 construction.

5 If, in fact, that's not going to
6 be happening and something else delays
7 it, the applicant can make the same
8 request again as long as he does it
9 within and before the time expires.

10 MEMBER NYCE: I got you.

11 ACTING CHAIRPERSON GORDON: You
12 make the point that there's been no
13 change in the circumstances for this
14 construction project, and that
15 eventually the Board will be required
16 to render the same decision as it did
17 in December.

18 ATTORNEY STOLAR: Correct. What
19 happens is, if somebody applies for --
20 if, instead of granting the extension,
21 you say no, and the applicant has to
22 reapply, there's been no change in
23 circumstances, no change in the code,
24 nobody was in opposition, so there's no
25 prejudice. You would have to render

1 the same decision you rendered in the
2 first instance, just after a public
3 hearing. So in that circumstance, it
4 seems to be superfluous, a waste of
5 time, whatever you want to call it, to
6 have a secondary hearing, and instead
7 you can move forward based on the
8 request that has been made to you at
9 this time.

10 ACTING CHAIRPERSON GORDON: Is it
11 appropriate for the applicant to speak?

12 MR. CARLOS: Sure. You want me to
13 speak?

14 ACTING CHAIRPERSON GORDON: Yes.
15 Name and address for the stenographer,
16 please.

17 MR. CARLOS: Mark Carlos, 140
18 Main.

19 So the request was made to extend
20 the six month timeline until the end of
21 the year. We just received Planning
22 Board approval about a month ago.
23 We're now with the Building Department
24 working through the construction
25 drawings with the Building Department.

1 We anticipate possibly having a permit
2 by July, August, and then we cannot
3 start construction until after the
4 season, so the plan at this point in
5 time is to begin construction around
6 the beginning of November, rough
7 timeframe.

8 ACTING CHAIRPERSON GORDON: Thank
9 you. Anybody have any questions about
10 this?

11 MEMBER NYCE: No.

12 MEMBER REARDON: No.

13 MEMBER NYCE: No objections.

14 MEMBER KAUFMAN: No, it's fine.

15 ACTING CHAIRPERSON GORDON: It
16 seems to me it's a perfectly
17 reasonable, straightforward. So we can
18 simply make a motion to amend our
19 previous decision to permit a longer
20 period of time not to go beyond the end
21 of 2026; is that right?

22 ATTORNEY STOLAR: Correct.

23 ACTING CHAIRPERSON GORDON: So
24 moved.

25 MEMBER NYCE: Second.

1 MEMBER KAUFMAN: Yes.

2 MEMBER REARDON: Yes.

3 MEMBER NYCE: Yes.

4 ACTING CHAIRPERSON GORDON: And I
5 vote yes.

6 MR. CARLOS: Thank you.

7 ACTING CHAIRPERSON GORDON: That's
8 nice and simple. Glad to have that.

9 Now, we need to move on to Item
10 Number 7, which is to return to 746
11 Main Street, I got the address right
12 this time, a discussion and possible
13 motion on the area variance applied for
14 by Wayne Turett for the property
15 located at 746 Main Street, Greenport,
16 New York 11944. Suffolk County Tax Map
17 Number 1001-2-3-8.2.

18 Mike, do you have the --

19 CLERK NOONE: The mailings are
20 right here and they've been given to
21 the stenographer.

22 ACTING CHAIRPERSON GORDON: Is it
23 okay with you that we don't read the
24 mailings, we simply give them to the
25 stenographer?

1 CLERK NOONE: She's got them.

2 (Mailings: Townsend Manor, 714

3 Main Street, Greenport, New York 11944;

4 Samuel Sifton/Christina Fallon, 750

5 Main Street, Greenport, New York 11944;

6 Milton James & Mary Marland, 5303 Deer

7 Creek, Boulder, CO 80301; Andrew

8 Derr/Sonja Reinholt, 301 Manor Place,

9 Greenport, New York 11944; Eastern Long

10 Island Hospital, Attn: Administration,

11 201 Manor Place, Greenport, New York

12 11944; Carlos & Patricia DeJesus, 754

13 Main Street, Greenport, New York 11944;

14 Protestant Episcopal Church, P.O. Box

15 502, Greenport, New York 11944.)

16 ACTING CHAIRPERSON GORDON: Before

17 we have this discussion, I want to say

18 that because this was a pretty sudden

19 assignment to make me chair, I came off

20 without this piece of paper, which is

21 ancient and folded in many places,

22 which has the five conditions, the five

23 questions. Who has the five questions?

24 MEMBER NYCE: I bet you Google

25 does.

1 ATTORNEY STOLAR: Just so you
2 know, it's a balancing test where you
3 address the benefit to the applicant
4 versus the detriment to the --

5 ACTING CHAIRPERSON GORDON: So you
6 don't think I have to read --

7 ATTORNEY STOLAR: You can consider
8 those five factors in your individual
9 determinations and ultimately your
10 final determination, but you don't need
11 to address them specifically.

12 ACTING CHAIRPERSON GORDON: So I
13 don't need to have the wording of those
14 five questions. That's good. I
15 remember reading it in the Village law
16 or the State law or something, so I
17 felt constrained by it.

18 All right, people. What do we
19 think? I'll tell you what I think,
20 that's -- if I were John, I would
21 definitely tell you what I think, so
22 I'm going to tell you. I'm very torn
23 about this. I think the purpose of
24 these kinds of side setbacks is to --
25 for a swimming pool -- is to keep the

1 neighbors from being intruded upon by a
2 noisy swimming pool or the vision of
3 people who are using the swimming pool,
4 who knows. And often when we make
5 decisions about swimming pools, it's
6 because they are crowded on a small
7 lot. And people get very upset because
8 we are saying you must not crowd the
9 lot this way, and that's what the
10 setbacks are for.

11 In this case, that is not a
12 consideration because it is a large lot
13 with lots of room. Overall, it does
14 not look -- it would not look crowded
15 to have the pool as the applicant
16 proposes it.

17 On the other hand, I think it's a
18 general principle that we want people
19 to try to comply with the code when
20 they can, and in this case, it seems to
21 be not so terribly difficult to comply
22 with the code. So I'm very torn, and I
23 want to know what my colleagues think.

24 MEMBER NYCE: To that point,
25 Dinni, I would say that, granted, the

1 one side is a parking lot from Townsend
2 Manor, the other side is barn on
3 another residential property. There's
4 nothing that says in ten years those
5 will still be there, and whoever takes
6 that property over in the future should
7 have the same beneficial use as any
8 other person in the village within the
9 zoning codes. So to grant a variance,
10 it makes it that much more difficult.
11 That would be my point on that.

12 The other is that I believe that
13 there are other ways to situate this
14 pool and be in compliance with the
15 zoning codes as they exist that would
16 be able to situate and be done as of
17 right.

18 ACTING CHAIRPERSON GORDON: One of
19 the questions that has been asked is:
20 Is an aesthetic preference a legitimate
21 basis for making a decision about this?
22 And I would say both yes and no. In a
23 way, we make aesthetic choices when we
24 decide that a lot is too crowded, and
25 therefore, we're not going to have a

1 swimming pool on an applicant's
2 property.

3 On the other hand, not everybody
4 can assert an aesthetic preference in
5 the way that this applicant can. So,
6 again, it's, I think, a very, very
7 complicated question.

8 Other comments?

9 MEMBER KAUFMAN: I --

10 ACTING CHAIRPERSON GORDON: Seth?

11 MEMBER KAUFMAN: Well, I note the
12 balancing test, I do think this is
13 entirely self-created. I think there
14 are -- I agree with you, there are ways
15 that you can achieve this benefit or
16 most of it. You could move the pool
17 over 3 feet, chop another 3 feet off of
18 it, it complies.

19 I also agree with David, I don't
20 see -- this is something that John
21 Saladino would always bring up, that
22 these variances run with the property.
23 You don't know what's going to be there
24 in 10 or 20 years or even two years,
25 the way the Village is going.

1 On the other hand, I do think that
2 this is a small ask, and I think this
3 is unlike other pools that we've had,
4 that we've dealt with in the recent
5 past that we've turned down. I think
6 it's a small pool, the geometry of it
7 is not conducive to anything but laps
8 as opposed to some of the very large
9 pools that were really taking over the
10 yard. So I do think it's a much
11 smaller ask, and I think it's worth
12 distinguishing between the scale here.
13 We're talking about a small rectangle
14 that the applicant says is going to
15 materially benefit his enjoyment of
16 this both in terms of mechanics of the
17 pool and the aesthetics of the
18 property.

19 How each of us balance that, you
20 know, obviously is there, but I do want
21 to get that out there. I happen to
22 think, for a pool, it's a very small
23 ask, much smaller than ones we've
24 rejected in the recent past.

25 ACTING CHAIRPERSON GORDON: I

1 think that's a good point. Also, we
2 haven't come to a conclusion about the
3 relationship of the neighbors with
4 regard to the changing character of the
5 neighborhood. I mean, I cannot see any
6 change in the perception of the
7 neighborhood as a result of this pool.

8 MEMBER KAUFMAN: I agree.

9 ACTING CHAIRPERSON GORDON: That's
10 one of the five questions.

11 MEMBER REARDON: But perhaps we
12 could see the neighborhood changing
13 with the addition of ADUs, and the next
14 thing you know, that shed is an
15 apartment that people live in.

16 MEMBER KAUFMAN: Absolutely.
17 Again, it comes back to scale, which is
18 you're talking about a very small pool
19 that's going over the setback. It's
20 meeting the setback plus on one side,
21 so we're not -- like some of the pools
22 we've seen where they've gone over on
23 both sides even. We're not talking
24 about substantially maxing out the lot,
25 it's really a stripe of water.

1 Again, I'm not trying to convince
2 you all, I'm just saying, in the scale
3 of things, it is different. And I
4 think that, you know, whether that's a
5 metal shop, or someone's barn, or an
6 ADU in the future, I think it has to be
7 treated as residential. In other
8 words, the setback matters, but the
9 amount of setback that we'd been giving
10 relief on is small. That's -- I've
11 said that four times now, so I will
12 stop saying that, but I believe that is
13 a defining characteristic of this
14 request.

15 ACTING CHAIRPERSON GORDON: One of
16 the other questions is: Does the
17 change -- does this -- would this --
18 the granting of this variance have any
19 significant environmental effect? And
20 I think that's complicated because if
21 he didn't -- if he came within the code
22 itself, that might have an
23 environmental effect, given the
24 closeness to the water. So what do
25 other people think? Is there any

1 environmental effect that you can
2 assess?

3 I'm not sure I understand what
4 this -- this line that the applicant
5 pointed out really means.

6 MEMBER REARDON: Isn't it the 30
7 foot backyard setback line?

8 MEMBER KAUFMAN: Are you talking
9 about this line, the zone X line?
10 That's the flood map, so whether you
11 can build on that, near it, beyond it,
12 is obviously --

13 ACTING CHAIRPERSON GORDON: But he
14 would come within the code if he
15 didn't --

16 MEMBER KAUFMAN: I don't have a
17 ruler, so I'm not going tell you if
18 this would fit. But do you have 40
19 feet from the zone X line to the back
20 of your house?

21 MEMBER NYCE: If this is correct,
22 the zone X line at the end of the wood
23 dock, his curved line in his site
24 survey is towards the house from there,
25 and so he would have room to put his 40

1 foot pool.

2 MEMBER KAUFMAN: You can do that.
3 But we've already discussed that, we
4 don't need rehash that, we've already
5 discussed, it just aesthetically
6 doesn't work.

7 MR. TURETT: The code requires the
8 setback of either 70 feet or a hundred
9 feet from the water.

10 MEMBER KAUFMAN: But the water is
11 not -- the mean low tide mark, not the
12 flood map.

13 MR. TURETT: Right.

14 MEMBER KAUFMAN: All right. So
15 I'm not going to scale this now.

16 ACTING CHAIRPERSON GORDON: All
17 right. How do people feel about the
18 general question of balance? Balancing
19 the interests of the homeowner and of
20 the community, does the community have
21 a significant interest here?

22 MEMBER KAUFMAN: So my feeling is
23 that, like I said, it's a relatively
24 minor ask. I think the applicant has
25 came before us, whether it was two

1 years ago or something, with a
2 different pool, which we rejected
3 because it was right along the side of
4 the building and, you know, was a lot
5 of nonconformance there. And they've
6 come back and tried to actually meet
7 their aesthetic goals and be more
8 compliant, so I think that's a plus.

9 I think it's still something that
10 you could do without a variance, if you
11 really wanted to, so I'm torn just the
12 way you are. I don't really know where
13 to go on it. But I do appreciate that
14 at least you're trying to actually
15 balance your own -- you know, you're an
16 architect, you want it to look right,
17 with the zoning requirements as well.

18 ACTING CHAIRPERSON GORDON: All
19 right, people, this is why we're
20 appointed to this highly remunerative
21 position. Are we ready to vote?

22 MEMBER KAUFMAN: Let's vote then.

23 ATTORNEY STOLAR: Before you vote
24 on the substantive application, do your
25 SEQRA motions. You're the lead agency.

1 ACTING CHAIRPERSON GORDON: I move
2 that we are the SEQRA agency for this
3 application.

4 MEMBER NYCE: Second.

5 MEMBER KAUFMAN: Aye.

6 MEMBER REARDON: Aye.

7 ACTING CHAIRPERSON GORDON: And I
8 vote aye.

9 This would be a Type II
10 application, right?

11 ATTORNEY STOLAR: Yes.

12 ACTING CHAIRPERSON GORDON: We
13 don't need to do anything except note
14 that.

15 ATTORNEY STOLAR: Correct.

16 ACTING CHAIRPERSON GORDON: All
17 right. I move that we accept the
18 application for the pool at 746 Main
19 Street, Greenport, New York, Suffolk
20 County Tax Map Number 1001-2-3-8.2.

21 ATTORNEY STOLAR: And that's with
22 the caveat we mentioned during the
23 hearing about the 10 foot --

24 ACTING CHAIRPERSON GORDON: With
25 the condition that the distance between

1 the house and the pool --

2 MEMBER KAUFMAN: The edge of the
3 deck, just to be clear.

4 ACTING CHAIRPERSON GORDON: The
5 edge of the deck and the pool be
6 conformed to meet code standards of 10
7 feet.

8 MEMBER NYCE: If, in fact, that is
9 -- if that is a fact.

10 I'll second the motion.

11 ACTING CHAIRPERSON GORDON: Jack?

12 MEMBER REARDON: I'm sorry, are we
13 voting?

14 ATTORNEY STOLAR: On the table is
15 a motion to approve the application
16 with the space.

17 MEMBER REARDON: With the 10 foot
18 setback, yes, aye.

19 MEMBER NYCE: I'm opposed.

20 ACTING CHAIRPERSON GORDON: One
21 aye, one no.

22 MEMBER KAUFMAN: I'll vote yes.

23 ACTING CHAIRPERSON GORDON: I vote
24 yes also. 3 to 1, and that's what's
25 required of a majority of a five member

1 board.

2 MEMBER NYCE: Absolutely.

3 ACTING CHAIRPERSON GORDON: Item
4 Number 8, any other Zoning Board of
5 Appeals business that might properly
6 come before this board? Anything?

7 MEMBER NYCE: I do, but I want to
8 formulate my question for next time.
9 After reading the minutes from the last
10 meeting I have some -- I have some
11 questions based on the 174 Sterling,
12 but I want to formulate them a little
13 bit better in my head. And John is
14 going to want to be part of that
15 conversation anyhow.

16 ACTING CHAIRPERSON GORDON: Fine.
17 Okay, great.

18 MEMBER NYCE: So I have nothing.

19 ACTING CHAIRPERSON GORDON: Thank
20 you very much, everybody. This was not
21 an easy meeting, but I'm glad we came
22 to a decision.

23 CLERK NOONE: Can you sign the
24 determinations and cross --

25 ACTING CHAIRPERSON GORDON: I make

1 a motion to adjourn.

2 MEMBER NYCE: Second.

3 ACTING CHAIRPERSON GORDON: All in
4 favor?

5 (Aye said in unison.)

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I, AMY THOMAS, a Court Reporter and Notary Public, for and within the State of New York, do hereby certify:

THAT the above and foregoing contains a true and correct transcription of the proceedings held on May 19, 2026, and were reported by me.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of MAY, 2026.

AMY THOMAS

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