

1 VILLAGE OF GREENPORT  
2 COUNTY OF SUFFOLK STATE OF NEW YORK  
3 -----X.

4 ZONING BOARD OF APPEALS  
5 REGULAR MEETING  
6 -----X

7  
8 October 18, 2016  
9 6:00 P.M.  
10 Third Street Fire Station  
11 Greenport, New York

- 12 B E F O R E:
- 13 JOHN SALADINO - Chairman
- 14 DAVID CORWIN - Member
- 15 DINNI GORDON - Member
- 16 ELLEN NEFF - Member
- 17
- 18 EILEEN WINGATE - Village Building Inspector
- 19 JOSEPH PROKOP - Village Attorney

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1           (Whereupon the meeting was called  
2           to order at 5:59 p.m.)

3           CHAIRMAN SALADINO: We're going to  
4           start this meeting, the October meeting  
5           of the Greenport ZBA. We'll call the  
6           roll for the stenographer. This is  
7           David Corwin, Ellen Neff, Dinni Gordon,  
8           and myself, John Saladino. Present  
9           also is the building inspector. Just  
10          before we get started, I have one or  
11          two announcements. I'm sure everyone  
12          is aware, we're short one member. The  
13          mayor's appointment hasn't been decided  
14          yet. Next month, I guess, we'll know  
15          who that is. We're not in on the  
16          negotiations, so we don't --

17          MS. NEFF: The mayor told me he  
18          had four applications.

19          CHAIRMAN SALADINO: Okay. And to  
20          avoid some confusion down the road, if  
21          by chance I have to be absent, I try to  
22          make all the meetings, but if by chance  
23          I don't, we don't have to take a vote  
24          at the end of the meeting, I'm going to  
25          ask David if he would like to be the

1 Deputy Chairman in case I can't make it  
2 that night. If he says yes, he'll be  
3 the Deputy Chairman. If this takes  
4 longer than an hour and a half, we're  
5 going to break for a couple of minutes  
6 to let the stenographer relax a little  
7 bit I think. And there's an  
8 announcement also for item number five  
9 and -- item number four and five, but  
10 we'll do that when we get to those  
11 items. Are we ready?

12 Item number one is a motion to  
13 accept the Zoning Board of Appeals  
14 minutes for the meeting held on  
15 September 20, 2016. So moved.

16 MS. NEFF: Second.

17 MS. GORDON: Discussion. I just  
18 want it corrected, on page 36 in the  
19 September minutes there's a fairly  
20 extensive quote attributed to me, which  
21 was not me, but I think was Ellen Neff,  
22 if we could change that.

23 MS. NEFF: I acknowledge that.

24 CHAIRMAN SALADINO: I have a  
25 second offered with the correction.

1 MS. GORDON: Aye.

2 MS. NEFF: Aye.

3 MR. CORWIN: I abstain.

4 CHAIRMAN SALADINO: Item number  
5 two is the approve the Zoning Board of  
6 Appeals minutes from the meeting held  
7 on August 16, 2016. So moved.

8 MS. GORDON: Second.

9 CHAIRMAN SALADINO: All in favor?

10 MS. GORDON: Aye.

11 MS. NEFF: Aye.

12 CHAIRMAN SALADINO: Any opposed?

13 MR. CORWIN: I abstain.

14 CHAIRMAN SALADINO: Item number  
15 three, motion to schedule the next  
16 Zoning Board of Appeals meeting to  
17 November 15, 2016 at 6:00 p.m. at the  
18 Third Street Firehouse. So moved.

19 MR. CORWIN: Second.

20 CHAIRMAN SALADINO: All in favor?

21 MR. CORWIN: Aye.

22 MS. NEFF: Aye.

23 MS. GORDON: Aye.

24 CHAIRMAN SALADINO: Motion  
25 carries. Number four is the

1 continuation of the public hearing  
2 regarding an area variance. The  
3 variance is sought by James  
4 Olinkiewicz, 221 Fifth Avenue,  
5 Greenport, New York. Suffolk County  
6 Tax Map 1001-4-4-29. Before the public  
7 speaks, if there's any members of the  
8 public that would like to speak, I  
9 just -- sorry. Any members of the  
10 public get a comment on this?

11 MS. WICKHAM: Good evening, my  
12 name is Abigail Wickham, I represent  
13 Roberta Garris and Jack Weiskott who  
14 live directly north of the proposed  
15 subdivision. I will not repeat my  
16 letter, statement of September 19th,  
17 which I understand is in your record, I  
18 just want to summarize that there are  
19 five very significant variances, all of  
20 which must be granted in order for this  
21 application to proceed. There is also,  
22 I believe, an accessory building on a  
23 vacant lot issue that I'm not sure was  
24 noticed, and I have a couple of  
25 additional information items that I'd

1           like to submit. The first being an  
2           example of the current parking on the  
3           vacant -- the proposed vacant lot,  
4           which has five cars servicing the house  
5           with the residence on it. This was  
6           taken by Mr. Weiskott, and he can give  
7           you the date when he speaks. There are  
8           also a number of photos of cars on the  
9           street that relate to the existing  
10          housing, and it illustrates our concern  
11          about the over-trafficing and  
12          over-parking of the area, and the  
13          inability of this parcel as two parcels  
14          to have adequate off street parking  
15          since just the current use fully  
16          utilizes what would be available for  
17          parking on the property. Further, I  
18          have a chart, and I will give you a  
19          copy and Counsel a copy showing the  
20          lots in the neighborhood in the  
21          immediate block and immediately across  
22          the street of this proposed parcel,  
23          which are larger than the lots  
24          proposed, and there are at least twelve  
25          to fourteen of them, so that the

1 applicant's claim that this lot to be  
2 created, which is very small and under  
3 the required size is -- the applicant's  
4 claim is that it's not out of keeping  
5 with the neighborhood. Well, there are  
6 many lots that it would create an  
7 adverse precedent for, and there are  
8 many lots that are in that neighborhood  
9 that are larger than the proposed lot,  
10 so it would be adverse. It would also  
11 result in a series of seven lots of  
12 very small width, fifty feet width all  
13 in a row. So all of these increased  
14 cumulative impacts of these multiple  
15 variances in order to secure this  
16 subdivision really have a tremendous  
17 effect individually and cumulatively.  
18 If I may, and I would like to also, if  
19 I may, reserve the ability to respond  
20 to the applicant's Counsel should new  
21 material be brought up. Thank you.

22 MR. PROKOP: Can I ask you a  
23 question?

24 MS. WICKHAM: Certainly.

25 MR. PROKOP: You said you wondered

1 if the accessory structure on the  
2 subdivided lot was noticed, do you mean  
3 noticed in the public notice or noticed  
4 by the Village?

5 MS. WICKHAM: Either.

6 MR. PROKOP: It was mentioned -- I  
7 mentioned in the public hearing last  
8 time that I think that there's a  
9 nonconformity because there's a  
10 proposed subdivided lot, which will  
11 then have an accessory structure with  
12 no principal structures. Is that what  
13 you're talking about?

14 MS. WICKHAM: That's what I'm  
15 talking about, and I was not at that  
16 hearing, but yes, I don't believe it  
17 was noticed initially, and I don't know  
18 if it's been considered by the Board,  
19 but apparently it was mentioned, so  
20 that's now six items of cumulative  
21 impact. Thank you.

22 This is the map of the density in  
23 the neighborhood and this is the  
24 photograph of the parking in the area.

25 CHAIRMAN SALADINO: You don't have



1 the date and time of this photo.

2 MS. WICKHAM: Mr. Weiskott will  
3 give you that. I'm sorry, I didn't add  
4 that on.

5 CHAIRMAN SALADINO: Any other  
6 members of the public?

7 MR. WEISKOTT: I do have something  
8 to add. My name is Jack Weiskott, I  
9 live at 229 Fifth Avenue directly north  
10 of 221, the property that's being  
11 discussed for subdivision. I'd like to  
12 say that this subdivision means an  
13 awful lot to our neighborhood and to  
14 obviously me and my wife, my wife and  
15 I, personally but also to our street  
16 and to our neighborhood whereas for Mr.  
17 Olinkiewicz it means just another way  
18 to make more money. There's already  
19 three houses that he owns on our  
20 street, the two subdivisions he's  
21 talking about would give us five houses  
22 on our street. He owns a house on  
23 Kaplan, which is a two family, the old  
24 Kaplan Market, he's got a house on  
25 Madison, he's got a house on Front

1 Street all within shouting distance of  
2 these three houses.

3 CHAIRMAN SALADINO: Could I just  
4 interrupt you? Just so everybody is on  
5 the same page, I'm sure everybody here  
6 knows, but we're not going to rule on  
7 the subdivision, you know, we're going  
8 to rule on variances. The subdivision  
9 is the Planning Board. If the  
10 variances go through, it would go to  
11 the Planning Board.

12 MR. WEISKOTT: I understand.

13 CHAIRMAN SALADINO: So if we could  
14 talk about variances as opposed to  
15 subdivisions to keep everybody on the  
16 same page.

17 MR. WEISKOTT: Just for us the  
18 fact that there might be another house  
19 right there as a result of the  
20 variances being approved means a lot to  
21 us. It's our life, our quality of  
22 life, our peace and quiet, which has  
23 pretty much been gone since he bought  
24 the houses that he's bought on our  
25 street. I'm not sure which pictures

1           you have, I did take some pictures this  
2           morning at 7:00 a.m., a little before  
3           7:00 a.m. actually. One of --

4           CHAIRMAN SALADINO: Could I  
5           interrupt again --

6           MR. WEISKOTT: That was Monday  
7           afternoon.

8           MS. GARRIS: Monday morning.

9           MR. WEISKOTT: Monday morning,  
10          excuse me. Monday, October 16th.

11          MR. GARRIS: And an hour after  
12          that there was one more car.

13          CHAIRMAN SALADINO: What time  
14          again?

15          MR. WEISKOTT: Afternoon.

16          MS. GARRIS: No, morning.

17          MR. WEISKOTT: Morning, excuse me,  
18          sorry. Monday, October 16th, that was  
19          a.m. You can see these spots, there  
20          are five cars here. There's also  
21          picture a car behind the house that  
22          can't be seen and picture a car parked  
23          in the street. That's seven cars, and  
24          that's without another house, and he's  
25          very proud to say that he has three

1 parking spots for each of the proposed  
2 lots. Well, that's kind of  
3 insufficient. But anyway, there's  
4 another picture of our street, it's  
5 kind of a blurry picture.

6 CHAIRMAN SALADINO: This one?

7 MR. WEISKOTT: The blurry one. I  
8 took that about five of 7:00 this  
9 morning.

10 MS. GARRIS: Sunday morning, the  
11 cars in the back.

12 MR. WEISKOTT: Fine. It was  
13 Sunday. But the blurry picture was  
14 this morning at a little bit before  
15 7:00 a.m., and the point is it's  
16 another house that he owns, 228 Fifth  
17 Avenue, which is diagonally across the  
18 street from us, there are three cars  
19 parked in the street and there are  
20 three cars in the driveway. That's six  
21 cars in that house. And just using  
22 this to illustrate that these houses  
23 have too many people and too many cars.  
24 Our street has now become one lane  
25 only. Even this morning I walked the

1 dog at 6:00 a.m. this morning, a car  
2 was coming down the block and it had to  
3 pull over to the side to let another  
4 car go through. That's at 6:00 a.m.,  
5 that's typical of our whole day. It  
6 used to be a street where the kids  
7 could go out and play, and they cannot  
8 do that anymore. There's too much  
9 traffic down our street. The cars in  
10 his house at 221 may be marked in the  
11 driveway, and there's always one on the  
12 street, but they come in and out. It's  
13 not just that they're there all the  
14 time, they're moving, it's constant  
15 activity going on next door to us and  
16 up and down the street.

17 All I'm really trying to say is  
18 that this means a lot more to us than  
19 it means to him adding one more house  
20 or two more houses to his accumulations  
21 of houses. This is not -- we're not  
22 making a business of this, we're living  
23 there, and that's how we're being  
24 effected. It's not an economic thing,  
25 it's our life that has been quite

1           disturbed since he started buying  
2           houses in our neighborhood. That's  
3           what I have.

4           MS. GORDON: I'd like to ask a  
5           question. It has to do with parking.  
6           It seems to me that if the smaller lot  
7           were approved, and a single family  
8           house were built on it, there would not  
9           be that area for the people who are  
10          parking who live next door to the  
11          south. That would be unavailable now.

12          MR. WEISKOTT: Well, it might be  
13          unavailable, but the house diagonally  
14          across from us, across the street,  
15          sometimes they park there. Everybody  
16          knows everybody.

17          MS. GORDON: No, but I'm saying if  
18          this small lot on which there would be  
19          new people in it, there would be a  
20          driveway there, presumably people who  
21          live one house to the south are not  
22          going to park in the neighbor's  
23          driveway. So but my question then is  
24          so now the proposal includes a driveway  
25          for -- I've forgotten which is which.

1           MR. WEISKOTT: Lot number two is  
2           the existing lot, lot number one is the  
3           new lot.

4           MS. GORDON: So now there's going  
5           to be a new -- the proposal is to put a  
6           new driveway to the south of the lot  
7           number two, and the parking then for  
8           that house would be in the back of that  
9           house. And at the moment, there's  
10          clearly not room back there for six  
11          cars or whatever you are saying, but  
12          I'm wondering so that would mean then  
13          that the cars which were parking there  
14          before are now parking on the street,  
15          is that --

16          MR. WEISKOTT: That's possible. I  
17          don't know where they're going to be  
18          parking. I'm assuming they're going to  
19          continue using the driveway that  
20          exists.

21          MS. WICKHAM: And the street.

22          MR. WEISKOTT: Because the  
23          driveway that exists is directly to the  
24          north of the existing house, and he's  
25          putting a property line five feet from

1 the house, but the driveway exists.

2 MS. GORDON: But that's now  
3 someone else's driveway.

4 MR. WEISKOTT: Well, I don't know  
5 where they're going to park, let me put  
6 it that way. Maybe the whole backyard  
7 would fill up with cars. Yes, there  
8 might be more on the street, it's  
9 conceivable there would be more on the  
10 street.

11 MS. GORDON: Now, could those cars  
12 -- if you assume there might be a few  
13 more cars on the street, would they not  
14 be at that end? When I drive by there,  
15 I see the problem at the north end of  
16 the street very clearly. I don't  
17 usually see it at the south end of the  
18 street near front street, so I'm  
19 wondering if the parking would shift  
20 given that there is new driveway, and  
21 maybe if there were conditions for lot  
22 number two that there be more parking,  
23 might it not push the parking farther  
24 south and actually decrease the  
25 problem?



1           MR. WEISKOTT: I don't think it  
2           would decrease the problem because at  
3           this point, for instance, the other day  
4           my wife was trying to get out of our  
5           driveway, and a car almost hit her as  
6           it was coming down the street because  
7           she couldn't see it because there was a  
8           very large SUV parked right on the edge  
9           of our driveway, and she couldn't see  
10          it. There are cars parked right next  
11          to our house on both sides generally.

12          CHAIRMAN SALADINO: I have a  
13          question.

14          MR. WEISKOTT: I don't know what  
15          will happen with the traffic, there's a  
16          lot of cars.

17          CHAIRMAN SALADINO: I don't want  
18          to speculate on the traffic, but from  
19          your experience, since you live next  
20          door to lot one --

21          MR. WEISKOTT: Well, we live next  
22          door to the whole property. It's not  
23          into two lots yet.

24          CHAIRMAN SALADINO: To the  
25          proposed lot one.

1 MR. WEISKOTT: And lot two, yes.

2 CHAIRMAN SALADINO: The five or  
3 six cars or the four or five cars --

4 MR. WEISKOTT: Never less than  
5 five, sometimes as many as eight.

6 CHAIRMAN SALADINO: The never less  
7 than five that are parked on the  
8 proposed lot one, have you ever seen --  
9 have you ever seen -- in your  
10 experience living next door, have you  
11 ever seen them parked behind lot two?

12 MR. WEISKOTT: Absolutely.

13 CHAIRMAN SALADINO: So these cars  
14 as an alternative, so they're parking  
15 here as a matter of convenience in your  
16 opinion?

17 MR. WEISKOTT: Well, that's where  
18 the actual paved driveway is, but  
19 sometimes they'll go on the grass  
20 behind the house, sometimes on the  
21 grass along our fence line when there's  
22 not enough room. So I'm just letting  
23 you know the tremendous effect this  
24 would have on us, and the decision is  
25 yours, of course. Thank you for

1 listening.

2 MS. WICKHAM: May I just summarize  
3 what I think your question was and his  
4 answer?

5 CHAIRMAN SALADINO: Absolutely.

6 MS. WICKHAM: I believe what he  
7 was expressing is that the existence of  
8 a second lot and another house, which  
9 could be single family, could be two  
10 family will aggravate what is already a  
11 bad parking situation and street  
12 congestion, and it won't move the  
13 congestion, it will add to it. And I  
14 believe he also indicated, and maybe  
15 you weren't clear on this, that the  
16 parking that exists behind the house on  
17 lot two is in addition to the other  
18 cars that are now parking on what is to  
19 be lot one. So it's already parking to  
20 a large extent on that property, on  
21 both properties, and if you have to  
22 move the lot two cars to lot two so  
23 that the lot one cars will fit on lot  
24 one, there's not going to be enough  
25 room. They will be in the street, more

1 of them.

2 CHAIRMAN SALADINO: So Jack,  
3 through your attorney I'll ask, the  
4 contention is is that the never less  
5 than five cars that are parked on  
6 proposed lot one would obviously --  
7 because there is no house there now,  
8 would obviously move behind lot two,  
9 and then whatever is built on lot one  
10 would just add to the --

11 MR. WEISKOTT: Right, yes.

12 CHAIRMAN SALADINO: -- the  
13 totality of the parking?

14 MS. WICKHAM: That's correct, yes,  
15 plus the cars that now park behind lot  
16 two are already there, so the five on  
17 lot one may not fit there.

18 CHAIRMAN SALADINO: Well, we  
19 didn't have any photographs of cars on  
20 lot two. I'm sorry, all we have is --

21 MS. WICKHAM: No, you have his  
22 testimony.

23 CHAIRMAN SALADINO: We do.

24 MR. REED: Mike Reed, 430 Front  
25 Street. I've got just a couple of

1 questions. Now you've seen four or  
2 five cars, sometimes we have seven cars  
3 parked back there, not including the  
4 foot traffic that they drive their  
5 bikes on the other side. Now, correct  
6 me if I'm wrong, Village Code is what,  
7 four or five people max per in that  
8 place for upstairs, correct, because it  
9 was a one family living there, she was  
10 handicapped, she had to park on the  
11 road. What's that mean? So every --  
12 their child has a car? I mean, how  
13 many people you have up there? You  
14 know, building inspector?

15 MS. WINGATE: I did an inspection  
16 last week. I know exactly how many  
17 people are living up there. The Gomez  
18 family consists of three brothers, two  
19 wives. There's three bedrooms.  
20 There's two full beds, two twin beds,  
21 and somebody sleeps on the sofa. So  
22 there are seven adults, and they're all  
23 Gomez's, and that's completely  
24 legitimate by New York State code.

25 MR. REED: What about the foot

1 traffic coming out with the guys riding  
2 bikes and stuff? I see it every  
3 morning when I get to walk about 6:00,  
4 6:30? I know, you don't see it, it's  
5 usual. Right, thank you.

6 MS. PETERSON: Diane Peterson, 228  
7 Sixth Avenue. I live adjacent to the  
8 proposed lot one. I have a letter from  
9 my neighbor that's adjacent to the  
10 proposed lot two. I did e-mail it to  
11 you, I apologize for not having enough  
12 time to do for everybody, but I do have  
13 copies here. She wanted me to read it  
14 at the meeting. This is from Donna  
15 Zaengle, 222 Sixth Avenue, last name is  
16 Z-A-E-N-G-L-E. This letter is to  
17 confirm my objections to the variance  
18 being requested by the property owner  
19 at 221 Fifth Avenue in Greenport, New  
20 York. It is directly behind my house.  
21 We share a fence along with several  
22 towering pine trees. I spoke at the  
23 August board meeting, but realize that  
24 you may need my concerns in writing. I  
25 have asked my neighbor to submit this

1 to you all. It is my hope that the  
2 Board will base its decision on the  
3 zoning laws along with the best  
4 interests of residents and the town  
5 conditions. Subsidized houses which  
6 would be affordable housing places  
7 additional stress on the water, sewer,  
8 and electric systems that are designed  
9 for a much smaller community. Houses  
10 packed closer together increases the  
11 risk of fires spreading to multiple  
12 dwellings. This is a great concern to  
13 me, as our connected yards have old,  
14 very dry pine trees, which the current  
15 drought is not helping. Earlier this  
16 summer, a home in Cutchogue was  
17 severely damage when the neighboring  
18 home caught fire. Anyone who has lived  
19 in an older home, as have I, is aware  
20 that the wiring and building materials  
21 placed then had greater risk for fire  
22 and intensity of heat from a structural  
23 fire can put neighboring trees and  
24 homes in jeopardy.

25 The historic nature of our town is

1           quaint, charming, and yet progressively  
2           thriving with retail and restaurant  
3           businesses. There is a great deal of  
4           civility among its residents, even  
5           finding itself listed as a summer  
6           vacation destination. Neighbors and  
7           residents know one another and look out  
8           for each other's homes and families,  
9           much in the way that I imagine the  
10          town's founders envisioned. Long  
11          Island has countless towns where this  
12          is no longer the case. Planned  
13          communities and subdivisions have led  
14          to densely packed areas with a somewhat  
15          transient population of renters, each  
16          year moving to find the cheaper rent.

17                 A variance for one leads to many  
18                 more requests, which become  
19                 increasingly difficult to deny. The  
20                 Zoning Board must make its decision  
21                 carefully. The impact will be far  
22                 greater than the project with the  
23                 initial request. If the issue is  
24                 bringing more affordable housing  
25                 options into the Town of Greenport, as



1 the lawyer who spoke in August implied,  
2 a committee could be developed to  
3 explore viable options, which don't  
4 require variances or packing people  
5 into substandard spaces and placing  
6 increased risk to current residents and  
7 the town's infrastructure, our water,  
8 sewer piping, and on street parking.  
9 Thank you for your careful  
10 consideration of this letter and for  
11 the wellbeing of the Town of Greenport.  
12 Should be the Village of Greenport,  
13 sorry, she's just a year resident here,  
14 Donna Zaengle.

15 I also wanted to comment on the  
16 parking issue. I had submitted photos  
17 maybe three years ago to the Zoning  
18 Board for the parking that was on the  
19 proposed lot two. I'm not sure if you  
20 still have them. I could look at home,  
21 but there are always cars parked behind  
22 that existing house. And also to  
23 address the issue of safety, houses  
24 packed close together, fire is a major  
25 concern and it spreading as it was

1 earlier this month. Don't exactly have  
2 the date, there was a loud explosion in  
3 the yard of 221 Fifth Avenue.

4 CHAIRMAN SALADINO: I'm sorry?

5 MS. PETERSON: There was a loud  
6 explosion on the property. I was  
7 sitting in my backyard, and there was a  
8 loud explosion, a lot of smoke, sparks,  
9 fire. I thought there was a car fire  
10 because they do have a tendency to work  
11 on cars on the property of the proposed  
12 lot one. I went in the house, called  
13 911, told them I thought it was a big  
14 car fire. My line of sight could not  
15 tell exactly what it was because  
16 there's a red shed that there, I was on  
17 one side, and the fire was across on  
18 the other side. It wind up not being a  
19 car fire, it wound up being fireworks  
20 trying to be set off, which exploded on  
21 them, they didn't go off. My neighbor  
22 to the north of me, 232 Sixth Avenue,  
23 had seen some older gentleman or older  
24 teenagers, twenties, around there run  
25 from the property when the fireworks

1           didn't go up. This is something that  
2           always happens. This is, like, the  
3           fourth or fifth time they've shot  
4           fireworks off in the backyard, and we  
5           have talked to them. Don't bother  
6           reporting it because by the time you  
7           do, nothing is done, and the police  
8           just move to something else. I have to  
9           say the police and the fire department  
10          responded immediately, looked for who  
11          might have been -- because they run  
12          off, they were still in the  
13          neighborhood, I don't believe they  
14          found them though. So that, again, is  
15          another concern with houses packed on  
16          top of each other and some of the  
17          activity that's going on.

18                   CHAIRMAN SALADINO: You're not  
19                   really sure that the people that live  
20                   there were the guys that set --

21                   AUDIENCE MEMBER: I live two  
22                   houses over, they did.

23                   MS. ALLEN: Chatty Allen, Fifth  
24                   Avenue. I just want to back up what  
25                   they have been saying. In the morning,

1           when I head to work at 6:30 in the  
2           morning, I don't have my camera with  
3           me, so I haven't taken any photos, but  
4           I count a minimum of seven cars every  
5           morning. You're going to put another  
6           residence on there, you're going to be  
7           adding three, four more cars, and I'm  
8           being generous. You know, one of the  
9           board members asked well, where do you  
10          think they'll park? You know, could  
11          they go here, could they go there.  
12          That shouldn't be the question. The  
13          question should be there is way too  
14          many right now, we're not going to  
15          allow another residence so that we're  
16          adding fuel to the flames actually  
17          because you put in another one -- I  
18          mean, I don't know if I heard the  
19          building inspector, but one of the  
20          apartments has seven people in it, I  
21          don't know if I heard that correctly or  
22          not, but that's just one of two. They  
23          each have a car, okay, that might be  
24          seven cars for one apartment. You  
25          know, now you're going to add a third

1 residence or possibly a third and  
2 fourth, and you're adding so much more.  
3 It not only is a burden to this street  
4 because I use it most of the time  
5 during the day, the only time I really  
6 use it is in the morning, but usually I  
7 loop around the side roads. I'll go  
8 over to Sixth Avenue to head west, or I  
9 loop the back ways if I have to go into  
10 town because it is a hazard. Now, I  
11 grew up on Fifth Street, but Fifth  
12 Avenue was the same as Fifth Street.  
13 We all played in the yards. Yes, times  
14 have changed, it's not as safe anymore.  
15 Fifth Avenue is a death trap at times  
16 because of the amount of vehicles, the  
17 amount of people. It's not safe at  
18 all, and now you're going to try and  
19 add not one, but two to an already  
20 overtaxed sewer system, which can't  
21 handle half the time what's there.  
22 You're destroying the quality of life,  
23 especially for, you know, for the next  
24 door as well as people right behind it.  
25 You know, and I really hope this is

1 taken into consideration are people's  
2 quality of life that's already I don't  
3 want to say destroyed but it's being  
4 put upon that I truly hope this Board  
5 realizes you can't keep adding onto  
6 people and ruining their quality of  
7 life, the safety of that road and that  
8 neighborhood. I'm glad my bus route  
9 isn't on that one because there's times  
10 trying to get the school bus through  
11 there is difficult. That I really hope  
12 you deny this in a way that this does  
13 not keep coming back again. You know,  
14 you want to subdivide a property,  
15 subdivide one that is conforming. I  
16 mean, this one you're going to have  
17 three nonconforming lots. If he really  
18 wants more property to help lower  
19 income families, just within this  
20 little few blocks the amount of vacant  
21 lots that are for sale, the amount of  
22 homes that are for sale. I don't feel  
23 he should be allowed, I'm sorry, to  
24 destroy our quality of life just so  
25 that he can put another building

1            somewhere. And I really think that  
2            needs to be taken into consideration.  
3            You have pictures of how these cars are  
4            already parked. Now, imagine another  
5            building there, children there, and  
6            these cars in and out. I mean, where I  
7            am I have no yard, my backyard in my  
8            apartment complex is a parking lot,  
9            that's it. I creep in and out of there  
10           because there's children that live  
11           there, you know. And cars are starting  
12           to filter down to the end of Fifth  
13           Avenue because there's no place to  
14           park. So I really hope you think long  
15           and hard on this and deny this in a way  
16           that this does not have to come back up  
17           again. Thank you.

18                    CHAIRMAN SALADINO: Anyone else  
19                    from the public wishes to speak?

20                    MR. TASKER: Good evening. Arthur  
21                    Tasker, Beach Street in Greenport. I  
22                    just like to add my support to the  
23                    speakers who have spoken just before me  
24                    in opposition to this project. There's  
25                    a great deal of discussion about

1 density of people, density of cars.  
2 These things are a little bit amorphous  
3 because they're hard to measure and are  
4 transient, but there's another -- what  
5 I think could be a very important  
6 measure of the effect on the  
7 residential area there and in anywhere  
8 in Greenport, and that is the density  
9 of living units, houses, apartments,  
10 living units in a particular block or a  
11 particular neighborhood. I think it  
12 would be very easy to obtain that data  
13 and say we have X number of living  
14 units per thousand square feet on Fifth  
15 Avenue, on Fifth Street, or any other  
16 neighborhood as a measure of what Ms.  
17 Allen referred to as the quality of  
18 life because I think that's a very  
19 significant factor in the quality of  
20 life in a particular neighborhood. The  
21 Zoning code was adopted in 1949,  
22 imposed a duty on the Zoning Board of  
23 Appeals. That duty was continued when  
24 the Zoning code was extensively revised  
25 in 1971 and again in 1992. And those



1 are the purposes of the Zoning code,  
2 one of the principal ones of which is  
3 the maximum protection of residential  
4 areas in the Village. I would think  
5 that the density of residential units  
6 in a given neighborhood or Zoning  
7 district is a very important measure of  
8 that. I think if that's looked at  
9 you'll see that it is ample reason to  
10 deny the variances that are being  
11 sought, which will prevent the  
12 proliferation of additional buildings  
13 and living units in that neighborhood  
14 and others in the Village. Thank you.

15 CHAIRMAN SALADINO: Thank you. Is  
16 there anyone else that would like to  
17 address the board? On this particular  
18 application the Zoning Board had  
19 planned on closing this application.  
20 We thought we were going to close it  
21 last month, and we didn't. The Zoning  
22 Board -- I had thought anyway that we  
23 would close this hearing, have a  
24 discussion about it tonight. The  
25 applicant has requested that we keep

1 the public hearing open, without  
2 getting into particulars, for a pending  
3 FOIL request. I don't -- the request  
4 is extensive, it's involved. I don't  
5 know -- we're advised by our attorney  
6 that it would be in the Village's best  
7 interest to keep the hearing open. We  
8 understand it's an inconvenience for  
9 the residents, it's an inconvenience  
10 for this Board, and also for the  
11 Village. So we're going to adjourn  
12 this meeting -- we're going to adjourn  
13 the public hearings. The Zoning Board  
14 has a lot on its plate the next few  
15 months, and two additional subdivisions  
16 I believe going to come in front of us.  
17 So I would like a sense of the Board.  
18 I would like to adjourn this public  
19 hearing until our February meeting.

20 MS. ALLEN: You said February?

21 MS. REA: February?

22 CHAIRMAN SALADINO: Did you --

23 MS. REA: My name is Kimberlea  
24 Rea, Westervelt & Rea, and I represent  
25 the applicant. The FOIL requests that

1           you referenced a moment ago were made  
2           by my office as a result of public  
3           comment that's been generated here. As  
4           I understand it, although those FOIL  
5           requests were belatedly responded to,  
6           the records access clerk is making them  
7           available October 21st and October  
8           28th. So we'll have some time once we  
9           get those to digest those, and as I  
10          said in my letter to this -- to  
11          Mr. Saladino and Mr. Pallas dated  
12          October 14th when I requested an  
13          adjournment of this meeting tonight, we  
14          will have, we hope, adequate time to  
15          review them.

16                   CHAIRMAN SALADINO: We hope.

17                   MS. REA: We hope.

18                   CHAIRMAN SALADINO: So to avoid --

19                   MS. REA: It's my understanding  
20          that, Mr. Saladino, from your  
21          correspondence to me, that you did not  
22          want to adjourn this public hearing,  
23          but that apparently you have agreed to  
24          do that.

25                   CHAIRMAN SALADINO: Actually what

1 I said was I would defer to the Village  
2 attorney.

3 MR. PROKOP: So what happened was,  
4 just so everybody knows, because I  
5 don't want to talk in circles without  
6 the public knowing exactly what we're  
7 talking about, we got a letter from you  
8 just within seventy-two hours ago,  
9 ninety-six hours ago that said that you  
10 were not going to be here tonight, and  
11 that you requested an adjournment  
12 because of you were waiting for a FOIL  
13 request, and I have to tell you that  
14 the FOIL request that you -- the date  
15 that cited, October 21st and October  
16 27th is not the date that the records  
17 will be available to you, it's the date  
18 that the Village will respond by. The  
19 records that you have requested are so  
20 voluminous, and the search for those  
21 records will be so time consuming that  
22 I have to say that really I don't know  
23 what the date will be that those  
24 records will be available. And I don't  
25 think that it's fair to the public to

1 say that you requested those records in  
2 response to the comments that were  
3 made. I think that what would be fair  
4 to the public is to say that you should  
5 have requested those records before you  
6 made your application, and that one of  
7 the things that you might consider at  
8 this point is withdrawing your  
9 application because the records that --  
10 again, not to be redundant, but the  
11 records that you have requested are  
12 going to involve hundreds of hours of  
13 time of people in the Village pouring  
14 through hundreds of files to get  
15 hundreds of records that you have  
16 requested, and I don't think that it's  
17 fair midstream in an application to put  
18 everything on hold for a request like  
19 that, I've just never heard that  
20 before. But in summary, and then of  
21 course, you'll speak, but tonight we  
22 were in the unfortunate legal position  
23 of having a meeting that we intended on  
24 closing. You sent us a letter saying  
25 that you were not going to be here and

1           that you wanted it adjourned, and with  
2           that in mind, I didn't -- I advised Mr.  
3           Saladino that I did not think that we  
4           could close the meeting if you were  
5           claiming that you were not going to be  
6           here, and now you're here, so I don't  
7           even know what to say. But that's --  
8           for the public, that's what transpired.

9           MS. REA: Well, the reason I'm  
10          here is because there was a refusal to  
11          adjourned the meeting, and so I felt  
12          compelled to come here.

13          CHAIRMAN SALADINO: I dispute  
14          that.

15          MR. PROKOP: That's not true.  
16          That's one hundred percent not true.

17          MS. REA: Mr. Saladino, I have  
18          your letter to me of last night, 7:24,  
19          saying that you were disinclined to  
20          adjourn the hearing.

21          MR. PROKOP: No, he said he would  
22          refer it to Counsel. I called you, and  
23          we spoke at 2:00, and I told you that  
24          the meeting was going to be adjourned.  
25          I told you that the meeting was going

1 to be adjourned, but that there were  
2 people here who said that they would be  
3 prejudiced because they were -- they  
4 made arrangements to be here tonight,  
5 they were leaving for the winter, or  
6 whatever the personal situation was,  
7 that they would be allowed to speak.

8 MS. REA: That is why I'm here.  
9 That's the reason, just to clear that  
10 up.

11 CHAIRMAN SALADINO: In all  
12 fairness to this Board, you didn't give  
13 us a date that you would like the  
14 meeting adjourned to. You left it open  
15 ended. And in all fairness, again, to  
16 this Board, for you to come at the  
17 eleventh hour and ask for an  
18 adjournment. We have no guarantee that  
19 that's going to be. We're going to set  
20 a firm date, a firm time, and you can  
21 respond at that time when you get your  
22 FOIL request. I don't know why that's  
23 unreasonable.

24 MS. REA: As a matter of fact, I  
25 asked in my request that it be

1 adjourned to the November meeting.

2 CHAIRMAN SALADINO: I don't have  
3 that.

4 MR. PROKOP: It's not fair to  
5 these people that they keep coming back  
6 every month while you figure out what  
7 records you want.

8 MS. REA: Well, February of 2017  
9 is too long.

10 CHAIRMAN SALADINO: By whose  
11 standards?

12 MS. REA: If you want to make it  
13 December.

14 CHAIRMAN SALADINO: By whose  
15 standards?

16 MS. REA: By the applicant's  
17 standards. It's prejudicial to make  
18 him wait three months.

19 CHAIRMAN SALADINO: We advocate  
20 for the Village, we're here to make it  
21 right and proper for the Village. The  
22 applicant, by his own choosing, by your  
23 own choosing asked for a FOIL request  
24 by the attorney's estimation is going  
25 to take months to supply you. Do you



1 expect us to sit here and wait months  
2 and adjourn this public hearing every  
3 month until you get the information  
4 that you want? How is that fair to the  
5 public?

6 MS. REA: I have not been advised  
7 by anyone that this is going to take  
8 hundreds of hours and, in fact --

9 MR. PROKOP: You were just advised  
10 from me. I'm very familiar with the  
11 request, and you were just advised by  
12 me. You had requested the Village to  
13 go through many files and pull out many  
14 documents. It will be months. My  
15 recommendation to Chairman Saladino was  
16 that it be removed from our calendar  
17 and that you contact us when you want  
18 to have it restored. Chairman Saladino  
19 wanted to have a fixed I date. I think  
20 it's really your option. It's not  
21 going to November, it's not going to be  
22 December. It's going to be in the  
23 future. You gave us that contingency,  
24 you made moving contingent on the FOIL  
25 request, excuse me for interrupting

1           you, and the FOIL request is not going  
2           to be fulfilled for a long time. We'll  
3           do absolutely the best we can, but it's  
4           a major undertaking.

5           MS. REA: The request, for the  
6           record, and I'm actually going to  
7           supply the FOIL request so the court  
8           reporter has this as well as copies of  
9           my October 14th letter and my October  
10          18th letter, asked for simply  
11          inspections done on these properties  
12          and subdivisions --

13          MS. NEFF: I didn't hear what you  
14          said. You said asked for inspections?

15          MS. REA: Of these properties.

16          MS. NEFF: These properties?

17          MS. REA: 221 and 238 Fifth,  
18          inspections. A partial production has  
19          already been made of those.

20          CHAIRMAN SALADINO: What period of  
21          time?

22          MS. REA: It was a few pages long.

23          CHAIRMAN SALADINO: For what  
24          period of time? Was it from 1996 to  
25          the present?

1 MS. REA: Yes. And I've already  
2 received a partial production from the  
3 Village Clerk. The other was the  
4 number of subdivisions or the documents  
5 from subdivision applications that have  
6 been denied. I'm not aware of very  
7 many, which is the point here. I'm not  
8 aware of very many subdivision  
9 applications that have been made. And  
10 we're talking about those being made in  
11 the R-2 district only. It's hard for  
12 me to believe that that's going to take  
13 hundreds of man hours to review.

14 CHAIRMAN SALADINO: I could only  
15 go by what the clerk and the attorney  
16 told us.

17 MS. REA: Well, the applicant's  
18 position is this then, that this was a  
19 legitimate request for an adjournment  
20 because the FOIL request was made --

21 CHAIRMAN SALADINO: We're granting  
22 it.

23 MS. REA: -- as a result of public  
24 comment, so any assertion that these  
25 FOIL requests were untimely is

1 incorrect.

2 CHAIRMAN SALADINO: You made the  
3 request on October 14th.

4 MS. REA: No, actually I made the  
5 request on September 22nd for the FOIL  
6 requests.

7 CHAIRMAN SALADINO: No, for the  
8 adjournment.

9 MS. REA: Right. Because the  
10 Village Clerk didn't respond at all,  
11 and when she finally did --

12 CHAIRMAN SALADINO: We can't  
13 address that.

14 MS. REA: May I please just  
15 finish? When she did respond as a  
16 result of my letter asking her to  
17 respond, she told me that the request  
18 would be responded to, and she, in  
19 fact, made a partial response, and I've  
20 been advised that on October 21st and  
21 27th that we would have further  
22 response. So on behalf of the  
23 applicant, we request that this  
24 hearing, if you want to adjourn it past  
25 November 18th, that's fine, but I ask

1           that it be put on the December  
2           calendar. We are not prepared to  
3           withdraw this application at this time.

4           CHAIRMAN SALADINO: We're prepared  
5           to --

6           MS. REA: May I say this?

7           CHAIRMAN SALADINO: I thought it  
8           was my turn.

9           MS. REA: If the production has  
10          not been fully made by December, which  
11          is hard for me to believe, but if it  
12          hasn't been, then I would suggest that  
13          we revisit this, but to put this over  
14          three or four months is prejudicial.

15          CHAIRMAN SALADINO: Ms. Rea, what  
16          options are you giving us? Give us  
17          this time, adjourn it until November,  
18          and we'll see what happens, and then in  
19          December if it doesn't happen then  
20          we'll discuss revisiting it.

21          MS. REA: That's right.

22          CHAIRMAN SALADINO: Why can't we  
23          just set it for --

24          MS. REA: Because the applicant  
25          needs to know what's going to happen

1 with this.

2 CHAIRMAN SALADINO: And the  
3 applicant will know in February.

4 MS. REA: We need to keep it on  
5 the calendar, and that's my request.  
6 On behalf of the applicant, I request  
7 that the adjournment be made until the  
8 December meeting, not deferred to  
9 February of 2017. It's our position  
10 that that is excessive, and should  
11 difficulty with document production  
12 prove to be -- make this schedule  
13 impossible, then you can so advise me,  
14 but at this point to put this over for  
15 three or four months is unreasonable.

16 CHAIRMAN SALADINO: So our  
17 calendar -- you're suggesting that our  
18 calendar should be at your convenience?

19 MS. REA: I'm suggesting that this  
20 applicant has rights and that putting  
21 this over for three or four months.

22 CHAIRMAN SALADINO: We're not  
23 disrupting his rights, we're giving him  
24 his day in court.

25 MS. REA: I've made the objection.

1                   CHAIRMAN SALADINO:   Noted.

2                   MS. REA:    The February 2017  
3                   meeting is an excessive delay and it  
4                   bridges his rights.  I've suggested  
5                   December, that's a meeting in the  
6                   middle, and that's what I would urge  
7                   the Board to calendar.

8                   CHAIRMAN SALADINO:  Well, in  
9                   response to that, this Board has to  
10                  take its calendar into consideration.  
11                  And that's what I thought we were  
12                  doing.  I'll put it to the Board for  
13                  discussion.

14                  MR. CORWIN:  My position is it  
15                  should be closed tonight, but if it's  
16                  not closed tonight I'd like to go with  
17                  your suggestion of February of 2017.  
18                  And I have to point out this has been  
19                  dragged out for a long time as we've  
20                  asked the applicant for very simple  
21                  things that should have been submitted  
22                  in the first place, surveys and lot  
23                  plans were submitted that were  
24                  incorrect, back and forth and back and  
25                  forth.  These people from Fifth Avenue

1 coming in. They're tired of it too.  
2 We're all tired of it. Let's give it  
3 some time so it can all come together.

4 MS. GORDON: I'd like to make a  
5 motion. May I make a motion to close  
6 the hearing?

7 MS. REA: Before the Board does  
8 that in further discussion, I really  
9 think it's very important that you see  
10 the letters that I provided Mr.  
11 Saladino and Mr. Pallas and Mr. Prokop.

12 CHAIRMAN SALADINO: You certainly  
13 have the right to give them to us.  
14 There's a motion on the table. It  
15 hasn't been seconded, but just in  
16 response to that, before we ask for a  
17 second, it's been suggested that if we  
18 do close the hearing against the  
19 attorney's wishes it raises the  
20 likelihood of a judicial review, and  
21 perhaps that's not what we -- nobody  
22 wants for it to go to an administrative  
23 law judge. Again, perhaps we could  
24 defer to the attorney.

25 MR. PROKOP: I think that -- well,



1 we could close the hearing. I was  
2 asked that question, and we can close  
3 the hearing if the Board wants to.  
4 When I was originally asked that  
5 question, I was under the understanding  
6 that the applicant would not be here  
7 tonight, but the applicant is here  
8 tonight. The applicant has made a  
9 point that the FOIL request is due in  
10 her mind, in the representative's mind,  
11 to indicate that there are very few  
12 denials of -- to paraphrase her, not my  
13 opinion or what the evidence might be,  
14 but to establish that there are very  
15 few denials of subdivisions. I don't  
16 know. The record is what it is, I'm  
17 not sure what's going to be added, but  
18 in view of a request for an extension  
19 of time, my advice would be to grant an  
20 adjournment by the applicant or to  
21 close the record and allow written  
22 evidence to come in within a certain  
23 amount of time, that's another  
24 possibility. Close the hearing and  
25 allow --

1           CHAIRMAN SALADINO:  If we did that  
2           and we allowed written comments until  
3           October 28th --

4           MS. REA:  That's not enough time,  
5           sir.  I won't be even getting response  
6           until October 28th.  November 28th  
7           would be adequate, provided the records  
8           are produced to us.

9           CHAIRMAN SALADINO:  Well, to hold  
10          the record open -- if we close the  
11          hearing tonight, as you well know, we  
12          have time restraints on us, unless  
13          you're willing to give us more time,  
14          but we have time constraints on us.  To  
15          hold the record open for thirty days, I  
16          think is -- to close the hearing  
17          tonight and hold the record open for  
18          thirty days for written comments --

19          MS. REA:  To close the record  
20          tonight is to deny my client his  
21          substantive due process rights.  We  
22          have not had the opportunity to  
23          complete responsive comment, and so  
24          closing the public record at this time  
25          would deprive him of that.  We've

1 identified what we need to supplement  
2 this record with and to refute this  
3 record with, with facts.

4 CHAIRMAN SALADINO: We're not  
5 denying you that right, I'm willing to  
6 accommodate you and give you that  
7 right.

8 MS. REA: If you close the record,  
9 you will be.

10 CHAIRMAN SALADINO: You're just  
11 dissatisfied with when you would have  
12 to come back here. To us, our calendar  
13 is full. Our calendar is full, and for  
14 you to come at the eleventh hour and  
15 ask for an adjournment because you  
16 haven't gotten the information that you  
17 feel is required to progress your  
18 appeal.

19 MS. REA: That's the applicant's  
20 absolute right, sir.

21 CHAIRMAN SALADINO: But we're not  
22 denying his rights.

23 MS. REA: Very well. I'm glad to  
24 hear that then. So you're not going to  
25 close the record tonight?

1           CHAIRMAN SALADINO: Well, we're  
2 going to discuss it. The original  
3 proposal was we're adjourning the  
4 meeting until February. The  
5 alternative is to close the meeting  
6 tonight and accept written comment for  
7 thirty days.

8           MS. REA: There are other  
9 alternatives, and that is to keep the  
10 public --

11           CHAIRMAN SALADINO: Those are the  
12 alternatives that are in front of us  
13 now.

14           MS. REA: Well, to close the  
15 record tonight and allow thirty days  
16 for comment absent my having received  
17 these records is a complete abridgement  
18 of my client's constitutional rights.

19           MR. CORWIN: Mr. Chairman, can we  
20 stop this and discuss this amongst  
21 ourselves? This is going to go on all  
22 night.

23           CHAIRMAN SALADINO: Well, we're  
24 not allowed -- this is an open meeting,  
25 David, we can't discuss it alone. We

1 can have a discussion, but it's got to  
2 be here.

3 MR. CORWIN: Of course. There's a  
4 motion on the table that didn't get a  
5 second. Let me make another motion.  
6 Can I do that?

7 MS. GORDON: Yes.

8 MR. CORWIN: I move the hearing be  
9 continued in February 2017 to  
10 accommodate the applicant in his search  
11 for records in the Village of  
12 Greenport.

13 MS. NEFF: Second.

14 CHAIRMAN SALADINO: All in favor?

15 MS. NEFF: Aye.

16 MS. GORDON: Aye.

17 MR. CORWIN: Aye.

18 CHAIRMAN SALADINO: Aye.

19 MS. REA: Please note the  
20 applicant's objection to the excessive  
21 amount of time.

22 CHAIRMAN SALADINO: Noted.

23 MS. REA: Thank you.

24 CHAIRMAN SALADINO: We're going to  
25 move to item number five, continuation

1 of a public hearing regarding an area  
2 variance or variances sought by James  
3 Olinkiewicz, officer of 238 Fifth  
4 Avenue, Greenport. 238 Fifth Avenue,  
5 Greenport, New York 11944, SCTM  
6 1001-4-8-3. Is there anyone from the  
7 public that would dare to speak?

8 MS. ALLEN: Chatty Allen, Fifth  
9 Avenue. My first question is is this  
10 going to be what just happened with the  
11 other one?

12 CHAIRMAN SALADINO: Probably,  
13 yeah.

14 MS. ALLEN: So instead of going  
15 round and round, why don't we just go  
16 right to the end because there's no  
17 sense in us all getting up here and  
18 speaking if you're going to say the  
19 applicant wants FOIL information, you  
20 have to wait, you're going to adjourn  
21 it until February. I mean, my  
22 objections are the same as the first  
23 application, only with this one the  
24 people living next door with the way  
25 the variances would be granted, you are

1           now making the neighbor to the north I  
2           believe possibly have to get variances  
3           of their own, which was brought up at  
4           the last hearing because of his  
5           variances to push things the other way.

6           CHAIRMAN SALADINO: We brought  
7           that up?

8           MS. ALLEN: It was brought up at  
9           the last hearing, that it's possible  
10          that --

11          MS. GORDON: It would be become a  
12          corner lot.

13          MS. ALLEN: I couldn't remember  
14          the reasoning. Thank you. But now  
15          you're making someone have to go  
16          through this whole process. That  
17          shouldn't even be allowed, that should  
18          be outright denied.

19          CHAIRMAN SALADINO: Chatty, just  
20          to interrupt, and I apologize, just  
21          again, so everybody is on the same  
22          page, it was never decided that anyone  
23          else would have to -- it was suggested,  
24          it was discussed, it was never decided.  
25          It was never decided that that would in

1 fact make it a corner lot. Until we  
2 get a ruling from the Building  
3 Department or someone else in  
4 authority, that hasn't been --

5 MS. ALLEN: Okay. But that should  
6 be a big concern to --

7 CHAIRMAN SALADINO: Absolutely.

8 MS. ALLEN: -- to find that out  
9 before you do this. You know, aside  
10 from, like I said, with the other one,  
11 my biggest objection with this second  
12 house is the way that it is going -- it  
13 is being proposed to be done with  
14 having a parking lot basically in  
15 between two buildings, which are known  
16 for having children in them. Like I  
17 stated in my apartment complex, there  
18 is no yard. That's the scariest thing  
19 ever to pull in and have kids running  
20 around. That's an accident waiting to  
21 happen, and that should not be allowed  
22 at all. Like I said, if she's going to  
23 do FOIL requests for this one too, I  
24 think we should just skip to the end  
25 and do your adjournment or whatever.



1 Thank you.

2 CHAIRMAN SALADINO: As good of a  
3 suggestion as that is, we're still  
4 going to have to let the people talk a  
5 little bit, Chatty, so if there's  
6 anyone else that would like to address  
7 the board?

8 MS. MCENTEE: Joanne McEntee, 242  
9 Fifth Avenue. I have -- in this lot,  
10 the house we are right next to, we are  
11 at the lot north of the 238 Fifth  
12 Avenue property. There are currently,  
13 and I don't care what Eileen Wingate  
14 has to say, this week alone there are  
15 fourteen people living in there. She  
16 can go in and inspect, do whatever she  
17 wants --

18 CHAIRMAN SALADINO: She didn't say  
19 she went --

20 MS. MCENTEE: I know she hasn't  
21 said anything yet, but just jumping  
22 ahead of the game already I'm going to  
23 tell you that currently there are five  
24 people of the house that is close on  
25 the north side, the house, there's a

1 north side and a south side, five  
2 people live there that we know. Three  
3 are children, two are adults. On the  
4 other side there are nine people. So  
5 nine plus five is fourteen. On the  
6 south side there are two children --  
7 excuse me, one child that I'm aware of,  
8 one woman is pregnant and is due to  
9 have a baby soon, that would be the  
10 sixth one, so currently, excuse me,  
11 there are thirteen people. I apologize  
12 for that. There are enormous amount of  
13 people living there, so when it's  
14 inspected I really would like that to  
15 be reflected. Unfortunately what  
16 happens in these situations is that  
17 when they're duly noted and asked to  
18 inspect the property, these people pack  
19 up and go. Some of these people do not  
20 have cars, some of them car pool, most  
21 of them do. The area in lot number  
22 one, which is the front house, the  
23 existing house currently, the parking  
24 area is inadequate. I spoke about this  
25 before. It's extremely inadequate.

1 Sure, there are three places to park a  
2 car there, and our code requires one  
3 and a half per apartment or whatever,  
4 but there are three there. These  
5 people hit the house, they hit the  
6 fence. The fence has been repaired,  
7 and they still can't maneuver without  
8 driving on the grass, which is behind  
9 the lot, behind the house, and over on  
10 -- past the driveway. If the second  
11 lot is put in, there is parking that is  
12 to the north, which is the back of our  
13 fence. Parking is inadequate there,  
14 and if a car, either car, if you put  
15 two cars there, they back out of those  
16 two designated parking spots, they're  
17 going to hit our fence. There is not  
18 enough room for those vehicles to turn  
19 around. You can't back up, you can't  
20 turn around. And again, I agree with  
21 what Chatty Allen said with the parking  
22 behind the first house and parking  
23 that's going to be to the north on the  
24 second -- on the back lot, there are  
25 going to be children there. As I said,

1           there's three plus one and one on the  
2           way. That's huge. Those children need  
3           to be kept safe.

4           Let's talk about the easement now.  
5           The easement or right of way what the  
6           plans do state, I did a little  
7           research, and on 510 Madison Avenue and  
8           407, also known as 411 Kaplan Avenue.  
9           I disagreed with it back then, and I  
10          disagree with what and how it occurred  
11          and how after the fact that an easement  
12          went through pertaining to -- so we  
13          could have -- so there could be parking  
14          for 411 or 407 Kaplan Avenue. When I  
15          actually read the document, which is in  
16          our file in Village Hall, it's a ten  
17          foot easement. Ten foot is not enough.  
18          You cannot get -- if you make this an  
19          easement here or a right of way at 238  
20          Fifth Avenue, there is no way. And  
21          Wayne Miller came to the last hearing,  
22          Carol Miller also, and stated that  
23          there were not -- it is not enough room  
24          to get a fire truck through. I don't  
25          know how that ten foot easement got

1 through, why it wasn't fifteen feet,  
2 but that's a shock to me.

3 MR. PROKOP: You mean, the  
4 proposed easement for the subdivision?  
5 Which easement?

6 MS. MCENTEE: There's a right of  
7 way that's put through.

8 MR. PROKOP: You mean, to get to  
9 the house in the rear?

10 MS. MCENTEE: To get to the house  
11 in the rear?

12 CHAIRMAN SALADINO: Are you  
13 talking about 238? What house are you  
14 talking about?

15 MS. MCENTEE: I'm talking about  
16 238.

17 CHAIRMAN SALADINO: I heard  
18 Kaplan.

19 MS. MCENTEE: I was just giving  
20 you an example of what happened over  
21 there.

22 MR. PROKOP: So you were talking  
23 about Kaplan -- you were talking about  
24 -- the ten feet that you don't how they  
25 got away with it, are you talking about

1 Kaplan?

2 MS. MCENTEE: It's only ten foot,  
3 it's only a ten foot easement, so you  
4 can't even get -- so let's talk about  
5 238, you cannot get --

6 CHAIRMAN SALADINO: Nothing has  
7 been granted as long as we understand  
8 that.

9 MS. MCENTEE: Yes, we understand  
10 that. But this cannot come after the  
11 fact. Ten foot is not enough.

12 MS. NEFF: It's proposed to be  
13 twelve.

14 MS. GORDON: It's proposed to be  
15 twelve.

16 MS. MCENTEE: I'm just saying that  
17 ten foot -- it's proposed. Now, twelve  
18 foot was told it wasn't enough by Wayne  
19 and Carol Miller. Now, the problem  
20 what I was addressing was there was  
21 only ten feet on this other lot, which  
22 somehow got through.

23 MR. PROKOP: That house has --  
24 just to clarify, I want to make sure  
25 we're talking about the same thing, but

1           that house has street access, right?  
2           The ten foot is so cars could park to  
3           the rear of the house and then exit on  
4           Madison, if I'm not mistake.

5           MS. MCENTEE:   That's correct.

6           MR. PROKOP:   It's not necessarily  
7           a fire hazard because the house is --

8           MS. MCENTEE:   It's pretty tight.

9           MR. PROKOP:   The house that you're  
10          accessing has access for fire trucks  
11          from the street, from Kaplan.

12          MS. MCENTEE:   Well, I remember  
13          this going on back then, it was an  
14          issue, and it was spoken of the fire  
15          trucks back then.  Neither here nor  
16          there, my concern is 238 Fifth Avenue.

17          CHAIRMAN SALADINO:  The easement  
18          proposed for 238, the right of way says  
19          twelve feet.  The building inspector,  
20          twelve feet, did we decide?

21          MS. WINGATE:   We didn't decide.

22          CHAIRMAN SALADINO:  I remember  
23          there was a question raised, and I want  
24          to --

25          MS. WINGATE:   The question was how

1 big does a right of way need to be in  
2 the fire code? And the fire code  
3 stated that residential structures  
4 don't have a minimum. That was the  
5 answer. The commercial code I believe  
6 was fourteen or fifteen, I really don't  
7 know, but that's the commercial code.

8 MS. MCENTEE: And I believe that  
9 twelve foot is not wide enough for a  
10 fire truck to get through, and I  
11 believe that it was stated last  
12 hearing.

13 Should this go through as the last  
14 hearing and all these FOILS are going  
15 through and then we have to come back  
16 again at another given time, I feel --  
17 and obviously this is going to be  
18 dragged out longer because we have the  
19 right to rebuttal for those FOILS,  
20 that's going to take a lengthy period  
21 of time as well. Thank you.

22 MR. REED: I just need a little  
23 clarification, I'm not a lawyer, what  
24 is -- Mike Reed, 430 Front Street,  
25 sorry. What is a FOIL, what does it



1           pertain to?

2           CHAIRMAN SALADINO:  What's the  
3           FOIL request that --

4           MR. REED:  Yes, please.

5           CHAIRMAN SALADINO:  If the  
6           applicant is willing to divulge, I  
7           mean, that's public information, but  
8           it's usually at -- the request usually  
9           has to be FOILED, but if the applicant  
10          is willing to tell you what she foiled  
11          for?

12          MS. REA:  Certainly.  I'll be glad  
13          to, and I'm going to as soon as  
14          everybody finishes speaking because the  
15          record needs to be fully supplemented  
16          with all of this documentation.

17          MS. WICKHAM:  Hello again, Abigail  
18          Wickham for Jack Weiskott and Roberta  
19          Garris.  I would just like to clarify,  
20          and I'm sorry if I missed it, is there  
21          a FOIL request pending on this  
22          application?

23          MR. PROKOP:  It references both  
24          applications.  Actually, the FOIL  
25          request is a FOIL request, it's not

1 really associated with an application,  
2 it's just a FOIL request.

3 MS. WICKHAM: But it has by the  
4 applicant's Counsel been tied to the  
5 prior hearing.

6 MR. PROKOP: Yes. Subsequent  
7 correspondence then tied into this, but  
8 initially it was just a FOIL request,  
9 two FOIL requests.

10 MS. JAGGER: Hi, Marianne Jagger,  
11 430 Front Street, Greenport. My take  
12 on this whole thing is four years we've  
13 had for one problem, right, we've been  
14 battling back and forth. We stop, we  
15 go, we stop, we go. Tonight, again,  
16 stop and go. Now we're working on 238  
17 Fifth Avenue. That parking is getting  
18 ridiculous on not just that property,  
19 all over the place. The whole street.  
20 How much more traffic can that street  
21 handle? And then if you put two more  
22 homes in there, what are you doing with  
23 the sewer system, which is really  
24 antiquated now. As I said before, I've  
25 had it where I've had odors in my house

1           that I've actually threatened to call  
2           the Board of Health if something wasn't  
3           done because I am at the end of the  
4           line. And, you know, you get tired of  
5           all this stuff. I'm tired of seeing  
6           cars zooming there and then hitting  
7           cars. As I said last time, my  
8           grandson's truck got hit. And I know  
9           for a fact, the woman, the handicapped  
10          woman that lived downstairs at 221  
11          Fifth Avenue, her car was damaged one  
12          time, and that poor soul couldn't  
13          afford to keep going fixing cars and  
14          stuff. So I mean, like I'm saying,  
15          everything you said about comments,  
16          comments. Well, I think we have a  
17          right to comment. I think we have the  
18          right to complain. We live there. If  
19          Mr. Olinkiewicz things it's such a fine  
20          idea, take your buildings, go to  
21          Shelter Island where you live and pay  
22          taxes and annoy those people. But he  
23          won't do that because Shelter Island  
24          won't allow it. Now, how much more is  
25          Greenport going to allow? We've been

1 accused of being racist, which I  
2 believe the woman owes all of us an  
3 apology, that's number one. She  
4 doesn't know us, she has no right to  
5 make a claim. We are only fighting for  
6 what we believe is right for our  
7 lifestyle. I don't care who lives near  
8 me. I have Spanish people living next  
9 door, thought the world of them. When  
10 they had a problem fixing lawn mowers,  
11 my son went over and fixed it for them  
12 They helped them when they could. They  
13 were decent people. We do not object  
14 to what's coming in nationality wise or  
15 whatever, but what we're saying is our  
16 street can't handle anymore. I've  
17 lived there long enough to see a kid  
18 get hit by a car, and right on that  
19 street we didn't have all the traffic  
20 we have now. So you know that street  
21 is getting dangerous. We have kids  
22 there, no one even watches them half  
23 the time, they're running all over the  
24 place. That's been in that lot too.  
25 They go swing on that swing, they're

1 playing all over there. Half the kids  
2 I know from school that don't live  
3 there, but they seem to congregate  
4 there. You know, that's what I'm  
5 saying, when is enough going to be  
6 enough? And nothing seems to be solved  
7 every time we come here. We give up  
8 our time, leave our homes to come here  
9 and listen to this one moan and groan  
10 about her man's rights, her client's  
11 rights. What about our rights? When  
12 do we get anything done?

13 (Applause.)

14 CHAIRMAN SALADINO: Of course  
15 everyone has the right to comment, but  
16 just to explain this process, and I  
17 don't mean to be condescending, just to  
18 explain the process. They were told  
19 no, they have a right to appeal.  
20 That's the deal. They have a right to  
21 appeal. The applicant is appealing.  
22 This Board is charged with doing what's  
23 best as a compromise between the  
24 applicant and the Village. That's what  
25 we do, we give moderately tailored

1 relief and modest relief. We listen to  
2 everyone's comments, we take them into  
3 consideration, we support the code.  
4 What's happening now is the legal  
5 process. The applicant has more  
6 information, they feel that it would be  
7 prejudicial to their appeal if we close  
8 the public hearing without them getting  
9 that information. We want to take the  
10 neighbors into consideration. We know  
11 it's a chore to come here. We  
12 certainly know it's a chore to come  
13 here and sit through these comments and  
14 stuff, that's why it was my contention  
15 -- it was my idea that we set a date,  
16 this way next month if you're here to  
17 comment on this particular application  
18 you don't have to because it won't be  
19 here next month. It will be here in  
20 February.

21 MS. JAGGER: Oh, good, we get a  
22 break.

23 CHAIRMAN SALADINO: That was the  
24 past application, we haven't decided on  
25 this one. The applicant gets a day in

1 court, the neighbors are accommodated  
2 not having to show up on October,  
3 November, December and because of a  
4 last minute request for an adjournment  
5 you sit and nothing happens again.  
6 Trust me when I tell you, the Zoning  
7 Board of Appeals wants to adjudicate --  
8 wants to take care of this. We would  
9 like to end this process, whichever way  
10 it goes. Close the public hearing,  
11 have a discussion, vote on the  
12 variances. Whatever the outcome is,  
13 the outcome is. If it's in the  
14 applicant's favor, they go to the  
15 Planning Board, and the neighbors get  
16 to do it all over again with the  
17 Planning Board.

18 MS. JAGGER: Can this Board  
19 actually assure us that in February  
20 this is going to be over? So over four  
21 years already on one piece of property.  
22 I mean, come on, it doesn't take that  
23 long to buy a house.

24 CHAIRMAN SALADINO: The  
25 alternative for us was to take the easy

1 road, adjourn it to next month, the  
2 applicant perhaps will have their  
3 information, perhaps not. They've  
4 already said that they're not willing  
5 to go forward without that information,  
6 so now what happens is we have another  
7 adjournment, we have another  
8 adjournment.

9 MS. JAGGER: How many adjournments  
10 are they going to have?

11 MR. PROKOP: We can bring it to an  
12 end, we don't have to keep granting  
13 adjournments.

14 CHAIRMAN SALADINO: We all  
15 understand that, but we all understand  
16 that as long as things are done by the  
17 book, there's less likelihood of it  
18 going further. Everyone in this room  
19 would like it to stop here. Whether  
20 it's pro or con, yes or no because if  
21 it goes for an Article 78, then it  
22 takes forever, and again there's a  
23 question up in the air how the  
24 administrative law judge decides. So  
25 that's kind of like where we are,



1           that's kind of what's happening with  
2           us. We're all neighbors, we want to  
3           accommodate everybody by making it as  
4           easy and convenient as possible, but  
5           unfortunately this is the process. I  
6           just don't know what else to say.

7           MS. GORDON: Another thing to be  
8           aware of is that the applicant always  
9           has a right to an appeal. If this  
10          doesn't go, there is a possibility of  
11          another proposal for that piece of  
12          property, and the possibility that a  
13          building permit or subdivision would be  
14          denied, and we would be here again  
15          because the applicant has a right to an  
16          appeal on these decisions. So I mean,  
17          you referred to the fact that you've  
18          been here before three years ago or  
19          whatever it was, it wasn't the same  
20          case. It may feel like the same case.

21          MS. JAGGER: No, every time we  
22          turn around there's more added to it.  
23          You know, a murder trial doesn't take  
24          four years. Come on. This is  
25          ridiculous. Oh, and by the way, I do

1 believe you do us an apology.

2 MS. REA: Perhaps you, ma'am, but  
3 not others.

4 MR. WEISKOTT: Jack Weiskott, 229  
5 Fifth Avenue. What Mrs. Jagger was  
6 referring to was the original  
7 application for the subdivision, the  
8 same exact lot. It's been shifted over  
9 five feet, that's the different in the  
10 plan. It started in 2012. We've been  
11 coming to hearings since 2012, it was  
12 about two year hiatus where there were  
13 no applications submitted, and now this  
14 has been submitted again. Now we're  
15 going into 2017, that's five years with  
16 the same parcel with the same request  
17 for a subdivision, that's why we're  
18 tired of it. It's been hanging over my  
19 wife and I, our heads, and everyone  
20 else on the street for five years.  
21 Well, almost five years. It will be  
22 five years by the time we have the next  
23 meeting of this, and my understanding  
24 is that, yes, he can appeal, he can  
25 submit an application with six inches

1 lopped off one side of the property,  
2 and we'll go through this whole thing  
3 over again. He's hoping that somebody  
4 will fall asleep and not oppose it and  
5 it will just go right through. We are  
6 tired of it. It's scary to live next  
7 door to something that could happen at  
8 any moment. Suddenly we're awakened to  
9 the fact that now there's new proposal  
10 for another property where there was no  
11 property. So I'm just letting you know  
12 that we're a bit frustrated about this  
13 whole thing. And his rights have  
14 certainly been protected, and our  
15 rights, we've been able to speak and  
16 say our piece, which we appreciate, and  
17 all we can do is we're hoping that it  
18 turns out okay for us, and that's it.

19 CHAIRMAN SALADINO: Thank you.

20 MR. REED: Just one question, if  
21 it goes back to the Planning Board,  
22 which vehemently denied their  
23 application last time, we're going to  
24 have to go back through the same  
25 process again? Because it was five

1 clear no. So we're going to have to go  
2 through the whole -- okay. Thank you.  
3 I'm sorry.

4 MS. NEFF: Can I just ask for  
5 clarification? It has to get the  
6 variance, the proposal on each of these  
7 before it goes to the Planning Board,  
8 to make it to that point?

9 CHAIRMAN SALADINO: That's how it  
10 got here. The Planning Board denied  
11 it, that's how it got here.

12 MR. HOLLID: Good evening, Board.  
13 My name is Joe Hollid. I live on South  
14 Street. I'm on the northeast side of  
15 the -- I guess they're on the -- it  
16 abuts the house that's being proposed,  
17 so it's on the north side of --

18 CHAIRMAN SALADINO: You share a  
19 fence, right?

20 MR. HOLLID: The south side, I'm  
21 sorry. I'm behind it kind of on a  
22 diagonal, but the back part of the  
23 stockade fence encloses half of my  
24 backyard because I have a duplex, so my  
25 half of the backyard covers the area

1 behind me that the proposed house would  
2 go to. I saw the stakes there and the  
3 lines, and I'm wondering is that just  
4 going to be a single family with no  
5 garage, and are the stakes enclosed  
6 just for the house itself?

7 CHAIRMAN SALADINO: It's going to  
8 be an eight hundred square foot house.  
9 He's requesting seventy-five square  
10 feet --

11 MR. HOLLID: Yeah, I understand  
12 that, but when they take the -- the  
13 demolish the garage and the apartment  
14 that's been contaminated -- not  
15 contaminated -- it's going to be  
16 demolished either way, so there will be  
17 an area going toward the back where the  
18 proposed house will be, but they have  
19 three cars now that are there that park  
20 right behind the original house that's  
21 there now. And my thinking is with the  
22 house there and the area around it,  
23 there doesn't seem to be any real room  
24 for any more parking. It's going to  
25 be, like, a parking lot back there,

1           there will be probably at least three  
2           more cars there, so we're talking about  
3           six cars in the smaller area that it  
4           just seems like it's going to be  
5           overcrowded back there. And there are  
6           kids, and I know they have a big  
7           trampoline back there now that  
8           encompasses probably twenty-five square  
9           feet around the area, not that that  
10          matters, that's kid stuff, but there's  
11          a safety issue that I'm thinking about  
12          because it's going to be a small area  
13          for six cars. At least -- now, I don't  
14          know what they proposed, is it going to  
15          be for two cars?

16                 CHAIRMAN SALADINO: We were there  
17                 for a site visit, and we saw the  
18                 proposed parking for the front house,  
19                 and obviously we see the proposed  
20                 parking for the rear house, and I'm not  
21                 sure your question. According to the  
22                 plans, there is enough room.

23                 MR. HOLLID: For how many cars?

24                 CHAIRMAN SALADINO: Well, the plan  
25                 says five.

1           MR. HOLLID: I thought it was two  
2           for --

3           CHAIRMAN SALADINO: Three for the  
4           front property, for lot --

5           MR. HOLLID: I thought it was only  
6           two per single family -- for double  
7           family, I mean.

8           CHAIRMAN SALADINO: There's three  
9           proposed for the front property and two  
10          proposed for the rear property. I'm  
11          not sure which, I don't have it.

12          MR. HOLLID: Per two family house,  
13          how many houses are allowed, four? I  
14          mean, how many cars are allowed?

15          MS. WINGATE: You're allowed one  
16          and a half parking spots per apartment.  
17          The two family has three, the one  
18          family has two.

19          MR. HOLLID: Why is three for a  
20          two family, yet it's only one for a one  
21          family?

22          CHAIRMAN SALADINO: It's two  
23          parking spaces for a single family  
24          home, one and one half parking spaces  
25          for each apartment in a two family

1 home.

2 MR. HOLLID: But why is it one and  
3 a half?

4 CHAIRMAN SALADINO: I don't know  
5 why.

6 MR. HOLLID: I'm asking because  
7 it's one for one family and they have  
8 another family above, then it should be  
9 only two. I don't know. I was just  
10 thinking because there's stockade fence  
11 there, and I don't know how they're  
12 parking, I haven't seen the proposed.

13 CHAIRMAN SALADINO: These are  
14 public documents.

15 MR. HOLLID: Where are the two  
16 cars going to go that are in the back,  
17 are they --

18 CHAIRMAN SALADINO: They look like  
19 they're next to your property. If you  
20 would agree to, I would like to give  
21 the stenographer a ten minute break  
22 because she -- and I would be glad to  
23 let you have these plans, so during  
24 that ten minutes perhaps they could  
25 answer some of your questions.



1 MR. HOLLID: Thank you.

2 CHAIRMAN SALADINO: Is that okay  
3 with the Board, we recess ten minutes?

4 MR. CORWIN: Yes.

5 CHAIRMAN SALADINO: It's 7:30,  
6 we'll be back here twenty to 8:00.

7 (A recess was taken.)

8 CHAIRMAN SALADINO: It's 7:40,  
9 we're going to resume the meeting. Is  
10 there anyone else that would like to  
11 address the Board on 238 Fifth Avenue?

12 MR. TASKER: Arthur Tasker, Beach  
13 Street in Greenport. I just want to  
14 reiterate the comments that I made with  
15 respect to the preceding applicant by  
16 the same applicant, make the same  
17 statement that this Board has a duty to  
18 enforce the Zoning code, one of the  
19 principal purposes of which is the  
20 maximum protection of residential  
21 property in the Village, and also the  
22 elimination of nonconforming uses,  
23 restating something that I said a month  
24 ago to this Board, every time you give  
25 a variance, you create a new

1 nonconforming use, which is exactly  
2 contrary to the purpose of the Zoning  
3 code. Thank you.

4 CHAIRMAN SALADINO: Anyone else?  
5 We have the same request by the  
6 applicant because of a pending FOIL  
7 request.

8 MS. REA: May I speak, sir?

9 CHAIRMAN SALADINO: Sure.

10 MS. REA: I need to supplement the  
11 record to correct some inaccuracies  
12 that have been stated tonight. So I'm  
13 going to do that with the paper record.  
14 The public hearing in September was  
15 held on September 20, 2016, and at that  
16 time there were allegations made that I  
17 stated were unsubstantiated, untrue,  
18 incorrect, wrong. As a result of that,  
19 two days later I submitted a FOIL  
20 request to the Village, that is Freedom  
21 of Information Law request, there were  
22 two of them. The first one was for,  
23 and I quote, all records and files  
24 relating to inspections conducted by  
25 the Village and/or section 8 housing

1 staff of 221 Fifth Avenue, Suffolk  
2 County Tax Map section 04, block 04,  
3 lot 29, and 238 Fifth Avenue, Suffolk  
4 County Tax Map, section 04, block 08,  
5 lot 04 during the period 1996 to 2016  
6 to date.

7 CHAIRMAN SALADINO: That's -- for  
8 238, that's the wrong tax map number.

9 MS. REA: Well, we'll -- whatever  
10 the tax map number is, it's replete  
11 within this record of what it is. Do  
12 you have a correction, sir, you can put  
13 that in the record.

14 CHAIRMAN SALADINO: It's Suffolk  
15 County Tax Map 1001-4-8-3.

16 MS. REA: Thank you. The second  
17 FOIL request was for, and I quote, all  
18 records and files relating to  
19 subdivision applications in the R-2  
20 district that were denied during the  
21 period of 1996 to 2016 to date.

22 I received no response, and so on  
23 October 7th I wrote a letter to the  
24 records access clerk, Ms. Pirillo, and  
25 I have this letter, which I'm going to

1 put int the record and ask the court  
2 reporter to make part of the record, as  
3 well as the documents that I've already  
4 referenced. Dear Ms. Pirillo, as you  
5 know, we represent James Olinkiewicz.  
6 On September 22nd we e-mailed two  
7 Freedom of Information Law, FOIL,  
8 requests for documents in accordance  
9 with the Village's records access  
10 procedure. However, your e-mail box  
11 was full, your office requested that we  
12 fax them. We did so. Attached are  
13 copies of those requests, including  
14 facsimile transmission confirmation.  
15 New York State FOIL, section 89, sub 3,  
16 sub A, and the Village's own procedure  
17 require that the Village respond to  
18 FOIL requests in five days. If the  
19 response is merely an acknowledgment  
20 without immediate production of  
21 documents, FOIL and your procedure  
22 require the Village to state the  
23 expected date of the availability of  
24 the files, which date shall not be more  
25 than twenty days. To date, we have

1 received nothing from you in response  
2 to these FOIL requests. Please  
3 promptly advise when the records will  
4 be available. Also, please note that  
5 public comment on the above referenced  
6 pending ZBA applications has  
7 necessitated the information contained  
8 in these files. For that reason, I  
9 have provided copies of this  
10 correspondence confirming these  
11 requests to the chairman of the ZBA and  
12 Planning Board. I ask that you  
13 expedite response, so that we will have  
14 it timely. Very truly yours, Kimberlea  
15 Shaw Rea. Copies to James P.  
16 Olinkiewicz, Paul J. Pallas, Village  
17 Administrator, Joseph Prokop, ESQ.,  
18 Devon McMahon, Planning Board Chair,  
19 John Saladino, Zoning Board Chair. In  
20 response, I received from Ms. Pirillo a  
21 telephone call and an e-mail on  
22 Thursday, October 13, 2016. Dear Ms.  
23 Rea, the Village of Greenport  
24 acknowledges receipt of your records  
25 access request for all records and

1 files relating to subdivision  
2 applications in the R-2 district that  
3 were denied during the period of 1996  
4 to 2016 to date. A response to your  
5 request is expected by October 27,  
6 2016. On October 17th, I received  
7 another response from Ms. Pirillo by  
8 e-mail, and I read, Ms. Rea, the  
9 Village of Greenport acknowledges  
10 receipt of your records access request  
11 for all records and files relating to  
12 inspections conducted by the Village  
13 and/or section 8 housing staff of 221  
14 Fifth Avenue and 238 Fifth Avenue  
15 during the period 1996-2016 to date.  
16 It is expected that you will receive a  
17 response to this request by October  
18 21st. However, the following day on  
19 October 18th, I received an e-mail with  
20 a production of the documents for the  
21 inspection request from the clerk's  
22 office. It was thirty-eight pages, and  
23 I believe it's complete. It appears  
24 that records access request has been  
25 completed, so what is remaining are the

1 files that evidence subdivision  
2 requests that have been denied in the  
3 R-2 district. I don't think there are  
4 very many of them. That's part of the  
5 reason that we object to a three month  
6 adjournment.

7 I'd further like to say that on  
8 October 14th I sent a letter to Mr.  
9 Saladino and to Paul Pallas.  
10 Gentlemen, as you know, we represent  
11 James Olinkiewicz, owner of 221 Fifth  
12 Avenue in the Village of Greenport and  
13 238 Fifth Avenue, Greenport, Inc. in  
14 their request for the above referenced  
15 area variances. Public comment during  
16 the last public hearings of these  
17 applications required us to seek  
18 information from the Village through  
19 the New York State Freedom of  
20 Information Law. You were both copied  
21 on my October 7, 2016 letter inquiring  
22 about responses to our September 22,  
23 2016 FOIL requests. The Village  
24 records access officer responded  
25 somewhat belatedly, but is finally

1 processing the second of the two  
2 requests for documents that are  
3 necessary evidence for my client's  
4 responses to public comment. We have  
5 been advised that these documents will  
6 be available on October 27, 2016. Our  
7 client's interests will be prejudiced  
8 if deprived of the opportunity to  
9 present this information. I therefore  
10 respectfully request that the  
11 continuation of public hearing on these  
12 applications be adjourned until the  
13 ZBA's November meeting. We further  
14 request that the public hearing on this  
15 application will be adjourned and that  
16 they will not appear on the ZBA's  
17 October 18, 2016 agenda. Under these  
18 circumstances, I will not be making an  
19 appearance that evening. Thank you for  
20 your anticipated cooperation. Very  
21 truly yours, Kimberlea Shaw Rea, with  
22 carbon copies to James P. Olinkiewicz  
23 and Joseph Prokop, ESQ. I received  
24 last evening at 7:24 an e-mail from Mr.  
25 Saladino expressing his disinclination



1 to grant the request for adjournment,  
2 but deferring that matter to the  
3 Village Attorney. As Mr. Prokop has  
4 stated, he and I spoke this afternoon,  
5 he explained to me that he would be  
6 receiving public comments from the  
7 public, but that you would be willing  
8 to adjourn the public hearing so that  
9 we could provide information. For that  
10 reason, I came here tonight to hear the  
11 public comment. However, my request  
12 remains, and today October 18th I sent  
13 a letter to John Saladino and Paul  
14 Pallas, which I'm going to hand deliver  
15 to you here. Gentlemen, as you know,  
16 we represent James Olinkiewicz, owner  
17 of 221 Fifth Avenue and 238 Fifth  
18 Avenue, Greenport, Inc. By letter  
19 dated October 14th, I requested an  
20 adjournment of tonight's ZBA public  
21 hearing on the above referenced  
22 applications. Public comment made  
23 during the public hearing of these  
24 applications required us to seek  
25 information from the Village through

1 New York State Freedom of Information  
2 Law, FOIL. You were copied on my  
3 October 7, 2017 (sic) letter inquiring  
4 about responses to our September 22,  
5 2016 FOIL requests. The Village  
6 records access officer responded  
7 somewhat belatedly, but is now  
8 processing the request, and advised  
9 that two sets of requested documents  
10 will be produced on October 21 and  
11 October 27th. Our client's rights will  
12 be prejudiced if you deprive him the  
13 opportunity to present this  
14 information. This confirms my  
15 telephone conversation of today's date  
16 with Mr. Prokop. I understand that he  
17 has recommended that the ZBA adjourn  
18 the public hearing to provide us the  
19 ability to provide further responsive  
20 comment on the above referenced area  
21 variations. Without reviewing the  
22 Village's documents that we requested  
23 by FOIL, my client will be deprived of  
24 our ability to do so. Very truly  
25 yours, Kimberlea Shaw Rea, CC to James

1 P. Olinkiewicz and Joseph Prokop, ESQ.  
2 To sum up here, the Village has already  
3 responded to one of our Freedom of  
4 Information Law requests apparently  
5 rather fully. I think it doesn't  
6 include Ms. Wingate's most recent  
7 inspection last week, which we'd  
8 request a copy of, but as far as I  
9 know, that FOIL request has been  
10 fulfilled. It was thirty-eight pages  
11 and encompassed I believe five  
12 inspections during the period and no  
13 complaints, other than with the  
14 exception of the 2013 application where  
15 there was general reference made to  
16 complaints by the neighbors of  
17 overcrowding. No overcrowding was  
18 found in that inspection report. All  
19 of this will be provided to you when we  
20 do make our public comment, but I would  
21 simply like to reiterate my request  
22 that the public hearing be adjourned to  
23 December of 2016 if you're not willing  
24 to adjourn it to next month's meeting.

25 CHAIRMAN SALADINO: By your own

1 statement, by your own comments when  
2 one of the options was to close the  
3 meeting and hold the record open for  
4 thirty days, which would bring us to  
5 the November meeting, you said that  
6 wouldn't be nearly enough time for us  
7 to prepare our comments.

8 MS. REA: Well, that's in response  
9 to Mr. Prokop saying that this is  
10 hundreds of hours -- of man hours.

11 MR. PROKOP: I didn't say man  
12 hours, I said hundreds of hours.

13 MS. REA: Hundreds of hours -- to  
14 review the documents. So I'm simply  
15 trying to add more time there. I had  
16 originally asked that it be adjourned  
17 to November. You have said no, that it  
18 had to be adjourned to February of  
19 2017. We think that's too long. I've  
20 made that objection.

21 CHAIRMAN SALADINO: And it's  
22 noted, but the Board itself feels  
23 that's what would be most convenient  
24 for this Board. We have a full  
25 calendar. We've accommodated you and

1           your client many times in the past. I  
2           don't think it's unreasonable to  
3           accommodate the Board, the Village, and  
4           the neighbors. If I could ask you,  
5           what's the detriment, what is the harm  
6           to you and your client? You say we're  
7           usurping your rights or I can't  
8           remember the exact phrase.

9           MS. REA: Three months delay  
10          abridges my client's rights. We can't  
11          move forward with a three month delay  
12          until the next public hearing.

13          CHAIRMAN SALADINO: I really don't  
14          want to get into a back and forth with  
15          you, but you can't even guarantee this  
16          Board that you'll be ready in December.  
17          We've had this past -- this hearing was  
18          scheduled to be closed last month, as a  
19          courtesy we kept it open.

20          MS. REA: As a courtesy to  
21          everyone, sir, not just my client,  
22          everyone.

23          CHAIRMAN SALADINO: What is it  
24          that you take exception to what I said?  
25          Why would you think that --

1 MS. REA: I just want it to be  
2 clear that this is for everyone's  
3 benefit.

4 CHAIRMAN SALADINO: Well, that's  
5 who we look out for, we look out for  
6 everyone.

7 MS. REA: Would you mind telling  
8 me the date of the February 2017 Zoning  
9 Board of Appeals meeting?

10 CHAIRMAN SALADINO: I believe it  
11 is the 17th.

12 MS. WINGATE: Let me check.

13 CHAIRMAN SALADINO: Also, for the  
14 record, I would like to read my e-mail  
15 because whether by error or perhaps  
16 your e-mail server is wrong, you left  
17 out a sentence or two.

18 MS. WINGATE: The 16th -- February  
19 21st, the third Tuesday of February is  
20 the 21st.

21 CHAIRMAN SALADINO: So February  
22 21, 2017.

23 MR. PROKOP: I just want to say,  
24 if I could, please, at the August  
25 meeting, the public -- the Board was

1 here, if I'm not mistaken until 12:30  
2 in the morning or something like that  
3 concluding the public and basically  
4 nothing happened, other than the public  
5 was heard, which is important. Last  
6 month, we managed to get out of here at  
7 10:30, but everybody from the public  
8 was stuck here until 10:30 to protect  
9 their rights. Tonight to do two  
10 adjournment requests is 8:00 so far,  
11 might be much after this by the time we  
12 get done, and meanwhile the public is  
13 held hostage just to be heard. And  
14 it's not -- as we heard before, I mean,  
15 this has been going on for years. The  
16 adjournment is only for a midstream  
17 decision by the applicant to -- that  
18 additional documents are required, and  
19 it's not fair to everybody to keep  
20 putting this on the calendar to, as I  
21 say, just hold everybody hostage, to  
22 know that they're going to be here a  
23 whole night with nothing happening. So  
24 for that, in summation, I think that we  
25 should either, as I said before, just

1 take it off the calendar until the  
2 applicant is ready to proceed or put it  
3 out to a long adjournment as the  
4 chairman has suggested.

5 CHAIRMAN SALADINO: I'm not  
6 inclined to be at the convenience of  
7 the applicant, I'm sorry, I'm not  
8 inclined to do that. I'm offering a  
9 date. If you feel your rights are  
10 being violated, then you have recourse.

11 MS. REA: Sir, my objections have  
12 been noted.

13 CHAIRMAN SALADINO: Absolutely.

14 MS. REA: As I understand it,  
15 that's for both applications, correct,  
16 221 Fifth and 238 Fifth.

17 CHAIRMAN SALADINO: We didn't  
18 address 238 Fifth, that's a separate  
19 public hearing. So we'll address that  
20 as soon as the public is finished.

21 MS. REA: I thought they were  
22 finished.

23 CHAIRMAN SALADINO: Well, I see a  
24 hand.

25 MR. CORWIN: Are you going to sit



1 down so she can speak, or are we going  
2 to be here until 12:00?

3 MS. REA: I'd like to say this,  
4 listen, I fully recognize that this  
5 Board has a very full calendar. I  
6 wasn't here, our matter wasn't being  
7 heard until 12:30, but I certainly do  
8 recognize that. You have a lot before  
9 you, and I do understand that, so I  
10 appreciate it.

11 CHAIRMAN SALADINO: Thank you for  
12 your consideration. I would just like  
13 to -- before Joanne speaks, I would  
14 just like to read my e-mail, the entire  
15 e-mail into the record. Dear Ms. Rea,  
16 as to your request for an adjournment,  
17 I'm not inclined to grant it. I  
18 believe there was more than ample time  
19 to address the concerns expressed by  
20 the public and by your office, but I  
21 will defer to the opinion of the  
22 Village Attorney. Respectfully, John  
23 Saladino. And that's what I did.

24 MS. REA: Yes, sir, thank you.  
25 And actually I'd like to supplement the

1 record with a print of that. I don't  
2 have it right now, but I think it  
3 should go into the record along with  
4 the documents that I just read, and I'd  
5 ask the court reporter to make these  
6 part of the record as exhibits.

7 CHAIRMAN SALADINO: Joanne?

8 MS. MCENTEE: Joanne McEntee, 242  
9 Fifth Avenue. I understand these  
10 records are being FOILED and some were  
11 already FOILED, I'd like to bring back  
12 into play on 238 Fifth Avenue that many  
13 years ago when Dave Abottelli was here  
14 as administrator, Eileen Wingate, there  
15 were some issues, people were asked to  
16 vacate because of overcrowding.  
17 Thirty-eight people -- thirty-nine  
18 people, excuse me, living in that -- in  
19 the home itself, and my thing here is  
20 that I hope that Mr. Olinkiewicz's  
21 attorney has these records. My  
22 understanding, these records when I  
23 asked about them in the -- quite some  
24 time ago, that these records went  
25 missing. So I would like -- I'm sure

1           if Ms. Wingate had them evicted and  
2           Mr. Abottelli had also been part of an  
3           eviction process, which I believe there  
4           were two processes, that she does have  
5           -- Mr. Olinkiewicz attorney has these  
6           records. There was also a chimney fire  
7           there as well. Just so we can make  
8           sure that when we come back again, she  
9           has everything that she needs and we're  
10          not going to go for another  
11          adjournment.

12                   CHAIRMAN SALADINO: Just again,  
13           just so everybody is on the same page.  
14           We're not in charge of the records. We  
15           don't -- so to ask us for them or to  
16           ask us to make sure is --

17                   AUDIENCE MEMBER: Beyond your  
18           scope.

19                   CHAIRMAN SALADINO: Is kind of,  
20           like, a round about method.

21                   MS. MCENTEE: My intent really was  
22           just to put it into record that is  
23           necessary that that is part of an  
24           inspection and they were asked to leave  
25           two separate times by two separate

1 people. Thank you.

2 MS. REA: Those records were not  
3 produced, for the record.

4 CHAIRMAN SALADINO: Anyone else  
5 like to make a comment? If not, I'll  
6 entertain a motion to adjourn this to  
7 our February 21, 2017 ZBA meeting.

8 MS. GORDON: So moved.

9 MS. NEFF: Second.

10 CHAIRMAN SALADINO: Is there any  
11 discussion before we --

12 MS. GORDON: Well, I'm going to  
13 vote for it, but I'm really sorry we  
14 aren't closing both of these hearings  
15 because I think there has been adequate  
16 time to discuss what the most important  
17 issues are, and I doubt we'll get much  
18 new information that's relevant, but  
19 I'm going to go ahead and vote for it.

20 CHAIRMAN SALADINO: I agree with  
21 you, but, you know, the advice that we  
22 got and to be fair to the applicant and  
23 to be fair to the public and hopefully  
24 to have the decision stop here instead  
25 of letting it go further, we thought

1           that we would just -- the discussion  
2           that I had with the attorney, we  
3           thought it would be best to continue  
4           the public hearing to that day. And  
5           once again, to make it that far in the  
6           future is to accommodate the neighbors  
7           somewhat and because of our full  
8           calendar. So the motion was made, it  
9           was seconded. All in favor?

10           MR. CORWIN: Aye.

11           MS. GORDON: Aye.

12           MS. NEFF: Aye.

13           CHAIRMAN SALADINO: Aye. That  
14           motion carries.

15           Item number six is a public  
16           hearing regarding an area variance  
17           sought by Ralph and Maureen Caouette,  
18           447 Sixth Street, Greenport, New York  
19           11944. The property is located in the  
20           R-2 district. The applicant seeks a  
21           building permit to construct an  
22           addition to the dwelling that includes  
23           an open carport with a second floor  
24           deck. Suffolk County Tax Map  
25           1001-6-3-3. I've been told by the

1 clerk that this was properly noticed in  
2 the newspaper, it's on the Village's  
3 website, and I believe on the bulletin  
4 board, and for those that are  
5 interested, there's a copy attached to  
6 the agenda. We have these  
7 notifications: Theresa Schiavone, 434  
8 Sixth Street, Greenport. Mary Wade,  
9 I'm not sure what that is.

10 MR. CAOUETTE: Across the street.

11 CHAIRMAN SALADINO: Across the  
12 street. Enrique Alvarez, no address.  
13 Across the street?

14 MR. CAOUETTE: Diagonal.

15 CHAIRMAN SALADINO: Ural Calgon  
16 (phonetic).

17 MR. CAOUETTE: In back.

18 CHAIRMAN SALADINO: 134 Second  
19 Street, Greenport. Marack Mallat  
20 (phonetic), 449 Sixth Street.

21 MR. CAOUETTE: Adjacent neighbor  
22 north.

23 CHAIRMAN SALADINO: James Kennedy,  
24 no address.

25 MR. CAOUETTE: He lives in St.

1 James, seasonal house in back of me.

2 CHAIRMAN SALADINO: Deborah Ariva  
3 (phonetic), 433 Sixth Street,  
4 Greenport.

5 MR. CAOUETTE: Thanks. Ralph  
6 Caouette, 447 Sixth Street. I almost  
7 forgot what I was going to say, I've  
8 been coming for four months. I'm glad  
9 I'm living where I'm living. I bought  
10 the house four years ago, it's been  
11 seasonal. I live in Massachusetts,  
12 where I just finished a career as a  
13 fine arts administrator. I've got a  
14 few part-time things I do now, I can  
15 pretty much live anywhere. My wife who  
16 grew up here, spent her first  
17 twenty-three years apparently on Fourth  
18 Avenue, Maureen Gullas, has requested  
19 that we move, so we bought a house.  
20 Her prime reason is really to look  
21 after her mother who is living in East  
22 Marion, and who we expect to be living  
23 in the house probably within two or  
24 three years. She's got a touch of  
25 macular, and she's eighty-five. So

1           when we put this house project  
2           together, pretty much the house right  
3           now is only seven hundred square feet.  
4           Sizable lot, just understood twelve  
5           thousand square feet. We're putting a  
6           carport portico share on, and half of  
7           it exceeds the setback on the south  
8           towards Deborah Ariva's house. Prime  
9           reason for it is expecting my  
10          mother-in-law, we want to cover so that  
11          she can park her car. She probably  
12          won't be living there -- the house  
13          should be done in May or June, by next  
14          winter, not this winter but next  
15          winter. And hardship, having clear  
16          stairs from snow and ice so that she  
17          can step down. I'm not always around.  
18          When she eventually can't drive, I'll  
19          probably be doing a lot of the driving,  
20          but the prime reason is so that there's  
21          some safety there. Secondarily, my  
22          wife is a sculptor. She -- we need to  
23          be able to drive through to load and  
24          unload her sculptures. She works in  
25          the back now in the old garage.



1 Occasionally, for instance, like we do  
2 now, she does some of her work in the  
3 garage. So it's been our biggest  
4 reasons and rationale for this carport  
5 that's approximately twelve and a half  
6 by twenty-one that does exceed the  
7 setback about half way. My neighbor is  
8 fine with it. She's in Texas right  
9 now. She didn't see a problem with it,  
10 that's probably why she didn't write a  
11 letter. Two years ago she was here  
12 getting a variance, and I helped her  
13 with her project, which was a six foot  
14 square mud room. So feedback from any  
15 of the other neighbors, no wishes.  
16 So --

17 MR. PROKOP: When you get a  
18 chance, you have to go to the building  
19 department and complete the -- there's  
20 information missing on your  
21 application. It's just, you know,  
22 minor things, but you need to sit with  
23 your application and just legibly write  
24 things down like your address and things  
25 like that.

1 MR. CAOUETTE: I can do that  
2 tomorrow morning.

3 MS. GORDON: I have a question.

4 MR. CAOUETTE: Sure.

5 MS. GORDON: You know, the  
6 variance goes with the property, not  
7 with the person and with the owner, and  
8 I -- absolutely, I think you've made a  
9 very good case for why it's important  
10 for your family, but I'd like you to  
11 talk about why a carport is a good idea  
12 for that property in perpetuity.

13 MR. CAOUETTE: Well, I hope  
14 perpetuity isn't when I die -- but my  
15 wife has lived up north for thirty-five  
16 years, I'm honoring her wish to move  
17 down and we expect. I have longevity,  
18 I expect to live quite a while, and in  
19 the four years I've fallen in love with  
20 the Village. But with the designer,  
21 the decisions that were made in the  
22 shaping of this addition to the house  
23 as well as the carport, we feel it fits  
24 right in with the architecture of the  
25 neighborhood, which is cottage style,

1 1920. If you were to look at the  
2 elevations, you'd see that it fits in  
3 with the neighborhood. It's not  
4 oversized, it's a pretty modest house.  
5 Most of the houses nearby are larger  
6 even then this house will be with the  
7 addition. So that's probably the  
8 biggest, I plan on taking care of it  
9 for the next thirty, thirty-five years.  
10 I'm an artist, illustrator myself. I  
11 work in the house. Part of the reason  
12 we need more space, we've been limited,  
13 besides jobs, is the size of the house,  
14 and I usually needed one room and a  
15 half myself just for the illustrations  
16 and design work I do, my wife even  
17 more. She's got the garage in the  
18 warmer months, but it's not heated.  
19 Again, the biggest reason for the  
20 carport, single reason is safety for my  
21 mother-in-law. I guess we've been used  
22 to having a garage. I talked about the  
23 possibility of a garage with my  
24 neighbor, and she was more in favor of  
25 a carport, I said I had no problem with

1           that, drive through, it's more airy, a  
2           little bit more lighter in style.

3           CHAIRMAN SALADINO: Thank you.  
4           Anyone else have questions for the  
5           applicant?

6           MR. PROKOP: I just have one. So  
7           the carport, I'm sorry, I don't mean to  
8           be disrespectful, the carport is for  
9           your mother-in-law, but the application  
10          includes, am I correct, the application  
11          also includes a second floor deck?  
12          There's a deck --

13          MR. CAOUETTE: In the back of the  
14          carport, yes. Our bedroom will be  
15          moved to the upstairs, so we want a  
16          little deck for privacy, you know, with  
17          the mother-in-law.

18          MR. PROKOP: I mean, a second  
19          floor deck is generally considered to  
20          have an impact on neighbors.

21          MR. CAOUETTE: My immediate  
22          neighbor who it faces is fine with it.

23          MR. PROKOP: So when the deck, the  
24          second floor deck will be eight feet,  
25          8.2 feet from the neighbor's property

1 basically.

2 MR. CAOUETTE: Yeah, there's a row  
3 of screens or bushes that will mask it  
4 somewhat.

5 MR. PROKOP: How far is this house  
6 from that property line or their house,  
7 I'm sorry?

8 MR. CAOUETTE: Their house? The  
9 mud room went a couple of feet over,  
10 the kitchen side of the house, that's  
11 probably about seventeen, eighteen  
12 feet.

13 MR. PROKOP: What would a smaller  
14 carport do?

15 MR. CAOUETTE: Make it hard for me  
16 to get my car in.

17 MR. PROKOP: The carport is for  
18 two cars or one car?

19 MR. CAOUETTE: One car.

20 MR. PROKOP: I just want the Board  
21 to be aware that it's an application  
22 also for a deck, a second floor deck,  
23 not just a carport.

24 MR. CAOUETTE: That would be in  
25 the rear of the --

1 MS. GORDON: The deck itself  
2 doesn't require a variance, right?

3 MR. PROKOP: What's the setback  
4 for the deck?

5 MS. WINGATE: No, the structure  
6 requires the variance.

7 MR. PROKOP: What's the access to  
8 the deck?

9 MR. CAOUETTE: The only room  
10 that's being added on -- the house  
11 doesn't have a second floor, so it will  
12 be a master suite for us with a  
13 bathroom, and it will have a door to  
14 this rather small deck. My  
15 mother-in-law will be on the first  
16 floor.

17 CHAIRMAN SALADINO: Is there  
18 anybody else from the public that would  
19 like to comment? I'm going to make a  
20 motion to close this public hearing.

21 MS. GORDON: Second.

22 CHAIRMAN SALADINO: All in favor?

23 MS. NEFF: Aye.

24 MR. CORWIN: Aye.

25 MS. GORDON: Aye.

1           CHAIRMAN SALADINO: Motion  
2 carries. Item number seven, discussion  
3 and possible action on the application  
4 of Dr. George Liakeas, 610 Main Street,  
5 Greenport, New York 11944. This  
6 property is located in the historic  
7 district. Suffolk County Tax Map  
8 1001-3-3-3.

9           Is the applicant here? Is his  
10 attorney here? Is there any discussion  
11 from the Board on this? Just so we're  
12 on the same page, just so everybody  
13 kind of knows what's going on, the  
14 public and the Board. Dr. Liakeas is  
15 asking for an interpretation of the  
16 previous building inspector's  
17 determination that this is a two family  
18 house. He wants us to --

19           MS. GORDON: As I understand it,  
20 the argument is that if the building,  
21 which now has three or possibly four  
22 apartments in it was there before the  
23 1971 adoption of this Village code,  
24 then we don't need a ruling on the  
25 variances.

1           CHAIRMAN SALADINO: Well, it would  
2           be preexisting, and no, we wouldn't  
3           have to, but there's been evidence that  
4           the code, in fact, existed, I have it  
5           here, since 1949. There is a copy of  
6           public record that I have that the  
7           code, in fact, has been in effect  
8           from -- so -- but even without that,  
9           which I believe we should go by that,  
10          but even without that there's a lot of  
11          questions about --

12          MS. NEFF: Excuse me,  
13          Mr. Chairman. You bring up this thing  
14          about 1949, do we have any idea how  
15          substantial the revision is? Do we  
16          have separate -- I mean, what happened  
17          between that time?

18          CHAIRMAN SALADINO: It doesn't  
19          matter. The question is was there a  
20          Zoning code prior?

21          MS. NEFF: Was there a discussion  
22          of one family, two family, you know,  
23          was all that part of the code in 1949?

24          CHAIRMAN SALADINO: Well, that's  
25          not what's being debated.



1 MS. NEFF: Well, why are we  
2 talking about 1949?

3 CHAIRMAN SALADINO: Because that's  
4 when Greenport instituted a Zoning  
5 code.

6 MS. NEFF: But if we don't know  
7 what the Zoning code said then. We  
8 know what it said in 1971.

9 MR. CORWIN: We know what it said  
10 in 1949 too.

11 MS. NEFF: Do we?

12 MR. TASKER: I have a copy of it.

13 MS. GORDON: Perhaps it should be  
14 noted that the person who addressed the  
15 meeting at that time was named Henry  
16 Tasker, presumably related.

17 MR. TASKER: My father.

18 CHAIRMAN SALADINO: Aside from  
19 this, if the Board would rather, we  
20 could address the application as it  
21 stands. What's being suggested is that  
22 there was four families in that house  
23 prior to 1971. We have two -- three  
24 affidavits of people that didn't live  
25 there, but have lived there since 1999.

1 We have an affidavit from a woman, I  
2 can't pronounce the name.

3 MS. WINGATE: Dee Armigboro.

4 CHAIRMAN SALADINO: So we have a  
5 notarized affidavit from her that Dr.  
6 Liakeas's attorney provided, but in  
7 that notarized document that she  
8 signed, presumably read and signed says  
9 that she lived at her address since  
10 1979 and knew of that property since  
11 1979. In the testimony that she gave  
12 here, she changed it. The attorney  
13 said well, that was her typo, but  
14 again, we have the first name is  
15 Dolores and the last name is  
16 A-R-M-I-G-B-O-R-O. She goes on to say  
17 that she owns 622 Carpenter Street  
18 since 1979 and also that to her  
19 knowledge the house was not changed  
20 since 1979 from the appearances of the  
21 interior, exterior, and have been no  
22 changes to the house since Zoning was  
23 adopted in 1971, but her statement  
24 contradicts that. So we have that. We  
25 have three other affidavits from people

1           that have lived there at one time or  
2           another. I also have a letter from  
3           another resident that we'll read for  
4           the record. What we have also is an  
5           issuance of a pre-certificate of  
6           occupancy that was sent to Dr. Liakeas,  
7           signed by the building inspector, and  
8           I'm going to read it for the record.  
9           Tax Map Number 1001-section 3-block  
10          4-lot 3. The Village of Greenport  
11          established the authority with the  
12          issuance of a certificate of occupancy  
13          in October 1971. Therefore any  
14          building or use established or built  
15          after October '71 is regarded to make  
16          applications. Prior to the above date,  
17          a pre-certificate of occupancy is  
18          required. We determined the following:  
19          A two family wood frame dwelling in an  
20          M-2 zone with a wrap around porch, and  
21          it's signed by Victor Lazar, building  
22          inspector. And that's dated July 14,  
23          1998. So on July 14, 1998, the  
24          building inspector decided that this  
25          was a two family wood frame dwelling.

1           The attorney for the applicant contends  
2           that there was a fatal flaw in this  
3           building inspector's report because on  
4           the property card is noted an M-2  
5           classification. My personal review of  
6           four or five property cards for  
7           Greenport held by the Town of Southold  
8           also have that M-2 notation on it. I  
9           believe, David, you --

10           MR. CORWIN: I called up the tax  
11           assessor today to find out what M-2  
12           meant because it's on many property  
13           cards in the Village of Greenport.  
14           It's an old set of maps the Town of  
15           Southold used to show what map it was  
16           on. It's in the top right corner of  
17           all the property cards that the  
18           assessor used.

19           MS. GORDON: It's not equivalent  
20           to R-2 then?

21           CHAIRMAN SALADINO: No, it  
22           referenced older maps they had for the  
23           Village.

24           MR. CORWIN: That they no longer  
25           use. They're a whole set of maps for

1 the Town that they no longer use.

2 MS. NEFF: May I ask a question at  
3 that point? So on the property cards  
4 that you surveyed, five or six of them,  
5 is there any other designation of  
6 Zoning that are now on the Village  
7 Zoning map, like, R-1, R-2?

8 MR. CORWIN: No. The building  
9 inspector does not -- I'm sorry, the  
10 tax assessor does not go into that  
11 information.

12 MS. NEFF: Okay.

13 CHAIRMAN SALADINO: Getting back  
14 to it, we talked to the applicant and  
15 we asked them about this. He's not  
16 here tonight to respond, and I'm  
17 uncomfortable saying this, his  
18 explanation was that he asked for a  
19 pre-CO to get -- for one reason or  
20 another, and that when this came, he  
21 really didn't bother to read it, he  
22 really didn't understand it. Actually  
23 I pulled it out of the minutes. At  
24 first he told us he was a twenty year  
25 old college student, then he told us he

1 was a few years older and a medical  
2 student, then he told us he was  
3 twenty-five years old and a physician.  
4 So in my opinion, if we could just --  
5 whether he was forthcoming, he wasn't,  
6 if he was here I would ask him what his  
7 actual birthday is so we could know  
8 exactly how old he is, but for a  
9 licensed physician this is a one page  
10 document that's fairly, you know, well  
11 explained. So I think what we're being  
12 asked to do here and now is to either  
13 make a decision and affirm Victor  
14 Lazar's decision that this was, in  
15 fact, a two family wood frame dwelling.  
16 The problem is also that if we -- the  
17 attorney worded the application asking  
18 for two bites at the apple. If we  
19 affirm the building inspector's  
20 determination with our interpretation,  
21 she then asks for various variances.  
22 So I think the thirist thing we're going  
23 to have to do is rule on the  
24 interpretation, if, in fact, we're  
25 going to reaffirm the building

1 inspector's determination. If we do,  
2 we can move onto the variances. If we  
3 decide there was a fatal flaw, then the  
4 application stops here.

5 I'm going to make a motion that we  
6 deny the applicant's contention and  
7 reaffirm the building inspector's  
8 determination of -- what's the date?  
9 July 14, 1998. So moved.

10 MR. CORWIN: Do we have to do the  
11 SEQRA thing before we make the  
12 determination on that?

13 MR. PROKOP: I think an  
14 interpretation is a type two action,  
15 but I suggest that you adopt lead  
16 agency status to determine that it's a  
17 type two action.

18 CHAIRMAN SALADINO: Thank you. So  
19 I make a motion to adopt lead agency  
20 status declaring that this is a type  
21 two action.

22 MR. CORWIN: Has a --

23 MR. PROKOP: That's it, just  
24 determine that's it's a type two  
25 action, no SEQRA review is required.

1 MR. CORWIN: So moved.

2 CHAIRMAN SALADINO: We can do a  
3 voice vote?

4 MR. PROKOP: Yes.

5 CHAIRMAN SALADINO: All in favor?

6 MR. CORWIN: Do we need a second?

7 MS. GORDON: Second.

8 CHAIRMAN SALADINO: All in favor?

9 MR. CORWIN: Aye.

10 MS. NEFF: Aye.

11 MS. GORDON: Aye.

12 CHAIRMAN SALADINO: All right.

13 And the second motion is to deny the  
14 applicant's contention that there was a  
15 fatal flaw made, and reaffirm the  
16 building inspector Victor Lazar's  
17 determination of July 14, 1998. So  
18 moved.

19 MR. CORWIN: Second.

20 CHAIRMAN SALADINO: All in favor?

21 Mr. Corwin?

22 MR. CORWIN: Yes.

23 CHAIRMAN SALADINO: Dinni?

24 MS. GORDON: Yes.

25 CHAIRMAN SALADINO: Ellen?



1 MS. NEFF: No.

2 CHAIRMAN SALADINO: I'm going to  
3 vote yes. All right. The second part  
4 of the application is it's for a  
5 building permit to construct additional  
6 dwelling units in existing two family  
7 house in the R-2 zone. Section 150-8,  
8 in an R-2 one and two family  
9 residential district, no building or  
10 premises shall be used and no building  
11 or part of a building shall be erected  
12 or altered, which is arranged,  
13 intended, or designed to be used in  
14 whole or in part any purpose except for  
15 use as a one or two family dwelling.  
16 This house has four separate and  
17 independent apartments as represented  
18 on existing floor plans submitted both  
19 on 12/07/15. The variance requested,  
20 article four, section 150-8, conversion  
21 of an existing dwelling to a  
22 multifamily dwelling subject to the  
23 following standards and subject to  
24 Planning Board approval. Paragraph B,  
25 item two said structure shall not have

1 less than one thousand square feet of  
2 livable floor area in each dwelling  
3 unit created, requiring a variance for  
4 each of the four units. B, the lot on  
5 which such structure is located shall  
6 contain a minimum of fifteen thousand  
7 square feet of a lot area and shall  
8 contain at least five thousand square  
9 feet of lot area for each dwelling  
10 unit. The lot size is ten thousand,  
11 eight hundred and ninety square feet  
12 with four units proposed requiring an  
13 area variance of nine thousand, one  
14 hundred and ten feet. One and one and  
15 a half parking spaces shall be provided  
16 for each dwelling unit. The property  
17 provides two parking spaces, requiring  
18 a variance for four parking spaces.  
19 That's all we have.

20 MR. PROKOP: Was that in the  
21 public notice?

22 MS. WINGATE: Yes.

23 MR. CORWIN: Now, let me ask the  
24 attorney, do we need a second SEQRA  
25 procedure for the second part of this?

1           MR. PROKOP: Yes, you do. It's  
2           now an unlisted action for purposes of  
3           SEQRA review to determine that and also  
4           to undertake a SEQRA review to  
5           determine whether or not there will be  
6           a significant negative impact on the  
7           environment. So yes, you do need a new  
8           SEQRA resolution.

9           CHAIRMAN SALADINO: All right.  
10          I'll make a motion that we adopt lead  
11          agency status, this being an unlisted  
12          action, Zoning Board of Appeals adopts  
13          lead agency status and --

14          MR. PROKOP: I just want to point  
15          out for the record that normally  
16          residential area variances are type two  
17          actions, but I think the nature of this  
18          where it's actually -- it's a  
19          conversion of a use within our code.  
20          It's a conversion of a use within our  
21          code, so you are granting some relief  
22          that's related to the use change, it's  
23          not just an area variance, and for that  
24          reason I'm recommending that it's an  
25          unlisted action. And yes, you do have

1 to have -- you should have a  
2 discussions as to whether or not it  
3 will have an impact on the environment.

4 MR. CORWIN: My contention is that  
5 it will have an impact on the  
6 environment, and I can list what I said  
7 one month ago. There is not adequate  
8 parking for the claimed four family  
9 house now. What's happening is the  
10 occupants are taking -- because Main  
11 Street is so narrow, the applicant --  
12 the tenants are driving their vehicles  
13 up onto the grass mowing strip. I also  
14 point out two neighbors have objected,  
15 one of them from closer, and second  
16 objection today via e-mail. Their  
17 question -- they object to the quality  
18 of life, that this will be detrimental  
19 to.

20 MS. GORDON: We also had a  
21 written, last month as I remember,  
22 someone complaining about dogs, dog  
23 noise, and I wasn't sure whether that  
24 was relevant for this decision or not.

25 MR. CORWIN: Main Street is

1           already very crowded with housing that  
2           is more than two family. In that  
3           neighborhood there's probably easily a  
4           half a dozen houses up and down the  
5           street, and it's a real parking  
6           problem, so in my opinion there is an  
7           impact on the environment that is  
8           negative.

9                   CHAIRMAN SALADINO: Anyone else?  
10           I'll call a vote.

11                   MR. CORWIN: So now let's get the  
12           motion correct. We're saying that it's  
13           an unlisted action and we're saying  
14           that it's going to have a negative  
15           impact on the environment. Am I saying  
16           that right? Because I always get  
17           negative and positive confused on the  
18           SEQRA stuff.

19                   MR. PROKOP: It has the potential  
20           for a negative impact on the  
21           environment, I think you expressed due  
22           to parking and traffic -- impacts on  
23           traffic and/or congestion, quality --  
24           potential quality of life issues.

25                   MR. CORWIN: That is correct.

1           CHAIRMAN SALADINO: Before we  
2           vote, would it be appropriate if I --  
3           it's a two paragraph letter from a  
4           neighbor. Can I read this?

5           MR. PROKOP: Yes.

6           CHAIRMAN SALADINO: This is from  
7           Asa Elmsfors, the subject 610 Main  
8           Street. She's opposing --

9           MR. CORWIN: Wait a minute. I  
10          think that's the 500 block of Main  
11          Street.

12          CHAIRMAN SALADINO: 541, correct.  
13          No, it's relating to 610.

14          MR. CORWIN: Relating the 610, I'm  
15          sorry.

16          CHAIRMAN SALADINO: I'm opposing  
17          allowing 610 Main Street, Greenport to  
18          convert to a three or four family unit.  
19          There is already a disproportionate  
20          number of multifamily houses in the  
21          area. Multifamily housing impacts the  
22          neighborhood negatively. I own 541  
23          Main Street, I am surrounded by  
24          multifamily units, diminishing quality  
25          of life. I feel unsafe especially in

1 the winter time, having been  
2 burglarized while sleeping in the  
3 middle of the night. There is also  
4 frequent police activity, drug  
5 activity, noise, et cetera. The owners  
6 of these multifamily units do not live  
7 in Greenport and are unaware of the  
8 problems caused by their tenants. In  
9 addition to the legal tenants, there  
10 are usually extra visitors sleeping on  
11 couches and just staying there. Please  
12 do not allow 610 Main Street to  
13 legalize illegal units. I already feel  
14 unsafe, please do not make it worse.  
15 Asa Elmsfors, 541 Main Street.

16 MR. PROKOP: Can I make a  
17 suggestion? There's -- if we agree  
18 that this is an unlisted action, I'm  
19 noticing that the property is in the  
20 historic district. Since it's in the  
21 historic district, we have to -- it's  
22 then a type one action, and we need to  
23 -- I think that the only agency we need  
24 to notify is -- well, we need to notify  
25 the other boards in the Village for

1 comment and probably the DEC. Those  
2 would be the only agencies we have to  
3 notify, but we do have to provide that  
4 notice, I'm sorry, because it's in the  
5 historic district.

6 MR. CORWIN: Can I ask you a  
7 question then? This is past sixty-two  
8 days since the public hearing was  
9 closed. I mentioned that last month  
10 and nobody explained to me exactly what  
11 that meant. I'm not sure if anybody  
12 knew or not, but in the Village Law it  
13 says if the Zoning Board -- I'm trying  
14 to paraphrase the Village Law, not the  
15 Village code, but New York State  
16 Village Law, if an application goes  
17 past sixty-two days, it's dismissed, it  
18 fails on its own because it wasn't  
19 acted on fast enough. So my reading of  
20 the Village Law is the application died  
21 when it became sixty-two days.

22 CHAIRMAN SALADINO: Just to -- the  
23 attorney gave us an extension of time  
24 until tonight's meeting, so as far as  
25 the sixty-two days, obviously she gave



1 us an extension. That becomes moot, so  
2 now the attorney is not here, the  
3 applicant is not here, I don't know how  
4 this translates with coordinated  
5 review.

6 MR. PROKOP: We don't have a  
7 choice because we can't act, but I  
8 think that we don't have a choice  
9 because we can't act. I'm checking on  
10 that law to make sure that I agree with  
11 you.

12 MS. NEFF: While you're checking  
13 that, Mr. Prokop, I have a question.  
14 The letter that you read, and I'm  
15 sorry, I cannot remember the resident's  
16 name, Elmsfors, the date of this is  
17 October 18th, very recent. It does not  
18 make allegations about the tenants in  
19 this building, it's a general comment  
20 about two family houses in the vicinity  
21 of this 610 Main Street. Could you,  
22 Eileen, weigh in on the subject? Are  
23 there complaints related to this letter  
24 that you received? Do you have a copy  
25 of this?

1 MS. WINGATE: I do now.

2 MS. NEFF: Because --

3 MS. WINGATE: I have not seen any  
4 complaints about that neighborhood.

5 MR. CORWIN: I can tell you some  
6 stories about what goes on in that  
7 neighborhood.

8 MS. NEFF: But we're not talking  
9 specifically about this house?

10 MR. CORWIN: That particular  
11 house, other than I see every day cars  
12 parking up on the grass mowing strip, I  
13 know of no complaints.

14 MS. NEFF: Thank you.

15 CHAIRMAN SALADINO: So Mr. Prokop?

16 MR. PROKOP: State law requires us  
17 to make a decision within sixty-two  
18 days, but it doesn't have -- as far as  
19 I can tell, it doesn't have an outcome  
20 -- the current version of the law, it  
21 doesn't have a mandatory outcome if we  
22 don't act. I think there's a  
23 requirement, but it doesn't -- there's  
24 no default either way if we don't make  
25 the sixty-two days.

1           CHAIRMAN SALADINO:  So the  
2           sixty-two days is moot because the  
3           attorney gave us until tonight as an  
4           extension.  My question is how does  
5           that extension -- now we need a  
6           coordinated review, Village law says we  
7           have forty-five days to make comment,  
8           how does that -- it's thirty days for  
9           coordinated review, the Village  
10          extended it to forty-five.  So  
11          obviously under SEQRA we need a  
12          coordinated review, we can't not do it.

13          MR. PROKOP:  Unless you determine  
14          that it's a type two action, but I  
15          don't know that I agree with that  
16          because it involves a change of use.

17          MR. CORWIN:  But the thing is we  
18          closed the public hearing.  If we left  
19          the public hearing open, the  
20          coordinated review would override the  
21          public hearing, correct?

22          MR. PROKOP:  Yes.

23          MR. CORWIN:  And I don't know if  
24          it's in that handout or not, but I did  
25          research the New York State Village Law

1 a little bit, and I certainly came away  
2 with the impression that after  
3 sixty-two days, any ZBA application  
4 dies. They didn't use that wording,  
5 but it disappears. It is not approved.

6 CHAIRMAN SALADINO: That was my  
7 impression, but again --

8 MR. PROKOP: I think what happens  
9 is it's not -- in order to get any  
10 further relief from the ZBA, the  
11 applicant would have to take -- unless  
12 the ZBA acts on its own, the applicant  
13 would have to take the ZBA to court to  
14 force a decision.

15 CHAIRMAN SALADINO: Let me ask you  
16 this, again, without -- it seems like a  
17 what if question, does SEQRA supercede  
18 Chapter 700 of the Village Law that  
19 says we have to make this decision.

20 MR. PROKOP: I think it does, yes.

21 CHAIRMAN SALADINO: So we can ask  
22 for the coordinated review and not be  
23 concerned with being in violation of  
24 Village Law.

25 MR. PROKOP: I believe that's

1 right, yes.

2 MS. GORDON: So that counts as an  
3 outcome, and today we are still within  
4 that extended period. So it should be  
5 okay.

6 MR. PROKOP: Right. I think we're  
7 okay, yes.

8 CHAIRMAN SALADINO: Okay. So how  
9 am I going to make this motion for the  
10 coordinated review?

11 MS. GORDON: The coordinated  
12 review is only with which the  
13 historic --

14 CHAIRMAN SALADINO: It's an  
15 unlisted action. The attorney decided  
16 it was an unlisted action. The fact  
17 that it's in the historic district  
18 bumps it to a type one action. Now  
19 because it's bumped to a type one  
20 action, we have to institute the  
21 coordinated review.

22 MS. GORDON: With whom?

23 MR. PROKOP: With the boards in  
24 the Village. We just send a notice out  
25 to the boards of the Village.

1 MS. WINGATE: And the DEC.

2 MR. PROKOP: It's also on a state  
3 road, so DOT.

4 CHAIRMAN SALADINO: I'm just not  
5 sure how to word the motion.

6 MR. PROKOP: Motion to initiate a  
7 coordinated review for purposes of  
8 SEQRA.

9 CHAIRMAN SALADINO: I'm going to  
10 make that motion. Is there a second?

11 MS. NEFF: Second.

12 CHAIRMAN SALADINO: All in favor?

13 MR. CORWIN: Aye.

14 MS. NEFF: Aye.

15 MS. GORDON: Aye.

16 CHAIRMAN SALADINO: There will be  
17 no discussion of 221 Fifth Avenue.  
18 There will be no discussion of 238  
19 Fifth Avenue. Item number ten,  
20 discussion and possible action on the  
21 application of SAKD Holdings, LLC. The  
22 property is located at the southeast  
23 corner of the intersection of Front and  
24 Third Streets, Greenport, New York,  
25 SCTM 1001-5-4-5.

1           MR. PENNESSI: Good evening. Dan  
2           Pennessi for SAKD Holdings, the  
3           applicant.

4           CHAIRMAN SALADINO: I personally  
5           would like to get some of this out of  
6           the way here tonight, if we can.  
7           There's -- we did the interpretations,  
8           and we decided that we, in fact, need  
9           these variances. I'm getting to it,  
10          I've got them here. And there was one  
11          that was resolved, right? I apologize,  
12          again, to the applicant and public,  
13          it's been a long time since we're  
14          addressing this. There was one  
15          resolved about lot coverage?

16          MR. PENNESSI: I think we still do  
17          need a very small variance on lot  
18          coverage.

19          CHAIRMAN SALADINO: It was the  
20          interpretation, you decided not to ask  
21          for an interpretation?

22          MR. PENNESSI: Oh, correct.

23          CHAIRMAN SALADINO: Okay. Let's  
24          get the variances, we can talk about  
25          them with the Board. And there was a

1 revised application.

2 MR. PENNESSI: We had submitted a  
3 revised application on June 29, 2016.

4 MS. GORDON: And we have a notice  
5 of disapproval from July 15th.

6 CHAIRMAN SALADINO: I'm looking  
7 for that. So the notice of disapproval  
8 is returned on the following grounds:  
9 The proposed building construction has  
10 a lot coverage of 3,681 square feet,  
11 representing 41.7 percent of the site.  
12 Requires an area variance of 147.3  
13 square feet or 1.6 percent of the total  
14 area of the lot. Section 150-12B of  
15 the Village code requires a maximum lot  
16 coverage of 40 percent, 3,533.7 square  
17 feet in the waterfront commercial  
18 district. Is there any discussion on  
19 this? My opinion is this is not --  
20 this is modest relief.

21 MS. GORDON: I think it would be  
22 hard to find anything that went in that  
23 space that didn't require at least a  
24 little bit of a lot size change.

25 MR. CORWIN: I don't understand.



1 We got a second application, now we  
2 closed the public hearing. We  
3 discussed it briefly at the last  
4 meeting or two meetings ago?

5 CHAIRMAN SALADINO: We didn't  
6 discuss anything for two meetings  
7 because we had to wait for the time  
8 limit with the coordinated review. Did  
9 we get any comments?

10 MR. PROKOP: I think we need one  
11 more meeting. We didn't get any  
12 comments. I thought coming tonight  
13 that we needed one more meeting on it.

14 CHAIRMAN SALADINO: I don't  
15 believe so, Joe, but I'll defer to --

16 MR. PENNESSI: I believe that the  
17 additional forty-five day SEQRA review  
18 period expired well in advance of this  
19 meeting.

20 CHAIRMAN SALADINO: So we made no  
21 comments because we had to wait for the  
22 comments from the coordinated review on  
23 the revised application. Does that  
24 answer your question?

25 MR. CORWIN: Well, yes and no

1           because we closed the public hearing,  
2           and we're once again sixty-two days  
3           after the public hearing.

4           CHAIRMAN SALADINO: But the  
5           applicant has already granted us  
6           relief, he's already agreed to the  
7           extension.

8           MR. CORWIN: I don't know that  
9           that even applies, but okay, let's move  
10          ahead.

11          MR. PROKOP: Can I make a  
12          suggestion? In this application, I'm  
13          not looking to delay it, but if you  
14          want to start working administratively  
15          through the variances, that's fine, but  
16          I think that we should have a final  
17          document that we approve, and that's  
18          the final result of the decision on the  
19          application. We don't do the decision  
20          afterwards, we'll do the decision -- I  
21          mean, unless you want to approve it or  
22          deny it one way or the other tonight.

23          CHAIRMAN SALADINO: Well, I  
24          thought the best way would be to vote  
25          through the variances, get the sense of

1 the Board, and then vote on each one,  
2 and the final determination will --  
3 that will be it.

4 MR. PENNESSI: May I make a  
5 request? This was kind of what we had  
6 anticipated would happen, that there  
7 were votes on the interpretations, that  
8 at this meeting we had granted the  
9 extension beyond the sixty-two day  
10 period in order to have votes on the  
11 variances, and then we anticipated that  
12 in between this meeting and the  
13 November meeting a resolution would be  
14 prepared addressing SEQRA, addressing  
15 the interpretations and the variances,  
16 and then there would be a vote to adopt  
17 that resolution at the November  
18 meeting.

19 MR. PROKOP: That's what I thought  
20 also.

21 MR. PENNESSI: So we had hoped to  
22 leave tonight with at least votes being  
23 made on the variances with the  
24 resolution to be finalized before  
25 November.

1           CHAIRMAN SALADINO: I don't have a  
2 problem with that. Can we do that?

3           MR. CORWIN: Fine. That's what  
4 the applicant wants to do.

5           MR. PROKOP: The finality of the  
6 decision will be not with the vote in  
7 particular tonight, but with the  
8 adoption of the decision. I feel  
9 that's a necessity in this application.

10          MR. PENNESSI: I would agree.

11          CHAIRMAN SALADINO: Just so I'm in  
12 agreement with you guys, we're going to  
13 vote on the variances, we decided we're  
14 going to vote on these variances, we're  
15 going to discuss them and vote on these  
16 variances tonight, and the final  
17 resolution is going to be voted on at  
18 the next meeting?

19          MR. PROKOP: Right. And then the  
20 adoption of that resolution will be the  
21 decision of the Board.

22          MR. PENNESSI: Which will then be  
23 filed with the Village Clerk.

24          MR. PROKOP: Right.

25          MR. CORWIN: Once again, we have

1 to do SEQRA, right?

2 MR. PROKOP: Yes.

3 MR. CORWIN: And this is a type --

4 MR. PROKOP: I think it's an  
5 unlisted action.

6 MR. CORWIN: That's fair enough to  
7 call it that.

8 CHAIRMAN SALADINO: I thought when  
9 we adopted that that it was an unlisted  
10 action, but again, it's been a while,  
11 so -- all right. So we're going to  
12 discuss these variances and vote on  
13 them?

14 MR. PENNESSI: I thought that the  
15 Planning Board had transferred lead  
16 agency status to the Zoning Board, and  
17 the Zoning Board assumed lead agency  
18 status for SEQRA purposes.

19 CHAIRMAN SALADINO: I don't  
20 believe that. I don't believe that's  
21 what happened.

22 MR. PROKOP: I think it goes back  
23 to the Planning Board.

24 CHAIRMAN SALADINO: I believe we  
25 accepted lead agency status, and then

1 if it went back to the Planning Board,  
2 we can transfer it to them.

3 MR. PROKOP: We don't transfer it,  
4 but we'll make the -- they'll adopt  
5 whatever findings we make.

6 CHAIRMAN SALADINO: Is that what  
7 you remember, Eileen? You were there,  
8 is that what you remember? That's what  
9 I remember.

10 MR. PENNESSI: Does this enable  
11 the Board, the Zoning Board to make the  
12 SEQRA resolutions as lead agency?

13 MR. PROKOP: Yes, we adopted lead  
14 agency status. The question is I  
15 thought that we approached this as an  
16 unlisted action, but I think that we  
17 also attempted to do a coordinated  
18 review, so it must have been because we  
19 thought that it had potential for an  
20 impact on the environment. If we don't  
21 think it has an impact on the  
22 environment, then a coordinated review  
23 wouldn't be required I don't think if  
24 it's an unlisted action.

25 It looks like because of the

1 change with the loading dock and a  
2 couple of other things that were  
3 happening, it looks like we didn't  
4 close out the -- there was a  
5 coordinated review done, but there was  
6 no -- we haven't completed the  
7 coordinated review for the revised  
8 application, and so that's basically  
9 what I've said. I think you can  
10 discuss the variances tonight and get  
11 -- discuss the Board's opinion of these  
12 variances, but we can't close the  
13 application out with an action until  
14 next month, and then that would be with  
15 a written document. We would do SEQRA  
16 and we'd also do the decision on a  
17 written document at the same time.

18 MR. PENNESSI: What may I ask  
19 remains outstanding on the coordinated  
20 review?

21 CHAIRMAN SALADINO: I thought the  
22 time was up for the coordinated review.

23 MR. PROKOP: For the original one,  
24 but not for the revised one. The  
25 problem is the application was revised.

1           CHAIRMAN SALADINO:  No, I  
2           understand, Joe, but it was revised  
3           back in July --

4           MR. PENNESSI:  June.

5           MR. PROKOP:  Not the loading dock.

6           MR. PENNESSI:  Yes, the loading  
7           dock was addressed in the June 29, 2016  
8           application.

9           CHAIRMAN SALADINO:  This notice of  
10          disapproval is July 15, 2016, but June,  
11          July is certainly more than forty-five  
12          days away.

13          MR. PENNESSI:  I believe that at  
14          the July 15th meeting, the application  
15          was accepted and coordinated review was  
16          supposed to commence that day or the  
17          following day, and therefore the  
18          forty-five day period would have  
19          expired on or about the end of --

20          MR. PROKOP:  I can't tell if the  
21          Board has the jurisdiction to move  
22          ahead on the application.

23          CHAIRMAN SALADINO:  So it's the  
24          recommendation of the attorney that we  
25          can discuss this tonight but not move



1 ahead.

2 MR. PROKOP: Not take formal  
3 action on it.

4 MS. GORDON: But we can vote on  
5 the individual variances?

6 MR. PROKOP: You could vote on the  
7 variances, but your votes don't become  
8 final until we adopt the final -- it's  
9 more or less a census of the Board, and  
10 then we'll work on the final document  
11 based on that at the next meeting.

12 MR. PENNESSI: So would the  
13 anticipation still be that a resolution  
14 would be prepared in final form at the  
15 November meeting for approval?

16 MR. PROKOP: Yes.

17 MR. PENNESSI: Thank you.

18 CHAIRMAN SALADINO: Can we read  
19 the variances?

20 MR. PROKOP: Yes.

21 CHAIRMAN SALADINO: The first one,  
22 and I'm still -- so this is not a  
23 formal vote, this is a consensus of the  
24 Board?

25 MR. PROKOP: Right. And then

1 we'll work on the final --

2 CHAIRMAN SALADINO: So do we have  
3 to do the five questions?

4 MR. PROKOP: You should.

5 CHAIRMAN SALADINO: For a  
6 consensus?

7 MR. PROKOP: Yes.

8 CHAIRMAN SALADINO: Okay. We did  
9 the area variance, we did lot coverage.

10 MR. PENNESSI: May I ask that we  
11 follow a particular order when the  
12 Board discusses the variances?

13 CHAIRMAN SALADINO: You've earned  
14 that, sure.

15 MR. PENNESSI: So if the Board has  
16 discussed the lot coverage, if we could  
17 then move on to the third story height  
18 variance request, then to the --

19 CHAIRMAN SALADINO: No, we haven't  
20 voted on these. No, he's asking for  
21 sequence in what we take in what order,  
22 and that's reasonable.

23 MR. PENNESSI: If you would,  
24 please, address first lot coverage,  
25 then the third story height request,

1           then the height variance requests for  
2           both the mechanicals and then the  
3           bulkhead and elevator and then  
4           thereafter address loading or parking  
5           in whichever order the Board --

6           CHAIRMAN SALADINO: How about we  
7           do this one first, we do the lot  
8           coverage, and then you can tell us --  
9           you could remind us which one should  
10          come next. So we're not going to do  
11          SEQRA, we're going to do these five  
12          questions and vote on this lot coverage  
13          of 1.6 percent. Number one, will an  
14          undesirable change in the character of  
15          the neighborhood? Mr. Corwin?

16          MR. CORWIN: (No verbal response  
17          given.)

18          CHAIRMAN SALADINO: Do you want me  
19          to read the whole thing, or can I  
20          abbreviate it?

21          MR. CORWIN: I'm reading it  
22          myself, so you can abbreviate it, but I  
23          got to think.

24          CHAIRMAN SALADINO: Okay.

25          MR. CORWIN: For the lot coverage,

1 I will say no.

2 CHAIRMAN SALADINO: Ms. Gordon?

3 MS. GORDON: No.

4 CHAIRMAN SALADINO: Ms. Neff?

5 MS. NEFF: No.

6 CHAIRMAN SALADINO: I will vote

7 no.

8 MR. PENNESSI: If you could just

9 clarify, the no vote is?

10 MS. GORDON: Would not impact.

11 MR. CORWIN: Whether an

12 undesirable change will be produced in

13 the character of the neighborhood or a

14 detriment to nearby properties will be

15 created by the granting of the area

16 variance. My vote was no.

17 MS. GORDON: We all voted no.

18 CHAIRMAN SALADINO: Is it

19 achievable by another method without a

20 variance? Do you want me to read it?

21 Whether benefit sought by the applicant

22 can be achieved by some method feasible

23 for the applicant to pursue, other than

24 an area variance? David?

25 MR. CORWIN: No.

1 CHAIRMAN SALADINO: Dinni?

2 MS. GORDON: No.

3 CHAIRMAN SALADINO: Ellen?

4 MS. NEFF: No.

5 CHAIRMAN SALADINO: And I'm going  
6 to vote no. Whether the requested area  
7 variance is substantial? David?

8 MR. CORWIN: No.

9 CHAIRMAN SALADINO: Dinni?

10 MS. GORDON: No.

11 CHAIRMAN SALADINO: Ellen?

12 MS. NEFF: No.

13 CHAIRMAN SALADINO: And I'll vote  
14 no. Whether proposed variance will  
15 have an adverse effect or impact on the  
16 physical or environmental conditions in  
17 the neighborhood or district? David?

18 MR. CORWIN: No.

19 CHAIRMAN SALADINO: Dinni?

20 MS. GORDON: No.

21 CHAIRMAN SALADINO: Ellen?

22 MS. NEFF: No.

23 CHAIRMAN SALADINO: And I'm going  
24 to vote no. Whether the alleged  
25 difficulty was self-created, which

1 consideration shall be relevant to the  
2 decision of the Board of Appeals, but  
3 shall not be necessary to preclude the  
4 granting of an area variance. David?

5 MR. CORWIN: Yes.

6 CHAIRMAN SALADINO: Dinni?

7 MS. GORDON: No.

8 CHAIRMAN SALADINO: Ellen?

9 MS. NEFF: Yes.

10 CHAIRMAN SALADINO: And I'm going  
11 to vote yes. And that leaves us with a  
12 motion to approve the requested  
13 variance. David?

14 MR. CORWIN: This is an advisory  
15 rather than a motion, right?

16 MR. PROKOP: That's right. We're  
17 going to have a final resolution next  
18 month.

19 MR. CORWIN: As an advisory, I  
20 think my vote is yes.

21 CHAIRMAN SALADINO: Dinni?

22 MS. GORDON: Yes.

23 CHAIRMAN SALADINO: Ellen?

24 MS. NEFF: Yes.

25 CHAIRMAN SALADINO: And I'm going

1 to vote yes. So that passes.

2 MR. PROKOP: Which one was that,  
3 I'm sorry?

4 CHAIRMAN SALADINO: Lot coverage,  
5 proposed building construction lot  
6 coverage. Again, I apologize to the  
7 public. What are we doing next?

8 MR. PENNESSI: The height variance  
9 for the third story.

10 MR. CORWIN: And let's just try to  
11 sum that up, what that variance  
12 entails.

13 CHAIRMAN SALADINO: Well, I'm  
14 going to read it first, and then we can  
15 kind of discuss. The proposed building  
16 height is 47 feet based on the height  
17 of the elevator bulkhead, is that --  
18 no?

19 MR. PENNESSI: No, the next one, a  
20 height variance for a three story  
21 building.

22 CHAIRMAN SALADINO: Oh, proposed  
23 building is three stories. Section  
24 150-12B limits the height of the  
25 building to two stories or thirty-five

1 feet. Is there any discussion on this?

2 MR. PROKOP: Now, this one I think  
3 that I would have a brief discussion as  
4 to whether or not you think this will  
5 have any impact on the environment,  
6 this particular variance.

7 MR. CORWIN: Just to kind of  
8 refresh my mind, I really have to  
9 apologize to you because I didn't do my  
10 homework, I didn't think it was going  
11 to go this way, but we're making a  
12 little progress anyway. In that area,  
13 you have the movie theater, so I think  
14 the architect took the movie theater as  
15 his height, and then next to that you  
16 have the --

17 MS. NEFF: Hotel.

18 MR. CORWIN: What do you call it?  
19 The Harbor Front Hotel, which somebody  
20 is going to have to remind me how many  
21 stories that is?

22 CHAIRMAN SALADINO: Three stories.

23 MR. CORWIN: So they've got a  
24 variance for three stories?

25 CHAIRMAN SALADINO: Yes.



1 MR. CORWIN: But there was some  
2 reason -- I guess the argument was they  
3 wanted to put a coupler (phonetic) or  
4 something up on the third floor of  
5 that, and then they took that away, and  
6 then they got their variance for the  
7 three stories. It just refreshed  
8 memory. Am I correct on that?

9 MS. NEFF: I don't know.

10 MS. WINGATE: That sounds about  
11 right.

12 MR. CORWIN: About right.

13 MS. WINGATE: I wasn't here,  
14 David, so.

15 MR. CORWIN: I didn't do my  
16 homework, so I apologize.

17 MS. WINGATE: I think I have the  
18 resolution, would you like it?

19 MR. CORWIN: Not at this point.

20 CHAIRMAN SALADINO: I think we  
21 have it.

22 MR. CORWIN: So this file is,  
23 what, like, three inches thick?

24 MS. WINGATE: Mine is twice that.

25 MR. CORWIN: Yours is six inches

1 thick, it's not easy to find what you  
2 want. So the question is the impact on  
3 the environment, and I'm going to  
4 say --

5 MR. PROKOP: Can I stop you, I'm  
6 sorry, I apologize. There is a letter  
7 that was received by the Board of  
8 Trustees, this was the only letter I  
9 think that we received regarding the  
10 coordinated review, and it reads as  
11 follows -- I'm sorry, with the  
12 permission of the chairperson?

13 CHAIRMAN SALADINO: Absolutely.

14 MR. PROKOP: This was actually to  
15 the Planning Board because I think the  
16 Planning Board initially sent out the  
17 notice. The Board of Trustees in the  
18 Village of Greenport have reviewed the  
19 notice of coordinated review that was  
20 sent to the Board of Trustees regarding  
21 the coordinated SEQRA review for the  
22 above application referring to SAKD  
23 Holdings LLC. The Board of Trustees  
24 agree to have a discussion of the  
25 application and its associated

1 paperwork, that the application as  
2 currently presented will have a  
3 significant impact on parking, traffic,  
4 and noise in the Village of Greenport.  
5 The concerns regarding parking involve  
6 the amount of parking that's required  
7 for the project and that will not be  
8 addressed by the design of the project,  
9 resulting in significant additional  
10 demand for parking in the area of the  
11 project where there is already little  
12 parking available. The concerns  
13 regarding traffic involve the current  
14 design of the project, which introduces  
15 the traffic flow from the building into  
16 the already exceedingly congested areas  
17 of Third Street and Front Street. The  
18 concerns regarding noise were that the  
19 rooftop deck will generate significant  
20 noise impacts in the Village of  
21 Greenport in the area of the project.  
22 The board also expressed a concern  
23 regarding the height of the building  
24 and the potential for impacts from the  
25 proposed height of the building. So

1 this --

2 CHAIRMAN SALADINO: Actually what  
3 I would like to say about that is I  
4 read that, and the question raised by  
5 Doug Moore, the previous chairman, was  
6 that he was under the impression that  
7 there was going to be a revised  
8 statement by the Village Board, and I  
9 don't believe we ever got it. I think  
10 it was just out there.

11 MR. PROKOP: Okay.

12 CHAIRMAN SALADINO: Is that your  
13 recollection?

14 MS. WINGATE: Yes, that maybe this  
15 was a copy earlier because you have the  
16 Department of Transportation and then  
17 you have the county.

18 MR. PROKOP: The county said it's  
19 in our local determination. We  
20 notified the county also, and they said  
21 it's in our local determination.

22 CHAIRMAN SALADINO: But as far as  
23 the Village Board, I'm positive I  
24 remember -- it's unfortunate that  
25 Chairman Moore isn't here.

1           MR. CORWIN:  Let's not mention  
2           him, he's done.

3           CHAIRMAN SALADINO:  Because I  
4           believe he and I both discussed that  
5           there was another -- it was said that  
6           this might not be their final -- this  
7           was almost, like, a draft, that this  
8           wasn't their final decision, that they  
9           were going to come out with a revised  
10          decision.  I got that -- I believe I  
11          got that in an e-mail, but this is in  
12          my mind -- it's -- we haven't got to  
13          parking yet, now we're talking about a  
14          third floor, so could we put a pin in  
15          this and do the third floor or is  
16          this --

17          MR. PROKOP:  Well, we're talking  
18          about the potential for impacts on the  
19          environment, so that's --

20          MR. TASKER:  Up to the third  
21          floor.

22          MR. PROKOP:  We're at the third  
23          floor.  So the first discussion should  
24          be whether there will be -- there's a  
25          potential for impact to the environment

1 from the third floor.

2 MS. GORDON: If a third floor  
3 means more people, and if you think  
4 inevitably more people are going to  
5 have a negative impact on the  
6 environment, then you have to say yes,  
7 but not necessarily. I mean, there's  
8 obviously -- there could be a  
9 difference of opinion about whether  
10 more people create more of a stress on  
11 the environment.

12 MR. CORWIN: More people in my  
13 mind definitely call for more cars, and  
14 that I think is our biggest problem in  
15 anything we do.

16 CHAIRMAN SALADINO: Well, I think  
17 that's why we suggested we do the cars  
18 and the parking last.

19 MR. CORWIN: Maybe, but they all  
20 go hand in hand. All right. Well, we  
21 discussed it, let's go to the  
22 questions.

23 MR. PENNESSI: If I could, we had  
24 received that letter from the Board,  
25 and it was entered into the record

1           during the public hearing process, and  
2           we had offered responses to it during  
3           that period, and I don't want to take  
4           the time to go through that again, but  
5           certainly we would have the same  
6           responses. There are multiple  
7           buildings in town that have a third  
8           story, many of which have outdoor  
9           seating, open second stories for  
10          restaurants and bars. Again, this is  
11          an enclosed third story to this  
12          building, the roof deck being proposed  
13          is very limited to hotel guests only.

14                 MR. CORWIN: So if we can break  
15                 out the third story from parking, to me  
16                 that makes a difference.

17                 CHAIRMAN SALADINO: Why wouldn't  
18                 we be able to do that?

19                 MR. CORWIN: Well, I'm asking, I'm  
20                 posing that as a question, do we break  
21                 out the third story from parking? If  
22                 there was no parking problems, then I  
23                 don't see a problem with the third  
24                 story because there's other buildings  
25                 like that.

1 MS. NEFF: I think that we can  
2 deal with these sequentially, and to  
3 say that the third story gets an up  
4 vote rather than a down vote does not  
5 really bear on the parking. We're  
6 going to get to that item. I think  
7 we're doing it one at a time, that's  
8 what we decided to do.

9 CHAIRMAN SALADINO: I agree. I  
10 just don't know what I'm missing by  
11 being unsure about it. We do the third  
12 story, and if parking is a problem when  
13 we get to that, we address it.

14 MS. NEFF: When we get there.

15 MR. CORWIN: This is an advisory  
16 vote.

17 MR. PROKOP: That's why I  
18 suggested you do it this way because  
19 all these pieces have to fit in, and we  
20 have the agreement by the Board with  
21 the consent of the applicant that we're  
22 basically going to be doing consensus  
23 votes on each of these pieces, and then  
24 we'll try to fit it into a resolution  
25 that will be the final action of the



1 Board. That's really the only way to  
2 approve this.

3 MR. CORWIN: Which doesn't mean  
4 that nobody can't change their mind in  
5 the mean time.

6 MR. PROKOP: Right. Because the  
7 conclusion of this will be a final  
8 resolution, you know, based on what we  
9 hear tonight.

10 MR. CORWIN: And we can call it a  
11 draft final resolution and say well, I  
12 wasn't thinking --

13 MR. PROKOP: Yes.

14 MR. CORWIN: Let's proceed. Let's  
15 ask the questions.

16 CHAIRMAN SALADINO: This is --  
17 just so we're all on the same page,  
18 this is for the third story.

19 MR. CORWIN: Yes.

20 MR. PENNESSI: Yes.

21 CHAIRMAN SALADINO: Whether an  
22 undesirable change will be produced in  
23 the character of the neighborhood, or a  
24 detriment to nearby properties will be  
25 created by the granting of the area

1 variance? David?

2 MR. CORWIN: No.

3 CHAIRMAN SALADINO: Dinni?

4 MS. GORDON: No.

5 CHAIRMAN SALADINO: Ellen?

6 MS. NEFF: No.

7 CHAIRMAN SALADINO: And I'm going  
8 to vote no. Whether the benefit sought  
9 by the applicant can be achieved by  
10 some method feasible for the applicant  
11 to pursue, other than an area variance?  
12 David?

13 MR. CORWIN: No.

14 CHAIRMAN SALADINO: Dinni?

15 MS. GORDON: No.

16 CHAIRMAN SALADINO: Ellen?

17 MS. NEFF: No.

18 CHAIRMAN SALADINO: I'm going to  
19 vote no. Whether the requested area  
20 variance is substantial? David?

21 MR. CORWIN: Yes.

22 CHAIRMAN SALADINO: Dinni?

23 MS. GORDON: Yes.

24 CHAIRMAN SALADINO: Ellen?

25 MS. NEFF: No.

1           CHAIRMAN SALADINO: I'm going to  
2 say yes. Whether the proposed variance  
3 will have an adverse effect or impact  
4 on the physical or environmental  
5 conditions in the neighborhood or  
6 district? David?

7           MR. CORWIN: No.

8           CHAIRMAN SALADINO: Dinni?

9           MS. GORDON: No.

10          CHAIRMAN SALADINO: Ellen?

11          MS. NEFF: No.

12          CHAIRMAN SALADINO: I'm going to  
13 vote no. Whether the alleged  
14 difficulty was self-created, which  
15 consideration shall be relevant to the  
16 decision of the Board of Appeals but  
17 not necessarily preclude the granting  
18 of an area variance? David?

19          MR. CORWIN: Yes.

20          CHAIRMAN SALADINO: Dinni?

21          MS. GORDON: Yes.

22          CHAIRMAN SALADINO: Ellen?

23          MS. NEFF: Yes.

24          CHAIRMAN SALADINO: I'm going to  
25 vote yes.

1 MS. GORDON: It's hard to know  
2 what that really means.

3 CHAIRMAN SALADINO: Motion to  
4 approve -- I'm going to make a motion  
5 to approve the area variance. David?

6 MR. CORWIN: This is an advisory  
7 vote, I don't call it a motion to  
8 approve anything. Yes.

9 CHAIRMAN SALADINO: Okay.

10 MS. GORDON: Yes.

11 CHAIRMAN SALADINO: Ellen?

12 MS. NEFF: Yes.

13 CHAIRMAN SALADINO: I'm going to  
14 vote yes. Mr. Pennessi, your pleasure?

15 MR. PENNESSI: Roof equipment, and  
16 I believe that the height variance,  
17 that it would be worthwhile to be  
18 specific based on the comments from the  
19 public and the process we've gone  
20 through to deal with the equipment up  
21 to a very specific height and then  
22 separately the elevator shaft and  
23 bulkhead to a very specific height.

24 MR. CORWIN: Could you just look  
25 at this and see if I'm looking at the

1 right set of plans?

2 CHAIRMAN SALADINO: I'm going to  
3 make a motion that we adjourn for five  
4 minutes.

5 (A recess was taken.)

6 CHAIRMAN SALADINO: Let's get back  
7 to it. We're going to do --

8 MR. CORWIN: Roof equipment. Is  
9 everybody ready?

10 CHAIRMAN SALADINO: The proposed  
11 building provides for -- no, the  
12 proposed building height is 47 feet  
13 based on the height of the elevator  
14 bulkhead on the roof requiring a height  
15 variance of 12 feet. Section 150-12B  
16 limits the height of a building to two  
17 stories or thirty-five feet.

18 MR. CORWIN: Just so everybody  
19 knows what we're talking about, that is  
20 the top of the elevator shaft, which  
21 has some design elements around it.  
22 There's also what I'm going to call a  
23 pergola that extends on top of the  
24 third story, and there's some  
25 mechanical equipment that I would call

1 incidental to the top of the bulkhead.

2 CHAIRMAN SALADINO: But since the  
3 -- not to get into the minutia of this,  
4 but since the roof of the elevator  
5 bulkhead is higher than all the other  
6 aspects on the roof, that the 12 foot  
7 height variance is basically --

8 MR. CORWIN: Well, that's the big  
9 kahuna, but I think we have to consider  
10 the others too. Let's just bunch them  
11 all together.

12 MR. PENNESSI: If I may, I believe  
13 the interpretation that was made by the  
14 Board was that each such item  
15 identified in the application that  
16 exceed the thirty-five foot height  
17 limit, the mechanicals, the trellis,  
18 and then the top of the bulkhead and  
19 shaft would all constitute a roof for  
20 purposes of the code and therefore  
21 would require a Zoning variance. Now,  
22 we've requested that we tailor this  
23 resolution so as not to just request  
24 the Board to provide a variance for a  
25 12 foot clear variance for the entire

1 building, that we would request that it  
2 would be a variance to permit 36 foot  
3 and 11 inch mechanical equipment, 42  
4 foot 9 inch trellis, and a 46 foot 8  
5 inch or 47 foot bulkhead and elevator  
6 shaft.

7 CHAIRMAN SALADINO: So you would  
8 to like this Board to rule on each of  
9 the objects that are on the roof, each  
10 of the aspects of the roof?

11 MR. PENNESSI: Yes.

12 CHAIRMAN SALADINO: I'm going to  
13 run out of these little pieces of  
14 paper. Is that agreeable to the Board?

15 MS. GORDON: Put them all on one  
16 piece of paper.

17 CHAIRMAN SALADINO: Do you have a  
18 preference which one we discuss first?

19 MR. PENNESSI: Mechanicals.

20 CHAIRMAN SALADINO: The  
21 mechanicals. Okay. So the  
22 mechanicals, I apologize, Mr. Pennessi,  
23 I don't have those numbers in front of  
24 me.

25 MR. PENNESSI: No problem, it's 36

1 feet 11 inches.

2 MR. PROKOP: So it's a variance of  
3 4 feet 11 inches.

4 MR. PENNESSI: I believe its 35  
5 foot is permitted so it would be 1 foot  
6 11 inches.

7 MR. PROKOP: You're right.

8 MR. PENNESSI: We're looking for a  
9 variance of 1 foot 11 inches for  
10 mechanical equipment.

11 CHAIRMAN SALADINO: Okay. Can I  
12 read the abbreviation? I'll read it  
13 from the book. Whether an undesirable  
14 change will be produced in the  
15 character of the neighborhood or a  
16 detriment to nearby properties will be  
17 created by the granting of this area  
18 variance? David?

19 MR. CORWIN: No.

20 CHAIRMAN SALADINO: Dinni?

21 MS. GORDON: No.

22 CHAIRMAN SALADINO: Ellen?

23 MS. NEFF: No.

24 CHAIRMAN SALADINO: And I'll vote  
25 no.



1 MR. CORWIN: You can put down no  
2 for me on every one of these. I have  
3 no problem with it.

4 CHAIRMAN SALADINO: You don't mind  
5 if I call your name, do you?

6 MR. CORWIN: I don't mind.

7 CHAIRMAN SALADINO: Whether the  
8 benefit sought by the applicant can be  
9 achieved by some method feasible for  
10 the applicant to pursue, other than an  
11 area variance. David voted no. Dinni?

12 MS. GORDON: No.

13 CHAIRMAN SALADINO: Ellen?

14 MS. NEFF: No. I would like to  
15 join David in the no vote.

16 CHAIRMAN SALADINO: To satisfy the  
17 legal thing, I'm going to read this.

18 MR. CORWIN: Let's do a voice vote  
19 on this.

20 CHAIRMAN SALADINO: Whether an  
21 area variance is substantial?

22 MR. CORWIN: Voice vote.

23 CHAIRMAN SALADINO: No would be  
24 the --

25 MS. GORDON: Yeah.

1           CHAIRMAN SALADINO:  It's  
2           unanimous?

3           MS. NEFF:  Yes.

4           CHAIRMAN SALADINO:  Whether the  
5           proposed variance will have an adverse  
6           effect or impact on the physical or  
7           environmental conditions in the  
8           neighborhood or district.  David votes  
9           no.  Dinni?

10          MS. GORDON:  No.

11          CHAIRMAN SALADINO:  Ellen, no.  
12          And John Saladino votes no also.  Was  
13          the alleged difficulty self-created?  
14          Mr. Corwin votes no.

15          MS. GORDON:  No.

16          CHAIRMAN SALADINO:  Ellen votes  
17          no.  I don't know how it can't be  
18          self-created, I'm going vote yes.  This  
19          is a motion to approve the requested  
20          variance, advisory motion to approve  
21          the requested variance.  David?

22          MR. CORWIN:  Yes.

23          CHAIRMAN SALADINO:  Dinni?

24          MS. GORDON:  Yes.

25          CHAIRMAN SALADINO:  Ellen?

1 MS. NEFF: Yes.

2 CHAIRMAN SALADINO: I'll vote yes.  
3 That passes.

4 MR. PENNESSI: If we could move to  
5 the trellis, which we're requesting a 7  
6 foot 9 inch variance based on a height  
7 of 42 feet 9 inches against a 35 foot  
8 height limitation in the code.

9 CHAIRMAN SALADINO: This is the  
10 trellis.

11 MS. GORDON: I'm sorry, I've  
12 forgotten why you need the trellis if  
13 you're not going to have people up  
14 there, guests, which I gather you're  
15 not, we've discussed that.

16 MR. PENNESSI: We are still  
17 pursuing a roof deck on the structure.  
18 It would be limited to house guests.  
19 It would be an architectural feature  
20 for the roof deck.

21 CHAIRMAN SALADINO: Whether an  
22 undesirable change would be produced in  
23 the character of the neighborhood or a  
24 detriment to nearby properties will be  
25 created by the granting of the area

1 variance? David?

2 MR. CORWIN: Yes.

3 CHAIRMAN SALADINO: Dinni?

4 MS. GORDON: Yes.

5 CHAIRMAN SALADINO: Ellen?

6 MS. NEFF: No.

7 CHAIRMAN SALADINO: I'm going to  
8 vote no. Whether the benefit sought by  
9 the applicant can be achieved by some  
10 method feasible for the applicant to  
11 pursue, other than an area variance.  
12 David?

13 MR. CORWIN: I'm going to vote  
14 yes.

15 CHAIRMAN SALADINO: Dinni?

16 MS. GORDON: No.

17 CHAIRMAN SALADINO: Ellen?

18 MS. NEFF: No.

19 CHAIRMAN SALADINO: I'm going to  
20 vote yes.

21 MR. PROKOP: The plan doesn't show  
22 a trellis, the plan -- it shows a  
23 handrail.

24 CHAIRMAN SALADINO: No, it shows a  
25 trellis.

1           Whether the requested area  
2           variance is substantial. David?

3           MR. CORWIN: I'm going to say no.

4           CHAIRMAN SALADINO: Dinni?

5           MS. GORDON: Yes.

6           CHAIRMAN SALADINO: Ellen?

7           MS. NEFF: No.

8           CHAIRMAN SALADINO: I'm going to  
9           vote no. Whether the proposed variance  
10          will have an adverse effect or impact  
11          on the physical or environmental  
12          conditions in the neighborhood or  
13          district. David?

14          MR. CORWIN: No.

15          CHAIRMAN SALADINO: Dinni?

16          MS. GORDON: No.

17          CHAIRMAN SALADINO: Ellen?

18          MS. NEFF: No.

19          CHAIRMAN SALADINO: I'll vote no.

20          Was the alleged difficulty  
21          self-created? David?

22          MR. CORWIN: Yes.

23          CHAIRMAN SALADINO: Dinni?

24          MS. GORDON: Yes.

25          CHAIRMAN SALADINO: Ellen?

1 MS. NEFF: Yes.

2 CHAIRMAN SALADINO: I'll vote yes.  
3 I'll make this motion -- proposed  
4 motion to approve the area variance for  
5 the trellis. David?

6 MR. CORWIN: No.

7 CHAIRMAN SALADINO: Dinni?

8 MS. GORDON: No.

9 CHAIRMAN SALADINO: Ellen?

10 MS. NEFF: Yes.

11 CHAIRMAN SALADINO: I kind of like  
12 the trellis. I'm going to vote yes.

13 MR. PROKOP: It wouldn't pass  
14 anyway, you need three votes. It's not  
15 going to pass anyway.

16 CHAIRMAN SALADINO: Okay.

17 MR. PROKOP: I mean, so -- so you  
18 don't have the votes to pass that part  
19 of the application, if you want to  
20 think about that.

21 CHAIRMAN SALADINO: That's not the  
22 variance in totality, that's just the  
23 trellis.

24 MS. WINGATE: Three more, and we  
25 still have Ralph.

1           MR. PROKOP: The 12 foot variance  
2 is for the elevator shift. No, 13 foot  
3 variance for the elevator shaft.

4           MR. PENNESSI: I think it's a 12  
5 foot variance for the bulkheads and  
6 shaft for the stairwell and elevator.  
7 We had 46 feet 8 inches, I believe that  
8 Eileen calculated 47 feet.

9           CHAIRMAN SALADINO: Whether an  
10 undesirable change will be produced in  
11 the character of the neighborhood or a  
12 detriment to nearby properties will be  
13 created by the granting of this area  
14 variance. David?

15           MR. CORWIN: Yes.

16           CHAIRMAN SALADINO: Dinni?

17           MS. GORDON: No.

18           MS. NEFF: No.

19           CHAIRMAN SALADINO: Ellen jumped  
20 the gun, she votes no. I'm going to  
21 vote no. Whether the benefit sought by  
22 the applicant could be achieved by some  
23 method feasible for the applicant to  
24 pursue, other than an area variance?  
25 David?

1 MR. CORWIN: No.

2 CHAIRMAN SALADINO: Dinni?

3 MS. GORDON: No.

4 CHAIRMAN SALADINO: Ellen?

5 MS. NEFF: No.

6 CHAIRMAN SALADINO: I'm going to

7 vote no. Whether the requested

8 variance is substantial? David?

9 MR. CORWIN: Yes.

10 CHAIRMAN SALADINO: Dinni?

11 MS. GORDON: Yes.

12 CHAIRMAN SALADINO: Ellen?

13 MS. NEFF: No.

14 CHAIRMAN SALADINO: Yes. Whether

15 the proposed variance will have an

16 adverse effect or impact on the

17 physical or environmental conditions in

18 the neighborhood or district? David?

19 MR. CORWIN: Yes.

20 CHAIRMAN SALADINO: Diane?

21 MS. GORDON: No.

22 CHAIRMAN SALADINO: Ellen?

23 MS. NEFF: No.

24 CHAIRMAN SALADINO: And I'm going

25 to vote no. Was it self-created? Was



1 the alleged difficulty self-created?

2 David?

3 MR. CORWIN: Yes.

4 CHAIRMAN SALADINO: Dinni?

5 MS. GORDON: No.

6 CHAIRMAN SALADINO: Ellen?

7 MS. NEFF: No.

8 CHAIRMAN SALADINO: I'm going to  
9 vote yes. This is a motion to -- a  
10 conditional motion to approve the  
11 requested variance, 12 foot bulkhead --  
12 height variance for the bulkhead.

13 David?

14 MR. CORWIN: No.

15 CHAIRMAN SALADINO: Dinni?

16 MS. GORDON: Yes.

17 CHAIRMAN SALADINO: Ellen?

18 MS. NEFF: Yes.

19 CHAIRMAN SALADINO: I'm going to  
20 vote yes.

21 MR. PROKOP: Sorry, I just need to  
22 ask you a question. So there's a thing  
23 that's shown in your renderings on the  
24 top, which does not have a roof, it has  
25 slanted, you know, boards in it with an

1 open -- is that a pergola, is that what  
2 it is?

3 MR. PENNESSI: This is the item at  
4 42 feet 9 inches.

5 MR. PROKOP: It looks like a  
6 sitting area, looks almost like a  
7 gazebo. What is that?

8 MR. PENNESSI: That's the so  
9 called trellis.

10 MS. WINGATE: The trellis is a  
11 visual -- a trellis is usually vertical  
12 structure, it could be an arbor, it  
13 could be --

14 CHAIRMAN SALADINO: Does that make  
15 a difference to us?

16 MR. PROKOP: No, that's fine.

17 MS. WINGATE: As long as we're  
18 consistent.

19 MS. NEFF: As long as we call it  
20 one thing.

21 CHAIRMAN SALADINO: Eileen, are  
22 you keeping score?

23 MS. WINGATE: I am keeping score,  
24 John.

25 MR. PENNESSI: Can I buy a box for

1 the loading zone?

2 CHAIRMAN SALADINO: The loading  
3 zone. Okay. Proposed building  
4 provides for an off street loading  
5 berth required by section 150-16B,  
6 paragraph eight, which requires one  
7 berth for each 25,000 square feet of  
8 floor area. Loading berths are  
9 required to be 12 feet wide and 33 feet  
10 in length. The proposed berth is 9  
11 feet wide and 20 feet in length,  
12 requiring a variance of 3 feet for the  
13 width and 13 feet for the length.

14 MS. GORDON: Can I ask him a  
15 question about this?

16 CHAIRMAN SALADINO: Anything you  
17 want.

18 MS. GORDON: Are you convinced  
19 that this undersized as it is clearly  
20 defined is going to fit, I mean, the  
21 kinds of delivery vehicles that will  
22 come into the parking lot? What makes  
23 you think that 9 feet will be enough?

24 MR. PENNESSI: We worked on this  
25 with the architect, who unfortunately

1           isn't here tonight, but he had  
2           calculated the turning radiuses and  
3           reviewed the size of the parking stalls  
4           required by the Village code when we  
5           laid out the parking area, and based on  
6           the operation of both the hotel at the  
7           property and the restaurant, we  
8           determined that we would not likely be  
9           receiving trucks, you know, large 18  
10          wheelers. They're taking the form of  
11          smaller delivery vehicles, and we would  
12          be able to accommodate them in that  
13          loading zone. They would be more,  
14          like, you know, Sprinters or something  
15          of that nature.

16                MS. NEFF: What did you call them?

17                MR. PENNESSI: There's a vehicle  
18          out there called a Sprinter.

19                MS. GORDON: But we can't put a  
20          condition on a variance that you use  
21          those smaller vehicles, which makes it  
22          hard.

23                CHAIRMAN SALADINO: As hard as it  
24          is for you to believe, sometimes the  
25          applicants don't tell us entirely the

1 truth. I know that's hard for you to  
2 believe but --

3 MR. PENNESSI: I wouldn't be able  
4 to tell a vendor that they had to use  
5 that vehicle either.

6 CHAIRMAN SALADINO: Well, we know  
7 it's impractical for you to say because  
8 you don't -- you know, the vendor has a  
9 case of whatever to deliver, you can't  
10 tell them what kind of --

11 MR. PROKOP: We can put that  
12 condition, I think that's reasonable.

13 CHAIRMAN SALADINO: It's  
14 unenforceable. You know, I think you  
15 might be better off, in my opinion,  
16 because I have an alternative from the  
17 Board about the next one because if  
18 your parking problems go away, the  
19 loading zone becomes -- you could have  
20 some room for the loading zone. So  
21 maybe I just put this out there before  
22 we do anything else, that as far as  
23 parking, the Zoning Board got this  
24 application from the Planning Board  
25 because of these variances and the big

1           one being parking. I wasn't -- I  
2           didn't think that was right that they  
3           should -- I thought it was -- this  
4           should have been in the Planning  
5           Board's territory.

6           MR. PROKOP: It goes back to them.

7           CHAIRMAN SALADINO: I understand.  
8           That's going to be my proposed  
9           compromise. If we were to give this  
10          applicant a variance of you have  
11          eleven, you require thirty-two, you're  
12          asking for twenty-one parking spaces.  
13          I hate for it to sound like we're  
14          passing the buck back to the Planning  
15          Board, but if we gave this applicant a  
16          variance for six parking spaces instead  
17          of twenty-one, he could go back to the  
18          Planning Board and buy fifteen spaces,  
19          if they're willing to do that. That  
20          would give you the opportunity to  
21          eliminate one additional parking space  
22          and increase the size of your loading  
23          zone.

24          MS. NEFF: Could I just ask that  
25          the attorney or maybe the building

1 inspector, when was the last time the  
2 Village did accept payment in lieu of  
3 parking spaces?

4 CHAIRMAN SALADINO: I don't know.

5 MS. WINGATE: I have no clue.

6 MS. NEFF: Does anybody know?

7 MR. CORWIN: I think it was about  
8 thirty-five years ago.

9 MS. NEFF: I don't think it was  
10 that long, but I think it was, like,  
11 ten or twenty.

12 CHAIRMAN SALADINO: I have no  
13 idea.

14 MS. NEFF: We don't want to offer  
15 something that doesn't exist.

16 CHAIRMAN SALADINO: It does exist.

17 MR. PROKOP: We haven't had an  
18 application like this.

19 CHAIRMAN SALADINO: Well, wait a  
20 second. The fact that we haven't had  
21 an application doesn't negate the fact  
22 that it's still in the code.

23 MR. PROKOP: No, no, it is in the  
24 code. I'm saying that with all due  
25 respect, the fact that we haven't asked

1 for it in a long time is probably more  
2 related to the fact that we haven't had  
3 an application like this in a long  
4 time.

5 MS. WINGATE: I have a thought.

6 MR. PROKOP: I think we should ask  
7 for it.

8 MS. WINGATE: What about -- what  
9 was the name of the building built by  
10 Rich Israel, the Theo Building, you  
11 were probably on the Board for that  
12 one.

13 MR. CORWIN: Come on, guys. We  
14 got to move ahead on this stuff.

15 MS. WINGATE: I could look into  
16 that. I could try.

17 MR. PENNESSI: I guess --

18 MS. GORDON: It's an interesting  
19 idea.

20 MR. PENNESSI: It is. I am a bit  
21 disappointed. We had talked about it  
22 at the last meeting or two meetings ago  
23 that we didn't want to get to the point  
24 where we're on almost the eve of a  
25 resolution and then be sent back to the



1 Planning Board. Now, in our reading of  
2 the code, it is -- the Planning Board  
3 can make a decision to offer to the  
4 applicant the ability to buy the  
5 spaces, and we had raised this back in  
6 October of last year when we first  
7 appeared before the Planning Board and  
8 said that we didn't want to get into a  
9 position where we're sent to the Zoning  
10 Board requesting variances and then  
11 back to the Planning Board for site  
12 plan approval without having been  
13 granted the necessary variances for the  
14 parking, not getting a decision from  
15 the Planning Board to allow us to buy  
16 the spaces, and then having to go back  
17 to the Zoning Board for variances.

18 CHAIRMAN SALADINO: Dan, the only  
19 reason I suggested it was -- I haven't  
20 spoke to my colleagues, I have no idea,  
21 all I know is from the sense of the  
22 public and what we've talked about here  
23 and stuff, twenty-one spaces might be  
24 too ambitious. This, in my opinion,  
25 was giving you a back door. If you

1 would rather we just vote on the  
2 twenty-one, so be it.

3 MR. PENNESSI: I think we would.  
4 I mean, with the process -- I guess the  
5 question is is what's being proposed  
6 that it would be something in the form  
7 of a joint meeting in November with the  
8 ZBA and the Planning Board so we can  
9 have a decision?

10 MR. PROKOP: The Planning Board  
11 has two meetings between tonight and  
12 our next meeting. They have two  
13 meetings, the have a meeting the last  
14 week of the month and the first week of  
15 the month.

16 CHAIRMAN SALADINO: We have no --  
17 I don't have a problem bringing this up  
18 for a vote. I thought it was I don't  
19 want to say reasonable, I just, you  
20 know, an option.

21 MR. PENNESSI: Would we have  
22 sufficient time to submit the  
23 application to the Planning Board for  
24 it to be heard at one of the two next  
25 meetings, or would this require a

1 public hearing that would potentially  
2 extend the time period to fully vet  
3 whether the Planning Board would be  
4 willing to accept payment and move  
5 parking and enable us to then come to a  
6 final resolution of the Zoning Board?

7 MR. PROKOP: Well, their work  
8 session is the 27th.

9 CHAIRMAN SALADINO: You certainly  
10 -- you don't have to -- you could ask  
11 for a presubmission conference and get  
12 a sense of -- I don't have problem  
13 calling for a vote on this.

14 MR. PENNESSI: Well, it's  
15 informal, right, so I mean, we could  
16 pursue it in the interim  
17 notwithstanding whatever is --

18 MR. PROKOP: The only question I  
19 have for the Board is if we grant a  
20 parking variance, then we're basically  
21 waiving the parking fee, right? If  
22 parking is required but it's given up  
23 by the Planning Board, then the  
24 applicant has to pay a fee. But if we  
25 grant a variance for the parking, then

1           they're not on the -- they're not  
2           liable for the fee because it's not  
3           required.

4           CHAIRMAN SALADINO: I'm not sure.

5           MR. PROKOP: If they leave here  
6           tonight requiring -- what is it?

7           CHAIRMAN SALADINO: Twenty-one.

8           MR. PROKOP: What is the total  
9           you're required?

10          CHAIRMAN SALADINO: Thirty-two.

11          MR. PROKOP: If they leave here  
12          tonight with no variance requiring  
13          thirty-two spaces, but they only can  
14          get to twenty-one, then the Planning  
15          Board has to grant the eleven and get  
16          the parking fee for the eleven. If  
17          they leave here tonight with a  
18          variance, then we don't get the parking  
19          fee.

20          MR. CORWIN: This is an advisory  
21          vote. It's a month down the road.

22          CHAIRMAN SALADINO: Let's vote on  
23          it the way it's written and let the  
24          chips fall where they may. We're doing  
25          loading zone.

1 MS. WINGATE: We wanted his fees.

2 CHAIRMAN SALADINO: I said what I  
3 had to say. We'll do a vote on the way  
4 it's written. We're doing te loading  
5 berth, right?

6 MR. CORWIN: Yes.

7 MR. PENNESSI: May I just ask one  
8 question? When is the next Planning  
9 Board work session?

10 MS. WINGATE: Thursday. A week  
11 from this Thursday, next Thursday. And  
12 my phone is dead because we've been  
13 here forever.

14 MS. ALLEN: It should be the 27th.

15 MR. PENNESSI: And the meeting --  
16 they have two meetings in between,  
17 there's a meeting next --

18 MR. PROKOP: The 27th and also the  
19 3rd.

20 MR. PENNESSI: And the 27th is a  
21 work session and the 3rd is an actual  
22 meeting?

23 MR. PROKOP: So probably what I  
24 would try to do is see if you can make  
25 a presentation to the work session.

1 MS. WINGATE: I could put you on  
2 the agenda for next Thursday because I  
3 haven't written it yet.

4 MR. PENNESSI: Thank you.

5 MS. WINGATE: It's supposed to be  
6 twenty-five days in advance. So Joe,  
7 is that okay with you?

8 MR. PROKOP: Yes, because they  
9 already have the application.

10 MR. PENNESSI: I would still like  
11 to see the informal vote, if we could?

12 CHAIRMAN SALADINO: Dan, your wish  
13 is our command. The proposed  
14 building -- oh, we read that.

15 MR. CORWIN: Let's -- should we  
16 have a little discussion because it's  
17 really an undersized loading zone and  
18 it's questionable whether a truck can  
19 get in and out of that.

20 CHAIRMAN SALADINO: This is a  
21 parking space, this is not a loading  
22 zone.

23 MR. CORWIN: But according to them  
24 it's a loading zone.

25 CHAIRMAN SALADINO: But nine feet

1 by twenty is a parking space, is a  
2 glorified -- is a handicap parking  
3 space.

4 MR. CORWIN: So it's an undersized  
5 loading berth. So the question comes  
6 in my mind, do we give a little and  
7 call something a loading zone that's  
8 undersized, or do we -- I'm just trying  
9 to set it up in my mind. Let's move  
10 ahead.

11 CHAIRMAN SALADINO: Okay. Whether  
12 an undesirable change will be produced  
13 in the character of the neighborhood or  
14 a detriment to nearby properties will  
15 be created by the granting of this area  
16 variance?

17 MS. NEFF: We're talking  
18 specifically about the loading zone  
19 only?

20 CHAIRMAN SALADINO: Right now,  
21 just the loading zone. David?

22 MR. CORWIN: Yes.

23 CHAIRMAN SALADINO: Dinni?

24 MS. GORDON: Yes.

25 CHAIRMAN SALADINO: Ellen?

1 MS. NEFF: No.

2 CHAIRMAN SALADINO: And I'm going  
3 to vote yes. Whether the benefit  
4 sought by the applicant can be achieved  
5 by some method feasible for the  
6 applicant to pursue, other than an area  
7 variance? David?

8 MR. CORWIN: Yes.

9 CHAIRMAN SALADINO: Dinni?

10 MS. GORDON: Yes.

11 CHAIRMAN SALADINO: Ellen?

12 MS. NEFF: Yes.

13 CHAIRMAN SALADINO: I'll vote yes.  
14 Whether the requested area variance is  
15 substantial? David?

16 MR. CORWIN: Yes.

17 CHAIRMAN SALADINO: Diane?

18 MS. GORDON: Yes.

19 CHAIRMAN SALADINO: Ellen?

20 MS. NEFF: No.

21 CHAIRMAN SALADINO: I'm going to  
22 vote yes. Whether the proposed  
23 variance will have an adverse effect or  
24 impact on the physical or environmental  
25 conditions in the neighborhood or



1 district? David?

2 MR. CORWIN: Yes.

3 CHAIRMAN SALADINO: Dinni?

4 MS. GORDON: Yes.

5 CHAIRMAN SALADINO: Ellen?

6 MS. NEFF: Yes.

7 CHAIRMAN SALADINO: I'm going to

8 vote yes. I'll make this tentative

9 motion to approve --

10 MR. CORWIN: No, wait a minute, I

11 think you read the first one rather

12 than the last one.

13 MS. WINGATE: I only have four

14 questions.

15 CHAIRMAN SALADINO: Oh, alleged

16 difficulty, I'm sorry, I apologize to

17 the public. Whether the alleged

18 difficulty was self-created? David?

19 MR. CORWIN: Yes.

20 CHAIRMAN SALADINO: Diane?

21 MS. GORDON: Yes.

22 CHAIRMAN SALADINO: Ellen?

23 MS. NEFF: Yes.

24 CHAIRMAN SALADINO: I'll vote yes.

25 Now, we move to a motion to approve the

1 requested variance. David?

2 MR. CORWIN: No.

3 CHAIRMAN SALADINO: Dinni?

4 MS. GORDON: No.

5 CHAIRMAN SALADINO: Ellen?

6 MS. NEFF: Yes.

7 CHAIRMAN SALADINO: I'm going to  
8 vote no.

9 MS. GORDON: I was really  
10 persuaded about this by Chatty's  
11 description of the difficulties of that  
12 corner, and I think the combination of  
13 the problems of vehicles getting around  
14 that corner and into the loading dock  
15 and out of it again. I don't know what  
16 the solution is, but it really strikes  
17 me as a serious problem.

18 CHAIRMAN SALADINO: My thought was  
19 that you're going to get more than just  
20 boxes of straws and candy delivered to  
21 your hotel, you know, sheets and stuff  
22 in bigger trucks, and there's no  
23 opportunity for anybody to park any  
24 place. You can't park on Third Street  
25 and make a delivery, you can't park on

1 Front Street to make a delivery. It  
2 would really be a detriment to the  
3 Village, so that was my thought. If,  
4 you know, and again, we could tell you  
5 you could only put -- what did you call  
6 it, a scooter, a skeeter?

7 MS. GORDON: A sprinter.

8 CHAIRMAN SALADINO: A sprinter.  
9 But when your vendor tells you, listen,  
10 your delivery is on my truck, if you  
11 want it, you're going to take whatever  
12 truck it's coming on. You don't  
13 suffer, you get your goods, but the  
14 people that are trying to get up and  
15 down Third Street or up and down Front  
16 Street, they're the ones that are going  
17 to suffer.

18 MR. CORWIN: A smaller truck might  
19 service Manhattan, but nobody is going  
20 to drive out to Greenport with a  
21 smaller struck just to deliver some  
22 beef or something.

23 CHAIRMAN SALADINO: Well, we just  
24 don't know, we just don't know, and not  
25 knowing is what makes it -- all right.

1 The last one is a mixed use building  
2 proposes eleven parking spaces.  
3 Section 150-16A, paragraph one requires  
4 thirty-two parking spaces based on  
5 square footage calculations and  
6 requirements for hotel occupancy  
7 requiring a variance of twenty-one  
8 parking spaces. Any discussion?

9 MR. CORWIN: Well, really the big  
10 stumbling block to me is I think we can  
11 get around just about everything but  
12 all those parking places. The idea  
13 that you go to Planning Board and you  
14 purchase -- payment for parking, I got  
15 to tell you, that was my idea  
16 thirty-five years ago, which I told you  
17 a month or so ago.

18 CHAIRMAN SALADINO: Did I steal  
19 your thunder? I'm sorry.

20 MR. CORWIN: But at that point in  
21 time the parking space probably could  
22 be had for fifteen hundred dollars or  
23 something. At this point in time, you  
24 couldn't buy a parking space in  
25 Greenport for thirty or forty thousand

1 dollars in my opinion. So that's  
2 really the big stumbling block to me  
3 for the whole concept of payment moved  
4 parking at this point in time.

5 CHAIRMAN SALADINO: To expand on  
6 David's answer, right now the fee is  
7 set at twenty-five hundred. It was  
8 proposed to be raised to ten thousand,  
9 which I guess in this day and age makes  
10 more sense, but right now it's  
11 twenty-five hundred dollars. When I  
12 had first saw this I thought forget it  
13 because I didn't have a concept of  
14 people taking mass transit to Greenport  
15 because I don't, and for the most part  
16 in the past people haven't. The train  
17 hardly runs, the Jitney, you know, most  
18 people that stay at hotels and stuff  
19 don't take the Jitney. I'm not saying  
20 I changed my mind about all that, but I  
21 have seen lately, the last -- this  
22 season every day I've seen people  
23 pulling suitcases up Front Street. I  
24 see people pulling suitcases up Third  
25 Street and stuff, so I'm thinking maybe

1 parking -- the dynamic of requiring  
2 buildings to have parking, new  
3 buildings have changed. Plus, the  
4 other thing is, you know, it's hard for  
5 me to reconcile denying or supporting  
6 the code when it comes to this  
7 particular property when there's say a  
8 property -- without mentioning  
9 particular -- say a property across the  
10 street that could have a three hundred  
11 seat restaurant and nine apartments and  
12 not provide one parking space. To me,  
13 it seems -- unfortunately the Village  
14 Board chose to go that route. The  
15 Zoning Board -- a guy like me on the  
16 Zoning Board is here to support the  
17 code. I don't take an interpretive  
18 look at it. So I'm really sympathetic  
19 to your cause, but I would love to see  
20 this building, but until something  
21 changes in my mind to ask for  
22 twenty-one parking spaces, I just don't  
23 -- I'm just not sure about it.

24 MR. PROKOP: The parking spaces  
25 are based on commercial space?

1 MS. WINGATE: Those are based on  
2 the residential use, the restaurant  
3 use, the retail.

4 CHAIRMAN SALADINO: Employees, two  
5 for employees and restaurant, and then  
6 the hotel.

7 MS. WINGATE: It's a very  
8 comprehensive number.

9 MR. PROKOP: How many residential  
10 units?

11 MR. PENNESSI: The hotel requires  
12 sixteen parking spaces. It's one space  
13 per guest room on sixteen rooms.

14 MR. PROKOP: Sixteen rooms.

15 MR. PENNESSI: Plus one space per  
16 employee, and we anticipate two  
17 employees. The restaurant requires  
18 twelve parking spaces, it's one space  
19 for every five seats, and we have sixty  
20 seats currently proposed. And then the  
21 retail use requires two spaces, it's  
22 one space per three hundred square feet  
23 of retail space in the building.

24 MS. GORDON: I just hate to see  
25 important developments limited by the

1 parking problem, and I realize that's,  
2 I mean, the only way to solve that is  
3 for the Village as a whole to do  
4 something more about parking. I don't  
5 know what the answer is.

6 MR. CORWIN: This parking problem  
7 has been going on for since they  
8 invented cars and probably when they  
9 had horse and buggies. So actually it  
10 is starting to change with these things  
11 like Uber and stuff like that, but I  
12 don't know if we're going to see it.

13 MS. GORDON: Do you think you'd  
14 have valet parking in the middle of the  
15 season?

16 CHAIRMAN SALADINO: Put them  
17 where?

18 MR. PENNESSI: That would be the  
19 issue.

20 CHAIRMAN SALADINO: I could see a  
21 variance -- I could see this Board  
22 perhaps getting its head around the  
23 variance if you had an alternative  
24 piece of property and valet parking.  
25 If you had a sixty by a hundred foot



1 piece of vacant land, and you had title  
2 to it, to park those cars -- you hire a  
3 valet. Me, personally, I think that  
4 would be something look at. But again,  
5 we'd give you a variance for having it  
6 more than two hundred feet away.  
7 You're required to have the property  
8 two hundred feet from the building  
9 but --

10 MS. NEFF: It would have to  
11 support zoned parking on that property,  
12 which doesn't exist. But I -- since we  
13 are discussing this issue, I'm growing  
14 an idea of granting five parking spaces  
15 as a variance. In other words, we're  
16 granting half the required amount. It  
17 goes from eleven to sixteen, half of  
18 the thirty-two. I don't know where I  
19 got that idea, but it just came to me.  
20 That's my proposal to the Board.

21 CHAIRMAN SALADINO: But then we  
22 don't get the money from the --

23 MS. NEFF: No, it doesn't say that  
24 at all because we haven't given a  
25 decision. We've ben somewhat flexible.

1 I myself have seen quite a few people  
2 get off trains and busses and use the  
3 Village as a pedestrians a lot.

4 CHAIRMAN SALADINO: I agree with  
5 you. But what the attorney just said,  
6 and kind of backed up by the building  
7 inspector was that if we gave them  
8 anything, it would be giving them the  
9 required parking, and we wouldn't --

10 MS. NEFF: That's not the required  
11 parking, it's part of the required  
12 parking.

13 CHAIRMAN SALADINO: Well, that's  
14 what I had thought.

15 MS. WINGATE: That's exactly what  
16 John had proposed earlier.

17 MS. NEFF: I didn't hear John's  
18 proposal. Today? During the time I've  
19 been sitting here? Really? You said  
20 that, John?

21 MS. WINGATE: John, repeat  
22 yourself.

23 CHAIRMAN SALADINO: I'm too tired  
24 to repeat myself. I think it's come  
25 time to decide on this variance. We

1 kicked it around a little bit, and I  
2 think I'm going to call a vote.

3 MR. PENNESSI: Can I ask one  
4 thing? Based on what you were saying  
5 before, so the code currently requires  
6 that the loading berth be twelve feet  
7 wide, but we were asking for a variance  
8 as to the width of the loading berth.  
9 It should be twelve feet wide, and we  
10 were providing a nine foot wide berth.  
11 If we were able to include a twelve  
12 foot wide berth, based on this it looks  
13 like it would take up one and perhaps  
14 up to three additional parking spaces  
15 on site.

16 CHAIRMAN SALADINO: That was kind  
17 of, like, what I thought I was  
18 suggesting to you. If we give you --  
19 however we worked the numbers that you  
20 could go to the Planning Board with  
21 twenty spaces, and if that increased  
22 your parking lot size by however many  
23 square feet, you might have not needed  
24 a variance for the loading zone, you  
25 might have had the variance for the

1 loading zone, be able to park ten cars  
2 or nine cars, and we give you a  
3 variance for six cars or seven cars.  
4 I'm losing track of how many cars here,  
5 and then eventually go to the Planning  
6 Board and ask to buy twenty spaces from  
7 them.

8 MR. PENNESSI: I understand. I'm  
9 just trying to better understand it.  
10 It looks like it would be about eight  
11 spaces on the site plus a full size  
12 loading dock is what could fit there.

13 CHAIRMAN SALADINO: So eight from  
14 thirty-two would be twenty-four, so we  
15 would have to give you a variance for  
16 four spaces. Does that sound right?

17 MS. WINGATE: That's the math.

18 MR. PENNESSI: The Planning Board  
19 permits you to buy up to twenty spaces  
20 for twenty-five hundred per space?

21 MS. WINGATE: Yes.

22 MS. GORDON: You'd have to ask  
23 your employees to park in East Marion.

24 MR. PENNESSI: Hopefully they live  
25 in the Village.

1 MR. CORWIN: In my mind, the  
2 applicant goes out and he buys say a  
3 house on Third Street, he knocks it  
4 down, and he says there's my parking.

5 MS. NEFF: But it's not zoned for  
6 parking.

7 CHAIRMAN SALADINO: We know a  
8 place on Kaplan. Well, I'll also  
9 suggest that we table this one variance  
10 and let you go to the Planning Board  
11 and kick it around a little bit.  
12 You've been around here for, like, a  
13 year, I mean, another month or so is  
14 not going to --

15 MR. PROKOP: I think that's a good  
16 idea. I think the Village loses an  
17 opportunity if it doesn't at least make  
18 one pass through the Planning Board.

19 CHAIRMAN SALADINO: What do you  
20 think, Dan?

21 MR. PENNESSI: Yeah, I think that  
22 I can say we'll take it under  
23 advisement, but I think that we will  
24 attend the Planning Board and see --  
25 take the Planning Board's temperature

1 as to whether they'd be willing to  
2 allow a purchase of those spaces. We  
3 had tried to do that at the beginning  
4 of this process, I think there was an  
5 October application to the Planning  
6 Board where we discussed. We were  
7 unsure who would actually be  
8 responsible for dealing with this.

9 CHAIRMAN SALADINO: That's why I  
10 had thought when this application came  
11 in front of us, I had thought that it  
12 should have been at least -- without  
13 just being rejected automatically  
14 because you needed a variance or five  
15 variances, that it should have been at  
16 least discussed at the Planning Board  
17 to give everybody a little information,  
18 you know. I don't believe in joint  
19 meetings, I think they turn into  
20 rodeos, so -- but I wouldn't have a  
21 problem tabling this one, if it's okay  
22 with you, and you give us the extra  
23 time.

24 MR. PENNESSI: Yeah, I think we  
25 need the extra time anyway for the

1 resolution. I mean, I would ask that  
2 we still pursue a resolution for the  
3 November meeting, but you know.

4 CHAIRMAN SALADINO: I can  
5 guarantee that this will be done by  
6 November. We're kind of almost there.  
7 I mean, you know.

8 MR. PENNESSI: There would  
9 ultimately be a vote anyway. We could  
10 figure out if the Planning Board would  
11 be willing to do that. Hopefully they  
12 would be, and if not, we'll come back  
13 and vote on the application as it  
14 stands.

15 CHAIRMAN SALADINO: We might have  
16 a few extra minutes because we put two  
17 public hearings off until February. So  
18 am I going to make that motion that we  
19 table this until November?

20 MR. PENNESSI: Yes, that's fine.

21 CHAIRMAN SALADINO: The applicant  
22 agrees to the additional time?

23 MR. PENNESSI: Yes.

24 CHAIRMAN SALADINO: So moved.

25 MS. GORDON: Second.

1           MR. CORWIN: Say exactly what  
2           you're tabling.

3           CHAIRMAN SALADINO: Further  
4           consideration of the variances for SAKD  
5           Holdings.

6           MR. CORWIN: For everything?

7           MS. NEFF: No, just required for  
8           parking.

9           MR. PROKOP: It's to table the  
10          application as a whole because we  
11          really didn't -- you don't want to take  
12          anything off the table, please.

13          MR. PENNESSI: That's fine.

14          CHAIRMAN SALADINO: So I'll make  
15          that motion to table this application  
16          until the November meeting.

17          MR. PROKOP: And refer back to the  
18          Planning Board for parking review.

19          CHAIRMAN SALADINO: That's his  
20          choice, right? That's not for us to  
21          say.

22          MR. PROKOP: That's fine.

23          MS. NEFF: May I just ask, does  
24          our discussions, straw votes, if I may  
25          call them that, does that reach the



1 Planning Board, the things we did?

2 MR. PROKOP: Yes, it's a public  
3 record.

4 CHAIRMAN SALADINO: I'm sure Dan  
5 will tell them what we said here.

6 MR. CORWIN: There's a motion on  
7 the table that hasn't been seconded.

8 CHAIRMAN SALADINO: We have a  
9 motion to table this application to the  
10 November meeting. So moved. Is there  
11 a second?

12 MS. GORDON: Second.

13 CHAIRMAN SALADINO: All in favor?

14 MR. CORWIN: Aye.

15 MS. NEFF: Aye.

16 MS. GORDON: Aye.

17 CHAIRMAN SALADINO: Aye. Any  
18 opposed? Motion carries.

19 MR. CORWIN: Before we end this  
20 matter, I just want to say one thing to  
21 Mr. Pennessi, this has been a long  
22 torturous process, and I blame a lot of  
23 it on you with the idea of  
24 interpretations, so as Mr. Saladino  
25 says you could get two bites of the

1 apple, and some of it was ours with  
2 codes and procedures and stuff, but  
3 it's really a pleasure to work with a  
4 gentleman rather than somebody that  
5 cops an attitude. Thank you.

6 CHAIRMAN SALADINO: Item eleven,  
7 discussion and possible action on the  
8 application of Ralph and Maureen  
9 Caouette, 447 Sixth Street, Greenport,  
10 New York. Suffolk County Tax Map  
11 1001-6-3-3. Does the Board have any  
12 discussion about this application? I  
13 heard the attorney say that the  
14 application was incomplete? Can we  
15 know what that is?

16 MS. WINGATE: Yes, I looked at it.  
17 On the application Ralph wrote his  
18 street, but he didn't write Holden,  
19 Massachusetts.

20 CHAIRMAN SALADINO: 58 Mixter  
21 Road?

22 MR. CAOUETTE: That's it.

23 MR. PROKOP: It's not an  
24 incomplete application, it just needs  
25 to be filled in, made legible.

1           CHAIRMAN SALADINO: I'm okay. Is  
2 the Board okay with that?

3           MR. CORWIN: Yeah, I'm okay with  
4 that.

5           CHAIRMAN SALADINO: Is there any  
6 discussion about the application?

7           MS. GORDON: Yeah, I want to say  
8 one little thing, which is that there  
9 are a lot of these little cottages,  
10 these 20's cottages around the Village.  
11 They're very cute. I love looking at  
12 them, but they're really not very  
13 useful for many families. They don't  
14 have big kitchens, they don't have more  
15 than one or two bedrooms. It seems to  
16 me perfectly understandable why people  
17 with sizable lots would want to use  
18 those sizable lots to expand their  
19 houses. He didn't have to get a  
20 variance to add to the bedrooms and the  
21 part of the house that we looked at  
22 today, so that was all within the  
23 existing code, and then it seems to me  
24 a little carport is a very logical  
25 addition, that it doesn't require a

1           huge variance, and the person to the  
2           south is okay with it.

3           MR. CAOUETTE: I shared -- I did  
4           nine variations over the last two years  
5           of what to do with this tiny cottage,  
6           I'm thorough like that, and I share the  
7           last three or four plans, I even did a  
8           scale model for my neighbor getting her  
9           feedback. Good design requires  
10          thorough feedback. You know, I helped  
11          her with her project, she gave me what  
12          I thought was valuable input on this  
13          project. She realized too there's a  
14          nice canopy, you're not going to use  
15          that deck -- that ten by twelve, which  
16          is in the back. I mean, the whole  
17          portico chair is slid towards the back  
18          of the house. I think it's twenty-six  
19          feet back from the front porch. You're  
20          not going to use that, except in the  
21          summer months. There's a nice canopy  
22          of walnut and maple tree there that she  
23          realizes screens her house. You know,  
24          I'm not going to be sitting up there in  
25          December or anything unless I've got a

1 painting to do.

2 CHAIRMAN SALADINO: You know, I  
3 believe everything you're saying. I  
4 believe everything you're saying, but  
5 since we're supposed to put a  
6 professional face on this operation,  
7 not for this time, but perhaps going  
8 forward it would have been nice to have  
9 her say that somewhere, you know,  
10 because right now, like we told someone  
11 else, you know, sometimes the  
12 applicants aren't always --

13 MR. CAOQUETTE: I think she didn't  
14 perceive any resistance to this  
15 project. She thought it was very  
16 reasonable. She's in Texas right now  
17 with a friend.

18 CHAIRMAN SALADINO: Well, what  
19 we've also learned is that you never  
20 know what your neighbors are going to  
21 say, you never know what the public is  
22 going to say, you never know what  
23 somebody that doesn't live in the  
24 neighborhood is going to say, and we  
25 have to listen to them. So for them to

1 say this is not good, it's always good  
2 to have the next door neighbor say no,  
3 I love it, it's great. That's really  
4 not an issue here, but just going  
5 forward. Are we good?

6 MR. CORWIN: I would just like to  
7 make a few comments. One is the  
8 neighbor to the south got hers, her  
9 variance or her mud room for a dog.

10 MS. WINGATE: Her cat.

11 MR. CORWIN: Her deck, her stoop,  
12 or whatever it is. And the other thing  
13 I want to say is I really have  
14 reservations about the deck on the  
15 second floor. You can do that by  
16 right, you don't need a variance, but  
17 when you need a variance I just have  
18 reservations about it because if you  
19 build a deck in your backyard, hey, the  
20 sound is a little muffled, but when you  
21 build a deck on the second story, then  
22 the noise is broadcast. So I'm a  
23 little torn on how I want to vote on  
24 that. I'm certainly worn out from  
25 being here all evening.

1 MR. PROKOP: That could be -- I  
2 mean, it doesn't have to be approved  
3 with a deck, it could be approved  
4 without a deck or it could be approved  
5 with a smaller deck. I wanted to  
6 mention to the Board that -- have we  
7 had one of these before in the side  
8 yard, a second floor deck in a side  
9 yard?

10 CHAIRMAN SALADINO: No.

11 MS. WINGATE: Rosa was the back  
12 corner.

13 CHAIRMAN SALADINO: Yeah, but that  
14 was in the footprint.

15 MR. PROKOP: On either the  
16 Planning Board or the ZBA, the second  
17 floor deck in the side yard facing the  
18 street is a new thing for us.

19 MR. CORWIN: Well, we did have one  
20 on Fifth Street or Sixth Street, but  
21 that was a front yard.

22 MS. WINGATE: That was the front  
23 of the house.

24 CHAIRMAN SALADINO: That's my  
25 contention. I would have absolutely

1           problem, no qualms about saying no to  
2           this if it was in the front of the  
3           house. I'm kind of thinking about it  
4           on the side of the house. You know, we  
5           granted a deck, second floor deck, but  
6           it was in the same footprint. I'm not  
7           not looking at you, I'm looking at the  
8           plan, I apologize. It was in the same  
9           footprint of the house, so, you know,  
10          I'm not sure.

11           MR. CAOQUETTE: In this case, it  
12          lines up with her back deck, and she  
13          just added on a big paved patio on  
14          back, which again, I helped her with  
15          the design of that, so she has no  
16          issues there.

17           MR. CORWIN: The thing is she's  
18          not going to be around for -- in your  
19          original application you sounded like  
20          you weren't going to be around very  
21          long, so I think --

22           MR. CAOQUETTE: There's longevity  
23          in my family.

24           MR. CORWIN: That's not the way  
25          you made the original application, but



1           anyway, the point is we really should  
2           be looking out twenty years, thirty  
3           years down the road for people.

4           MS. NEFF: I had one comment, this  
5           proposed carport and deck is set --  
6           although the measurement isn't here  
7           because it's not required, but it's  
8           more than forty-five feet from the  
9           front of the property, it's not right  
10          near the street. Would you -- could  
11          you give me a better estimate of how  
12          far back that is?

13          MR. CAOUETTE: You're right. It's  
14          about forty-five. It's the back  
15          quarter of the house. With the roof in  
16          the front, the most that will be  
17          visible from the street is the top of  
18          the railing. There's the roof landing  
19          in the front. Again, it only impacts  
20          the immediate neighbor, and she's, as  
21          you mentioned, fine with it. Directly  
22          across the street there's a house owned  
23          by Tony Alvarez, that's a rental.  
24          They're the only ones that will have a  
25          viewpoint of it. My worry about it was

1           smelling the proposed distillery that's  
2           probably coming in two years on Coleman  
3           Street, which is within three hundred  
4           feet. Louis Marine. I know what they  
5           smell like, I grew up on the New  
6           Hampshire line. Noise wise, most of  
7           the residents are used to it. We're a  
8           hundred and fifty feet from the DPW,  
9           the amount of heavy equipment that  
10          comes out of there, parking, noise.  
11          Minor, you know.

12                   CHAIRMAN SALADINO: Makes me kind  
13           of wonder why you want it with all that  
14           adversity around you, you know.

15                   MR. CAOUETTE: I thought when I  
16           retired I was going to the Cape, but  
17           I've got -- this is important to my  
18           wife.

19                   CHAIRMAN SALADINO: I advocate for  
20           Greenport, but you're telling us about  
21           the rental across the street, and the  
22           noise from the road department and the  
23           distillery, I would think the last  
24           place you would want to be is outside  
25           on the deck.

1 MR. CAOUETTE: I like fresh air.  
2 I've got a bad sniffer, so she's more  
3 likely to smell it than me.

4 CHAIRMAN SALADINO: Okay. What's  
5 the pleasure of the Board?

6 MS. GORDON: I'm ready to vote.

7 MS. NEFF: Me too.

8 CHAIRMAN SALADINO: The other  
9 thing I would like to tell you, I  
10 personally would like to apologize, we  
11 held this application a month because  
12 -- I think because we were tired, you  
13 know, I'm not really sure why, but let  
14 me apologize to you now.

15 MR. CAOUETTE: I'm just holding  
16 the builder up.

17 CHAIRMAN SALADINO: We'll do the  
18 questions. And this is for the  
19 proposed 8.3 side yard setback on the  
20 south property line requiring an area  
21 variance of 6.7 feet in the R-2  
22 district. Section 150-12A of the  
23 Village code requires a side yard  
24 setback of 15 feet in the R-2 district.  
25 The proposed aggregate side yard

1 setback is 18.2 feet requiring a 6.8  
2 foot combined side yard variance.  
3 Section 150-12A of the Village code  
4 requires a twenty-five foot combined  
5 yard setback in the R-2 district.  
6 Okay?

7 Whether an undesirable change will  
8 be produced in the character of the  
9 neighborhood or a detriment to nearby  
10 properties will be created by the  
11 granting of the area variance? David?

12 MR. CORWIN: No.

13 CHAIRMAN SALADINO: Dinni?

14 MS. GORDON: No.

15 CHAIRMAN SALADINO: Ellen?

16 MS. NEFF: No.

17 CHAIRMAN SALADINO: I'm going to  
18 vote no. Whether the benefit sought by  
19 the applicant can be achieved by some  
20 method feasible for the applicant to  
21 pursue, other than area variance?  
22 David?

23 MR. CORWIN: No.

24 MS. GORDON: No.

25 MS. NEFF: No.

1           CHAIRMAN SALADINO:  And I'll vote  
2           no.  Whether the requested variance is  
3           substantial?  David?

4           MR. CORWIN:  Yes.

5           CHAIRMAN SALADINO:  Dinni?

6           MS. GORDON:  No.

7           CHAIRMAN SALADINO:  Ellen?

8           MS. NEFF:  No.

9           CHAIRMAN SALADINO:  And I'm going  
10          to vote no.

11          Whether the requested variance  
12          will have an adverse effect or impact  
13          on the physical or environmental  
14          conditions in the neighborhood or  
15          district?  David.

16          MR. CORWIN:  I'm going to give  
17          that a qualified yes, because I am  
18          concerned about noise from the deck on  
19          the second floor.

20          CHAIRMAN SALADINO:  Dinni?

21          MS. GORDON:  No.

22          CHAIRMAN SALADINO:  Ellen?

23          MS. NEFF:  No.

24          CHAIRMAN SALADINO:  I'm going to  
25          vote no.  Whether the alleged

1 difficulty was self-created, which  
2 consideration shall be relevant to the  
3 decision of the Zoning Board of Appeals  
4 but shall not necessarily preclude the  
5 granting of the area variance? David?

6 MR. CORWIN: Yes.

7 CHAIRMAN SALADINO: Diane?

8 MS. GORDON: Yes.

9 CHAIRMAN SALADINO: Ellen?

10 MS. NEFF: Yes.

11 CHAIRMAN SALADINO: I'll vote yes.

12 I'll make a motion to grant the area  
13 variance.

14 MS. NEFF: Second.

15 CHAIRMAN SALADINO: David?

16 MR. CORWIN: Yes.

17 MS. WINGATE: I'm missing --

18 MR. PROKOP: We need to do it  
19 before the final -- we need a motion  
20 that it's adopting lead agency status  
21 and determining that it's a type two  
22 action for purposes of SEQRA.

23 CHAIRMAN SALADINO: So moved.

24 MS. NEFF: Second.

25 CHAIRMAN SALADINO: All in favor?

1 MR. CORWIN: Aye.

2 MS. NEFF: Aye.

3 MS. GORDON: Aye.

4 CHAIRMAN SALADINO: Aye. Finally,

5 I'll make this motion to grant this

6 area variance. David?

7 MR. CORWIN: Well, this is a do

8 over, so is somebody going to second

9 it?

10 MS. NEFF: I'll second it.

11 CHAIRMAN SALADINO: I don't think

12 we. Okay.

13 MR. CORWIN: So my answer is yes.

14 MS. GORDON: Yes.

15 MS. NEFF: Yes.

16 CHAIRMAN SALADINO: I'm going to

17 vote yes. Good luck.

18 Item 12, motion to adjourn.

19 MS. GORDON: Second.

20 CHAIRMAN SALADINO: All in favor?

21 MR. CORWIN: Aye.

22 MS. NEFF: Aye.

23 MS. GORDON: Aye.

24 CHAIRMAN SALADINO: Aye.

25 (Whereupon the meeting was

1 adjourned at 10:29 p.m.)

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

STATE OF NEW YORK )

) SS:

COUNTY OF SUFFOLK )

I, AMY BOHLEBER, 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 taken on October 18, 2016.

I further certify that I am not related to  
any of the parties to this action by blood or  
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 31st day of October, 2016.

*Amy Bohleber*

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Amy Bohleber