VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK
----------------------------------------X.
ZONING BOARD OF APPEALS
REGULAR MEETING
----------------------------------------X

October 18, 2016
6:00 P.M.
Third Street Fire Station
Greenport, New York

BEFORE:
JOHN SALADINO - Chairman
DAVID CORWIN - Member
DINNI GORDON - Member
ELLEN NEFF - Member

EILEEN WINGATE - Village Building Inspector
JOSEPH PROKOP - Village Attorney
(Whereupon the meeting was called to order at 5:59 p.m.)

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

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

CHAIRMAN SALADINO: Okay. And to avoid some confusion down the road, if by chance I have to be absent, I try to make all the meetings, but if by chance I don't, we don't have to take a vote at the end of the meeting, I'm going to ask David if he would like to be the
Deputy Chairman in case I can't make it that night. If he says yes, he'll be the Deputy Chairman. If this takes longer than an hour and a half, we're going to break for a couple of minutes to let the stenographer relax a little bit I think. And there's an announcement also for item number five and -- item number four and five, but we'll do that when we get to those items. Are we ready?

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

MS. NEFF: Second.

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

MS. NEFF: I acknowledge that.

CHAIRMAN SALADINO: I have a second offered with the correction.
MS. GORDON: Aye.
MS. NEFF: Aye.
MR. CORWIN: I abstain.
CHAIRMAN SALADINO: Item number two is the approve the Zoning Board of Appeals minutes from the meeting held on August 16, 2016. So moved.
MS. GORDON: Second.
CHAIRMAN SALADINO: All in favor?
MS. GORDON: Aye.
MS. NEFF: Aye.
CHAIRMAN SALADINO: Any opposed?
MR. CORWIN: I abstain.
CHAIRMAN SALADINO: Item number three, motion to schedule the next Zoning Board of Appeals meeting to November 15, 2016 at 6:00 p.m. at the Third Street Firehouse. So moved.
MR. CORWIN: Second.
CHAIRMAN SALADINO: All in favor?
MR. CORWIN: Aye.
MS. NEFF: Aye.
MS. GORDON: Aye.
CHAIRMAN SALADINO: Motion carries. Number four is the
continuation of the public hearing
regarding an area variance. The
variance is sought by James
Olinkiewicz, 221 Fifth Avenue,
Greenport, New York. Suffolk County
Tax Map 1001-4-4-29. Before the public
speaks, if there's any members of the
public that would like to speak, I
just -- sorry. Any members of the
public get a comment on this?

MS. WICKHAM: Good evening, my
name is Abigail Wickham, I represent
Roberta Garris and Jack Weiskott who
live directly north of the proposed
subdivision. I will not repeat my
letter, statement of September 19th,
which I understand is in your record, I
just want to summarize that there are
five very significant variances, all of
which must be granted in order for this
application to proceed. There is also,
I believe, an accessory building on a
vacant lot issue that I'm not sure was
noticed, and I have a couple of
additional information items that I'd
like to submit. The first being an example of the current parking on the vacant -- the proposed vacant lot, which has five cars servicing the house with the residence on it. This was taken by Mr. Weiskott, and he can give you the date when he speaks. There are also a number of photos of cars on the street that relate to the existing housing, and it illustrates our concern about the over-trafficking and over-parking of the area, and the inability of this parcel as two parcels to have adequate off street parking since just the current use fully utilizes what would be available for parking on the property. Further, I have a chart, and I will give you a copy and Counsel a copy showing the lots in the neighborhood in the immediate block and immediately across the street of this proposed parcel, which are larger than the lots proposed, and there are at least twelve to fourteen of them, so that the
applicant's claim that this lot to be created, which is very small and under the required size is -- the applicant's claim is that it's not out of keeping with the neighborhood. Well, there are many lots that it would create an adverse precedent for, and there are many lots that are in that neighborhood that are larger than the proposed lot, so it would be adverse. It would also result in a series of seven lots of very small width, fifty feet width all in a row. So all of these increased cumulative impacts of these multiple variances in order to secure this subdivision really have a tremendous effect individually and cumulatively. If I may, and I would like to also, if I may, reserve the ability to respond to the applicant's Counsel should new material be brought up. Thank you.

MR. PROKOP: Can I ask you a question?

MS. WICKHAM: Certainly.

MR. PROKOP: You said you wondered
if the accessory structure on the subdivided lot was noticed, do you mean noticed in the public notice or noticed by the Village?

MS. WICKHAM: Either.

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

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

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

CHAIRMAN SALADINO: You don't have
the date and time of this photo.

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

CHAIRMAN SALADINO: Any other members of the public?

MR. WEISKOTT: I do have something to add. My name is Jack Weiskott, I live at 229 Fifth Avenue directly north of 221, the property that's being discussed for subdivision. I'd like to say that this subdivision means an awful lot to our neighborhood and to obviously me and my wife, my wife and I, personally but also to our street and to our neighborhood whereas for Mr. Olinkiewicz it means just another way to make more money. There's already three houses that he owns on our street, the two subdivisions he's talking about would give us five houses on our street. He owns a house on Kaplan, which is a two family, the old Kaplan Market, he's got a house on Madison, he's got a house on Front
Street all within shouting distance of these three houses.

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

MR. WEISKOTT: I understand.

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

MR. WEISKOTT: Just for us the fact that there might be another house right there as a result of the variances being approved means a lot to us. It's our life, our quality of life, our peace and quiet, which has pretty much been gone since he bought the houses that he's bought on our street. I'm not sure which pictures
you have, I did take some pictures this morning at 7:00 a.m., a little before 7:00 a.m. actually. One of --

CHAIRMAN SALADINO: Could I interrupt again --

MR. WEISKOTT: That was Monday afternoon.

MS. GARRIS: Monday morning.

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

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

CHAIRMAN SALADINO: What time again?

MR. WEISKOTT: Afternoon.

MS. GARRIS: No, morning.

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

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

CHAIRMAN SALADINO: This one?

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

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

MR. WEISKOTT: Fine. It was
Sunday. But the blurry picture was
this morning at a little bit before
7:00 a.m., and the point is it's
another house that he owns, 228 Fifth
Avenue, which is diagonally across the
street from us, there are three cars
parked in the street and there are
three cars in the driveway. That's six
cars in that house. And just using
this to illustrate that these houses
have too many people and too many cars.
Our street has now become one lane
only. Even this morning I walked the
dog at 6:00 a.m. this morning, a car
was coming down the block and it had to
pull over to the side to let another
car go through. That's at 6:00 a.m.,
that's typical of our whole day. It
used to be a street where the kids
could go out and play, and they cannot
do that anymore. There's too much
traffic down our street. The cars in
his house at 221 may be marked in the
driveway, and there's always one on the
street, but they come in and out. It's
not just that they're there all the
time, they're moving, it's constant
activity going on next door to us and
up and down the street.

All I'm really trying to say is
that this means a lot more to us than
it means to him adding one more house
or two more houses to his accumulations
of houses. This is not -- we're not
making a business of this, we're living
there, and that's how we're being
effected. It's not an economic thing,
it's our life that has been quite
disturbed since he started buying houses in our neighborhood. That's what I have.

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

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

MS. GORDON: No, but I'm saying if this small lot on which there would be new people in it, there would be a driveway there, presumably people who live one house to the south are not going to park in the neighbor's driveway. So but my question then is so now the proposal includes a driveway for -- I've forgotten which is which.
MR. WEISKOTT: Lot number two is the existing lot, lot number one is the new lot.

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

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

MS. WICKHAM: And the street.

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

MS. GORDON: But that's now

someone else's driveway.

MR. WEISKOTT: Well, I don't know

where they're going to park, let me put

it that way. Maybe the whole backyard

would fill up with cars. Yes, there

might be more on the street, it's

conceivable there would be more on the

street.

MS. GORDON: Now, could those cars

-- if you assume there might be a few

more cars on the street, would they not

be at that end? When I drive by there,

I see the problem at the north end of

the street very clearly. I don't

usually see it at the south end of the

street near front street, so I'm

wondering if the parking would shift

given that there is new driveway, and

maybe if there were conditions for lot

number two that there be more parking,

might it not push the parking farther

south and actually decrease the

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

CHAIRMAN SALADINO: I have a question.

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

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

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

CHAIRMAN SALADINO: To the proposed lot one.
MR. WEISKOTT: And lot two, yes.

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

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

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

MR. WEISKOTT: Absolutely.

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

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

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

CHAIRMAN SALADINO: Absolutely.

MS. WICKHAM: I believe what he was expressing is that the existence of a second lot and another house, which could be single family, could be two family will aggravate what is already a bad parking situation and street congestion, and it won't move the congestion, it will add to it. And I believe he also indicated, and maybe you weren't clear on this, that the parking that exists behind the house on lot two is in addition to the other cars that are now parking on what is to be lot one. So it's already parking to a large extent on that property, on both properties, and if you have to move the lot two cars to lot two so that the lot one cars will fit on lot one, there's not going to be enough room. They will be in the street, more
of them.

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

MR. WEISKOTT: Right, yes.

CHAIRMAN SALADINO: -- the totality of the parking?

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

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

MS. WICKHAM: No, you have his testimony.

CHAIRMAN SALADINO: We do.

MR. REED: Mike Reed, 430 Front Street. I've got just a couple of
questions. Now you've seen four or five cars, sometimes we have seven cars parked back there, not including the foot traffic that they drive their bikes on the other side. Now, correct me if I'm wrong, Village Code is what, four or five people max per in that place for upstairs, correct, because it was a one family living there, she was handicapped, she had to park on the road. What's that mean? So every -- their child has a car? I mean, how many people you have up there? You know, building inspector?

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

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

MS. PETERSON: Diane Peterson, 228 Sixth Avenue. I live adjacent to the proposed lot one. I have a letter from my neighbor that's adjacent to the proposed lot two. I did e-mail it to you, I apologize for not having enough time to do for everybody, but I do have copies here. She wanted me to read it at the meeting. This is from Donna Zaengle, 222 Sixth Avenue, last name is Z-A-E-N-G-L-E. This letter is to confirm my objections to the variance being requested by the property owner at 221 Fifth Avenue in Greenport, New York. It is directly behind my house. We share a fence along with several towering pine trees. I spoke at the August board meeting, but realize that you may need my concerns in writing. I have asked my neighbor to submit this
to you all. It is my hope that the Board will base its decision on the zoning laws along with the best interests of residents and the town conditions. Subsidized houses which would be affordable housing places additional stress on the water, sewer, and electric systems that are designed for a much smaller community. Houses packed closer together increases the risk of fires spreading to multiple dwellings. This is a great concern to me, as our connected yards have old, very dry pine trees, which the current drought is not helping. Earlier this summer, a home in Cutchogue was severely damage when the neighboring home caught fire. Anyone who has lived in an older home, as have I, is aware that the wiring and building materials placed then had greater risk for fire and intensity of heat from a structural fire can put neighboring trees and homes in jeopardy.

The historic nature of our town is
quaint, charming, and yet progressively thriving with retail and restaurant businesses. There is a great deal of civility among its residents, even finding itself listed as a summer vacation destination. Neighbors and residents know one another and look out for each other's homes and families, much in the way that I imagine the town's founders envisioned. Long Island has countless towns where this is no longer the case. Planned communities and subdivisions have led to densely packed areas with a somewhat transient population of renters, each year moving to find the cheaper rent. A variance for one leads to many more requests, which become increasingly difficult to deny. The Zoning Board must make its decision carefully. The impact will be far greater than the project with the initial request. If the issue is bringing more affordable housing options into the Town of Greenport, as
the lawyer who spoke in August implied, a committee could be developed to explore viable options, which don't require variances or packing people into substandard spaces and placing increased risk to current residents and the town's infrastructure, our water, sewer piping, and on street parking. Thank you for your careful consideration of this letter and for the wellbeing of the Town of Greenport. Should be the Village of Greenport, sorry, she's just a year resident here, Donna Zaengle.

I also wanted to comment on the parking issue. I had submitted photos maybe three years ago to the Zoning Board for the parking that was on the proposed lot two. I'm not sure if you still have them. I could look at home, but there are always cars parked behind that existing house. And also to address the issue of safety, houses packed close together, fire is a major concern and it spreading as it was.
earlier this month. Don't exactly have the date, there was a loud explosion in the yard of 221 Fifth Avenue.

CHAIRMAN SALADINO: I'm sorry?

MS. PETERSON: There was a loud explosion on the property. I was sitting in my backyard, and there was a loud explosion, a lot of smoke, sparks, fire. I thought there was a car fire because they do have a tendency to work on cars on the property of the proposed lot one. I went in the house, called 911, told them I thought it was a big car fire. My line of sight could not tell exactly what it was because there's a red shed that there, I was on one side, and the fire was across on the other side. It wind up not being a car fire, it wound up being fireworks trying to be set off, which exploded on them, they didn't go off. My neighbor to the north of me, 232 Sixth Avenue, had seen some older gentleman or older teenagers, twenties, around there run from the property when the fireworks
didn't go up. This is something that
always happens. This is, like, the
fourth or fifth time they've shot
fireworks off in the backyard, and we
have talked to them. Don't bother
reporting it because by the time you
do, nothing is done, and the police
just move to something else. I have to
say the police and the fire department
responded immediately, looked for who
might have been -- because they run
off, they were still in the
neighborhood, I don't believe they
found them though. So that, again, is
another concern with houses packed on
top of each other and some of the
activity that's going on.

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

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

MS. ALLEN: Chatty Allen, Fifth
Avenue. I just want to back up what
they have been saying. In the morning,
when I head to work at 6:30 in the morning, I don't have my camera with me, so I haven't taken any photos, but I count a minimum of seven cars every morning. You're going to put another residence on there, you're going to be adding three, four more cars, and I'm being generous. You know, one of the board members asked well, where do you think they'll park? You know, could they go here, could they go there. That shouldn't be the question. The question should be there is way too many right now, we're not going to allow another residence so that we're adding fuel to the flames actually because you put in another one -- I mean, I don't know if I heard the building inspector, but one of the apartments has seven people in it, I don't know if I heard that correctly or not, but that's just one of two. They each have a car, okay, that might be seven cars for one apartment. You know, now you're going to add a third
residence or possibly a third and
fourth, and you're adding so much more.
It not only is a burden to this street
because I use it most of the time
during the day, the only time I really
use it is in the morning, but usually I
loop around the side roads. I'll go
over to Sixth Avenue to head west, or I
loop the back ways if I have to go into
town because it is a hazard. Now, I
grew up on Fifth Street, but Fifth
Avenue was the same as Fifth Street.
We all played in the yards. Yes, times
have changed, it's not as safe anymore.
Fifth Avenue is a death trap at times
because of the amount of vehicles, the
amount of people. It's not safe at
all, and now you're going to try and
add not one, but two to an already
overtaxed sewer system, which can't
handle half the time what's there.
You're destroying the quality of life,
especially for, you know, for the next
door as well as people right behind it.
You know, and I really hope this is
taken into consideration are people's quality of life that's already I don't want to say destroyed but it's being put upon that I truly hope this Board realizes you can't keep adding onto people and ruining their quality of life, the safety of that road and that neighborhood. I'm glad my bus route isn't on that one because there's times trying to get the school bus through there is difficult. That I really hope you deny this in a way that this does not keep coming back again. You know, you want to subdivide a property, subdivide one that is conforming. I mean, this one you're going to have three nonconforming lots. If he really wants more property to help lower income families, just within this little few blocks the amount of vacant lots that are for sale, the amount of homes that are for sale. I don't feel he should be allowed, I'm sorry, to destroy our quality of life just so that he can put another building
somewhere. And I really think that needs to be taken into consideration. You have pictures of how these cars are already parked. Now, imagine another building there, children there, and these cars in and out. I mean, where I am I have no yard, my backyard in my apartment complex is a parking lot, that's it. I creep in and out of there because there's children that live there, you know. And cars are starting to filter down to the end of Fifth Avenue because there's no place to park. So I really hope you think long and hard on this and deny this in a way that this does not have to come back up again. Thank you.

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

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

These things are a little bit amorphous because they're hard to measure and are transient, but there's another -- what I think could be a very important measure of the effect on the residential area there and in anywhere in Greenport, and that is the density of living units, houses, apartments, living units in a particular block or a particular neighborhood. I think it would be very easy to obtain that data and say we have X number of living units per thousand square feet on Fifth Avenue, on Fifth Street, or any other neighborhood as a measure of what Ms. Allen referred to as the quality of life because I think that's a very significant factor in the quality of life in a particular neighborhood. The Zoning code was adopted in 1949, imposed a duty on the Zoning Board of Appeals. That duty was continued when the Zoning code was extensively revised in 1971 and again in 1992. And those
are the purposes of the Zoning code, one of the principal ones of which is the maximum protection of residential areas in the Village. I would think that the density of residential units in a given neighborhood or Zoning district is a very important measure of that. I think if that's looked at you'll see that it is ample reason to deny the variances that are being sought, which will prevent the proliferation of additional buildings and living units in that neighborhood and others in the Village. Thank you.

CHAIRMAN SALADINO: Thank you. Is there anyone else that would like to address the board? On this particular application the Zoning Board had planned on closing this application. We thought we were going to close it last month, and we didn't. The Zoning Board -- I had thought anyway that we would close this hearing, have a discussion about it tonight. The applicant has requested that we keep
the public hearing open, without
getting into particulars, for a pending
FOIL request. I don't -- the request
is extensive, it's involved. I don't
know -- we're advised by our attorney
that it would be in the Village's best
interest to keep the hearing open. We
understand it's an inconvenience for
the residents, it's an inconvenience
for this Board, and also for the
Village. So we're going to adjourn
this meeting -- we're going to adjourn
the public hearings. The Zoning Board
has a lot on its plate the next few
months, and two additional subdivisions
I believe going to come in front of us.
So I would like a sense of the Board.
I would like to adjourn this public
hearing until our February meeting.

MS. ALLEN: You said February?

MS. REA: February?

CHAIRMAN SALADINO: Did you --

MS. REA: My name is Kimberlea
Rea, Westervelt & Rea, and I represent
the applicant. The FOIL requests that
you referenced a moment ago were made by my office as a result of public comment that's been generated here. As I understand it, although those FOIL requests were belatedly responded to, the records access clerk is making them available October 21st and October 28th. So we'll have some time once we get those to digest those, and as I said in my letter to this -- to Mr. Saladino and Mr. Pallas dated October 14th when I requested an adjournment of this meeting tonight, we will have, we hope, adequate time to review them.

CHAIRMAN SALADINO: We hope.
MS. REA: We hope.

CHAIRMAN SALADINO: So to avoid --
MS. REA: It's my understanding that, Mr. Saladino, from your correspondence to me, that you did not want to adjourn this public hearing, but that apparently you have agreed to do that.

CHAIRMAN SALADINO: Actually what
I said was I would defer to the Village attorney.

MR. PROKOP: So what happened was, just so everybody knows, because I don't want to talk in circles without the public knowing exactly what we're talking about, we got a letter from you just within seventy-two hours ago, ninety-six hours ago that said that you were not going to be here tonight, and that you requested an adjournment because of you were waiting for a FOIL request, and I have to tell you that the FOIL request that you -- the date that cited, October 21st and October 27th is not the date that the records will be available to you, it's the date that the Village will respond by. The records that you have requested are so voluminous, and the search for those records will be so time consuming that I have to say that really I don't know what the date will be that those records will be available. And I don't think that it's fair to the public to
say that you requested those records in response to the comments that were made. I think that what would be fair to the public is to say that you should have requested those records before you made your application, and that one of the things that you might consider at this point is withdrawing your application because the records that -- again, not to be redundant, but the records that you have requested are going to involve hundreds of hours of time of people in the Village pouring through hundreds of files to get hundreds of records that you have requested, and I don't think that it's fair midstream in an application to put everything on hold for a request like that, I've just never heard that before. But in summary, and then of course, you'll speak, but tonight we were in the unfortunate legal position of having a meeting that we intended on closing. You sent us a letter saying that you were not going to be here and
that you wanted it adjourned, and with
that in mind, I didn't -- I advised Mr.
Saladino that I did not think that we
could close the meeting if you were
claiming that you were not going to be
here, and now you're here, so I don't
even know what to say. But that's --
for the public, that's what transpired.

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

CHAIRMAN SALADINO: I dispute
that.

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

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

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

I told you that the meeting was going
to be adjourned, but that there were
people here who said that they would be
prejudiced because they were -- they
made arrangements to be here tonight,
they were leaving for the winter, or
whatever the personal situation was,
that they would be allowed to speak.

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

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

MS. REA: As a matter of fact, I
asked in my request that it be
adjourned to the November meeting.

CHAIRMAN SALADINO: I don't have that.

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

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

CHAIRMAN SALADINO: By whose standards?

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

CHAIRMAN SALADINO: By whose standards?

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

CHAIRMAN SALADINO: We advocate for the Village, we're here to make it right and proper for the Village. The applicant, by his own choosing, by your own choosing asked for a FOIL request by the attorney's estimation is going to take months to supply you. Do you
expect us to sit here and wait months
and adjourn this public hearing every
month until you get the information
that you want? How is that fair to the
public?

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

MR. PROKOP: You were just advised
from me. I'm very familiar with the
request, and you were just advised by
me. You had requested the Village to
go through many files and pull out many
documents. It will be months. My
recommendation to Chairman Saladino was
that it be removed from our calendar
and that you contact us when you want
to have it restored. Chairman Saladino
wanted to have a fixed I date. I think
it's really your option. It's not
going to November, it's not going to be
December. It's going to be in the
future. You gave us that contingency,
you made moving contingent on the FOIL
request, excuse me for interrupting
you, and the FOIL request is not going to be fulfilled for a long time. We'll do absolutely the best we can, but it's a major undertaking.

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

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

MS. REA: Of these properties.

MS. NEFF: These properties?

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

CHAIRMAN SALADINO: What period of time?

MS. REA: It was a few pages long.

CHAIRMAN SALADINO: For what period of time? Was it from 1996 to the present?
MS. REA: Yes. And I've already received a partial production from the Village Clerk. The other was the number of subdivisions or the documents from subdivision applications that have been denied. I'm not aware of very many, which is the point here. I'm not aware of very many subdivision applications that have been made. And we're talking about those being made in the R-2 district only. It's hard for me to believe that that's going to take hundreds of man hours to review.

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

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

CHAIRMAN SALADINO: We're granting it.

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

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

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

CHAIRMAN SALADINO: No, for the adjournment.

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

CHAIRMAN SALADINO: We can't address that.

MS. REA: May I please just finish? When she did respond as a result of my letter asking her to respond, she told me that the request would be responded to, and she, in fact, made a partial response, and I've been advised that on October 21st and 27th that we would have further response. So on behalf of the applicant, we request that this hearing, if you want to adjourn it past November 18th, that's fine, but I ask
that it be put on the December
calendar. We are not prepared to
withdraw this application at this time.

CHAIRMAN SALADINO: We're prepared
to --

MS. REA: May I say this?

CHAIRMAN SALADINO: I thought it
was my turn.

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

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

MS. REA: That's right.

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

MS. REA: Because the applicant
needs to know what's going to happen
with this.

CHAIRMAN SALADINO: And the applicant will know in February.

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

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

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

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

MS. REA: I've made the objection.
CHAIRMAN SALADINO: Noted.

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

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

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

We're all tired of it. Let's give it
some time so it can all come together.

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

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

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

MR. PROKOP: I think that -- well,
we could close the hearing. I was asked that question, and we can close the hearing if the Board wants to. When I was originally asked that question, I was under the understanding that the applicant would not be here tonight, but the applicant is here tonight. The applicant has made a point that the FOIL request is due in her mind, in the representative's mind, to indicate that there are very few denials of -- to paraphrase her, not my opinion or what the evidence might be, but to establish that there are very few denials of subdivisions. I don't know. The record is what it is, I'm not sure what's going to be added, but in view of a request for an extension of time, my advice would be to grant an adjournment by the applicant or to close the record and allow written evidence to come in within a certain amount of time, that's another possibility. Close the hearing and allow --
CHAIRMAN SALADINO: If we did that and we allowed written comments until October 28th --

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

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

MS. REA: To close the record tonight is to deny my client his substantive due process rights. We have not had the opportunity to complete responsive comment, and so closing the public record at this time would deprive him of that. We've
identified what we need to supplement this record with and to refute this record with, with facts.

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

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

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

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

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

MS. REA: Very well. I'm glad to hear that then. So you're not going to close the record tonight?
CHAIRMAN SALADINO: Well, we're going to discuss it. The original proposal was we're adjourning the meeting until February. The alternative is to close the meeting tonight and accept written comment for thirty days.

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

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

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

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

CHAIRMAN SALADINO: Well, we're not allowed -- this is an open meeting, David, we can't discuss it alone. We
can have a discussion, but it's got to be here.

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

MS. GORDON: Yes.

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

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MS. NEFF: Aye.

MS. GORDON: Aye.

MR. CORWIN: Aye.

CHAIRMAN SALADINO: Aye.

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

CHAIRMAN SALADINO: Noted.

MS. REA: Thank you.

CHAIRMAN SALADINO: We're going to move to item number five, continuation
of a public hearing regarding an area variance or variances sought by James Olinkiewicz, officer of 238 Fifth Avenue, Greenport. 238 Fifth Avenue, Greenport, New York 11944, SCTM 1001-4-8-3. Is there anyone from the public that would dare to speak?

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

CHAIRMAN SALADINO: Probably, yeah.

MS. ALLEN: So instead of going round and round, why don't we just go right to the end because there's no sense in us all getting up here and speaking if you're going to say the applicant wants FOIL information, you have to wait, you're going to adjourn it until February. I mean, my objections are the same as the first application, only with this one the people living next door with the way the variances would be granted, you are
now making the neighbor to the north I believe possibly have to get variances of their own, which was brought up at the last hearing because of his variances to push things the other way.

CHAIRMAN SALADINO: We brought that up?

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

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

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

CHAIRMAN SALADINO: Chatty, just to interrupt, and I apologize, just again, so everybody is on the same page, it was never decided that anyone else would have to -- it was suggested, it was discussed, it was never decided.

It was never decided that that would in
fact make it a corner lot. Until we get a ruling from the Building Department or someone else in authority, that hasn't been --

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

CHAIRMAN SALADINO: Absolutely.

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

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

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

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

MS. McENTEE: I know she hasn't said anything yet, but just jumping ahead of the game already I'm going to tell you that currently there are five people of the house that is close on the north side, the house, there's a
north side and a south side, five
people live there that we know. Three
are children, two are adults. On the
other side there are nine people. So
nine plus five is fourteen. On the
south side there are two children —
excuse me, one child that I'm aware of,
one woman is pregnant and is due to
have a baby soon, that would be the
sixth one, so currently, excuse me,
there are thirteen people. I apologize
for that. There are enormous amount of
people living there, so when it's
inspected I really would like that to
be reflected. Unfortunately what
happens in these situations is that
when they're duly noted and asked to
inspect the property, these people pack
up and go. Some of these people do not
have cars, some of them car pool, most
of them do. The area in lot number
one, which is the front house, the
existing house currently, the parking
area is inadequate. I spoke about this
before. It's extremely inadequate.
Sure, there are three places to park a car there, and our code requires one and a half per apartment or whatever, but there are three there. These people hit the house, they hit the fence. The fence has been repaired, and they still can't maneuver without driving on the grass, which is behind the lot, behind the house, and over on -- past the driveway. If the second lot is put in, there is parking that is to the north, which is the back of our fence. Parking is inadequate there, and if a car, either car, if you put two cars there, they back out of those two designated parking spots, they're going to hit our fence. There is not enough room for those vehicles to turn around. You can't back up, you can't turn around. And again, I agree with what Chatty Allen said with the parking behind the first house and parking that's going to be to the north on the second -- on the back lot, there are going to be children there. As I said,
there's three plus one and one on the way. That's huge. Those children need to be kept safe.

Let's talk about the easement now.
The easement or right of way what the plans do state, I did a little research, and on 510 Madison Avenue and 407, also known as 411 Kaplan Avenue. I disagreed with it back then, and I disagree with what and how it occurred and how after the fact that an easement went through pertaining to -- so we could have -- so there could be parking for 411 or 407 Kaplan Avenue. When I actually read the document, which is in our file in Village Hall, it's a ten foot easement. Ten foot is not enough. You cannot get -- if you make this an easement here or a right of way at 238 Fifth Avenue, there is no way. And Wayne Miller came to the last hearing, Carol Miller also, and stated that there were not -- it is not enough room to get a fire truck through. I don't know how that ten foot easement got
through, why it wasn't fifteen feet, but that's a shock to me.

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

MS. McENTEE: There's a right of way that's put through.

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

MS. McENTEE: To get to the house in the rear?

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

MS. McENTEE: I'm talking about 238.

CHAIRMAN SALADINO: I heard Kaplan.

MS. McENTEE: I was just giving you an example of what happened over there.

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

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

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

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

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

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

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

MR. PROKOP: That house has -- just to clarify, I want to make sure we're talking about the same thing, but
that house has street access, right?
The ten foot is so cars could park to
the rear of the house and then exit on
Madison, if I'm not mistake.

MS. MCENTEE: That's correct.

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

MS. MCENTEE: It's pretty tight.

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

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

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

MS. WINGATE: We didn't decide.

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

MS. WINGATE: The question was how
big does a right of way need to be in the fire code? And the fire code stated that residential structures don't have a minimum. That was the answer. The commercial code I believe was fourteen or fifteen, I really don't know, but that's the commercial code.

Ms. McEntee: And I believe that twelve foot is not wide enough for a fire truck to get through, and I believe that it was stated last hearing.

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

Mr. Reed: I just need a little clarification, I'm not a lawyer, what is -- Mike Reed, 430 Front Street, sorry. What is a FOIL, what does it
pertain to?

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

MR. REED: Yes, please.

CHAIRMAN SALADINO: If the applicant is willing to divulge, I mean, that's public information, but it's usually at -- the request usually has to be FOILed, but if the applicant is willing to tell you what she foiled for?

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

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

MR. PROKOP: It references both applications. Actually, the FOIL request is a FOIL request, it's not
really associated with an application,

it's just a FOIL request.

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

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

MS. JAGGER: Hi, Marianne Jagger,
430 Front Street, Greenport. My take
on this whole thing is four years we've
had for one problem, right, we've been
battling back and forth. We stop, we
go, we stop, we go. Tonight, again,
stop and go. Now we're working on 238
Fifth Avenue. That parking is getting
ridiculous on not just that property,
all over the place. The whole street.
How much more traffic can that street
handle? And then if you put two more
homes in there, what are you doing with
the sewer system, which is really
antiquated now. As I said before, I've
had it where I've had odors in my house
that I've actually threatened to call the Board of Health if something wasn't done because I am at the end of the line. And, you know, you get tired of all this stuff. I'm tired of seeing cars zooming there and then hitting cars. As I said last time, my grandson's truck got hit. And I know for a fact, the woman, the handicapped woman that lived downstairs at 221 Fifth Avenue, her car was damaged one time, and that poor soul couldn't afford to keep going fixing cars and stuff. So I mean, like I'm saying, everything you said about comments, comments. Well, I think we have a right to comment. I think we have the right to complain. We live there. If Mr. Olinkiewicz things it's such a fine idea, take your buildings, go to Shelter Island where you live and pay taxes and annoy those people. But he won't do that because Shelter Island won't allow it. Now, how much more is Greenport going to allow? We've been
accused of being racist, which I believe the woman owes all of us an apology, that's number one. She doesn't know us, she has no right to make a claim. We are only fighting for what we believe is right for our lifestyle. I don't care who lives near me. I have Spanish people living next door, thought the world of them. When they had a problem fixing lawn mowers, my son went over and fixed it for them. They helped them when they could. They were decent people. We do not object to what's coming in nationality wise or whatever, but what we're saying is our street can't handle anymore. I've lived there long enough to see a kid get hit by a car, and right on that street we didn't have all the traffic we have now. So you know that street is getting dangerous. We have kids there, no one even watches them half the time, they're running all over the place. That's been in that lot too. They go swing on that swing, they're
playing all over there. Half the kids
I know from school that don't live
there, but they seem to congregate
there. You know, that's what I'm
saying, when is enough going to be
enough? And nothing seems to be solved
every time we come here. We give up
our time, leave our homes to come here
and listen to this one moan and groan
about her man's rights, her client's
rights. What about our rights? When
do we get anything done?

(Applause.)

CHAIRMAN SALADINO: Of course
everyone has the right to comment, but
just to explain this process, and I
don't mean to be condescending, just to
explain the process. They were told
no, they have a right to appeal.
That's the deal. They have a right to
appeal. The applicant is appealing.
This Board is charged with doing what's
best as a compromise between the
applicant and the Village. That's what
we do, we give moderately tailored
relief and modest relief. We listen to everyone's comments, we take them into consideration, we support the code. What's happening now is the legal process. The applicant has more information, they feel that it would be prejudicial to their appeal if we close the public hearing without them getting that information. We want to take the neighbors into consideration. We know it's a chore to come here. We certainly know it's a chore to come here and sit through these comments and stuff, that's why it was my contention -- it was my idea that we set a date, this way next month if you're here to comment on this particular application you don't have to because it won't be here next month. It will be here in February.

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

CHAIRMAN SALADINO: That was the past application, we haven't decided on this one. The applicant gets a day in
court, the neighbors are accommodated not having to show up on October, November, December and because of a last minute request for an adjournment you sit and nothing happens again. Trust me when I tell you, the Zoning Board of Appeals wants to adjudicate -- wants to take care of this. We would like to end this process, whichever way it goes. Close the public hearing, have a discussion, vote on the variances. Whatever the outcome is, the outcome is. If it's in the applicant's favor, they go to the Planning Board, and the neighbors get to do it all over again with the Planning Board.

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

CHAIRMAN SALADINO: The alternative for us was to take the easy
road, adjourn it to next month, the 
applicant perhaps will have their 
information, perhaps not. They've 
already said that they're not willing 
to go forward without that information, 
so now what happens is we have another 
adjournment, we have another 
adjournment.

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

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

CHAIRMAN SALADINO: We all 
understand that, but we all understand 
that as long as things are done by the 
book, there's less likelihood of it 
going further. Everyone in this room 
would like it to stop here. Whether 
it's pro or con, yes or no because if 
it goes for an Article 78, then it 
takes forever, and again there's a 
question up in the air how the 
administrative law judge decides. So 
that's kind of like where we are,
that's kind of what's happening with us. We're all neighbors, we want to accommodate everybody by making it as easy and convenient as possible, but unfortunately this is the process. I just don't know what else to say.

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

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

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

MR. WEISKOTT: Jack Weiskott, 229 Fifth Avenue. What Mrs. Jagger was referring to was the original application for the subdivision, the same exact lot. It's been shifted over five feet, that's the different in the plan. It started in 2012. We've been coming to hearings since 2012, it was about two year hiatus where there were no applications submitted, and now this has been submitted again. Now we're going into 2017, that's five years with the same parcel with the same request for a subdivision, that's why we're tired of it. It's been hanging over my wife and I, our heads, and everyone else on the street for five years. Well, almost five years. It will be five years by the time we have the next meeting of this, and my understanding is that, yes, he can appeal, he can submit an application with six inches
lopped off one side of the property,
and we'll go through this whole thing
over again. He's hoping that somebody
will fall asleep and not oppose it and
it will just go right through. We are
tired of it. It's scary to live next
door to something that could happen at
any moment. Suddenly we're awakened to
the fact that now there's new proposal
for another property where there was no
property. So I'm just letting you know
that we're a bit frustrated about this
whole thing. And his rights have
certainly been protected, and our
rights, we've been able to speak and
say our piece, which we appreciate, and
all we can do is we're hoping that it
turns out okay for us, and that's it.

CHAIRMAN SALADINO: Thank you.

MR. REED: Just one question, if
it goes back to the Planning Board,
which vehemently denied their
application last time, we're going to
have to go back through the same
process again? Because it was five
clear no. So we're going to have to go
through the whole -- okay. Thank you.
I'm sorry.

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

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

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

CHAIRMAN SALADINO: You share a
fence, right?

MR. HOLLID: The south side, I'm
sorry. I'm behind it kind of on a
diagonal, but the back part of the
stockade fence encloses half of my
backyard because I have a duplex, so my
half of the backyard covers the area
behind me that the proposed house would
go to. I saw the stakes there and the
lines, and I'm wondering is that just
going to be a single family with no
garage, and are the stakes enclosed
just for the house itself?

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

MR. HOLLID: Yeah, I understand
that, but when they take the -- the
demolish the garage and the apartment
that's been contaminated -- not
contaminated -- it's going to be
demolished either way, so there will be
an area going toward the back where the
proposed house will be, but they have
three cars now that are there that park
right behind the original house that's
there now. And my thinking is with the
house there and the area around it,
there doesn't seem to be any real room
for any more parking. It's going to
be, like, a parking lot back there,
there will be probably at least three
more cars there, so we're talking about
six cars in the smaller area that it
just seems like it's going to be
overcrowded back there. And there are
kids, and I know they have a big
trampoline back there now that
encompasses probably twenty-five square
feet around the area, not that that
matters, that's kid stuff, but there's
a safety issue that I'm thinking about
because it's going to be a small area
for six cars. At least -- now, I don't
know what they proposed, is it going to
be for two cars?

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

MR. HOLLID: For how many cars?

CHAIRMAN SALADINO: Well, the plan
says five.
MR. HOLLID: I thought it was two
for --
CHAIRMAN SALADINO: Three for the
front property, for lot --
MR. HOLLID: I thought it was only
two per single family -- for double
family, I mean.
CHAIRMAN SALADINO: There's three
proposed for the front property and two
proposed for the rear property. I'm
not sure which, I don't have it.
MR. HOLLID: Per two family house,
how many houses are allowed, four? I
mean, how many cars are allowed?
MS. WINGATE: You're allowed one
and a half parking spots per apartment.
The two family has three, the one
family has two.
MR. HOLLID: Why is three for a
two family, yet it's only one for a one
family?
CHAIRMAN SALADINO: It's two
parking spaces for a single family
home, one and one half parking spaces
for each apartment in a two family
home.

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

CHAIRMAN SALADINO: I don't know why.

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

CHAIRMAN SALADINO: These are public documents.

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

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

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

MR. CORWIN: Yes.

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

(A recess was taken.)

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

MR. TASKER: Arthur Tasker, Beach Street in Greenport. I just want to reiterate the comments that I made with respect to the preceding applicant by the same applicant, make the same statement that this Board has a duty to enforce the Zoning code, one of the principal purposes of which is the maximum protection of residential property in the Village, and also the elimination of nonconforming uses, restating something that I said a month ago to this Board, every time you give a variance, you create a new
nonconforming use, which is exactly
contrary to the purpose of the Zoning
code. Thank you.

CHAIRMAN SALADINO: Anyone else?

We have the same request by the
applicant because of a pending FOIL
request.

MS. REA: May I speak, sir?

CHAIRMAN SALADINO: Sure.

MS. REA: I need to supplement the
record to correct some inaccuracies
that have been stated tonight. So I'm
going to do that with the paper record.
The public hearing in September was
held on September 20, 2016, and at that
time there were allegations made that I
stated were unsubstantiated, untrue,
incorrect, wrong. As a result of that,
two days later I submitted a FOIL
request to the Village, that is Freedom
of Information Law request, there were
two of them. The first one was for,
and I quote, all records and files
relating to inspections conducted by
the Village and/or section 8 housing
staff of 221 Fifth Avenue, Suffolk County Tax Map section 04, block 04, lot 29, and 238 Fifth Avenue, Suffolk County Tax Map, section 04, block 08, lot 04 during the period 1996 to 2016 to date.

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

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

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

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

I received no response, and so on October 7th I wrote a letter to the records access clerk, Ms. Pirillo, and I have this letter, which I'm going to
put into the record and ask the court reporter to make part of the record, as well as the documents that I've already referenced. Dear Ms. Pirillo, as you know, we represent James Olinkiewicz. On September 22nd we e-mailed two Freedom of Information Law, FOIL, requests for documents in accordance with the Village's records access procedure. However, your e-mail box was full, your office requested that we fax them. We did so. Attached are copies of those requests, including facsimile transmission confirmation. New York State FOIL, section 89, sub 3, sub A, and the Village's own procedure require that the Village respond to FOIL requests in five days. If the response is merely an acknowledgment without immediate production of documents, FOIL and your procedure require the Village to state the expected date of the availability of the files, which date shall not be more than twenty days. To date, we have
received nothing from you in response
to these FOIL requests. Please
promptly advise when the records will
be available. Also, please note that
public comment on the above referenced
pending ZBA applications has
necessitated the information contained
in these files. For that reason, I
have provided copies of this
correspondence confirming these
requests to the chairman of the ZBA and
Planning Board. I ask that you
expedite response, so that we will have
it timely. Very truly yours, Kimberlea
Shaw Rea. Copies to James P.
Olinkiewicz, Paul J. Pallas, Village
Administrator, Joseph Prokop, ESQ.,
Devon McMahon, Planning Board Chair,
John Saladino, Zoning Board Chair. In
response, I received from Ms. Pirillo a
telephone call and an e-mail on
Thursday, October 13, 2016. Dear Ms.
Rea, the Village of Greenport
acknowledges receipt of your records
access request for all records and
files relating to subdivision applications in the R-2 district that were denied during the period of 1996 to 2016 to date. A response to your request is expected by October 27, 2016. On October 17th, I received another response from Ms. Pirillo by e-mail, and I read, Ms. Rea, the Village of Greenport acknowledges receipt of your records access request for all records and files relating to inspections conducted by the Village and/or section 8 housing staff of 221 Fifth Avenue and 238 Fifth Avenue during the period 1996-2016 to date. It is expected that you will receive a response to this request by October 21st. However, the following day on October 18th, I received an e-mail with a production of the documents for the inspection request from the clerk's office. It was thirty-eight pages, and I believe it's complete. It appears that records access request has been completed, so what is remaining are the
files that evidence subdivision requests that have been denied in the R-2 district. I don't think there are very many of them. That's part of the reason that we object to a three month adjournment.

I'd further like to say that on October 14th I sent a letter to Mr. Saladino and to Paul Pallas. Gentlemen, as you know, we represent James Olinkiewicz, owner of 221 Fifth Avenue in the Village of Greenport and 238 Fifth Avenue, Greenport, Inc. in their request for the above referenced area variances. Public comment during the last public hearings of these applications required us to seek information from the Village through the New York State Freedom of Information Law. You were both copied on my October 7, 2016 letter inquiring about responses to our September 22, 2016 FOIL requests. The Village records access officer responded somewhat belatedly, but is finally
processing the second of the two
requests for documents that are
necessary evidence for my client's
responses to public comment. We have
been advised that these documents will
be available on October 27, 2016. Our
client's interests will be prejudiced
if deprived of the opportunity to
present this information. I therefore
respectfully request that the
continuation of public hearing on these
applications be adjourned until the
ZBA's November meeting. We further
request that the public hearing on this
application will be adjourned and that
they will not appear on the ZBA's
October 18, 2016 agenda. Under these
circumstances, I will not be making an
appearance that evening. Thank you for
your anticipated cooperation. Very
truly yours, Kimberlea Shaw Rea, with
carbon copies to James P. Olinkiewicz
and Joseph Prokop, ESQ. I received
last evening at 7:24 an e-mail from Mr.
Saladino expressing his disinclination
to grant the request for adjournment,
but deferring that matter to the
Village Attorney. As Mr. Prokop has
stated, he and I spoke this afternoon,
he explained to me that he would be
receiving public comments from the
public, but that you would be willing
to adjourn the public hearing so that
we could provide information. For that
reason, I came here tonight to hear the
public comment. However, my request
remains, and today October 18th I sent
a letter to John Saladino and Paul
Pallas, which I'm going to hand deliver
to you here. Gentlemen, as you know,
we represent James Olinkiewicz, owner
of 221 Fifth Avenue and 238 Fifth
Avenue, Greenport, Inc. By letter
dated October 14th, I requested an
adjournment of tonight's ZBA public
hearing on the above referenced
applications. Public comment made
during the public hearing of these
applications required us to seek
information from the Village through
New York State Freedom of Information Law, FOIL. You were copied on my October 7, 2017 (sic) letter inquiring about responses to our September 22, 2016 FOIL requests. The Village records access officer responded somewhat belatedly, but is now processing the request, and advised that two sets of requested documents will be produced on October 21 and October 27th. Our client's rights will be prejudiced if you deprive him the opportunity to present this information. This confirms my telephone conversation of today's date with Mr. Prokop. I understand that he has recommended that the ZBA adjourn the public hearing to provide us the ability to provide further responsive comment on the above referenced area variations. Without reviewing the Village's documents that we requested by FOIL, my client will be deprived of our ability to do so. Very truly yours, Kimberlea Shaw Rea, CC to James
P. Olinkiewicz and Joseph Prokop, ESQ.

To sum up here, the Village has already responded to one of our Freedom of Information Law requests apparently rather fully. I think it doesn't include Ms. Wingate's most recent inspection last week, which we'd request a copy of, but as far as I know, that FOIL request has been fulfilled. It was thirty-eight pages and encompassed I believe five inspections during the period and no complaints, other than with the exception of the 2013 application where there was general reference made to complaints by the neighbors of overcrowding. No overcrowding was found in that inspection report. All of this will be provided to you when we do make our public comment, but I would simply like to reiterate my request that the public hearing be adjourned to December of 2016 if you're not willing to adjourn it to next month's meeting.

CHAIRMAN SALADINO: By your own
statement, by your own comments when one of the options was to close the meeting and hold the record open for thirty days, which would bring us to the November meeting, you said that wouldn't be nearly enough time for us to prepare our comments.

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

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

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

CHAIRMAN SALADINO: And it's noted, but the Board itself feels that's what would be most convenient for this Board. We have a full calendar. We've accommodated you and
your client many times in the past. I don't think it's unreasonable to accommodate the Board, the Village, and the neighbors. If I could ask you, what's the detriment, what is the harm to you and your client? You say we're usurping your rights or I can't remember the exact phrase.

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

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

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

CHAIRMAN SALADINO: What is it that you take exception to what I said? Why would you think that --
MS. REA: I just want it to be clear that this is for everyone's benefit.

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

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

CHAIRMAN SALADINO: I believe it is the 17th.

MS. WINGATE: Let me check.

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

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


MR. PROKOP: I just want to say, if I could, please, at the August meeting, the public -- the Board was
here, if I'm not mistaken until 12:30
in the morning or something like that
concluding the public and basically
nothing happened, other than the public
was heard, which is important. Last
month, we managed to get out of here at
10:30, but everybody from the public
was stuck here until 10:30 to protect
their rights. Tonight to do two
adjournment requests is 8:00 so far,
might be much after this by the time we
get done, and meanwhile the public is
held hostage just to be heard. And
it's not -- as we heard before, I mean,
this has been going on for years. The
adjournment is only for a midstream
decision by the applicant to -- that
additional documents are required, and
it's not fair to everybody to keep
putting this on the calendar to, as I
say, just hold everybody hostage, to
know that they're going to be here a
whole night with nothing happening. So
for that, in summation, I think that we
should either, as I said before, just
take it off the calendar until the
applicant is ready to proceed or put it
out to a long adjournment as the
chairman has suggested.

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

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

CHAIRMAN SALADINO: Absolutely.

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

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

MS. REA: I thought they were
finished.

CHAIRMAN SALADINO: Well, I see a
hand.

MR. CORWIN: Are you going to sit
down so she can speak, or are we going
to be here until 12:00?

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

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

MS. REA: Yes, sir, thank you.
And actually I'd like to supplement the
record with a print of that. I don't have it right now, but I think it should go into the record along with the documents that I just read, and I'd ask the court reporter to make these part of the record as exhibits.

CHAIRMAN SALADINO: Joanne?

MS. MCENTEE: Joanne McEntee, 242 Fifth Avenue. I understand these records are being FOILed and some were already FOILed, I'd like to bring back into play on 238 Fifth Avenue that many years ago when Dave Abottelli was here as administrator, Eileen Wingate, there were some issues, people were asked to vacate because of overcrowding. Thirty-eight people -- thirty-nine people, excuse me, living in that -- in the home itself, and my thing here is that I hope that Mr. Olinkiewicz's attorney has these records. My understanding, these records when I asked about them in the -- quite some time ago, that these records went missing. So I would like -- I'm sure
if Ms. Wingate had them evicted and
Mr. Abottelli had also been part of an
eviction process, which I believe there
were two processes, that she does have
-- Mr. Olinkiewicz attorney has these
records. There was also a chimney fire
there as well. Just so we can make
sure that when we come back again, she
has everything that she needs and we're
not going to go for another
adjournment.

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

AUDIENCE MEMBER: Beyond your
scope.

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

MS. MCENTEE: My intent really was
just to put it into record that is
necessary that that is part of an
inspection and they were asked to leave
two separate times by two separate
people. Thank you.

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

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

MS. GORDON: So moved.

MS. NEFF: Second.

CHAIRMAN SALADINO: Is there any discussion before we --

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

CHAIRMAN SALADINO: I agree with you, but, you know, the advice that we got and to be fair to the applicant and to be fair to the public and hopefully to have the decision stop here instead of letting it go further, we thought
that we would just -- the discussion that I had with the attorney, we
thought it would be best to continue the public hearing to that day. And
once again, to make it that far in the future is to accommodate the neighbors somewhat and because of our full calendar. So the motion was made, it was seconded. All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.


Item number six is a public hearing regarding an area variance sought by Ralph and Maureen Caouette, 447 Sixth Street, Greenport, New York 11944. The property is located in the R-2 district. The applicant seeks a building permit to construct an addition to the dwelling that includes an open carport with a second floor deck. Suffolk County Tax Map 1001-6-3-3. I've been told by the
clerk that this was properly noticed in
the newspaper, it's on the Village's
website, and I believe on the bulletin
board, and for those that are
interested, there's a copy attached to
the agenda. We have these
notifications: Theresa Schiavone, 434
Sixth Street, Greenport. Mary Wade,
I'm not sure what that is.

MR. CAOUETTE: Across the street.

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

MR. CAOUETTE: Diagonal.

CHAIRMAN SALADINO: Ural Calgon
(phonetic).

MR. CAOUETTE: In back.

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

MR. CAOUETTE: Adjacent neighbor
north.

CHAIRMAN SALADINO: James Kennedy,
no address.

MR. CAOUETTE: He lives in St.
James, seasonal house in back of me.

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

MR. CAOUETTE: Thanks. Ralph Caouette, 447 Sixth Street. I almost forgot what I was going to say, I've been coming for four months. I'm glad I'm living where I'm living. I bought the house four years ago, it's been seasonal. I live in Massachusetts, where I just finished a career as a fine arts administrator. I've got a few part-time things I do now, I can pretty much live anywhere. My wife who grew up here, spent her first twenty-three years apparently on Fourth Avenue, Maureen Gullas, has requested that we move, so we bought a house. Her prime reason is really to look after her mother who is living in East Marion, and who we expect to be living in the house probably within two or three years. She's got a touch of macular, and she's eighty-five. So
when we put this house project
together, pretty much the house right
now is only seven hundred square feet.
Sizable lot, just understood twelve
thousand square feet. We're putting a
carport portico share on, and half of
it exceeds the setback on the south
towards Deborah Ariva's house. Prime
reason for it is expecting my
mother-in-law, we want to cover so that
she can park her car. She probably
won't be living there -- the house
should be done in May or June, by next
winter, not this winter but next
winter. And hardship, having clear
stairs from snow and ice so that she
can step down. I'm not always around.
When she eventually can't drive, I'll
probably be doing a lot of the driving,
but the prime reason is so that there's
some safety there. Secondarily, my
wife is a sculptor. She -- we need to
be able to drive through to load and
unload her sculptures. She works in
the back now in the old garage.
Occasionally, for instance, like we do now, she does some of her work in the garage. So it's been our biggest reasons and rationale for this carport that's approximately twelve and a half by twenty-one that does exceed the setback about half way. My neighbor is fine with it. She's in Texas right now. She didn't see a problem with it, that's probably why she didn't write a letter. Two years ago she was here getting a variance, and I helped her with her project, which was a six foot square mud room. So feedback from any of the other neighbors, no wishes. So --

MR. PROKOP: When you get a chance, you have to go to the building department and complete the -- there's information missing on your application. It's just, you know, minor things, but you need to sit with your application and just legibly write thins down like your address and things like that.
MR. CAOUETTE: I can do that tomorrow morning.

MS. GORDON: I have a question.

MR. CAOUETTE: Sure.

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

MR. CAOUETTE: Well, I hope perpetuity isn't when I die -- but my wife has lived up north for thirty-five years, I'm honoring her wish to move down and we expect. I have longevity, I expect to live quite a while, and in the four years I've fallen in love with the Village. But with the designer, the decisions that were made in the shaping of this addition to the house as well as the carport, we feel it fits right in with the architecture of the neighborhood, which is cottage style,
1920. If you were to look at the elevations, you'd see that it fits in with the neighborhood. It's not oversized, it's a pretty modest house. Most of the houses nearby are larger even then this house will be with the addition. So that's probably the biggest, I plan on taking care of it for the next thirty, thirty-five years. I'm an artist, illustrator myself. I work in the house. Part of the reason we need more space, we've been limited, besides jobs, is the size of the house, and I usually needed one room and a half myself just for the illustrations and design work I do, my wife even more. She's got the garage in the warmer months, but it's not heated. Again, the biggest reason for the carport, single reason is safety for my mother-in-law. I guess we've been used to having a garage. I talked about the possibility of a garage with my neighbor, and she was more in favor of a carport, I said I had no problem with
that, drive through, it's more airy, a little bit more lighter in style.

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

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

There's a deck --

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

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

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

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

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

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

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

MR. PROKOP: What would a smaller carport do?

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

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

MR. CAOUETTE: One car.

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

MR. CAOUETTE: That would be in the rear of the --
MS. GORDON: The deck itself doesn't require a variance, right?

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

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

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

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

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

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MS. NEFF: Aye.

MR. CORWIN: Aye.

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

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

MS. GORDON: As I understand it, the argument is that if the building, which now has three or possibly four apartments in it was there before the 1971 adoption of this Village code, then we don't need a ruling on the variances.
CHAIRMAN SALADINO: Well, it would be preexisting, and no, we wouldn't have to, but there's been evidence that the code, in fact, existed, I have it here, since 1949. There is a copy of public record that I have that the code, in fact, has been in effect from -- so -- but even without that, which I believe we should go by that, but even without that there's a lot of questions about --

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

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

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

CHAIRMAN SALADINO: Well, that's not what's being debated.
MS. NEFF: Well, why are we talking about 1949?

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

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

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

MS. NEFF: Do we?

MR. TASKER: I have a copy of it.

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

MR. TASKER: My father.

CHAIRMAN SALADINO: Aside from this, if the Board would rather, we could address the application as it stands. What's being suggested is that there was four families in that house prior to 1971. We have two -- three affidavits of people that didn't live there, but have lived there since 1999.
We have an affidavit from a woman, I can't pronounce the name.

MS. WINGATE: Dee Armigboro.

CHAIRMAN SALADINO: So we have a notarized affidavit from her that Dr. Liakeas's attorney provided, but in that notarized document that she signed, presumably read and signed says that she lived at her address since 1979 and knew of that property since 1979. In the testimony that she gave here, she changed it. The attorney said well, that was her typo, but again, we have the first name is Dolores and the last name is A-R-M-I-G-B-O-R-O. She goes on to say that she owns 622 Carpenter Street since 1979 and also that to her knowledge the house was not changed since 1979 from the appearances of the interior, exterior, and have been no changes to the house since Zoning was adopted in 1971, but her statement contradicts that. So we have that. We have three other affidavits from people.
that have lived there at one time or another. I also have a letter from another resident that we'll read for the record. What we have also is an issuance of a pre-certificate of occupancy that was sent to Dr. Liakeas, signed by the building inspector, and I'm going to read it for the record.

Tax Map Number 1001-section 3-block 4-lot 3. The Village of Greenport established the authority with the issuance of a certificate of occupancy in October 1971. Therefore any building or use established or built after October '71 is regarded to make applications. Prior to the above date, a pre-certificate of occupancy is required. We determined the following:

A two family wood frame dwelling in an M-2 zone with a wrap around porch, and it's signed by Victor Lazar, building inspector. And that's dated July 14, 1998. So on July 14, 1998, the building inspector decided that this was a two family wood frame dwelling.
The attorney for the applicant contends that there was a fatal flaw in this building inspector's report because on the property card is noted an M-2 classification. My personal review of four or five property cards for Greenport held by the Town of Southold also have that M-2 notation on it. I believe, David, you --

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

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

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

MR. CORWIN: That they no longer use. They're a whole set of maps for
the Town that they no longer use.

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

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

MS. NEFF: Okay.

CHAIRMAN SALADINO: Getting back to it, we talked to the applicant and we asked them about this. He's not here tonight to respond, and I'm uncomfortable saying this, his explanation was that he asked for a pre-CO to get -- for one reason or another, and that when this came, he really didn't bother to read it, he really didn't understand it. Actually I pulled it out of the minutes. At first he told us he was a twenty year old college student, then he told us he
was a few years older and a medical
student, then he told us he was
twenty-five years old and a physician.
So in my opinion, if we could just --
whether he was forthcoming, he wasn't,
if he was here I would ask him what his
actual birthday is so we could know
exactly how old he is, but for a
licensed physician this is a one page
document that's fairly, you know, well
explained. So I think what we're being
asked to do here and now is to either
make a decision and affirm Victor
Lazar's decision that this was, in
fact, a two family wood frame dwelling.
The problem is also that if we -- the
attorney worded the application asking
for two bites at the apple. If we
affirm the building inspector's
determination with our interpretation,
she then asks for various variances.
So I think the thirst thing we're going
to have to do is rule on the
interpretation, if, in fact, we're
going to reaffirm the building
inspector's determination. If we do, we can move onto the variances. If we decide there was a fatal flaw, then the application stops here.

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

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

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

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

MR. CORWIN: Has a --

MR. PROKOP: That's it, just determine that's it's a type two action, no SEQRA review is required.
MR. CORWIN: So moved.

CHAIRMAN SALADINO: We can do a voice vote?

MR. PROKOP: Yes.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Do we need a second?

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

CHAIRMAN SALADINO: All right. And the second motion is to deny the applicant's contention that there was a fatal flaw made, and reaffirm the building inspector Victor Lazar's determination of July 14, 1998. So moved.

MR. CORWIN: Second.

CHAIRMAN SALADINO: All in favor?

Mr. Corwin?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?
MS. NEFF: No.

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

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less than one thousand square feet of 
livable floor area in each dwelling 
unit created, requiring a variance for 
each of the four units. B, the lot on 
which such structure is located shall 
contain a minimum of fifteen thousand 
square feet of a lot area and shall 
contain at least five thousand square 
feet of lot area for each dwelling 
unit. The lot size is ten thousand, 
eight hundred and ninety square feet 
with four units proposed requiring an 
area variance of nine thousand, one 
hundred and ten feet. One and one and 
a half parking spaces shall be provided 
for each dwelling unit. The property 
enables to provide two parking spaces, requiring 
a variance for four parking spaces. 
That's all we have. 

MR. PROKOP: Was that in the 
public notice? 

MS. WINGATE: Yes. 

MR. CORWIN: Now, let me ask the 
attorney, do we need a second SEQRA 
procedure for the second part of this?
MR. PROKOP: Yes, you do. It's now an unlisted action for purposes of SEQRA review to determine that and also to undertake a SEQRA review to determine whether or not there will be a significant negative impact on the environment. So yes, you do need a new SEQRA resolution.

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

MR. PROKOP: I just want to point out for the record that normally residential area variances are type two actions, but I think the nature of this where it's actually -- it's a conversion of a use within our code. It's a conversion of a use within our code, so you are granting some relief that's related to the use change, it's not just an area variance, and for that reason I'm recommending that it's an unlisted action. And yes, you do have
to have -- you should have a
discussions as to whether or not it
will have an impact on the environment.

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

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

MR. CORWIN: Main Street is
already very crowded with housing that is more than two family. In that neighborhood there's probably easily a half a dozen houses up and down the street, and it's a real parking problem, so in my opinion there is an impact on the environment that is negative.

CHAIRMAN SALADINO: Anyone else?

I'll call a vote.

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

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

MR. CORWIN: That is correct.
CHAIRMAN SALADINO: Before we vote, would it be appropriate if I -- it's a two paragraph letter from a neighbor. Can I read this?

MR. PROKOP: Yes.

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

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

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

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

CHAIRMAN SALADINO: I'm opposing allowing 610 Main Street, Greenport to convert to a three or four family unit. There is already a disproportionate number of multifamily houses in the area. Multifamily housing impacts the neighborhood negatively. I own 541 Main Street, I am surrounded by multifamily units, diminishing quality of life. I feel unsafe especially in
the winter time, having been
burglarized while sleeping in the
middle of the night. There is also
frequent police activity, drug
activity, noise, et cetera. The owners
of these multifamily units do not live
in Greenport and are unaware of the
problems caused by their tenants. In
addition to the legal tenants, there
are usually extra visitors sleeping on
couches and just staying there. Please
do not allow 610 Main Street to
legalize illegal units. I already feel
unsafe, please do not make it worse.
Asa Elmsfors, 541 Main Street.

MR. PROKOP: Can I make a
suggestion? There's -- if we agree
that this is an unlisted action, I'm
noticing that the property is in the
historic district. Since it's in the
historic district, we have to -- it's
then a type one action, and we need to
-- I think that the only agency we need
to notify is -- well, we need to notify
the other boards in the Village for
comment and probably the DEC. Those
would be the only agencies we have to
notify, but we do have to provide that
notice, I'm sorry, because it's in the
historic district.

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

CHAIRMAN SALADINO: Just to -- the
attorney gave us an extension of time
until tonight's meeting, so as far as
the sixty-two days, obviously she gave
us an extension. That becomes moot, so
now the attorney is not here, the
applicant is not here, I don't know how
this translates with coordinated
review.

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

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

MS. NEFF: Because --

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

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

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

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

MS. NEFF: Thank you.

CHAIRMAN SALADINO: So Mr. Prokop?

MR. PROKOP: State law requires us to make a decision within sixty-two days, but it doesn't have -- as far as I can tell, it doesn't have an outcome -- the current version of the law, it doesn't have a mandatory outcome if we don't act. I think there's a requirement, but it doesn't -- there's no default either way if we don't make the sixty-two days.
CHAIRMAN SALADINO: So the sixty-two days is moot because the attorney gave us until tonight as an extension. My question is how does that extension -- now we need a coordinated review, Village law says we have forty-five days to make comment, how does that -- it's thirty days for coordinated review, the Village extended it to forty-five. So obviously under SEQRA we need a coordinated review, we can't not do it.

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

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

MR. PROKOP: Yes.

MR. CORWIN: And I don't know if it's in that handout or not, but I did research the New York State Village Law.
a little bit, and I certainly came away
with the impression that after
sixty-two days, any ZBA application
dies. They didn't use that wording,
but it disappears. It is not approved.

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

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

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

MR. PROKOP: I think it does, yes.

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

MR. PROKOP: I believe that's
right, yes.

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

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

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

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

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

MS. GORDON: With whom?

MR. PROKOP: With the boards in the Village. We just send a notice out to the boards of the Village.
MS. WINGATE: And the DEC.

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

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

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

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

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

CHAIRMAN SALADINO: There will be no discussion of 221 Fifth Avenue. There will be no discussion of 238 Fifth Avenue. Item number ten, discussion and possible action on the application of SAKD Holdings, LLC. The property is located at the southeast corner of the intersection of Front and Third Streets, Greenport, New York, SCTM 1001-5-4-5.
MR. PENNESSI: Good evening. Dan Pennessi for SAKD Holdings, the applicant.

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

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

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

MR. PENNESSI: Oh, correct.

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

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

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

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

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

MR. CORWIN: I don't understand.
We got a second application, now we closed the public hearing. We discussed it briefly at the last meeting or two meetings ago?

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

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

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

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

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

MR. CORWIN: Well, yes and no
because we closed the public hearing,  
and we're once again sixty-two days  
after the public hearing.  

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

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

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

CHAIRMAN SALADINO: Well, I  
thought the best way would be to vote  
through the variances, get the sense of
the Board, and then vote on each one, and the final determination will -- that will be it.

   MR. PENNESSI: May I make a request? This was kind of what we had anticipated would happen, that there were votes on the interpretations, that at this meeting we had granted the extension beyond the sixty-two day period in order to have votes on the variances, and then we anticipated that in between this meeting and the November meeting a resolution would be prepared addressing SEQRA, addressing the interpretations and the variances, and then there would be a vote to adopt that resolution at the November meeting.

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

   MR. PENNESSI: So we had hoped to leave tonight with at least votes being made on the variances with the resolution to be finalized before November.
CHAIRMAN SALADINO: I don't have a problem with that. Can we do that?

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

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

MR. PENNESSI: I would agree.

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

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

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

MR. PROKOP: Right.

MR. CORWIN: Once again, we have
to do SEQRA, right?

MR. PROKOP: Yes.

MR. CORWIN: And this is a type --

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

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

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

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

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

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

CHAIRMAN SALADINO: I believe we accepted lead agency status, and then
if it went back to the Planning Board, we can transfer it to them.

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

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

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

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

It looks like because of the
change with the loading dock and a couple of other things that were happening, it looks like we didn't close out the -- there was a coordinated review done, but there was no -- we haven't completed the coordinated review for the revised application, and so that's basically what I've said. I think you can discuss the variances tonight and get -- discuss the Board's opinion of these variances, but we can't close the application out with an action until next month, and then that would be with a written document. We would do SEQRA and we'd also do the decision on a written document at the same time.

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

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

MR. PROKOP: For the original one, but not for the revised one. The problem is the application was revised.
CHAIRMAN SALADINO: No, I understand, Joe, but it was revised back in July --

MR. PENNESSI: June.

MR. PROKOP: Not the loading dock.

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

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

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

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

CHAIRMAN SALADINO: So it's the recommendation of the attorney that we can discuss this tonight but not move
MR. PROKOP: Not take formal action on it.

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

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

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

MR. PROKOP: Yes.

MR. PENNESSI: Thank you.

CHAIRMAN SALADINO: Can we read the variances?

MR. PROKOP: Yes.

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

MR. PROKOP: Right. And then
we'll work on the final --

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

MR. PROKOP: You should.

CHAIRMAN SALADINO: For a
consensus?

MR. PROKOP: Yes.

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

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

CHAIRMAN SALADINO: You've earned
that, sure.

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

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

MR. PENNESSI: If you would,
please, address first lot coverage,
then the third story height request,
then the height variance requests for
both the mechanicals and then the
bulkhead and elevator and then
thereafter address loading or parking
in whichever order the Board --

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

MR. CORWIN: (No verbal response
given.)

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

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

CHAIRMAN SALADINO: Okay.

MR. CORWIN: For the lot coverage,
I will say no.

CHAIRMAN SALADINO: Ms. Gordon?

MS. GORDON: No.

CHAIRMAN SALADINO: Ms. Neff?

MS. NEFF: No.

CHAIRMAN SALADINO: I will vote no.

MR. PENNESSI: If you could just clarify, the no vote is?

MS. GORDON: Would not impact.

MR. CORWIN: Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. My vote was no.

MS. GORDON: We all voted no.

CHAIRMAN SALADINO: Is it achievable by another method without a variance? Do you want me to read it? Whether benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance? David?

MR. CORWIN: No.
CHAIRMAN SALADINO: Dinni?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

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

MR. CORWIN: No.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

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

MR. CORWIN: No.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: And I'm going
to vote no. Whether the alleged
difficulty was self-created, which
consideration shall be relevant to the
decision of the Board of Appeals, but
shall not be necessary to preclude the
granting of an area variance. David?

MR. CORWIN: Yes.
CHAIRMAN SALADINO: Dinni?
MS. GORDON: No.
CHAIRMAN SALADINO: Ellen?
MS. NEFF: Yes.

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

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

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

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

CHAIRMAN SALADINO: Dinni?
MS. GORDON: Yes.
CHAIRMAN SALADINO: Ellen?
MS. NEFF: Yes.

CHAIRMAN SALADINO: And I'm going
to vote yes. So that passes.

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

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

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

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

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

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

    CHAIRMAN SALADINO: Oh, proposed building is three stories. Section 150-12B limits the height of the building to two stories or thirty-five
feet. Is there any discussion on this?

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

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

MS. NEFF: Hotel.

MR. CORWIN: What do you call it?

The Harbor Front Hotel, which somebody is going to have to remind me how many stories that is?

CHAIRMAN SALADINO: Three stories.

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

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

MS. NEFF: I don't know.

MS. WINGATE: That sounds about right.

MR. CORWIN: About right.

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

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

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

MR. CORWIN: Not at this point.

CHAIRMAN SALADINO: I think we have it.

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

MS. WINGATE: Mine is twice that.

MR. CORWIN: Yours is six inches
thick, it's not easy to find what you want. So the question is the impact on the environment, and I'm going to say --

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

CHAIRMAN SALADINO: Absolutely.

MR. PROKOP: This was actually to the Planning Board because I think the Planning Board initially sent out the notice. The Board of Trustees in the Village of Greenport have reviewed the notice of coordinated review that was sent to the Board of Trustees regarding the coordinated SEQRA review for the above application referring to SAKD Holdings LLC. The Board of Trustees agree to have a discussion of the application and its associated
paperwork, that the application as
currently presented will have a
significant impact on parking, traffic,
and noise in the Village of Greenport.
The concerns regarding parking involve
the amount of parking that's required
for the project and that will not be
addressed by the design of the project,
resulting in significant additional
demand for parking in the area of the
project where there is already little
parking available. The concerns
regarding traffic involve the current
design of the project, which introduces
the traffic flow from the building into
the already exceedingly congested areas
of Third Street and Front Street. The
corns regarding noise were that the
rooftop deck will generate significant
noise impacts in the Village of
Greenport in the area of the project.
The board also expressed a concern
regarding the height of the building
and the potential for impacts from the
proposed height of the building. So
this --

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

MR. PROKOP: Okay.

CHAIRMAN SALADINO: Is that your recollection?

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

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

CHAIRMAN SALADINO: But as far as the Village Board, I'm positive I remember -- it's unfortunate that Chairman Moore isn't here.
MR. CORWIN: Let's not mention him, he's done.

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

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

MR. TASKER: Up to the third floor.

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

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

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

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

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

    MR. PENNESSI: If I could, we had received that letter from the Board, and it was entered into the record.
during the public hearing process, and we had offered responses to it during that period, and I don't want to take the time to go through that again, but certainly we would have the same responses. There are multiple buildings in town that have a third story, many of which have outdoor seating, open second stories for restaurants and bars. Again, this is an enclosed third story to this building, the roof deck being proposed is very limited to hotel guests only.

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

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

MR. CORWIN: Well, I'm asking, I'm posing that as a question, do we break out the third story from parking? If there was no parking problems, then I don't see a problem with the third story because there's other buildings like that.
MS. NEFF: I think that we can deal with these sequentially, and to say that the third story gets an up vote rather than a down vote does not really bear on the parking. We're going to get to that item. I think we're doing it one at a time, that's what we decided to do.

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

MS. NEFF: When we get there.

MR. CORWIN: This is an advisory vote.

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

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

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

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

MR. PROKOP: Yes.

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

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

MR. CORWIN: Yes.

MR. PENNESSI: Yes.

CHAIRMAN SALADINO: Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area
variance? David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

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

MR. CORWIN: No.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

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

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.
CHAIRMAN SALADINO: I'm going to say yes. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

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

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

CHAIRMAN SALADINO: I'm going to vote yes.
MS. GORDON: It's hard to know what that really means.

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

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

CHAIRMAN SALADINO: Okay.

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

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

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

MR. CORWIN: Could you just look at this and see if I'm looking at the
right set of plans?

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

(A recess was taken.)

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

MR. CORWIN: Roof equipment. Is everybody ready?

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

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

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

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

MR. PENNESSI: If I may, I believe the interpretation that was made by the Board was that each such item identified in the application that exceed the thirty-five foot height limit, the mechanicals, the trellis, and then the top of the bulkhead and shaft would all constitute a roof for purposes of the code and therefore would require a Zoning variance. Now, we've requested that we tailor this resolution so as not to just request the Board to provide a variance for a 12 foot clear variance for the entire
building, that we would request that it would be a variance to permit 36 foot and 11 inch mechanical equipment, 42 foot 9 inch trellis, and a 46 foot 8 inch or 47 foot bulkhead and elevator shaft.

CHAIRMAN SALADINO: So you would like this Board to rule on each of the objects that are on the roof, each of the aspects of the roof?
MR. PENNESSI: Yes.
CHAIRMAN SALADINO: I'm going to run out of these little pieces of paper. Is that agreeable to the Board?
MS. GORDON: Put them all on one piece of paper.
CHAIRMAN SALADINO: Do you have a preference which one we discuss first?
MR. PENNESSI: Mechanicals.
CHAIRMAN SALADINO: The mechanicals. Okay. So the mechanicals, I apologize, Mr. Pennessi, I don't have those numbers in front of me.
MR. PENNESSI: No problem, it's 36
feet 11 inches.

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

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

MR. PROKOP: You're right.

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

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

MR. CORWIN: No.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: And I'll vote no.
MR. CORWIN: You can put down no for me on every one of these. I have no problem with it.

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

MR. CORWIN: I don't mind.

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

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

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

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

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

CHAIRMAN SALADINO: Whether an area variance is substantial?

MR. CORWIN: Voice vote.

CHAIRMAN SALADINO: No would be the --

MS. GORDON: Yeah.
CHAIRMAN SALADINO: It's unanimous?

MS. NEFF: Yes.

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

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen, no. And John Saladino votes no also. Was the alleged difficulty self-created?

Mr. Corwin votes no.

MS. GORDON: No.

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

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?
MS. NEFF: Yes.

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

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

CHAIRMAN SALADINO: This is the trellis.

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

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

CHAIRMAN SALADINO: Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area.
variance? David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

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

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

CHAIRMAN SALADINO: Dinni?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: I'm going to vote yes.

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

CHAIRMAN SALADINO: No, it shows a trellis.
Whether the requested area variance is substantial. David?

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

CHAIRMAN SALADINO: Dinni?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

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

MR. CORWIN: No.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: I'll vote no. Was the alleged difficulty self-created? David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?
MS. NEFF: Yes.
CHAIRMAN SALADINO: I'll vote yes. I'll make this motion -- proposed motion to approve the area variance for the trellis. David?
MR. CORWIN: No.
CHAIRMAN SALADINO: Dinni?
MS. GORDON: No.
CHAIRMAN SALADINO: Ellen?
MS. NEFF: Yes.
CHAIRMAN SALADINO: I kind of like the trellis. I'm going to vote yes.
MR. PROKOP: It wouldn't pass anyway, you need three votes. It's not going to pass anyway.
CHAIRMAN SALADINO: Okay.
MR. PROKOP: I mean, so -- so you don't have the votes to pass that part of the application, if you want to think about that.
CHAIRMAN SALADINO: That's not the variance in totality, that's just the trellis.
MS. WINGATE: Three more, and we still have Ralph.
MR. PROKOP: The 12 foot variance is for the elevator shift. No, 13 foot variance for the elevator shaft.

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

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

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: No.

MS. NEFF: No.

CHAIRMAN SALADINO: Ellen jumped the gun, she votes no. I'm going to vote no. Whether the benefit sought by the applicant could be achieved by some method feasible for the applicant to pursue, other than an area variance? David?
MR. CORWIN: No.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

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

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: Yes. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Diane?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: And I'm going to vote no. Was it self-created? Was
the alleged difficulty self-created?

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

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

David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

CHAIRMAN SALADINO: I'm going to vote yes.

MR. PROKOP: Sorry, I just need to ask you a question. So there's a thing that's shown in your renderings on the top, which does not have a roof, it has slanted, you know, boards in it with an
open -- is that a pergola, is that what it is?

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

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

MR. PENNESSI: That's the so-called trellis.

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

CHAIRMAN SALADINO: Does that make a difference to us?

MR. PROKOP: No, that's fine.

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

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

CHAIRMAN SALADINO: Eileen, are you keeping score?

MS. WINGATE: I am keeping score, John.

MR. PENNESSI: Can I buy a box for
the loading zone?

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

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

CHAIRMAN SALADINO: Anything you want.

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

MR. PENNESSI: We worked on this with the architect, who unfortunately
isn't here tonight, but he had calculated the turning radiuses and reviewed the size of the parking stalls required by the Village code when we laid out the parking area, and based on the operation of both the hotel at the property and the restaurant, we determined that we would not likely be receiving trucks, you know, large 18 wheelers. They're taking the form of smaller delivery vehicles, and we would be able to accommodate them in that loading zone. They would be more, like, you know, Sprinters or something of that nature.

MS. NEFF: What did you call them?

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

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

CHAIRMAN SALADINO: As hard as it is for you to believe, sometimes the applicants don't tell us entirely the
truth. I know that's hard for you to believe but --

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

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

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

CHAIRMAN SALADINO: It's unenforceable. You know, I think you might be better off, in my opinion, because I have an alternative from the Board about the next one because if your parking problems go away, the loading zone becomes -- you could have some room for the loading zone. So maybe I just put this out there before we do anything else, that as far as parking, the Zoning Board got this application from the Planning Board because of these variances and the big
one being parking. I wasn't -- I
didn't think that was right that they
should -- I thought it was -- this
should have been in the Planning
Board's territory.

MR. PROKOP: It goes back to them.

CHAIRMAN SALADINO: I understand.

That's going to be my proposed
compromise. If we were to give this
applicant a variance of you have
eleven, you require thirty-two, you're
asking for twenty-one parking spaces.
I hate for it to sound like we're
passing the buck back to the Planning
Board, but if we gave this applicant a
variance for six parking spaces instead
of twenty-one, he could go back to the
Planning Board and buy fifteen spaces,
if they're willing to do that. That
would give you the opportunity to
eliminate one additional parking space
and increase the size of your loading
zone.

MS. NEFF: Could I just ask that
the attorney or maybe the building
inspector, when was the last time the
Village did accept payment in lieu of
parking spaces?

CHAIRMAN SALADINO: I don't know.

MS. WINGATE: I have no clue.

MS. NEFF: Does anybody know?

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

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

CHAIRMAN SALADINO: I have no
idea.

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

CHAIRMAN SALADINO: It does exist.

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

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

MR. PROKOP: No, no, it is in the
code. I'm saying that with all due
respect, the fact that we haven't asked
for it in a long time is probably more related to the fact that we haven't had an application like this in a long time.

MS. WINGATE: I have a thought.

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

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

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

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

MR. PENNESSI: I guess --

MS. GORDON: It's an interesting idea.

MR. PENNESSI: It is. I am a bit disappointed. We had talked about it at the last meeting or two meetings ago that we didn't want to get to the point where we're on almost the eve of a resolution and then be sent back to the
Planning Board. Now, in our reading of the code, it is -- the Planning Board can make a decision to offer to the applicant the ability to buy the spaces, and we had raised this back in October of last year when we first appeared before the Planning Board and said that we didn't want to get into a position where we're sent to the Zoning Board requesting variances and then back to the Planning Board for site plan approval without having been granted the necessary variances for the parking, not getting a decision from the Planning Board to allow us to buy the spaces, and then having to go back to the Zoning Board for variances.

CHAIRMAN SALADINO: Dan, the only reason I suggested it was -- I haven't spoke to my colleagues, I have no idea, all I know is from the sense of the public and what we've talked about here and stuff, twenty-one spaces might be too ambitious. This, in my opinion, was giving you a back door. If you
would rather we just vote on the twenty-one, so be it.

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

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

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

MR. PENNESSI: Would we have sufficient time to submit the application to the Planning Board for it to be heard at one of the two next meetings, or would this require a
public hearing that would potentially extend the time period to fully vet whether the Planning Board would be willing to accept payment and move parking and enable us to then come to a final resolution of the Zoning Board?

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

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

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

MR. PROKOP: The only question I have for the Board is if we grant a parking variance, then we're basically waiving the parking fee, right? If parking is required but it's given up by the Planning Board, then the applicant has to pay a fee. But if we grant a variance for the parking, then
they're not on the -- they're not liable for the fee because it's not required.

CHAIRMAN SALADINO: I'm not sure.

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

CHAIRMAN SALADINO: Twenty-one.

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

CHAIRMAN SALADINO: Thirty-two.

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

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

CHAIRMAN SALADINO: Let's vote on it the way it's written and let the chips fall where they may. We're doing loading zone.
MS. WINGATE: We wanted his fees.

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

MR. CORWIN: Yes.

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

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

MS. ALLEN: It should be the 27th.

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

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

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

MR. PROKOP: So probably what I would try to do is see if you can make a presentation to the work session.
MS. WINGATE: I could put you on
the agenda for next Thursday because I
haven't written it yet.

MR. PENNESSI: Thank you.

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

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

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

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

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

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

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

CHAIRMAN SALADINO: But nine feet
by twenty is a parking space, is a 
glorified -- is a handicap parking 
space.

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

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

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

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

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?
MS. NEFF: No.

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

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

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

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Diane?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: I'm going to vote yes. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or
district? David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

CHAIRMAN SALADINO: I'm going to vote yes. I'll make this tentative motion to approve --

MR. CORWIN: No, wait a minute, I think you read the first one rather than the last one.

MS. WINGATE: I only have four questions.

CHAIRMAN SALADINO: Oh, alleged difficulty, I'm sorry, I apologize to the public. Whether the alleged difficulty was self-created? David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Diane?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

CHAIRMAN SALADINO: I'll vote yes.

Now, we move to a motion to approve the
requested variance. David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

CHAIRMAN SALADINO: I'm going to vote no.

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

CHAIRMAN SALADINO: My thought was that you're going to get more than just boxes of straws and candy delivered to your hotel, you know, sheets and stuff in bigger trucks, and there's no opportunity for anybody to park any place. You can't park on Third Street and make a delivery, you can't park on
Front Street to make a delivery. It would really be a detriment to the Village, so that was my thought. If, you know, and again, we could tell you you could only put -- what did you call it, a scooter, a skeeter?

MS. GORDON: A sprinter.

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

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

CHAIRMAN SALADINO: Well, we just don't know, we just don't know, and not knowing is what makes it -- all right.
The last one is a mixed use building proposes eleven parking spaces. Section 150-16A, paragraph one requires thirty-two parking spaces based on square footage calculations and requirements for hotel occupancy requiring a variance of twenty-one parking spaces. Any discussion?

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

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

MR. CORWIN: But at that point in time the parking space probably could be had for fifteen hundred dollars or something. At this point in time, you couldn't buy a parking space in Greenport for thirty or forty thousand
dollars in my opinion. So that's really the big stumbling block to me for the whole concept of payment moved parking at this point in time.

CHAIRMAN SALADINO: To expand on David's answer, right now the fee is set at twenty-five hundred. It was proposed to be raised to ten thousand, which I guess in this day and age makes more sense, but right now it's twenty-five hundred dollars. When I had first saw this I thought forget it because I didn't have a concept of people taking mass transit to Greenport because I don't, and for the most part in the past people haven't. The train hardly runs, the Jitney, you know, most people that stay at hotels and stuff don't take the Jitney. I'm not saying I changed my mind about all that, but I have seen lately, the last -- this season every day I've seen people pulling suitcases up Front Street. I see people pulling suitcases up Third Street and stuff, so I'm thinking maybe
parking -- the dynamic of requiring buildings to have parking, new buildings have changed. Plus, the other thing is, you know, it's hard for me to reconcile denying or supporting the code when it comes to this particular property when there's say a property -- without mentioning particular -- say a property across the street that could have a three hundred seat restaurant and nine apartments and not provide one parking space. To me, it seems -- unfortunately the Village Board chose to go that route. The Zoning Board -- a guy like me on the Zoning Board is here to support the code. I don't take an interpretive look at it. So I'm really sympathetic to your cause, but I would love to see this building, but until something changes in my mind to ask for twenty-one parking spaces, I just don't -- I'm just not sure about it.

MR. PROKOP: The parking spaces are based on commercial space?
MS. WINGATE: Those are based on the residential use, the restaurant use, the retail.

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

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

MR. PROKOP: How many residential units?

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

MR. PROKOP: Sixteen rooms.

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

MS. GORDON: I just hate to see important developments limited by the
parking problem, and I realize that's,
I mean, the only way to solve that is
for the Village as a whole to do
something more about parking. I don't
know what the answer is.

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

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

CHAIRMAN SALADINO: Put them
where?

MR. PENNESSI: That would be the
issue.

CHAIRMAN SALADINO: I could see a
variance -- I could see this Board
perhaps getting its head around the
variance if you had an alternative
piece of property and valet parking.
If you had a sixty by a hundred foot
piece of vacant land, and you had title
to it, to park those cars -- you hire a
valet. Me, personally, I think that
would be something look at. But again,
we'd give you a variance for having it
more than two hundred feet away.
You're required to have the property
two hundred feet from the building
but --

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

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

MS. NEFF: No, it doesn't say that
at all because we haven't given a
decision. We've ben somewhat flexible.
I myself have seen quite a few people get off trains and busses and use the Village as a pedestrian a lot.

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

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

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

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

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

MS. WINGATE: John, repeat yourself.

CHAIRMAN SALADINO: I'm too tired to repeat myself. I think it's come time to decide on this variance. We
kicked it around a little bit, and I think I'm going to call a vote.

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

CHAIRMAN SALADINO: That was kind of, like, what I thought I was suggesting to you. If we give you -- however we worked the numbers that you could go to the Planning Board with twenty spaces, and if that increased your parking lot size by however many square feet, you might have not needed a variance for the loading zone, you might have had the variance for the
loading zone, be able to park ten cars
or nine cars, and we give you a
variance for six cars or seven cars.
I'm losing track of how many cars here,
and then eventually go to the Planning
Board and ask to buy twenty spaces from
them.

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

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

MS. WINGATE: That's the math.

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

MS. WINGATE: Yes.

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

MR. PENNESSI: Hopefully they live
in the Village.
MR. CORWIN: In my mind, the applicant goes out and he buys say a house on Third Street, he knocks it down, and he says there's my parking.

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

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

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

CHAIRMAN SALADINO: What do you think, Dan?

MR. PENNESSI: Yeah, I think that I can say we'll take it under advisement, but I think that we will attend the Planning Board and see -- take the Planning Board's temperature
as to whether they'd be willing to allow a purchase of those spaces. We had tried to do that at the beginning of this process, I think there was an October application to the Planning Board where we discussed. We were unsure who would actually be responsible for dealing with this.

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

MR. PENNESSI: Yeah, I think we need the extra time anyway for the
resolution. I mean, I would ask that we still pursue a resolution for the November meeting, but you know.

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

MR. PENNESSI: There would ultimately be a vote anyway. We could figure out if the Planning Board would be willing to do that. Hopefully they would be, and if not, we'll come back and vote on the application as it stands.

CHAIRMAN SALADINO: We might have a few extra minutes because we put two public hearings off until February. So am I going to make that motion that we table this until November?

MR. PENNESSI: Yes, that's fine.

CHAIRMAN SALADINO: The applicant agrees to the additional time?

MR. PENNESSI: Yes.

CHAIRMAN SALADINO: So moved.

MS. GORDON: Second.
MR. CORWIN: Say exactly what you're tabling.

CHAIRMAN SALADINO: Further consideration of the variances for SAKD Holdings.

MR. CORWIN: For everything?

MS. NEFF: No, just required for parking.

MR. PROKOP: It's to table the application as a whole because we really didn't -- you don't want to take anything off the table, please.

MR. PENNESSI: That's fine.

CHAIRMAN SALADINO: So I'll make that motion to table this application until the November meeting.

MR. PROKOP: And refer back to the Planning Board for parking review.

CHAIRMAN SALADINO: That's his choice, right? That's not for us to say.

MR. PROKOP: That's fine.

MS. NEFF: May I just ask, does our discussions, straw votes, if I may call them that, does that reach the
Planning Board, the things we did?

MR. PROKOP: Yes, it's a public record.

CHAIRMAN SALADINO: I'm sure Dan will tell them what we said here.

MR. CORWIN: There's a motion on the table that hasn't been seconded.

CHAIRMAN SALADINO: We have a motion to table this application to the November meeting. So moved. Is there a second?

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.


MR. CORWIN: Before we end this matter, I just want to say one thing to Mr. Pennessi, this has been a long torturous process, and I blame a lot of it on you with the idea of interpretations, so as Mr. Saladino says you could get two bites of the
apple, and some of it was ours with
codes and procedures and stuff, but
it's really a pleasure to work with a
gentleman rather than somebody that
cops an attitude. Thank you.

CHAIRMAN SALADINO: Item eleven,
discussion and possible action on the
application of Ralph and Maureen
Caouette, 447 Sixth Street, Greenport,
New York. Suffolk County Tax Map
1001-6-3-3. Does the Board have any
discussion about this application? I
heard the attorney say that the
application was incomplete? Can we
know what that is?

MS. WINGATE: Yes, I looked at it.
On the application Ralph wrote his
street, but he didn't write Holden,
Massachusetts.

CHAIRMAN SALADINO: 58 Mixter
Road?

MR. CAOUETTE: That's it.

MR. PROKOP: It's not an
incomplete application, it just needs
to be filled in, made legible.
CHAIRMAN SALADINO: I'm okay. Is the Board okay with that?

MR. CORWIN: Yeah, I'm okay with that.

CHAIRMAN SALADINO: Is there any discussion about the application?

MS. GORDON: Yeah, I want to say one little thing, which is that there are a lot of these little cottages, these 20's cottages around the Village. They're very cute. I love looking at them, but they're really not very useful for many families. They don't have big kitchens, they don't have more than one or two bedrooms. It seems to me perfectly understandable why people with sizable lots would want to use those sizable lots to expand their houses. He didn't have to get a variance to add to the bedrooms and the part of the house that we looked at today, so that was all within the existing code, and then it seems to me a little carport is a very logical addition, that it doesn't require a
huge variance, and the person to the
south is okay with it.

MR. CAOUETTE: I shared -- I did
nine variations over the last two years
of what to do with this tiny cottage,
I'm thorough like that, and I share the
last three or four plans, I even did a
scale model for my neighbor getting her
feedback. Good design requires
thorough feedback. You know, I helped
her with her project, she gave me what
I thought was valuable input on this
project. She realized too there's a
nice canopy, you're not going to use
that deck -- that ten by twelve, which
is in the back. I mean, the whole
portico chair is slid towards the back
of the house. I think it's twenty-six
feet back from the front porch. You're
not going to use that, except in the
summer months. There's a nice canopy
of walnut and maple tree there that she
realizes screens her house. You know,
I'm not going to be sitting up there in
December or anything unless I've got a
painting to do.

CHAIRMAN SALADINO: You know, I believe everything you're saying. I believe everything you're saying, but since we're supposed to put a professional face on this operation, not for this time, but perhaps going forward it would have been nice to have her say that somewhere, you know, because right now, like we told someone else, you know, sometimes the applicants aren't always --

MR. CAOUETTE: I think she didn't perceive any resistance to this project. She thought it was very reasonable. She's in Texas right now with a friend.

CHAIRMAN SALADINO: Well, what we've also learned is that you never know what your neighbors are going to say, you never know what the public is going to say, you never know what somebody that doesn't live in the neighborhood is going to say, and we have to listen to them. So for them to
say this is not good, it's always good
to have the next door neighbor say no,
I love it, it's great. That's really
not an issue here, but just going
forward. Are we good?

MR. CORWIN: I would just like to
make a few comments. One is the
neighbor to the south got hers, her
variance or her mud room for a dog.

MS. WINGATE: Her cat.

MR. CORWIN: Her deck, her stoop,
or whatever it is. And the other thing
I want to say is I really have
reservations about the deck on the
second floor. You can do that by
right, you don't need a variance, but
when you need a variance I just have
reservations about it because if you
build a deck in your backyard, hey, the
sound is a little muffled, but when you
build a deck on the second story, then
the noise is broadcast. So I'm a
little torn on how I want to vote on
that. I'm certainly worn out from
being here all evening.
MR. PROKOP: That could be -- I mean, it doesn't have to be approved with a deck, it could be approved without a deck or it could be approved with a smaller deck. I wanted to mention to the Board that -- have we had one of these before in the side yard, a second floor deck in a side yard?

CHAIRMAN SALADINO: No.

MS. WINGATE: Rosa was the back corner.

CHAIRMAN SALADINO: Yeah, but that was in the footprint.

MR. PROKOP: On either the Planning Board or the ZBA, the second floor deck in the side yard facing the street is a new thing for us.

MR. CORWIN: Well, we did have one on Fifth Street or Sixth Street, but that was a front yard.

MS. WINGATE: That was the front of the house.

CHAIRMAN SALADINO: That's my contention. I would have absolutely
problem, no qualms about saying no to this if it was in the front of the house. I'm kind of thinking about it on the side of the house. You know, we granted a deck, second floor deck, but it was in the same footprint. I'm not not looking at you, I'm looking at the plan, I apologize. It was in the same footprint of the house, so, you know, I'm not sure.

MR. CAOUETTE: In this case, it lines up with her back deck, and she just added on a big paved patio on back, which again, I helped her with the design of that, so she has no issues there.

MR. CORWIN: The thing is she's not going to be around for -- in your original application you sounded like you weren't going to be around very long, so I think --

MR. CAOUETTE: There's longevity in my family.

MR. CORWIN: That's not the way you made the original application, but
anyway, the point is we really should be looking out twenty years, thirty years down the road for people.

MS. NEFF: I had one comment, this proposed carport and deck is set -- although the measurement isn't here because it's not required, but it's more than forty-five feet from the front of the property, it's not right near the street. Would you -- could you give me a better estimate of how far back that is?

MR. CAOUETTE: You're right. It's about forty-five. It's the back quarter of the house. With the roof in the front, the most that will be visible from the street is the top of the railing. There's the roof landing in the front. Again, it only impacts the immediate neighbor, and she's, as you mentioned, fine with it. Directly across the street there's a house owned by Tony Alvarez, that's a rental. They're the only ones that will have a viewpoint of it. My worry about it was
smelling the proposed distillery that's probably coming in two years on Coleman Street, which is within three hundred feet. Louis Marine. I know what they smell like, I grew up on the New Hampshire line. Noise wise, most of the residents are used to it. We're a hundred and fifty feet from the DPW, the amount of heavy equipment that comes out of there, parking, noise.

Minor, you know.

CHAIRMAN SALADINO: Makes me kind of wonder why you want it with all that adversity around you, you know.

MR. CAOUETTE: I thought when I retired I was going to the Cape, but I've got -- this is important to my wife.

CHAIRMAN SALADINO: I advocate for Greenport, but you're telling us about the rental across the street, and the noise from the road department and the distillery, I would think the last place you would want to be is outside on the deck.
MR. CAOUETTE: I like fresh air. I've got a bad sniffer, so she's more likely to smell it than me.

CHAIRMAN SALADINO: Okay. What's the pleasure of the Board?

MS. GORDON: I'm ready to vote.

MS. NEFF: Me too.

CHAIRMAN SALADINO: The other thing I would like to tell you, I personally would like to apologize, we held this application a month because -- I think because we were tired, you know, I'm not really sure why, but let me apologize to you now.

MR. CAOUETTE: I'm just holding the builder up.

CHAIRMAN SALADINO: We'll do the questions. And this is for the proposed 8.3 side yard setback on the south property line requiring an area variance of 6.7 feet in the R-2 district. Section 150-12A of the Village code requires a side yard setback of 15 feet in the R-2 district. The proposed aggregate side yard
setback is 18.2 feet requiring a 6.8
foot combined side yard variance.
Section 150-12A of the Village code
requires a twenty-five foot combined
yard setback in the R-2 district.
Okay?

Whether an undesirable change will
be produced in the character of the
neighborhood or a detriment to nearby
properties will be created by the
granting of the area variance? David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: I'm going to
vote no. Whether the benefit sought by
the applicant can be achieved by some
method feasible for the applicant to
pursue, other than area variance?

David?

MR. CORWIN: No.

MS. GORDON: No.

MS. NEFF: No.
CHAIRMAN SALADINO: And I'll vote no. Whether the requested variance is substantial? David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: And I'm going to vote no.

Whether the requested variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? David.

MR. CORWIN: I'm going to give that a qualified yes, because I am concerned about noise from the deck on the second floor.

CHAIRMAN SALADINO: Dinni?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

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

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Diane?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

CHAIRMAN SALADINO: I'll vote yes.

I'll make a motion to grant the area variance.

MS. NEFF: Second.

CHAIRMAN SALADINO: David?

MR. CORWIN: Yes.

MS. WINGATE: I'm missing --

MR. PROKOP: We need to do it
before the final -- we need a motion
that it's adopting lead agency status
and determining that it's a type two
action for purposes of SEQRA.

CHAIRMAN SALADINO: So moved.

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?
MR. CORWIN: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

CHAIRMAN SALADINO: Aye. Finally, I'll make this motion to grant this area variance. David?

MR. CORWIN: Well, this is a do over, so is somebody going to second it?

MS. NEFF: I'll second it.

CHAIRMAN SALADINO: I don't think we. Okay.

MR. CORWIN: So my answer is yes.

MS. GORDON: Yes.

MS. NEFF: Yes.

CHAIRMAN SALADINO: I'm going to vote yes. Good luck.

Item 12, motion to adjourn.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

CHAIRMAN SALADINO: Aye.

(Whereupon the meeting was...
adjourned at 10:29 p.m.)
CERTIFICATION

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

Amy Bohleber

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