VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

ZONING BOARD OF APPEALS

REGULAR SESSION

Third Street Firehouse
Greenport, New York

February 19, 2019
6:00 p.m.

BEFORE:
JOHN SALADINO - CHAIRMAN
DAVID CORWIN - MEMBER
ELLEN NEFF - MEMBER
DINI GORDON - MEMBER
ARTHUR TASKER - MEMBER

ROBERT CONNOLLY - ZONING BOARD ATTORNEY
PAUL PALLAS - VILLAGE ADMINISTRATOR
KRISTINA LINGG - CLERK TO THE BOARD

Flynn Stenography & Transcription Service
(631) 727-1107
CHAIRMAN SALADINO: Good evening, folks. This is the Village of Greenport Zoning Board of Appeals Regular Meeting.

Item Number 1 is a motion to accept the minutes of the January 15, 2019 Zoning Board of Appeals meeting.

So moved.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Item Number 2 is a motion to approve the minutes of the December 18, 2018 Zoning Board of Appeals meeting.

So moved.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.
Any abstentions?

MR. CORWIN: Abstain.

CHAIRMAN SALADINO: Item Number 3 is a motion to schedule the next Zoning Board of Appeals meeting for Tuesday, March 19, 2019 at 6:00 p.m. at the Old Schoolhouse on Front Street, Greenport, New York 11944.

For those that are wondering why, there is an election that night. They thought the election was more important than the Zoning Board meeting.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Item Number 4 is a public hearing regarding the area variances applied for by the Miller Family Trust for the property located at 424 Fourth Street, Greenport, New York 11944.

Suffolk County Tax Map number is
ZBA - 2-19-2019

1001-6-6-18.1.

For those that are interested, the public notice is attached to the agenda, and we are going to --

We have some mailings we're gonna read.

The applicant is here. Her representative is here.

The notice was published, right?

MS. LINGG: Yes.

CHAIRMAN SALADINO: We're gonna read the mailings.

We have Darice Clark, 8145 Alvahs Lane, Cutchogue, New York; Walter Burden III, Post Office Box 304, Greenport, New York; John Macomber, Jr., 421 Fourth Street, Greenport, New York; Angela Thornton, 403 Fourth Street, Greenport, New York; Long Island Railroad Company, care of North Ferry Company, Post Office Box 589, Shelter Island, New York; 345 Wiggins Street LLC, 46 Sea Cliff Avenue, Sea Cliff, New York; Northfork Housing Alliance, 116 South Street, Greenport, New York 11944; Walter Tilford, 10 Oak Place, Bayville, New York;
Long Island Reliable Corp., Post Office Box 1238, Cutchogue, New York; Manta Ray Properties LLC, 88 Morningside Avenue, New York, New York; Carole Monsell, 525 First Street, Greenport New York; Karrie Robinson, 424 Fourth Street, Greenport New York.

I'm not sure how to read --

Debra A. Roth, 15 West 72nd Street, New York, New York; Bernice Legette, 405 Fourth Street, Greenvale, New York; Jean Stratton, 424D Fourth Street, Post Office Box 483, Greenport, New York.

Before we let the applicant -- or should we let the applicant --

I have a letter from some neighbors. This is dated February 12, 2019 to the Greenport Zoning Board of Appeals.

We are the undersigned neighbors of the Harbor Knoll Bed & Breakfast. We the undersigned neighbors of the Harbor Knoll Bed & Breakfast strongly object to the granting of the variance being requested.

The request for the variance is an attempt to skirt around the codes and...
regulations that govern bed & breakfasts in
the Village of Greenport which allow a
maximum of three rooms and the serving of
breakfast, period. These codes and
regulations were adopted to protect the
residential character of the neighborhood
and the property rights of the residents
surrounding the bed & breakfast.

From the day the Millers were granted
this privilege of the special use permit to
run a bed & breakfast in their home, they
have consistently abused the privilege.
They have misinterpreted the bed & breakfast
permit to mean that they have the right to
run a commercial inn on their property.
They even advertise Harbor Knoll as an Inn.

Over the years, they have routinely
rented up to six rooms, two on the third
floor in violation of the fire code. They
have catered numerous weddings at the bed &
breakfast, advertising the wedding business
with a slick brochure online. They offer
the serving of dinner at the bed & breakfast
and the chartering of a twenty-eight-foot

Flynn Stenography & Transcription Service
(631) 727-1107
sailboat from their dock, holding yoga
classes, advertising to hold special events
at the bed & breakfast, all in violation of
the conditions of the special use permit.
They seem or choose to forget that this is a
private home in a residential area, not a
commercial establishment.

The presence of Harbor Knoll Bed &
Breakfast, which is located in a residential
area on a very narrow right-of-way passable
by only one car at a time and shared with
four other homes, has already negatively
changed the character of our neighborhood
with increased traffic from the bed &
breakfast guests coming and going, trucks
making deliveries. There is a loss of
privacy and quality of life with strangers
constantly around.

A bed & breakfast with five rooms is
clearly a commercial business. You can't be
renting five rooms in your home with ten
strangers sleeping in your beds and having
this be incidental and subordinate to being
in your home which is a condition of the bed
& breakfast permit.

This is not fair to the residents surrounding the bed & breakfast who have the given right of peaceful enjoyment of their property. By allowing bed & breakfasts to morph into commercial inns in residential neighborhoods, residents rights are being ignored. A bed & breakfast should remain the renting of three rooms and serving of breakfast in your home, period; otherwise, it is just unfair to the neighbors.

We don't think the Millers should be rewarded for abusing their special use permit by legally allowing them to rent five rooms. This will also set a very bad precedent.

It is for all these reasons that we are strongly opposing the above variance which would further commercialize and deteriorate our quality of life.

This is signed by Karrie Robinson, 424 Fourth Street, and Walter and Ken Tilford also 424 Fourth Street.

And there was a packet enclosed of

Flynn Stenography & Transcription Service
(631) 727-1107
supporting documents that I don't think we
have to read.

Is that all we have from the neighbors?

MS. LINGG: Yes.

CHAIRMAN SALADINO: I think having read
that, we can hear from the applicant.

MS. MOORE: If I could get a copy of
that letter.

(Ms. Moore handing out papers to
members of the Board, Mr. Connolly, Mr.
Pallas and Ms. Lingg.)

You have our written request for the
addition of two rooms to what is already a
three-bedroom B&B.

To begin with, I wanted to put on the
record the character of the neighborhood and
the rental of both Airbnbs in the
neighborhood, VRBO and the general rental
properties in the area. We took from public
records and access to VRBO and B&B
advertisements, certainly it's a little
early in the season, so there may be more;
but what we did is identify for you what
appears to be from advertisements, the, very
common now, listings of Airbnbs and VRBOs.

In addition -- I have two pages.

That's the first page.

And then the second page, I give you a description based on the assessor's records which shows the primary, a property that has the primary address also at the property, so we can assume it's being owner occupied; then in blue, second homes; in pink, it shows you owned by a group or LLC; and then I show you where Harbor Knoll B&B is located on the second sheet.

Returning to the first sheet that I gave you. On this block, you have the Harbor Knoll B&B on the south side of the road; and on the north side of the road, you have, the first house is a two-family house, then you have -- which is tax lot 14; then you have tax lot 15 which similarly is a two-family house and it is currently rented as a two-family house; then from the records, we couldn't see anything more than single-family for tax lot 16 and 17.

So you can see that this street has
homes that were originally single-family
homes that have been converted to two-family homes; and certainly because there is no
review process, any vehicles, any parking has never been reviewed. So as far as
traffic onto the street, the B&B is -- this B&B is actually a ten-bedroom home, and if
it was one-family not operating a B&B, certainly if you occupy it from one room to
another as an entire family, it would be quite a large family.

In this case, Mrs. Miller and her husband, her husband is disabled right now, and she is the only one home. He doesn't drive. They have one car between all of them.

And the B&B has been operating there under the terms of the conditional permit for many years. I gave you in writing how we, in fact, do conform with the B&B regulations and the description of the conditions that are required, and that I gave to you already in writing.

So I'd like to address really what
has developed as something of an issue since short-term rentals were added to the code. In September of 2018 under Local Law number 8, the Village provided for owner-occupied homes excluding B&Bs because they were already regulated under the Zoning Board's provision, so single-family homes that wanted to rent would have to get a rental permit and then their limitations on the number of rentals would really be subject to state building code. That would be about the only limitation that they would possibly face. That would be something up to the Building Department when they issue the rental permit because if a ten-bedroom home rented more -- as an owner occupied, okay, let's keep in mind that what we're talking about on the short-term rental is owner-occupied. Whether it's a two-family or a single-family, the state building code says they can rent up to five rooms and still be considered a residential use and still be able to operate under the state building code, the international residential
ZBA - 2-19-2019

code which is the state building code for residences, it's only if a property was non-owner occupied and it could be considered a boarding house, but again, has to be non-owner occupied so it would not qualify under the short-term rental. So the provisions of the short-term rentals that were adopted has undercut and has really turned the B&B use upside down because what you have is owners of B&Bs that are, again, owner occupied coming in for approval from the Zoning Board of Appeals through a pretty rigorous process and a Planning Board site plan review, and really there is absolutely no difference between a B&B and short-term rental. The only difference being that a B&B would not have to get a rental permit, it would have to operate under the B&B regulations and the inspections that the Building Department may undertake for a B&B.

That has been a significant issue here, treating two homeowners unequally. You have an owner of a B&B that is being treated differently than a homeowner that
can rent five individual rooms to ten
nonowner individuals but they are not put
through any paces other than just a typical
rental permit, which you give them a floor
plan, you'd show them where the rooms are
and then you'd operate under VRBO or Airbnb
or whatever, or your own private, you know,
word of mouth.

So with respect to this B&B
application, we came to this Board and made
an application for a B&B to try to present
the application in the most conservative way
which is as a B&B; but, quite frankly, she
could rent it under VRBO and it has
absolutely no limitations as long as it did
not exceed the number of rooms that the
state building code would limit you to.

There is very little to say, very
little more to say with respect to renting
two additional rooms.

One of the rooms, I think we've
provided you the description. The one extra
room is on the second floor which is with
the other three rooms that are already
there. And the Board is very familiar with that extra cottage that we had to remove the kitchen in order to make it an additional bedroom to the single-family house; so that would be the extra room.

So, in total, when you are, really the amount of change to the character of the neighborhood, there is no change to the character of the neighborhood by having the two additional rooms rented. Those are -- there is certainly enough property. There is enough parking. The road is passable.

And certainly if the neighbors had -- if there is any issues with respect to parking, it is only with respect to their home because this property has it's own parking area.

So we hope that you will grant the additional two rooms. I know the Fordham House, we went through this process in good faith with the process that the Fordham House had go through. If you recall, the Fordham House really only had one extra room that they could rent with the owner being on
premises. They had to provide for one of
the rooms that was not in the basement for
the homeowner, and that that left one room
for additional rental; so that was the one
example that you raised last time I was
here, that you said, well, we only gave them
one extra room. That's true because they
only had one extra room that they could
possibly use as an extra B&B room.

CHAIRMAN SALADINO: We were only
correcting the record.

MS. MOORE: Pardon?

CHAIRMAN SALADINO: I said, by saying
that, we were only correcting the record.

MS. MOORE: Okay.

I'm here really to answer any
additional questions you might have. The
paperwork is pretty straightforward. I
think that the circumstances certainly have
changes significantly with respect to the
short-term rental provision.

I really think the Village is doing a
disservice to the B&B community by not
making B&B legislation a matter of allowing
ZBA - 2-19-2019

for the five rooms without that extra
variance hurdle to go through; but that is a
matter for the Trustees to consider, that's
not your purview. You have to address this
with respect to the standards of the B&B,
and we're here to answer whatever questions
you might have.

CHAIRMAN SALADINO: Members, any
questions for Ms. Moore?

(No response.)

Thank you.

MS. MOORE: That's it?

Okay.

CHAIRMAN SALADINO: Is there anyone
from the public that would like to speak?

MS. WALOSKI: Hello. My name is
Caroline Waloski. I live at 515 Main
Street.

I think that I would like to see a
house as large as Harbor Knoll that can
really accommodate an extra two bedrooms
without causing any problems to the
community but bringing in more people who
are staying a longer time in our Village,
other than just day trippers and I would
gle to see Harbor Knoll granted the extra
space.

Thank you.

CHAIRMAN SALADINO: Anyone else?

MS. LATHEM: I'm Sarah Latham. I live
817 Main Street which is the Fordham House.
And I'm here tonight in support of the
Miller family's request to increase the
number of rooms at their B&B from three to
five.

As a member of the community of the
Village of Greenport, I was very happy with
the changes the Village Board made to the
code regarding short-term rentals.

As a bed & breakfast owner, however, I
feel that the existing code regarding bed &
breakfasts continues to put us at a
disadvantage. In fact, it is not clear to
me what the distinction is between a bed &
breakfast and a single-family home, which is
allowed by code to rent a portion of the
house, the remainder of which is owner
occupied or is occupied as a longterm
occupancy; but, as Ms. Moore stated, that would be a Village Trustee issue, but I just want to bring that up, as well.

It's my understanding that the rooms the Miller family is proposing to add to their existing rental rooms are the appropriate size for a bedroom within the code. They also have adequate parking, another restriction placed on bed & breakfast and not short-term rental; therefore, I feel strongly that the Board should allow them to increase the number of rooms at their bed & breakfast from three to five.

Thank you.

CHAIRMAN SALADINO: Thank you.
Is there anyone else from the public that would like to speak?

MS. ALLEN: Chatty Allen, Third Street.
I'm mixed with this. Yes, there is enough room, but I have also been through meetings where I've heard some of the issues that have come up with this particular B&B. I really think that the Board needs to look
and to really take into consideration the people that actually live around it that deal with incoming traffic. There have been problems up to this point, adding two more, yes, it's gonna add more traffic in there.

I'm not opposed, per se, but I think you have to, you know, think of the neighbors as well. It is a very small entrance in and out of there. If it's passed, I hope that it's kept an eye on, so you don't have issues that have been there in the past.

Think of the neighborhood.

MR. MURRAY: Hi. My name is Dave Murray. I live at 332 Fifth Avenue.

I'm here to support the Miller family in their request.

I have had the pleasure of working at this bed & breakfast. And, Chatty, I have to dispute with you, I think there is adequate turning space in the parking lot for five bedrooms. There is plenty of parking for big trucks. The trucks that we worked off, it's been very adequate for
that.

The house is kept immaculate, and I think the way the Millers run their bed & breakfast should be looked at as well. It is a fine organization.

I hope this passes.

Thank you.

CHAIRMAN SALADINO: Thank you.

Anyone else?

(No response.)

Members, do we have any questions for Ms. Moore or the applicant before we decide on this public hearing?

MR. TASKER: Yes.

What about the possibility of restricting it such that special events are not permitted, which I think has been the source of concern and complaint in the past about the use of this property, so that it is essentially limited to very small groups within the number of permitted rooms?

CHAIRMAN SALADINO: Well --

MR. TASKER: I can ask the question of -- maybe we can hear from the applicant.
MS. MOORE: I just asked her and she said she had no special events.

I said, well, in that case, you would have no objection to the limitation on special events.

She said, sure, no problem.

MS. GORDON: Special events would include weddings.

MS. MOORE: Why don't you come up, they seem to want to hear from you.

I don't want he said, she said because then we start getting into the battle with people that are not here and certainly I'll let you speak for yourself.

MS. MILLER: Okay. On the issue --

Sorry.

Leueen Miller, 424 Fourth Street.

I think it's interesting to point out that of the five very close neighbors I have, only two object and they have consistently objected long before. Every time we sneeze, there is an issue.

But specifically on the issue of weddings, we have had the house for almost
fifty years, we have had, over that period, four weddings; two of which were for my children. I haven't had a wedding of any kind or a special event of any kind, I think, in the last five or six years.

And I would say that basically my business runs from April, mid-April to end of October and any of you can choose to come down during the winter months and you won't see an extra car. I'm out of the way. I'm isolated. I don't do aggressive marketing and the business, basically, is during those few summer months.

If you have any other questions, I'd be happy to clarify.

MR. CORWIN: I'd like to ask two questions.

Newsday had an article about hideaway places or something a week ago maybe, and it had Harbor Knoll in there on the East End places you would stay at the East End, a couple of things. It referred to your website, I guess Harbor Knoll's website, one of the things on the website says a pool is
available from 10:00 to 1:00, swimming pool;
and I think you represented to us
previously, the Zoning Board previously that
the pool was only for family use.

And the other thing that confused me
was it said there was access to a licensed
bar, and I was wondering what that was.

MS. MILLER: On the swimming pool, it
did at one point, come up on the website.
We have not used the pool at any time for
guests. And I'm waiting to take it off the
website.

Basically if you look through
criticisms, one or two guests have provided
negative comments that they thought there
was a pool and there wasn't a pool. So that
addresses that.

On the bar, yes, I have a license to
serve wine to guests. I have a little bar,
had it long before we had a B&B, and mainly,
I have to say, I hardly make any money, I
pay a bit to keep the license and mostly I
offer guests a free glass of wine before
they go out to dinner.
I'm licensed to do so, and I was advised that it was a wise thing to do because if don't have a license, even if you offer a guest a free glass of wine, you can be liable for something that happens.

I hope that addresses that.

MR. CORWIN: Thank you.

MS. MILLER: I'm bonded and I'm licensed. It's all correct.

CHAIRMAN SALADINO: Anyone else for Ms. Miller?

(No response.)

Nothing.

Thank you.

What's the pleasure of this Board?

MR. TASKER: Since --

CHAIRMAN SALADINO: Are we going to close the public hearing?

MR. CORWIN: Close the public hearing, and leave it open for thirty days for written comments.

MS. NEFF: Leave it open for what?

MR. CORWIN: Thirty days for written comments.
MR. TASKER: If that's a motion, I would second.

CHAIRMAN SALADINO: Discussion first.

MR. TASKER: Sure.

CHAIRMAN SALADINO: Do we need -- who are we expecting to comment?

MR. CORWIN: I don't know. Just to me, there's a little bit of controversy here because we have a letter from the neighbor and we got local people saying there for it and neighbor against it so there may be more comments and it's my preference not to vote on this this evening for the simple reason that once you have a little controversy, it's probably better to give it some time to think about it.

CHAIRMAN SALADINO: Okay.

Just one other thing and I'm thinking maybe I have to ask the attorney.

If we close the public hearing and keep it open for thirty days for comments, does that --

MR. CONNOLLY: -- the public hearing, you're keeping the public hearing open for
CHAIRMAN SALADINO: So that would negate any discussion of this application tonight by this Board?

MR. CONNOLLY: Yes.

CHAIRMAN SALADINO: Is that your intention, David?

MR. CORWIN: I think that's fair to say.

MS. NEFF: Why does it restrict us discussing it as a Board?

CHAIRMAN SALADINO: Because the public hearing is open and we would be testifying.

MS. NEFF: Okay.

MR. CORWIN: Unless the rest of the Board wants to discuss it tonight.

CHAIRMAN SALADINO: You made the motion, Arthur seconded it.

Our opinions will be expressed in our votes, right?

MR. CORWIN: Correct.

MR. TASKER: Let me also add a suggestion that we, particularly if we're going to proceed with David's motion, that
in that intervening period that we ask the Planning Board to opine on this application since they, in the normal course of things, are the primary approver, if you will, of B&Bs in the Village of Greenport to get their opinion.

CHAIRMAN SALADINO: We can make that request.

MR. TASKER: I think we should certainly make that request of them.

CHAIRMAN SALADINO: What would be the difference --

MS. NEFF: Just one moment.

Did, in fact, the Planning Board send it to us, for some reason, I thought --

MS. MOORE: Yes.

MR. TASKER: Without taking any action, no --

MS. MOORE: They didn't have the ability to take action.

CHAIRMAN SALADINO: There's a variance attached to it.

MR. TASKER: Okay.

MS. NEFF: We're sending it back to
them and what are we asking from them?

MR. CONNOLLY: You can ask for comments on a proposed variance.

MS. NEFF: Okay.

CHAIRMAN SALADINO: So what would be the difference -- aside from keeping the public hearing open for thirty days for comments, what would be the difference of just keeping the public hearing open until the next meeting?

MR. CORWIN: We could do that because the applicant might want to come in and say something.

MS. MOORE: Depending on what you get. I may want to -- certainly we want to respond to the letter we have received, but that would be subject to written comments, we would be able to. If someone else new comes in, I would wouldn't know about it.

CHAIRMAN SALADINO: There is a motion which is seconded. I'll call a vote.

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Dini?
ZBA - 2-19-2019

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: And I'll vote yes.

So we're gonna keep the public hearing open for thirty days for additional comments. We're gonna make a recommendation, a request to the Planning Board for their recommendation, their opinion.

MR. TASKER: Yes.

Since they have primary jurisdiction on B&Bs.

CHAIRMAN SALADINO: And, we'll see you next month.

Thank you.

Next we have Item Number 5, a public hearing regarding area variances applied for by Hideaki for the property located at 412-414 Carpenter Street, Greenport, New York 11944.

Suffolk County Tax Map number is
And for those that are interested, the public notice is attached to the agenda.

We have the mailings here.

The public notice was published?

MS. LINGG: Yes.

CHAIRMAN SALADINO: Mailings are, the neighbors notified were Arlene Hubbard, 176 Central Avenue, Greenport, New York; Jeffrey Rosa, 297 Burkran Road, Locust Valley, New York; Main & Central Realty LLC, 2760 Yennecott Drive, Southold, New York 11971; Marion Kruszeski, 285 Park Street, Greenport, New York; 502 Carpenter Street LLC, Post Office Box 389, Cutchogue, New York; Breakwater Properties, LLC, 4317 Bergen Avenue, Mattituck, New York 11952; Mac J. Cato, 500 Main Street, Greenport, New York; Susannah Leete, 215 Park Row, New York, New York.

And is the applicant here?

MR. STRECKER: Yes. I guess basically we --

Robert Strecker from Quogue, New York.
ZBA - 2-19-2019

representing my daughter.

I guess we'd like to proceed to the
public comments at this time.

CHAIRMAN SALADINO: Does the Board have
any questions for the applicant?

(No response.)

Thank you.

Does anyone from the public wish to
speak?

(No response.)

No.

What is the pleasure of the Board? Are
we going to close this public hearing?

MR. CORWIN: Yes.

I move to close the public hearing?

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Item number 6 is a motion to accept the
application, schedule a public hearing and
arrange a site visit for the application of
David Murray for the property located at 137
Sterling Avenue, Greenport, New York.

The Suffolk County Tax Map number is 1001-3-5-11.

Is the applicant here?

MR. MURRAY: I'm David Murray, 332 Fifth Avenue, Greenport, New York.

I'm representing Jim and Eileen Getches for the property at 137 Sterling Avenue.

Basically, what we're asking for is a variance to do a covered front porch. The house is two feet off the property line.

The house is probably over 110, 120 years old.

We're asking to at least have -- they have a little front porch going into the front door now. We're looking to build a covered porch across the front. To do that, we need to get a side setback of two-and-a-half feet, which the house is two feet now.

We're also building a -- this is a two-family dwelling. The occupants are
currently living in the first, I'm sorry, the top story. We're renovating both stories. They're gonna be moving to the downstairs. They're gonna be owner occupied. The upstairs is gonna be a full-time rental.

There is a side porch that we want to construct for the main entrance for the first level. The upper level, the main entrance will be the front porch.

One of our variances that we are asking for is a lot-coverage variance. We'll be exceeding the lot coverage by 1.8 percent, currently it's close to 35 percent now.

CHAIRMAN SALADINO: Okay.

Any questions for David?

MR. TASKER: No.

MS. GORDON: You say in your memo, your notes, the requested variance only allows owner to increase functionality of this conforming use.

Is there no change at all in the use and its workability?

MR. MURRAY: No.
The use now is a two-family and it's gonna be a two-family when it's --

MS. GORDON: And has it been rented with long-time residents --

MR. MURRAY: Yes.

MS. GORDON: -- in the part that is not owner occupied?

MR. MURRAY: That's correct.

Right now the first floor is long-term rental, and the owners now live on the top level. We're gonna be renovating the first level and renting the top level because they're getting a little older so they want to get on the main level of the house.

But no, it's gonna be -- it's not a short-term -- it's not gonna be on the short-term rental list.

CHAIRMAN SALADINO: Anyone else?

MR. MURRAY: When you do a site visit, you'll notice along Sterling Avenue, a lot of the houses have covered porches that are pretty close to the sidewalk throughout its -- it's mixed up on Sterling Avenue.

CHAIRMAN SALADINO: I'm gonna make a
motion to accept this application.

MS. GORDON: So moved.

CHAIRMAN SALADINO: Is there the second?

MS. NEFF: I think Dini --

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: All right.

We're gonna schedule the public hearing for March 19th. It's gonna be at the Schoolhouse because they seem to think they want to have an election.

We set all the public hearings at 6 o'clock.

We're gonna do a site visit. What time is -- 5:30 for the site visit?

MS. GORDON: Okay.

MS. NEFF: Okay.

CHAIRMAN SALADINO: We'll be at the property at 5:30.
If you can stake it out for us, let us know exactly what you're doing.

MR. MURRAY: Okay.

MR. CORWIN: Before you --

MR. MURRAY: Yes.

MR. CORWIN: You gave us a sheet showing the setbacks of the houses surrounding it, and I think I saw in the application that you used Google maps to take measurements, so did you scale it off Google maps?

MR. MURRAY: We actually took the measurements from the sites. I did not -- but, actually, after speaking to somebody in Village Hall, I actually took the wrong measurements. I was supposed to take the deepest measurements on a couple of those houses, so prior to the site visit, I'll get the exact measurements to the property lines. So those are incorrect.

MR. CORWIN: All right. That's what I'm after.

MR. MURRAY: Yeah. Those are incorrect, they're off a little bit.
MR. CORWIN: Let me note because I have been a stickler on this before that Mr. Murray did not have his application signature notarized. He did have an e-mail address on the application. I e-mail this afternoon when I was going over this stuff, and he has submitted a notarized application.

MR. MURRAY: You have enough copies of that, right?

CHAIRMAN SALADINO: Just one thing. Since you brought up the subject that perhaps some of the front yard measurements might have been off, maybe before the public notice goes out, you can square it away with Village Hall and this way that's not --

MR. MURRAY: I will do that this week.

CHAIRMAN SALADINO: -- conflicting with the public notice and the application.

MS. GORDON: I do have a -- in one place, it says 138 Sterling Avenue and another place, it says 137.

MR. MURRAY: Are you kidding me?

MS. GORDON: Would I kid you?
It's in the short environmental assessment form.

MR. TASKER: I saw that too and forgot it.

MS. GORDON: I mean, it doesn't matter a lot, but I think we should note which one is correct.

CHAIRMAN SALADINO: Well, it's a different house.

MR. MURRAY: I'm gonna recommend somebody to hire an attorney next time. Did I do that?

MS. NEFF: There's another application.

MR. TASKER: It's on hold.

MS. NEFF: This one is 137.

MS. GORDON: That's my mistake, but somehow it's in our packet.

MR. TASKER: No, I saw it too, Dini.

CHAIRMAN SALADINO: I don't seem to have it.

MR. MURRAY: I'll proofread better. Sorry.

CHAIRMAN SALADINO: Okay.

Anything else for David?
(No response.)

No.

See you next month.

MR. MURRAY: Thank you.

CHAIRMAN SALADINO: Item Number 7 is Fourth Street and we decided we can't have a discussion about that, the public hearing is still opened.

Item 8 is 412/414 Carpenter Street.

Discussion and possible, motion on the area variance for the property located at 412/414 Carpenter Street, Greenport, New York.

The Suffolk County Tax Map is 1001-5-1-8.

Members, we went to the property. We saw what was staked out. We see what the applicant is asking for.

Anybody have any comments?

MS. GORDON: In the three-and-a-half years that I have been on the Board, I have been struck by what people seem to want most unless they're doing a really major, major change, and it's an improved kitchen and
swimming pool. And it seems to me, these are, sort of, inevitable results of modernizing improvements of residential houses.

I find it very difficult to figure out how with this very narrow lot, and this incredible lack of setback on the north side of the house, how you could do anything else other than what the applicant has done to get a modern kitchen.

But maybe other people have other views of this.

CHAIRMAN SALADINO: I don't. I think in order to -- the reason there is a Zoning Board is for occasions just like this. I think the problems that arose with this application is different reasoning as it applies to this particular portion of the code.

I have to be honest with you, it's still not perfectly resolved in my mind, but I'm not willing to hold this application up.

That's basically what I have to say. I don't want to -- That basically what I have
to say.

Anyone else have any comments about the application?

MR. CORWIN: I would just like to make one note. One of the things shown on the plan is a covered porch proposed, and I went there this afternoon at 2 o'clock to look at the application or the stakeout by myself; and I noticed that the slab of the covered porch proposed is cracked. So that's a new slab that's cracked already, and I'm wondering if you're aware of that and if you're going to make repairs to that. And I'm wondering if there is any foundation under that to support it or is it just slab on grade with no rebar?

MR. STRECKER: Again, my name is Robert Strecker, and I'm from Quogue, New York. I am representing my daughter.

You're talking about in the front on the right side of the house, the slab?

MR. CORWIN: On the south side of the house.

MR. STRECKER: So that slab is going to
be under the porch and there is gonna be a wooden deck over that. That's just a scratch coat under there. That's just basically to keep the dirt from popping up into the porch because it's such a low. It's gonna be so low to the ground, it's gonna be sitting on the dirt otherwise.

MR. CORWIN: That's not a support structure for the deck or the porch?

MR. STRECKER: No.

There are piers under there, but it's just a scratch coat and wood decking will be put over it.

MR. CORWIN: All right.

I will leave that to the building inspector.

MR. STRECKER: If there's any other questions, I'm here. I think we had a good understanding at the site visit of what the requests are.

CHAIRMAN SALADINO: Thank you.

What is the pleasure of the Board? Are we prepared to vote?

MR. CORWIN: Yes.
ZBA - 2-19-2019

MS. NEFF: Yes.

CHAIRMAN SALADINO: Okay.

MR. CORWIN: Are we gonna do SEQRA first?

CHAIRMAN SALADINO: I'm going to make a motion that the Zoning Board of Appeals declare itself lead agency for this application for the purposes of SEQRA.

MR. CORWIN: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: I'm gonna make a motion that this is a Type 2 action.

So moved.

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.
We'll go through these five questions and then vote on the variance.

Question number 1 is whether or an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Dini?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: And I'll 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: Dini?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?
ZBA - 2-19-2019

MS. NEFF: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: And I'll vote no.

Whether the requested area variance is substantial?

David?

MR. CORWIN: No.

CHAIRMAN SALADINO: Dini?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: And I'll 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: Dini?

MS. GORDON: No.

CHAIRMAN SALADINO: Ellen?
ZBA - 2-19-2019

MS. NEFF: No.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: No.

CHAIRMAN SALADINO: And I'll vote no.

Whether the alleged difficulty is self-created which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

David?

MR. CORWIN: Yes.

CHAIRMAN SALADINO: Dini?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: I'll vote yes.

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

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

David?

MR. CORWIN: Yes.
CHAIRMAN SALADINO: Dini?

MS. GORDON: Yes.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: Yes.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Yes.

CHAIRMAN SALADINO: And I'll vote yes.

Next we have Item 9, 110 South Street, motion to accept the application, schedule a public hearing and site visit for the application of 110 South Street, Greenport Incorporated for the property located at 110 South Street, Greenport, New York 11944.

The Suffolk County Tax Map number is 1001-4-6-34.6.

(Mr. Olinkiewicz sets up display boards for presentation to the Board.)

MR. OLINKIEWICZ: Good evening. James Olinkiewicz, 110 South Street and 112 South Street, Greenport, New York.

I'd like to just take a moment to do an overview of the total project together and then we can break it down to the two so everybody's familiar and everybody gets an
idea of what I'm trying to propose to do.

So can everybody see this?

MS. NEFF: Yes.

MR. OLINKIEWICZ: So we have the
Village, back in 1987, had owned the
property 110 South Street and there was a
small lot nextdoor, 112 South Street. The
Village took the exiting building --

MS. NEFF: Excuse me.

Can you say the rough dimensions of
those lots, how big is the small lot?

MR. OLINKIEWICZ: The big lot is
5,266-square feet. The small lot that the
Village had next to it which is a commercial
building lot is 1,797-square feet.

MS. NEFF: Okay.

Thank you.

MR. OLINKIEWICZ: So the Village took
the house that was on 110 South Street,
moved it over across the property line and
put an addition on the back of it, okay, and
crating the building that's existing now
over the property line which was COD back in
1990. Which is the first page of the
handout that I gave you.

This is existing as it is now, okay.

What I'm proposing to do is take the existing building, which this is the front of the buildings as you see now when you're on the street, I want to take it where the property line is, I want to put a firewall down to create the two properties, so you're splitting the building, Splitting the existing building that had the CO prior to 1990 down the center.

So you're putting a firewall, which is the same thing as the hotel building next to the movie theater; they each have a firewall and they abut each other.

We would then have two separate pieces. This piece would be on 110 South Street, there would be a concrete wall in between, this would be on 112 South Street.

From that, we would take the original pieces that we have together and we would build an addition onto each side. So we're taking a nonconforming use, nonconforming building with a conforming use and we're
making it now a conforming building with a conforming use by putting the concrete wall there. Again, the old building was built before and has a CO before 1990.

So we're putting an addition on this wing and we're putting an addition on that wing. So this is 110 South Street and this is 112 South Street.

From that point you have the two parcels put together, so now this is what the front of the building would look like, but it would have just a concrete wall down the middle. So the building would still have the aesthetics of the Village and the aesthetics of the area, but you would have two buildings on two separate lots with a dividing partition wall.

Okay.

And then the lot coverage, which is a little hard to see on this picture would be a little bit bigger. It's in each of your plans. So 110 would be a little bit larger and 112 would be a little bit larger.

Now, as we have the original 112, if we
put the concrete wall up and we're unable to
have an addition, we would have a parcel or
a house or building that's almost unusable
because of the size of it and everything
else.

So in my mind, I was coming here for
interpretations of the code, and we also
apply either interpretation of the need for
a variance. In my mind, the only variance
that I would be seeking would be lot
coverage on 110 South Street because in the
Village code, which is my handout that I
started with, there were a couple of issues.

If you can turn to the second page,
actually it's page 2, 3 and 4, Retail
Commercial District, I've highlighted on
page 4 about, there is an issue or request
in my denial about apartments over these
buildings; so depending on your
interpretation, I'm either allowed to have
accessory dwelling units without having to
go to the Zoning Board because there is an
accessory dwelling unit, there's a
one-bedroom apartment upstairs. Okay. Then
downstairs is commercial, so it's already a
mixed-use building so --

MS. NEFF: You were just talking about
112 South Street?

MR. OLINKIEWICZ: No.

On the existing building that's there
now.

MS. NEFF: Okay.

MR. OLINKIEWICZ: There's already an
apartment upstairs and there's already the
building downstairs prior to 2002 when this
code was enacted because we have the CO from
1990.

Then if you go to the next page, I'm
sorry, I'm walking everybody through page 5
which is code 150-12, it says use or
adaptation, a change to the use of any
building in CR or WC District in existence
as of January 1991 is totally exempt from
off-street parking requirements.

We have a CO for a building that was
built prior, that has a CO for 1990.

Definitions, my attorney will go into
later on.
We have a building, it's on two lots.

Each lot has a part of the building built before 1990 and COD before 1990, so it's my interpretation that I'm exempt from the parking regulations for both pieces of property.

Again, I reiterated on the next page which is 150-16 Parking and Loading Regulations. There is, land within the CR and WC Districts which is improved January 1, 1991 shall be entirely exempt from off-street parking requirements and for payments in lieu of and at which time is developed as a unit under single ownership.

Well, the Village had asked that I have my title company do as the end result that each lot is single and separate, so in the eyes of the County and the State, these are two single and separate lots. So it's two single and separate buildings, so it's existing prior to 1991 when the code was enacted for parking.

I'm going to keep walking through as I'm going.
MR. TASKER: Can I interject?

MR. OLINKIEWICZ: Sure.

MR. TASKER: Single and separate buildings?

MR. OLINKIEWICZ: Well, it's single and separate lots.

MR. TASKER: I understand that.

MR. OLINKIEWICZ: Right.

MR. TASKER: I'm curious of how that happened, but we don't need to address it right now.

But single and separate buildings --

MS. MOORE: Well, it doesn't refer to buildings, it refers to construction.

MR. OLINKIEWICZ: Construction.

MS. MOORE: So that's -- if you look at the way the code is worded, the words are being used throughout the code, you have to look at the specific term that's being used.

So that's, I think, why right off the bat, it is, the property is improved and there is a structure on it.

MR. OLINKIEWICZ: Each one. Each one and then the Village Board when they --
CHAIRMAN SALADINO: Excuse me.

I don't see structure in --

MR. OLINKIEWICZ: We have the definition. Pat has that, I'm sorry.

CHAIRMAN SALADINO: I'm reading from the code, a copy of the code that you gave us.

MR. OLINKIEWICZ: Right.

Under single ownership or control shall be considered a single lot for the purpose of these parking regulations.

So but they were not single lots. The Village never merged the two lots together. They have always been two deeds, two tax maps, two bills, two independent lots, so then each lot has a structure on it.

Can we just go to the next page, and we'll come back to this?

CHAIRMAN SALADINO: Sure.

MR. OLINKIEWICZ: On the next page, Nonconforming Use and Nonconforming Buildings, 150-21, nothing in this article shall be deemed to prevent the normal maintenance, repair, structural alteration,
moving, reconstruction or enlargement of a nonconforming building provided that such action does not increase the degree or create a new noncompliance with regard to the regulations.

So we are enlarging the building.

Now that being said, 112, 110 South Street's enlargement will not cause any increase or degree or create any new noncompliance because there is plenty of room to go toward the parking lot that's existing.

112 South Street, when it gets enlarged, we are gonna have a new noncompliance because we're gonna have lot coverage. The new proposed building is gonna give us new lot coverage of sixty-two percent, which I have on the other maps or handouts.

I'm just trying to go through generally the whole building site first, then we can break each one down.

Then the following page, on one of the variances that was asked for was road
frontage and on Section 150-14 Existing Setback, no proposed nonresidential building need have a setback greater than average setback of the two existing nonresidential buildings with greatest setbacks within two-hundred feet of each side of setback proposed.

It has -- we're asking for a variance on road frontage, but in my response it has been measured, I can have the engineer take care of it, but that the average is 2.7 feet and we are well beyond that. We're at almost five-feet back on our setback so based on in the plans.

The next item is just the planning with Mr. Pallas saying it was okay to come for an interpretation or a variance at the same time. I just highlighted that.

MS. NEFF: You're talking about these pages (indicating)?

MR. OLINKIEWICZ: Yeah, those pages there. In the highlighting, it talks about us being able the come ask for interpretation or continue the variance.
process at the same time; so I don't have to
get the interpretation, be told yes or no,
and then start back, come back again to
start a variance.

CHAIRMAN SALADINO: Mr. Pallas told you
that?

MR. OLINKIEWICZ: Yes.

It's on the last page, page 41 and 42,
he did say, "They haven't voted, so I can't
say that, but if they refer it, than it can
go right away --" meaning to the Zoning
Board, "If they don't and you produce an
application for a Building Permit, than we
will send you a Notice of Disapproval and
you can either request an interpretation" --

MS. NEFF: Excuse me. I'm sorry.

What page are you reading from?

Okay, the last page.

MR. OLINKIEWICZ: "A Notice of
Disapproval and you can either request and
interpretation as I stated or request a
variance for both."

CHAIRMAN SALADINO: Well, that doesn't
say --
MR. TASKER: This is a Planning Board Work Session.

MR. OLINKIEWICZ: Correct.

This was just so I can ask for an interpretation. If you deny my interpretation and you come up with the other thing, we can continue on and ask for a variance and continue, hopefully not having to go back to --

CHAIRMAN SALADINO: The only thing I would say to that is --

Could I say something?

MR. OLINKIEWICZ: Of course.

CHAIRMAN SALADINO: The only thing I would say to that is, we have had experience, we have had experience with -- an interpretation requires a public hearing --

MR. PALLAS: Mr. Chairman, if I may. I apologize.

CHAIRMAN SALADINO: Go ahead.

MR. PALLAS: I'm reading what I wrote in the transcript, I didn't say you can do both at the same time, I said you can do
both.

CHAIRMAN SALADINO: I didn't think you overstepped.

MR. PALLAS: I wanted to correct the record.

CHAIRMAN SALADINO: It's been our experience -- first, I'm sure you know and I'm sure Ms. Moore knows that an interpretation requires a public hearing.

We have found, this Board has found with one or two applications that when we, when the applicant asks for an interpretation and we take the interpretation and the variances, assuming that the interpretation came back that the applicant needed a variance, in the same public hearing, I can't speak for my colleagues, all of them anyway, but it was confusing.

MR. OLINKIEWICZ: Well, I would expect to go to the next public hearing, not make me have to start again and schedule a whole nother [sic] public hearing.

CHAIRMAN SALADINO: We would hold the
public hearing for the interpretation.

MR. OLINKIEWICZ: Right.

CHAIRMAN SALADINO: Then we would have
a separate public hearing for the variance.

MR. OLINKIEWICZ: Okay. Perfect. On a
separate -- the next month if we needed it.

CHAIRMAN SALADINO: Yeah. I'm
guessing. Right?

MS. MOORE: Were you going to give the
interpretation before the next public
hearing and schedule --

CHAIRMAN SALADINO: I think -- I don't
want to commit myself to say that we'll have
the public hearing, close the public
hearing, have the discussion and have the
result of the discussion for a vote that
night. It doesn't sound like we couldn't do
that, but I don't want to carve it in stone
that that's what we will do.

If you give us that kind of latitude
than, I think that that --

MR. OLINKIEWICZ: This is a confusing
property because there's so many moving
parts and this is unprecedented here in the
Village because they built the building across the property line.

CHAIRMAN SALADINO: Kind of amazing, right?

MS. MOORE: Only the Village would do that.

CHAIRMAN SALADINO: Wait a second, we're here to defend the Village. Jimmy, before you go further, just one more question.

You quoted 150-21, Nonconforming Building with Conforming Uses and lots of times, what happens is, applicants quote the first part of the code, we forget the second sentence and stuff.

So if by you cutting the building in half by your words, you say it makes it unusable, it would be an unusual building.

MR. OLINKIEWICZ: The 112 South Street wouldn't be usable, but it would be so tiny that you would have an office.

CHAIRMAN SALADINO: So we're changing that to office space.

But if we continue to read this, a
noncompliant building contains conforming use which has been damaged by fire or other causes to the extent of more than fifty percent of it's fair value shall not be repaired or rebuilt unless such building is made to substantially conform to bulk and parking regulations.

MR. OLINKIEWICZ: Right.

CHAIRMAN SALADINO: The fact that you're asking for an interpretation that, perhaps, would affect relieving you from parking, 150-21 actually, if we can decide that the value of that building and rebuilding of it would be, at least, fifty percent of its value, you would be obligated --

MR. OLINKIEWICZ: To provide parking, right. I guess on the side that is --

CHAIRMAN SALADINO: All right --

MR. OLINKIEWICZ: Right, so this is why we're here.

CHAIRMAN SALADINO: We haven't done anything yet, but you're giving us a lot of information and if I don't respond now,
I'll, kind of, lose it.

MR. OLINKIEWICZ: Sure.

MR. CONNOLLY: That section of the code you just quoted has to do with damaged buildings.

CHAIRMAN SALADINO: Well, he put a wall down the middle of it. He created a building, by his own words, that is unusable.

MR. OLINKIEWICZ: Well, I haven't figured out how to use it. I can come back with a use.

CHAIRMAN SALADINO: Okay. That's something that -- I guess we can debate that --

MR. TASKER: You're a creative guy.

MR. OLINKIEWICZ: I can come back with a hallway and an office in the back.

CHAIRMAN SALADINO: I'm sorry.

MR. OLINKIEWICZ: We have that.

(Mr. Olinkiewicz handed out papers to the Board.)

The Notice of Disapproval had asked for a couple of thing which was, one, have the
lot coverage. So these have the lot
coverage of the building on 110, and I have
the other, the lot coverage on 112; and he
wanted a new elevation on 112 because there
was a mistake by the engineer, he had the
building forty-three feet tall, which it is
not.

MS. MOORE: That was an error.

MR. OLINKIEWICZ: It's twenty-three
feet tall, but for some reason there was an
error. I brought everybody a copy, so they
have one. That's for 110 and these are --
oh, that would be 112.

MS. NEFF: Are the ones here, therefore
no longer --

MR. OLINKIEWICZ: They're all good
except for the front page. What this has,
it has, he asked for lot coverage, right, so
that we had that because there was not lot
coverage on the plan. There was just an
amendment to those to give you lot coverage.
This is just for lot coverage on the
property.

MS. MOORE: And height.
MR. OLINKIEWICZ: And height that the code enforcement officer had asked me to produce, I had it prepared.

The lot coverage on 110 South Street which he had asked about is 29.5 percent, which is below the forty percent lot coverage needed for a variance.

MS. NEFF: I'm sorry. 110 is, is that what we're talking about?

MR. OLINKIEWICZ: 110, that's the bigger one with the parking lot. It has a lot coverage of 29-and-a-half percent. It's on the plan you have.

The 112 South Street, which is the smaller lot is a variance because that has the 62-and-a-half percent, 62 lot coverage when the building is added onto it. That includes the ramps, the front porch, any part of the structure.

So I don't know which way to go; I'm putting it in -- right, I need interpretations on all of this.

CHAIRMAN SALADINO: Well, on your application --
MR. OLINKIEWICZ: It says, it asked for interpretation as well as.

CHAIRMAN SALADINO: True.

But the part that, perhaps, the part that's not filled out, you checked interpretation of Village code article blank blank.

MR. OLINKIEWICZ: We put them all here, we listed all --

CHAIRMAN SALADINO: -- one application.

MR. OLINKIEWICZ: -- all four of them have to interpreted. It has to deal with parking and apartments upstairs and everything else.

CHAIRMAN SALADINO: The other thing is, I'm going to differ to the attorney, the Notice of Disapproval says that you need a use variances and the application is on, your applying for area variances.

MS. MOORE: If I could address the -- it looks like the Notice of Disapproval number 1, right, issue 1, when the code was read, the proposed use is a commercial first floor and accessory apartment on the second
floor. Those are permitted uses in CR. I think that they misread or whoever was reading the code was misreading it because it had A, B and C; and when they read C, I think they thought it was part of conditional use permit; when, in fact, C is an accessory use, B is the accessory apartment; so you have to look at what -- it's taking a look at the code because when we first looked at it, well, I'm not even understanding what they're saying since the use is commercial first floor and accessory apartment on the second floor, that's listed permitted uses in the CR.

CHAIRMAN SALADINO: Only if -- we're gonna hear from the Village. We're gonna hear their reasoning behind the Notice of Disapproval, I think.

MR. OLINKIEWICZ: It's only if the building was built after 2002.

CHAIRMAN SALADINO: We understand that, but we would also like to hear the Village's reasoning in deciding that, perhaps, the way I understand it, these are new buildings,
not existing buildings, the way the Village
sees it.

Jim, are you done?

MR. OLINKIEWICZ: Sure.

MS. NEFF: Before you put all those
away, I might ask you to go through them
again at this time and take one-and-a-half
minutes because we all know what they are.
I'm not looking for the ten-minute version.

MR. OLINKIEWICZ: Let me get them in
order and we'll be all set.

110 South Street has an existing
parking lot 112 South Street, which is the
smaller of the two commercial lots, okay,
taking the --

MS. NEFF: There is no wall down the
middle now, just --

MS. MOORE: No, they --

MS. NEFF: -- not the lot, but the
structure.

MR. OLINKIEWICZ: The structure, right
because --

MS. NEFF: Thank you.

MR. OLINKIEWICZ: -- property line as
changed.

So as this, I drew where the wall, how much would be left on each side when you put the wall down. Right. So I could make this an office, I could make this an office and still have the apartment upstairs.

My proposal is to take the two pieces though and make them better usage and enlarge both sides which comes back together and makes a bigger version of the original building. Right. So you have the original building that's here; this is the building here.

MS. NEFF: Thank you very much.

MR. TASKER: You're gonna tie them together with a single facade, correct?

MR. OLINKIEWICZ: Yes.

And they'll have a firewall in between them so they're single and separate buildings.

MS. NEFF: Actually, one thing.

The building that you end up with, the fact that there are two lots, that's gonna stay the same? No?
ZBA - 2-19-2019

MS. MOORE: Yes.

MR. OLINKIEWICZ: Yes, it stays the same.

MS. NEFF: But that wall, one of them is seventy-three feet wide and the other --

MR. OLINKIEWICZ: Right, you're gonna have a concrete wall in the center of the building.

MS. NEFF: I got that, but that building on this side is not gonna be twenty-three-feet wide; it's gonna be wider.

MR. OLINKIEWICZ: No. It's gonna be nineteen-feet wide, and then five foot handicap access up the side.

MS. NEFF: Okay. Thank you.

MR. OLINKIEWICZ: That's in your new elevated on 112.

This is now nineteen-feet wide and there is a handicap access up the side, and then this squares up and there is a handicap access up the side.

MS. NEFF: Okay. Thank you.

MS. GORDON: What happened to the parking lot?
MR. OLINKIEWICZ: Parking lot's still there. We don't touch the parking lot, the parking still stays there, there's eight spaces.

MS. NEFF: It didn't shrink at all?

MR. OLINKIEWICZ: Nothing at all. Parking lot stays the same.

MR. PALLAS: Basically, John, you had already said, I'll repeat our position. Our position is that by putting this wall in between creating two, the applicant is creating two new buildings, one on the one lot and one on the other.

If you look at these as two new buildings, it would give rise to the variance requirement that we enumerated in both of the applications.

CHAIRMAN SALADINO: So the Village's contention is that the two new buildings would necessitate the need for use variances because 150-9 says the building had to be prior to 2002?

MR. PALLAS: Correct. Yes.

CHAIRMAN SALADINO: And the
applicant --

MS. MOORE: I'm not sure I follow that. How is the use variance applicable?

CHAIRMAN SALADINO: Because it's not a permitted use.

I don't want to speak for the Village.

MR. PALLAS: It is not a permitted use.

MS. MOORE: What is not a permitted use?

MR. PALLAS: Residential above a commercial.

CHAIRMAN SALADINO: -- over commercial, if the building wasn't --

MS. MOORE: If it didn't have the C of O prior to a certain date. Okay. Got it.

MR. OLINKIEWICZ: So this becomes a quandary to me because I can't take the existing building on two separate lots and just enlarge it and keep it the same because it violates, right, all -- it violates everything, right, because it's on two separate lots. It's illegal to have two separate lots in the Village, you got to merge the lots. Then you merge the lots and
you got more --

MS. NEFF: I didn't quite understand that, but let's not stop to explain it. Go right ahead.

MR. OLINKIEWICZ: It's illegal to merge commercial lots in the Village. They only allow that in residential, so you can't merge lots in commercial. So then the problem is that you have a nonconforming use with a conforming building, so if you go to enlarge and put more apartments upstairs, it causes another kick out to the ZBA for -- I have all those notes at home, I didn't think of going there. So if you keep it the same, you guys say okay, if you leave it the same, you can do whatever you want. Well, if I can do whatever I want, I can take out the parking lot and enlarge the building to the whole size of the property because it's preexisting before 1991. It has the CO for the building I'm just putting COs on the existing building because it's exempt from parking.

So by putting the concrete wall,
they're saying that I'm shooting myself in
the foot where I can just apply and enlarge
it to whatever I want to.

CHAIRMAN SALADINO: So the request for
interpretation would be, is, in fact, the
building after the concrete wall is built
and the buildings are separated, not
physically separated but interior space is
separated, are those two buildings not new
buildings, but preexisting buildings?

Am I getting that right?

MS. MOORE: Yeah. I mean, you just
read your nonconforming, read the definition
of nonconforming building with conforming
uses and it specifically says, nothing in
this article shall be deemed to prevent
normal maintenance and repairs, structural
alterations. And structural alterations is
a defined term, any changes of supporting
members of the building, such as beams,
columns, girders. So it's nonconforming
building with conforming --

CHAIRMAN SALADINO: -- that's a little
bit --
MS. MOORE: Keep reading, it says moving, reconstruction or enlargement of a nonconforming building.

So the code is pretty generous with what he can do with a nonconforming building with a conforming use. Right now it is a conforming building with a conforming use.

MR. OLINKIEWICZ: It's not conforming because it crosses the property line.

MS. MOORE: No. The portion that is within the property line has a conforming use on the first floor and conforming use on the second floor, so an existing apartment on the second floor and it's commercial building rental space on the first floor.

MR. OLINKIEWICZ: So back to my adding on, I could come to the ZBA and ask for two lots to be merged; and if you merge the two lots and I have a building that was built prior to 1991 and has a CO, which would then give me unlimited expansion on that new building once you merge those lots, right, because it's prior to 1991, so I would say, be exempt from parking anyway by having you
g Guys merge the lots. I get that. I get that. Right. So it would be, but it becomes a -- it's better to have two lots than one kind of, for business purposes or whatever, but, you know, if I merge the lots, I can then tear out the whole parking lot, put a twelve-foot driveway that needs to have a dumpster and I'm totally exempt from parking the whole property, so I can have a six-thousand square-foot building, as long as I met setbacks and everything and have a second floor and all my apartments are already approved because it had parking prior to 2002, so all my expansion wouldn't have to go through the ZBA.

CHAIRMAN SALADINO: Well, I'll throw a monkey wrench into that concept or paradigm, there is also a code restriction about multi-family in CR, so if you have visions of six thousand square --

MR. OLINKIEWICZ: -- I'm just trying to say that there are so many different things that come into play here --

CHAIRMAN SALADINO: Jimmy, to be honest
with you, you know, you make a great case for both applications, but we're not here to write your application.

MR. OLINKIEWICZ: I understand, but --

CHAIRMAN SALADINO: -- so you're gonna tell us what you want to do.

MR. OLINKIEWICZ: -- couple meetings and it got bounced around and it got back that --

CHAIRMAN SALADINO: So this is the final thing.

MR. OLINKIEWICZ: -- where we're going to put the wall up and see, you know, or get the interpretation that the building was prior to 1991 and is exempt from parking or not.

CHAIRMAN SALADINO: Okay.

MR. OLINKIEWICZ: Because everything else falls into place, all the other requests for interpretation, kind of, fall off the plate based off that vote.

CHAIRMAN SALADINO: We agree. Just -- Okay. Just that question for the attorney again about the Notice of
Disapproval being different than the application. The Notice of Disapproval is asking for a use variance. It says a use variance is required, the application is for an area variance.

MR. CONNOLLY: Then the application is asking for an interpretation as well though?

CHAIRMAN SALADINO: As well.

MR. CONNOLLY: Maybe you can proceed on the request for interpretation, then if the interpretation yields the result that variance is required, they have to fill out the that portion of the application.

CHAIRMAN SALADINO: New application.

MR. TASKER: Mr. Chairman, with respect to the interpretation, I'm a little uncomfortable with the breadth of simply siting the paragraph numbers in the code. I would feel a lot more comfortable if the request for interpretation were, what is meaning of X in paragraph such and such with respect to the proposed structure that we are looking at. In other words, make the request for interpretation specific to this
application in the question itself, not just
tell me about Section 150-20.

   I know you not being flip about that.

   MS. GORDON: I would want to go further
than that. I would ask for a legal
memorandum about the applicant's
recommendation of how we should interpret
these things.

   MR. OLINKIEWICZ: We could give that at
the public hearing. We could submit our
evidence based on that at the public hearing
so when the public speaks, this is why we
believe that this is pre-existing before
1991 and we are exempt from parking and our
reasons for it.

   I mean, that's pretty much the
interpretation, that's the leading
interpretation we need.

   CHAIRMAN SALADINO: What I was gonna
say in response to Dini's question is, I
mean, he gets to tell his side at the public
hearing. It would be nice to have it before
so we can read along, but I don't think we
can compel anybody to do. We can ask.
MR. OLINKIEWICZ: We can try --

MS. MOORE: We can try to -- I had something started, but quite frankly, I needed to hear what the issues and the questions were to try to focus.

MS. GORDON: I think a synthesizing memo would be very helpful, and we can say we don't agree, and it's also an advocacy tool for you.

CHAIRMAN SALADINO: I think that would be helpful. I don't think we could force them to do that but that would be nice so we could read along and we can see if you change it.

Arthur, I think if we looked at 150-9A in subparagraph 18C, and it's not an interpretation how it effects the rest of the world, I'm assuming we're gonna make an interpretation how it effects this application, so as far as any more, asking for more of a narrative from the applicant, as far as each interpretation -- but again, I'll leave it to the members to decide if that is necessary.
MS. MOORE: I don't know how many other buildings straddle, that the Village has previously owned that straddled property lines, so this is a little unique.

Only Jimmy will find them.

MR. OLINKIEWICZ: Right. It's a unique issue.

CHAIRMAN SALADINO: What's the pleasure of the Board, what are we thinking?

MR. OLINKIEWICZ: The number 1 interpretation, excuse me, would be to find out about parking because once we make a discussion on that, all the other interpretations fall into place because they either all disappear or they all pretty much go in force because you have established that the building is before 1990 and it's exempt from parking, so that's pretty much the major interpretation that we need to find out.

MS. GORDON: If it's exempt from parking, you're not saying you wouldn't provide parking?

MR. OLINKIEWICZ: I'm gonna leave the
parking lot that's there. I'm more than willing to put that in a covenant that the parking stays there. The issue of the small lot, we're not gonna take away any of the existing parking that's there, so we're gonna still provide seven or eight, I think it's redrawn as eight now for the handicap spots. And then we're asking for relief, pretty much, from one parking spot for the big building and the six parking spots for the small building.

MS. GORDON: I think I got it.

CHAIRMAN SALADINO: Okay.

So I'll ask again, anybody else, anything?

Ellen?

MS. NEFF: I'm good.

CHAIRMAN SALADINO: Were you gonna wait 'til I make a motion?

MS. NEFF: No. I'm good.

CHAIRMAN SALADINO: Arthur?

MR. TASKER: Good.

CHAIRMAN SALADINO: So what are we gonna do?
MR. CORWIN: Before we accept this application, I'd like to mention a couple things.

CHAIRMAN SALADINO: Sure.

MR. CORWIN: The application package I got, I didn't see a survey in there. I'm not looking to hold this up, I'd like to get this and everything else, but I didn't see a survey there.

I make the assumption that you submitted it to the Planning Board with a seal on it.

MR. OLINKIEWICZ: Yes.

And the engineer took that to make the site plan, so I didn't give the original surveys to everybody, but we have them.

MR. CORWIN: But there is a survey in the file, I ask staff. That is not a signed survey in anything we have?

MR. PALLAS: I understand.

MR. OLINKIEWICZ: If not, I'll provide them in the next day or two.

MS. MOORE: It's probably in the Planning Board file.
MR. OLINKIEWICZ: This is the Plan for, done by the engineer taken from the survey so he had used the CAD program for the survey and used it from there, but we can drop off stamped surveys.

MR. PALLAS: I don't see it in the file. I do recall seeing it maybe in the Planning Board file, if you're willing, it's up to you folks if it's acceptable --

MR. CORWIN: I'm sure he can supply a stamped survey.

MR. OLINKIEWICZ: Yes.

MR. CORWIN: Fine. That's one issue.

The other thing, Mr. Olinkiewicz keeps saying, the engineer and I see this sheet, site plan --

MR. OLINKIEWICZ: Southold Building Design.

MR. CORWIN: -- Southold Construction, that's the engineer?

MR. OLINKIEWICZ: No.

Matt Sherman is the engineer from Shelter Island, he reviewed --

MR. CORWIN: You have the --
MR. OLINKIEWICZ: -- reviewed
everything, but he hasn't stamped everything
because there are so many different moving
parts.

MR. CORWIN: But Southold Construction
Design are the drafts people.

MR. OLINKIEWICZ: Drafts people, right.
Matthew Sherman is the engineer on the
project.

MR. CORWIN: The other thing I want to
say, this is more for staff than for you,
but when you get these sheets that are
twenty-four inches by thirty-six inches,
three or four, five of them, there's nothing
you can do with them. I see why it was
done, so you can make a display, and it was
a big sheet; but sheets like this I can't
take home the spread out on my dining room
table, it's covered with stuff from the ZBA
and Historic. I can't put it on the
drafting table because my tax computer is on
there; and I want to say to staff for future
information for you, I think it should be
policy that the big sheets, the preferred
size of the sheet is ledger size. You can fit a lot on there. If somebody has to submit a sheet this big, fine, but like I said, when you get a package like this, you can't fit it in a file cabinet, you can't review it at home.

That's just a thought to make these things go a little easier.

CHAIRMAN SALADINO: Was that for him or for the Village?

MR. CORWIN: Both.

CHAIRMAN SALADINO: Is that tough to do?

MR. PALLAS: I can certainly ask applicants to provide them. It's difficult for us sometimes on a complex file project for us to review them to the level necessary, but as far as your packet is concerned, I'm more than happy to request of applicants that size drawing.

CHAIRMAN SALADINO: I don't think David was saying that the Village should have the smaller copy to review; you guys demand what you demand, that's up to the Village. But
is it possible for the Village to supply this Board with smaller copies?

MR. PALLAS: I thought that's what I was saying, that's what I meant.

CHAIRMAN SALADINO: Okay.

MR. PALLAS: We need the large size, we will always need the larger sizes for review purposes, but when packages are put together, we can certainly provide you either or both, that's entirely up to you folks.

MR. CORWIN: I don't completely agree with you. I think even a project like this can go on a ledger-size sheet and be reviewed.

CHAIRMAN SALADINO: Well, he's saying he is willing to supply us with that.

MR. CORWIN: And I'm saying, when the applicant comes in and gives staff sheets, they most, this is a little bit of different project but most projects, a lot come in with big sheets and they're hard to deal with. That's what I'm saying and we should at least think about asking for smaller
sheets.

MR. PALLAS: I will note that the Planning Board require the larger sheet but --

MR. CORWIN: You have to prove that to me.

That's the end of that discussion. Let's move on.

CHAIRMAN SALADINO: As long as we get the smaller ones, we're happy with that. Do you have something else, David?

MR. CORWIN: No.

CHAIRMAN SALADINO: I lost my place.

MS. MOORE: Trying to get to the next meeting.

CHAIRMAN SALADINO: We're gonna vote to accept this application and --

MR. OLINKIEWICZ: Both applications. Are you gonna do 112 -- we joined them together, 8 and 9 on the agenda, 110 and 112, do you want to separate both applications or do them singularly?

MS. NEFF: Together.

MR. TASKER: There is an error in the
agenda.

MR. OLINKIEWICZ: Yeah, they have --

MR. TASKER: Yeah.

MR. OLINKIEWICZ: -- change to 112 South Street.

CHAIRMAN SALADINO: Well, there's five semi-smart people here, we can figure out since the agenda --

MR. TASKER: The agenda doesn't control anything.

CHAIRMAN SALADINO: Exactly.

So we're gonna vote to accept --

Did you say something?

We're gonna vote to accept the two applications and --

MS. NEFF: 110 and 112 South Streets.

CHAIRMAN SALADINO: We're gonna vote the accept the applications for 110 and 112 South Street, schedule -- lets do that first, let's vote to accept both these applications.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.
MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: I'll vote aye.

Any opposed?

(No response.)

We're gonna schedule a public hearing for both applications 110 and 112 South Street for interpretation at our next meeting, March 19th.

We schedule the public hearings at 6 o'clock. It will be at the Old Schoolhouse.

Are we gonna make a site visit?

MR. CORWIN: I think we need to.

MS. NEFF: For interpretation as well?

CHAIRMAN SALADINO: Depending on how the interpretation goes, there's gonna be a follow up, so we mine as well get the site visit out of the way.

We have a site visit a 5:30, perhaps we want to make this one 5 o'clock.

MR. CORWIN: Yes.

MS. NEFF: Okay.

All right, Jimmy, so 6 o'clock, you
know the drill, 5 o'clock at the site.

I'm not gonna say which it's gonna be 110 or 112, depending on where I can park.

We'll see you then.

Is there anything else we need from this applicant?

MS. MOORE: I'll try to get you a memo as soon as possible.

Can I e-mail that to you?

CHAIRMAN SALADINO: Absolutely.

MR. OLINKIEWICZ: Thank you for your time with this crazy application.

Did we vote on the site visit?

MS. MOORE: You don't have to vote on the site visit.

MS. NEFF: No, it's scheduled.

CHAIRMAN SALADINO: Item number 11, is there anyone that has any other Zoning Board of Appeals business that might properly come before this Board?

(No response.)

No.

Item number 12 is motion to adjourn.

So moved.
MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MR. TASKER: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: I vote aye.

Thank you, folks.

(Time noted: 7:47 p.m.)
CERTIFICATE

STATE OF NEW YORK )
 ) ss:
COUNTY OF SUFFOLK )

I, STEPHANIE O'KEEFFE, a Reporter and Notary Public within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the proceedings taken on February 19, 2019.

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 19th day of February, 2019.

______________________
STEPHANIE O'KEEFFE
<table>
<thead>
<tr>
<th>Page</th>
<th>Words</th>
</tr>
</thead>
</table>